

PRIVATE SYSTEMS OF EDUCATION IN BRAZILIAN PUBLIC EDUCATION:



*Consequences of
commodification
for the right
to education*

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Dedicated to Professor Lisete Arelaro, a researcher who was part of the first investigation on the topic, teaching us that engaged research is part of the struggle for a fair world.

PRESENTATION

The content of the book PRIVATE SYSTEMS OF EDUCATION IN BRAZILIAN PUBLIC EDUCATION: CONSEQUENCES OF COMMODIFICATION FOR THE RIGHT TO EDUCATION results from the articulation between researchers from the Group of Studies and Research in Educational Policies - GREPPE and researchers and activists of Ação Educativa that took place on different opportunities and always with a focus on defending education as a right for all people. In this case, the reason was the participation in an international call for proposals sponsored by the global network of researchers Privatization in Education Research-PERI and funded by the Open Society Foundations (OSF).

The research was carried out between 2014 and 2015 and had as its object the critical analysis of the acquisition, by Brazilian municipalities, of Private systems of education (SPE acronym in Portuguese), considered a form of privatization of the curriculum of public schools.

Such “systems” consist of a basket of products and services:

[...] integrated by activities traditionally developed by the pedagogical teams of public administration bodies and schools: continuing education of educators, monitoring and supervision of teaching activities; investment in the production and distribution of teaching materials to students; external and internal evaluation processes, among the main ones found. (ADRIÃO et al., 2009b, p.806)

The commodification of Brazilian education, one of the facets of privatization processes (ADRIÃO et al, 2012), is analyzed in its most advanced stage: the subordination of school education to the interests of the financial market as a policy.

The generalization of this educational policy competes with the realization of the human right to education, as will be seen

when reading the book, whether in a more general sense, by subordinating pedagogical processes to corporate interests, in some cases associated with financial capital; or by displacing public resources for purposes alien to public interests.

The topic is all the more relevant and current when one observes the qualitative change in these didactic resources, which occurred during the need for remote teaching due to the Covid-19 Pandemic: to printed materials and online communication tools between companies, schools and families, already in force in the analyzed period, digital platforms were associated, expanding in scale the standardization of pedagogical activities and their submission to corporate interests to levels yet to be analyzed.

It is emphasized that the privatization of education has been operated in different ways, whether involving the dispute for public funds, the influence on pedagogical work and the formation of new generations, as analyzed here, or through the expansion of parental choice policies. (Adrião, 2018)

In this case, the priority declared by the government of Jair Bolsonaro to approve bills that decriminalize and regulate homeschooling in the country is inscribed in the National Congress, in yet another attack on the human right to education. This priority is based on the discourse of the right of families to choose what children and adolescents should learn, a thesis promoted by the extreme right in several countries (COOPER, 2017) and unanimously considered unconstitutional in 2020 by the Federal Supreme Court (AÇÃO EDUCATIVA et al. , 2022).

In Brazil, the defense of homeschooling is a response from an alliance between ultraconservative groups - anchored in religious fundamentalism contrary to the achievements of women's rights and the LGBTQIA+ population and the constitutional principles of freedom to learn, teach, research - and ultra-liberal groups, defenders of drastic fiscal austerity measures (CARREIRA, 2018) and the expansion of educational markets through the sale of private services directly to families as practiced by companies analyzed in this book (ADRIÃO E GARCIA, 2017). It is noted that

the offensive in favor of homeschooling has mobilized strong resistance from various social movements, organizations and networks of civil society, unions and academic entities, among them, the Articulation against Ultraconservatism in Education, coordinated by Ação Educativa.

In addition, to the topicality of the theme, the book opens by adopting as a key to the analysis of the consequences of Private Education Systems - SPE the lens of the four indicators of the Human Right to Education: The 4As developed by Katarina Tomasevski, United Nations Special Rapporteur for the Right to Education between 1998-2004.

The 4As, mentioning the English version of the indicators - *asequibilidad* (availability), *accesibilidad*, *adaptability* and *aceptabilidad* - in this book receive the treatment adopted by Ximenes (2014) for the Brazilian situation.

Finally, we hope that the reading of this work will help to revive our pro-activity in the defense of everything that has been achieved in the direction of a free, secular, inclusive and democratic public school.

Theresa Adrião
Denise Carreira
April 2022

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PREFACE

Education - A Public, Not Corporate Matter!

The privatising of public education systems around the globe has attracted fierce advocates and its critics. Advocates, such as international organisations like the World Bank and the International Finance Corporation, corporates like Pearson Education and the Varkey Foundation, or well-known individuals such as James Tooley, argue that more private systems of education deliver greater innovation, efficiency, and quality (Tooley 2009).

Yet this 'private' in the education system is different to its longer standing cousins, such as private religious schools, or community colleges. This new private education enterprise has emerged because education is viewed through rather different ideological lenses; as a lucrative services sector; that education is a commodity to be consumed by discerning parents; and that a range of activities which once constituted 'the education system' are now unbundled and outsourced to private companies.

The ideological engine for this version of the private is the deployment of a range of market mechanisms (parental and school choice, competition between schools) as the key means of coordination, involving a wide range of non-state actors, such as corporations, to deliver core education services. For these advocates, of this kind of corporate private, the more privatisation in the education system, the better the system. And whilst there is no evidence that this is the case, it has not stopped advocates from continuing to drive a very strong narrative that continues to appeal to governments around the world. In some cases, such as Liberia, there has been the wholesale outsourcing of its schooling system to venture capitalist-backed global education firms, like Bridge International Academy, amongst others. In this sense governments

have become complicit in enabling profits to be extracted from the sale of services to public education systems.

Yet critics of corporate privatisation have made it clear that education is a human right that needs to be protected, and that its public character holds the state responsible for delivering quality education to all its citizens, regardless of ability to pay, or where they might live. Education not only matters, they argue, but it is its public-good nature that matters particularly. Critics point out that when education becomes a commodity, it is those with access to scarce distributional resources - economic, cultural, and social - that defines the basis of access to education. Whilst education has always faced distributional challenges because of the inequalities in many societies, corporately driven private education systems exacerbate education inequalities. In this moment, different kinds of education circuits emerge, servicing different social groups, and their capacity to pay. The outcome is a highly divided and unequal societies who not only suffer from problems of social cohesion, but they lack a commitment to educational justice. Bonnie Honig (2017) points to the steady erosion of the things that matter to publics: space, education, health, and the idea of in the public interest. These 'matterings' have been replaced by a very different kind of concern: for oneself, getting ahead, and acquiring something others don't have. The erosion of the public character of education is now replaced by an impoverished set of concerns which, as Sennett (1998) describes it, is a corrosion of character.

So how did this vision of society and how it was to be realised come to dominate many of our education policy agendas, including in Brazil? The first thing to say is that the privatising of education is a political project whose advocates included highly influential economists like Friedrich Hayek, von Mises, and Milton Friedman. Hayek's influential book, *The Road to Serfdom* (1944), was an attack on the state and socialism, and was widely read by those advocating for individualism and classical liberalism. Their common connections were the Mount Pelerin Society, an international forum for neoliberals. Their ideas rose to prominence

in the 1970s following the 1970 global crisis, and were promoted by broadly conservative governments, including in the UK, USA, and Chile (Harvey 2005).

Secondly, that privatising education is a process that involves the rolling back of the welfare state and the unpicking of the state-citizen contract, and the systemic rolling out of policies that are aimed at liberalising financial flows, privatising state assets, and economising state policy agendas. With right-wing economists in the driving seat of state policies, all state activities, that include services like education, are regarded as better delivered by private and other non-state actors, with the state oversighting the progressive liberalising of its various services – whether national, provincial, or local municipal. This process is clearly described in this research report on private systems of education in Brazilian public education, the consequences of commodification for the right to education

Thirdly, these processes which are strategically advanced now carry with them new kinds of social relations that are constitutive of a very different kind of society; one that Leys' (2003) describes as a market society of the kind that Hayek imagined would be immune from ideology, and thus indifferent to projects like socialism and fascism. Yet as Santos (Dale and Robertson, 2004) argues, this market society is a deeply ideological project that itself needs to be understood as a form of social fascism. This is it is indifferent to inequalities arising from distributional issues, largely as it imagines them to be resolved by the invisible hand of the free market. The ideological deception by neoliberals, of course, is that markets are presumed to sit beyond politics. Yet neo-liberal market logics transform the very idea of the public sphere because they depend on new forms of enclosure, scarcity, commodification, and value extraction to ensure profit-making. In this sense they are highly political as they alter distributional politics whilst at the same time locating blame for the unequal outcomes on individuals themselves and their 'poor choices'.

Fourthly, we need to ask: how is this state of affairs legitimised? Ensuring control over knowledge-shaping activities is

one means. Here the public media outlets become important, as does the text-book industry. As Michael Apple (1986) pointed out many years ago, texts matter, as they become a means of social control over what becomes thinkable and doable in education. That these global corporates preside over what knowledges are to be valued and valorised in school texts, and reinforced in the public domain via the media, shapes public receptivity to the idea that markets, privatisation, and commodification. In turn this way of viewing education becomes a new common-sense for how education is to be framed, and governed.

And it's precisely the sets of processes and the social relations that have been described by the research team in this Report on the privatisation and commodification of education in Brazil. They do this by not only drawing attention to the selling of services and products in education but also making the very important point that the subordination of public education to economic financialization is highly problematic. Drawing on Tomasevski's (2001) framework for education as a human right, they argue education is a public good if it is available, accessible, acceptable, and adaptable, and a fundamental responsibility of government.

The Report focus attention on the five biggest business groups that sell private systems of education to municipal governments. It does this by tracing out in a very systematic and compelling ways the different ways in a combination of business groups, sets of municipalities, and the printed media, have become influential in advancing and shaping the nature of the transformation of publicly funded education. In terms of business groups, they look at the origin, operation, and integration, into the Brazilian education market, and reveal the transnational nature of much of this enterprise. This of course poses the question of how the transnational evades questions of democratic accountability, and where and how national obligations and responsibilities might be negotiated and adjudicated.

The Report also examines the products and services that are reconstituting education as a part of a global education commercial

market. This is a beautifully nuanced analysis and provides us with a thorough and compelling case for what is at stake, and why it matters. What's at stake here fundamentally is the transformation of public education and its constitution as a market. The report also highlights the challenges of accessing the details of these contracts, despite public funds being involved.

Recently the Global Education Monitoring (GEM) published in 2021 22 on non-state actors in education called for the highest standards of public regulation of the activity of corporate in education. They argue that governments should legislate against them using commercial law to protect them against scrutiny over their activities in domains of public interest. To date the corporates have invoked commercial sensitivity clauses to sidestep accountability for accessing public resources, whilst complicit governments have enabled this to happen because of a failure of political will to hold them to account for their predatory behaviours.

The privatising and commodifying of education in turn poses important questions not only around education as a human right, but how it is fundamental to ensuring social justice. As Raewyn Connell aptly remarked in an essay written in 2012; “Social justice in education...not only concerns equality in the distribution of an education service (important as fair distribution is). Social justice concerns the nature of the service itself, and the consequences for society through time” (Connell, 2012: 681).

Current manifestations of the private in contemporary educational governance arrangements derive fundamentally from the wider politics of neo-liberalism, which frame and orient education policy. The ‘more market, less state’ mantra of neo-liberalism means that education policy has become increasingly strongly influenced, in many areas (it is far from confined to the provision of schooling) by narrow understandings humans (as human capital) (Nussbaum, 2010). The main interest of corporate firms in education is—necessarily, and quite properly—in making a profit, and to do this they need to provide effective and efficient services, whose value is recognized by their paymasters, the state.

However, that does not change or reduce, but rather adds to, competitiveness over the production of educational outputs, which itself constitutes threats to social justice. This Report goes some considerable distance in ensuring that we have the kind of research at our fingertips that enable us to inform interventions around why education not just matters, but its mattering is because of its public and not private character.

Susan L. Robertson
University of Cambridge
5th April 2022

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1. INTRODUCTION¹

This study describes and analyzes the adoption of “private systems of education” by public schools of basic education in Brazil², taking into account the consequences of this policy option for the accomplishment of the human right to education.

These “systems” consist of a basket of goods and services:

(...) composed by activities traditionally developed by pedagogical teams of public administration bodies and schools: continuing training for teachers, monitoring and supervision of teaching activities; investment in the production and distribution of textbooks to students; external and internal evaluation processes (ADRIÃO et al., 2009b, p.806).

Acquired by subnational governments, “private systems of education” have been spreading along the public schools networks since 1998. In many cases, they explicitly consist of a sort of market expansion through the transformation of enrollments in public schools into commodities, once the amount of enrollments is the base considered in the negotiations among the business groups involved (ADRIÃO et al., 2009; 2013).

By the adoption of the analysis key proposed by Ball and Yodell (2007), the purchase of private systems of education by

¹ We would like to acknowledge the support of Adriana Aparecida Silveira, Andressa Pellanda and Gabriel Maia Salgado in data collection for the research

² Basic education in Brazil is characterized by the following stages: nursery school (for children 0-3 years old), preschool (for children 4-5 or 6 years old), elementary school (first cycle for children from 6-7 to 10-11 years old, and the final cycle for 11-14 years old) and middle school (ages 15-17 years old), including modalities of education for youth and adults (Educação de Jovens e Adultos - EJA), technical education and special education. With the constitutional Amendment No. 59, 2009, the age range of compulsory schooling, that was from 6-7 up to 14 years old (elementary school), was increased to 4 to 17 years old, equivalent to stages ranging from preschool education to middle school.

public schools networks shows at once what these authors identify as endogenous and exogenous strategies of privatization.

From Hill's (1997) perspective, this view consists of a business plan for educational companies, which the author called "edubusiness", as mechanisms that enable educational companies to profit from international privatizing activities. In the same vein, we have the work of Robertson, Bonal and Dale (2001) and Rikowski (2002), among others.

Nevertheless, we believe that in the case analyzed here it is not only about (what is already reckless) selling services and products with regards to the commodification of education, it is the subordination of public education to economic financialization (ADRIÃO et al., 2009; ADRIÃO; GARCIA, 2014). That is, in Brazil, in addition to the traditional presence of private provision of education, often with public subsidy – in the case of higher education, recently taken over by transnational corporations like Kroton (Oliveira, 2009) – and the traditional purchase of textbooks by the public sector³, the sale of "private systems of education" for public schools networks shows itself as a strategy of the financial capital.

To Bastos (2013, p.10):

It is not surprising that the lure of profits from financial investments has increased the ratio of financial assets / non-financial assets of the non-financial North American corporations themselves from the relatively stable 38% level (between 1972 and 1982) to 57% in 1989, 73% in 1997, more than 100% in 2001, falling to 82% in 2007 and stabilizing at around 100% between 2009 and 2011.

According to Foster (2008), this movement expresses a new stage in the development of the contradictions of the capitalist

³ Brazilian government has one of the largest programs for the acquisition of textbooks and educational technologies in the world. In 2013, the Programa Nacional do Livro Didático [National Textbook Program] handled more than 1 billion of Reais. Available at: <http://www.fnde.gov.br/programas/livro-didatico/livro-didatico-dados-estatisticos> [in Portuguese]. Accessed in November 2014.

system called “finance-monopoly capital” by the author. This view strengthens and resumes Paul Sweezy’s positions about the leading role of finance capital as a “leverage” of capitalism since the 1970s.

It is not this study’s goal to discuss this movement in detail. However, presenting it is crucial for shaping the conceptual framework of this paper, to which also contributes the conceptual framework of education as a human right. We rely, for this purpose, on the broad conception of human right to education as it was developed by the Committee on Economic, Social and Cultural Rights of the United Nations (UN). It aims, therefore, to check to what extent the economic financialization impacts specific aspects of education policy and consequently the right to education based on the human rights framework.

In line with this view, understanding the relationship between privatization and the right to education depends on the definition of the State’s duties regarding the accomplishment of the different dimensions of the right, even when it is offered by the private sector. The breakdown of the effects of privatization on every characteristic of the human right to education – availability, accessibility, acceptability and adaptability – will be fundamental to our analysis, as stipulated by the Committee’s General Comment No. 13, 1999, which incorporated a theoretical proposition originally formulated by Tomasevick (2001).

In order to analyze the material collected in documental research and field work, we have developed, taking into account the reference mentioned above, a conceptual framework of analysis for this issue which guided the interviews, the discussions held within Ação Educativa and the Grupo de Estudos e Pesquisas em Políticas Educacionais (GREPPE) [Study and Research Group on Educational Policies] and composed this report. This proposition, as we shall see, enables a wide range of analysis on the accomplishment of the right at issue, overcoming the restrictive approaches that tend to limit it, on the one hand, to the obligations of serving by the State, and, on the other hand, to the mere guarantee of free enrollments in public schools.

Therefore, the identification of the relationship between the adoption of private systems of education in the municipalities studied and the possible of threats to the right to education is one of the central objectives of this work. To this end, before entering in the specific study of private systems and municipalities, we will briefly present this analytical framework in section two, resuming it at the end of the report in section eight, when the main findings of the research will be analyzed on the light of the broad content of the right to education. We will point out to which extent such systems can contribute to the violation of this fundamental right and what are the hypothesis for further research in future studies. We also hope that this research will feed initiatives of advocacy and accountability in the defense of the right to education.

Then, the study investigated the relationship between the five biggest business groups that sell private systems of education to municipal governments, identified in previous research (ADRIÃO et al., 2009), and the consequences of its adoption for the accomplishment of the right to basic education in Brazil. To this end, the information was collected and organized considering three areas of information, representing different dimensions of interests and actors: the five largest business groups, the municipal spheres (the governmental level with the greater responsibility to provide basic education) and vehicles of printed media with national circulation, previously selected, whose editorial subjects are related to public education and the business environment.

More specifically, we tried to:

Scope 1 – Business Groups

- Characterize the origin, operation and integration in the Brazilian and international educational market of the five largest private groups that acted in the market for private systems of education in 2013;

- Characterize the products and services that are part of the “private educational systems” commercialized by such groups to municipal governments;
- Characterize the relationships among representatives of these business groups, government representatives and the media;

Scope 2 – Municipalities

- Map Brazilian municipalities that have declared hiring private systems from the five largest business groups in 2013, considering: regional diversity; Municipal Human Development Index (MHDI); and the existence of a Municipal Board of Education and a Municipal Education Plan, as these last two aspects indicate the degree of organization of the municipal public apparatus;
- Select intentionally municipalities that were mapped to achieve a qualitative study, in order to characterize and analyze the relations established between the municipality and the private company, considering:
 - ✓ decision-making process regarding the adoption of the private system of education in municipal public schools;
 - ✓ the first year of adoption of the education system;
 - ✓ the services contracted by the municipality;
 - ✓ municipal spending on the purchase of the private system of education and the proportion of these costs in relation to municipal spending on education;
 - ✓ the legal regulation of partnership
 - ✓ the concomitant or non-concomitant use of the textbooks from the Programa Nacional do Livro Didático (National Textbook Program);
 - ✓ number of students in municipal public schools using the private system and the percentage of users among students who have disabilities and / or other specific demands.

Scope 3 - Printed media

Analyze the acting of printed media in relation to the commercialization of private systems of education to public schools:

- ✓ regarding passing on information about the market represented by public enrollment in basic education in the country in the media focused on business;

- ✓ with regards to the frequency of ads, in the media focused on education, about the five companies analyzed;

- ✓ the presence of these companies in the editorial content of the media specialized in education and business.

The period chosen to collect information corresponds to the year 2013, given the availability of consolidated data on public expenditures and the attempt to present the most updated design of the trend analyzed.

1.1. Methodology

It is important to note that, for the realization of this study, it was necessary to collect data within the different levels indicated in the objectives, specifically: companies / corporations with the highest performance in the Brazilian public sector in 2013; selected municipalities that adopted private systems from these companies in the same year; and the advertisement and editorial content in printed media also in 2013.

Regarding the scope of the companies / corporations, based on previous research (ADRIÃO et al., 2009; 2013), it was selected the five private companies with greater presence in the “education market”, via provision of services and educational products for the Brazilian public sector. Previous research took as empirical field the state of São Paulo, which has about 30% of the enrollments in Brazilian basic education. Based on this criterion, the selected groups were: Pearson, Abril Educação, Santillana, Objetivo and Positivo. The private systems of education provided by those

groups and characterized in this study, according to the objectives and search criteria are:

- Pearson Group: private systems provided to public schools through the Núcleo de Apoio a Municípios e Estados (NAME) [Center for Support to Municipalities and States];

- Abril Educação: Anglo Sistema de Ensino [Anglo Learning System], acquired by the Abril group in 2010;

- Santillana Group: UNO Público [Public UNO] education system which, as its name implies, is designed specifically to public schools;

- Objetivo Group: Sistema Objetivo Municipal de Ensino (SOME) [Objetivo Municipal System of Education] also specifically designed for public schools;

- Positivo Group: Sistema de Ensino Aprende Brasil (SABE) [Teaching System Brazil Learns], as Pearson, Santillana and Objetivo do, it is a product formatted exclusively to Brazilian public schools.

For characterizing these companies, the priority sources were: official websites of the selected companies / corporations; documents produced in the context of hiring the private enterprise by the municipal education public sector (bids, drafts and so on); documents produced within the financial sector; official databases, such as: Instituto Brasileiro de Geografia e Estatística (IBGE) [Brazilian Institute of Geography and Statistics], Instituto Nacional de Pesquisas Educacionais Anísio Teixeira (INEP) [National Institute for Educational Research Anísio Teixeira], Sistema de Informações sobre Orçamentos Públicos em Educação (Siope) [Information System on Public Budgets for Education] and information available on public transparency websites.

In order to support the mapping of municipalities, the following strategies for data collection took place:

- 1 - Formal request to the five business groups, demanding information related to the number and names of the municipalities that acquired their products in 2013, which was attended only by Grupo Positivo;

- 2 - Consulting the websites of the State's Tribunais de Contas [Audit Courts], adopting as search criteria the Cadastro Nacional

de Pessoa Jurídica [National Register of Legal Entities] (CNPJ) of suppliers representing the companies

3 - Partnership with the União Nacional dos Dirigentes Municipais de Educação [National Union of Municipal Education Directors] (Undime), which provided on its website an online questionnaire that could be answered by representatives of the associated municipalities, a strategy that reached a total of 427 respondent municipalities.

4 - Application in person of the questionnaire during the realization of the 6th Undime National Extraordinary Forum, which took place in the city of Florianópolis / SC between May 27 and 30, 2014, with the participation of about a thousand municipal directors of education from the whole country.

For selecting the municipalities to compose the qualitative studies, we opted for intentional choice from the data identified during the mapping process, considering the intersection of the following criteria: MHDI, private system adopted and availability of the education manager to give an interview and authorize its use. We chose to publish the names of the municipalities because they are public entities whose responsibility with the publicity of their acts is a constitutional requirement.

In those municipalities, we held interviews with education managers in order to identify: how the decision on the adoption of the private system of education in public schools was made; the year of the adoption of the education system; the services contracted by municipalities; the municipal spending on the purchase of the private system of education and the proportion of these costs in relation to municipal expenses with Manutenção e Desenvolvimento do Ensino [Education Maintenance and Development] (MDE)⁴; the legal regulation of such partnership; the

⁴ According to the Lei de Diretrizes e Bases da Educação Nacional [Law of Directives and Bases of National Education] (LDB), tax resources constitutionally secured for spending on education must comply with a specified requirement, contained in Articles 70 and 71 of this norm. Among the expenses that may be counted as MDE are: Article 70 (...) III – uso e manutenção de bens e serviços

concomitant use, or not, of textbooks from the Programa Nacional do Livro Didático [National Textbook Program] (PNLD)⁵; the stages of basic education and number of students in municipal schools using the private system.

It is necessary to emphasize the difficulty to access information on the adoption of private systems of education in Brazilian municipalities, since no data is consolidated by the organs of government at the federal level and the country is divided into 5,570 municipalities. Such a configuration would make it impossible, within the limits of this work, to check every municipality. At the same time, the State and Municipal Audit Courts that, by analyzing contracts of federal entities with private service providers could have more comprehensive data, are mostly not prepared to organize and make this information available to the public. Among the 27 Audit Courts consulted, only 12 had complied with the expectations of Law n. 12,527 / 2011 (Access to Information Act), providing a Serviço Virtual de Informação ao Cidadão [Virtual Service to Inform Citizens] (e-SIC) on their websites. For the rest, it was necessary to register the request for information via the ombudsman service, with no guarantee of compliance with the time limits for the response established by the Law⁶. As will be shown, however, until the close of this report, a minority of Audit Courts had provided the required information about the contracts of companies that provide private systems of education to the municipalities.

vinculados ao ensino; VIII - aquisição de material didáticoescolar e manutenção de programas de transporte escolar [III - use and maintenance of goods and services linked to education; VIII - the purchase of school material and maintenance of school transportation programs].

⁵ Program of the Ministry of Education that distributes textbooks to all public schools of basic education in Brazil.

⁶ According to the Access to Information Act (Law 12,527 / 2011), public bodies have a period of 20 days, renewable for another ten, if justified, to respond to public information requests.

2. THE BROAD CONTENT OF THE RIGHT TO EDUCATION: CONCEPTUAL PARAMETERS FOR ANALYSIS OF PRIVATE SYSTEMS OF EDUCATION⁷

2.1 The content of the right to education according to the state's obligations to respect, protect and accomplish the fundamental human rights

The first step in understanding the broad content of the right to education is the recognition of a general and unitary (dogmatic) theory of fundamental rights. As carefully shows Ximenes (2014), for the right to education, according to theorists who are critical to the fragmentation of these rights (HOLMES; SUNSTEIN, 2011; ABRAMOVICH; COURTIS, 2004), all rights – be it civil, political, economic, social or cultural – require three types of obligation from the State. What will define the weight of each of these obligations in the accomplishment of the right in question, according to this theory, is not its prior classification, but its degree of legal recognition and practical implementation.

This basic proposition – radically opposed to the hegemonic theories on the specific nature of social rights – was developed during the 1990s and spread initially by General Comment No. 12, 1999, of the Committee on Economic, Social and Cultural Rights (CESCR) of the UN on the right to adequate nutrition. In this document, the Committee has established that State's duties regarding human rights, listed or not listed in the International Covenant on Economic, Social and Cultural Rights (ICESCR), impose three types of obligations: to respect, to protect and to accomplish. The latter, in turn, is divided into

⁷ Based in Ximenes (2014) .

two species: the obligation to facilitate or promote and to present or provide directly.

In General Comment No. 13, 1999, dedicated to the interpretation of the right to education based on the ICESCR, the Committee applied the same model in explaining the State obligations related to this right. The agency concluded:

46. The right to education, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfil. In turn, the obligation to fulfil incorporates both an obligation to facilitate and an obligation to provide.

47. The obligation to respect requires States parties to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States parties to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfil (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the right to education. Finally, States parties have an obligation to fulfil (provide) the right to education. As a general rule, States parties are obliged to fulfil (provide) a specific right in the Covenant when an individual or group is unable, for reasons beyond their control, to realize the right themselves by the means at their disposal. However, the extent of this obligation is always subject to the text of the Covenant. (...)

50. In relation to article 13 (2), States have obligations to respect, protect and fulfil each of the “essential features” (availability, accessibility, acceptability, adaptability) of the right to education. (ONU, E/C.12/1999/10, pp. 11-12).

As Ximenes (2014) develops from the Brazilian constitutional reality, the duty to respect and protect the right to education includes: (i) the set of educational freedoms (Brazilian Constitution, article 206, II) - freedom of teaching regarding the creation and choice of private schools; freedoms in teaching, involving academic freedom of teachers and students -; (ii) the pluralism of ideas and pedagogical concepts (Brazilian Constitution, art. 206, III), notably the range of relative autonomy of schools in the definition and

implementation of this project and in the internal management of its processes, and in addition, (iii) the requirement of democratic management of public education (Brazilian Constitution, art. 206, VI), which limits the role of the central government, paving the way for participation in the conduction of schools and educational policy. This State duties of respect and protection are directly related to and dependent on those duties that often characterize the educational law, namely, the duty of the State to directly provide school education.

What the author seeks to emphasize, however, is that the prevalence of a providing dimension in the realization of the right to education does not authorize us to ignore or minimize the importance of other dimensions of State duties. Thus, he concludes:

Therefore, even though, with regards to the right to education, the positive obligations stand out and that, due to this characteristic, we must circumscribe it as a social right, it is not hard to see how that right would remain uncharacterized if it was stripped of some of its dimensions related to freedom and autonomy. Thus, we conclude that, from the social rights components, are extracted obligations whose form of legal positivation is confused with that which constitutes the main objective dimension of the freedom rights – a non-doing (XIMENES, 2014, p. 239).

Thus, there is State duty to directly promote quality education, acceptable, adaptable and non-discriminatory within the public and private institutions. Even if the private ones are free to build schools, they are not with regards to the content and educational duties. On the other hand, the fact that a school is state public does not authorize the central administration of the State to manage it centralized and / or authoritarian. Therefore, in relation to private schools the “non-doing” means not establish excessive requirements for their creation and functioning, although the requirements should be strictly required, because the education is a public good; in relation to the public schools, the “non-doing” means respecting and protecting a significant degree of autonomy,

freedom of teaching and learning and democratic management. Unlike purely liberal conceptions, on the one hand, or totalitarian views, on the other, the normative framework of human rights leaves no room even to absolute freedom in private education or the lack of freedom in public education.

The general idea, applicable to all human rights and typical whilst regarding the conception of international responsibility in this field, is that the state is the last and most important guarantor of rights. That would explain the centrality that the Committee gives to the breakdown of the normative content of state duties concerning the right to education (education in all its forms and levels must be available, accessible, acceptable and adaptable), as we shall see below. Although this content is linked with each of the state's obligations dimensions, whether negative or positive – that means, obligations to respect or protect and realize – it is the State that bears the final assignment to perform each of these characteristics or provide systems and public educational institutions of conditions for its realization. It is also the State that must ascertain the compliance with the quality requirements in private institutions as well as prevent them from violating central features of this right, such as non-discrimination and adaptability, as detailed below.

This general principle of the precedence of state duties for the guarantee of the right to education is strengthened in the Brazilian legal and constitutional model, recognizing broad state duties (Brazilian Constitution, articles. 208, 211 and 212), although it also recognizes the participation of private sector in educational provision, including the possibility of access to public resources (Brazilian Constitution, articles 209 and 213).

The Comment No. 13, 1999, from the CESCR Committee has thus a decisive theoretical importance, as regarding the practical application of the doctrine of state duties to the right to education as proposing a comprehensive legal content to this right. In it, the Committee states four dimensions required for the universal right

to education, to which are applicable each type of state duties of respecting, protecting and realizing.

2.2 The four necessary dimensions of the right to education

To the CESCR Committee, in spite of the national conditions and how the law will be applied in each reality, education in all its forms and levels must have these fundamental and interrelated characteristics: availability, accessibility, acceptability and adaptability. The organ summarizes the content of each of these characteristics this way:

- a) Availability: functioning educational institutions and programmes have to be available in sufficient quantity within the jurisdiction of the State party. What they require to function depends upon numerous factors, including the developmental context within which they operate; for example, all institutions and programmes are likely to require buildings or other protection from the elements, sanitation facilities for both sexes, safe drinking water, trained teachers receiving domestically competitive salaries, teaching materials, and so on; while some will also require facilities such as a library, computer facilities and information technology;
- b) Accessibility: educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:
 - (i) Non-discrimination: education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds (see paras. 31-37 on non-discrimination);
 - (ii) Physical accessibility: education has to be within safe physical reach, either by attendance at some reasonably convenient geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a “distance learning” programme);
 - (iii) Economic accessibility: education has to be affordable to all. This dimension of accessibility is subject to the differential wording of article 13 (2) in relation to primary, secondary and higher education: whereas primary education shall be available “free to all”, States

parties are required to progressively introduce free secondary and higher education;

c) Acceptability: the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality) to students and, in appropriate cases, parents; this is subject to the educational objectives required by article 13 (1) and such minimum educational standards as may be approved by the State (see art. 13 (3) and (4));

d) Adaptability: education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings. (UN, E/C.12/1999/10, pp. 14-16).

The four “interrelated and fundamental characteristics” of the right to education, linked to doctrinal development originally proposed by Tomasevski (2001), can be understood didactically from four levels of realization of the right to education, all of them with potential implications to the analysis of impacts caused by the adoption of private education systems by municipalities. We will go through the analysis of each of these characteristic’s content, based on the statements developed by Ximenes (2014), author who integrates this international perspective to the Brazilian educational law.

2.2.1 Availability

In the most immediate level, there is the very existence of schools in sufficient quantity and conditions for the development of the educational process, that is, the availability of vacancies, as “the first obligation of the state is to ensure that there are schools” (TOMASEVSKI, 2001, p.13). As pointed out by this author in the international context, the obligation of availability comprises two aspects: the duties of respect and protection of non-state actors rights to establish educational institutions and, above all, a state obligation of consistent achievement in establishing and / or financing access to all, according to the rules of each country.

The Brazilian Constitution stipulates a compulsory education range, in which attendance is compulsory with the objective of guaranteeing universal access. It should be noted that, with regard to the original wording of these precepts concerning obligatoriness, there was a process of expansion of the original definition of state duties by Constitutional Amendments. These amendments substantially altered the original conception, which was closer to the international goals set out in the 1966 Pact.

Therefore, today schooling range between 4 (four) and seventeen (17) years old is compulsory (Brazilian Constitution, article 208, I), which involves the pre-school, elementary school and high school, in this case until the teenager completes eighteen (18) years, since the obligatoriness is linked to the age and not to the school stage. Outside the age of compulsory education – common high school after eighteen (18) and especially early childhood education in day care (0-3 years old) – the guiding principle is not the universalization, but the generalization of access to everyone who expresses interest in attending school or daycare, i.e. the generalization of access to all the demand. This regime's difference in availability, however, does not affect the nature of the state's duty of provision, as demonstrated by Ximenes (2014).

As presented by this author, the school stages and ages protected by the generalization of the system, i.e., in the non-compulsory school stages, school places should be made available and accessible without discrimination to everyone that optionally show an interest in exercising their legal prerogative of access. In the case of early childhood education in day care centers, by virtue of judicial interpretation, the notion that this should be protected as a subjective public right has already been consolidated, even if this is not expressed in § 1 of article 208 of the Brazilian Constitution and in its peer, the Statute of Children and Adolescents (SCA - article 54, § 1.).

A brief analysis of the enrollment rates for basic education, compulsory or noncompulsory, would be sufficient to demonstrate

that there is a huge deficit being faced due to the current delimitation of state's duties for availability.

2.2.2 Accessibility

Accessibility is the second level of realization of the right to education in the scheme presented here. It ensures a first step in overcoming the merely formal realization of this right. The dimensions of accessibility involve initially the physical aspects, i.e. the distance between the educational institutions and the student's residence, the conditions of transportation to the school, the conditions of their surroundings regarding safety and health and physical conditions of access to people with disabilities or reduced mobility. Finally, there is the aspect of economical accessibility.

The Child and Adolescent Statute innovates in this regard by stipulating as right to students, "access to public and free school near their residence" (article 53, V). It also recognizes the duty of gratuity, as by forbidding conditioning the access by the payment of fees as by stipulating the duty of "active gratuity", by means of supplementary programs for providing school material, transportation, food and health care (article 54, VII). In this sense, as a general component of the right to education, economical accessibility must be understood in the broadest sense. It involves what Jose Carlos de Araujo Melchior (1997) called "active gratuity", opposed to the narrow view of gratuity as a mere the access to school without payment. For this precursor of studies on educational financing in Brazil, the gratuity would only be complete if it was able to "adapt to different socioeconomic backgrounds of the students" (MELCHIOR, 1997, p. 8), which implies, in addition to non-payment, the required provision of certain benefits, directly or indirectly related to education. In this sense, he advocated the recognition of the state's duty to provide pedagogical materials, clothing, food, transportation, and medical, dental and hospital care to all students of public schools.

Besides the physical and economical aspects, accessibility has a third dimension: non-discrimination. That is, even if, hypothetically, schools are available in sufficient quantity, that they are physically accessible to all, free – and, moreover, that they have support programs (active gratuity) for students, with free transportation, uniform, teaching materials and nourishment, and also support to their families, such as basic monthly income guarantee associated with school attendance – yet it is possible that some particular group or segment of students are systematically prevented from access school or prevented to do so on equal terms, in violation to the Part I of Article 206 of the Brazilian Constitution and to the international norms explaining this content.

The principle of non-discrimination in the exercise of the right to education, according to interpretation of the ESCR Committee, “applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination” (UN, E/C.12/1999/4, paragraph 31). To address this factor in the context of the characteristics of the right to education, the Committee refers mainly to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education, from 1960. This Convention provides essential inputs for monitoring the realization of the right to education, which is why we emphasize the content in this work.

It is from the 1960 UNESCO Convention that the ESCR Committee draws the definitions of discrimination in education. This convention distinguishes the prohibited forms of discrimination from those measures of differentiation that are authorized in the regime of implementing the right to education. Let’s look at the general definition of discrimination, in the ways prohibited by the Convention:

1. For the purposes of this Convention, the term ‘discrimination’ includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has

the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

- (a) Of depriving any person or group of persons of access to education of any type or at any level;
- (b) Of limiting any person or group of persons to education of an inferior standard;
- (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or
- (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man. (UN, 1960).

The State duty to eliminate and prevent all forms of prohibited discrimination (Convention, article 3) means, therefore, as revoking norms and institutions that directly promote discrimination in educational opportunities and the unequal distribution of learning opportunities, as developing actions able to face practical or veiled discriminatory effects of education systems. So even though the law does not discriminate and that in the legal and formal plan availability and accessibility to all is ensured, States should “carefully supervise teaching, comprehended the relevant policies, institutions, programs, spending guidelines and other practices in order to explicit any forms of factual discrimination and adopt measures to solve them” (E/C.12/1999/10).

The non-discrimination, thus, as a component of the right to education involves both negative and positive obligations of States. It requires the non-edition or maintenance of discriminatory norms and institutions, but also the realization of measures aimed at eliminating discrimination in fact. This is the context, for example, in which affirmative action policies on access to higher education for afro-Brazilians are supported. It also requires the establishment of permanent mechanisms for monitoring the impacts of political and educational rights as a way of controlling potential discriminatory effects.

Besides prohibiting discrimination based on exclusion or on service deficit for certain groups or specific segments, the

Convention establishes criteria for the application of the principle of equality in education. For this purpose, it includes in the concept of discrimination distinctions, exclusions, restrictions or preferences based on economic status or birth area, recognizing therefore the economic discrimination and discrimination by birth place in the educational field. Thus, there will be such discrimination whenever equal treatment in access to school certain economic or regional groups is limited or reduced to lower quality of education.

Therefore, there will be economic discrimination in access to education whenever income differences are decisive in shaping the opportunities of access to education, or when they reflect different levels of quality in which education is offered. This aspect should be taken as a criterion for monitoring the education situation in the country, especially in the analysis of the relationship among income, social segmentation and educational quality.

It is noteworthy that a portion of the business featuring the sales of private systems of education to municipal schools is based on the promise of bringing to public schools “the same material” or “the same quality” of private schools serving the socioeconomic elite. These, in Brazil, owe their superior academic performance – when compared to the public ones on standardized tests – to both the economic selectivity and the application of entrance exams.

The 1960 Convention recognizes, as all international norms do, freedom of education with regards to the creation of private schools, provided that they do not seek to exclude certain groups, but only expand teaching opportunities beyond those offered by the Government, and that they accomplish the quality standards established by the State (Convention, article 2, “c”). In the Brazilian case, the elite private schools have as intention and as result the economic exclusion of the popular sectors, in order to produce educational advantage in access to public universities. This performance, based on social segmentation, legitimized the business expansion of some private school networks (Objetivo, COC, Positivo, etc.) towards the development of private systems

“apostilados” (textbooks as handouts) that would later be offered to public systems.

Discrimination by birth is also a matter of the highest importance in an economically unequal and asymmetrically federative country such as Brazil. As shown by studies on education funding, there is a wide disparity of conditions regarding maintenance and development of education in the country, reflected on various factors associated with the guarantee of a quality education, such as infrastructure, qualification and remuneration of teachers. Such disparities have remained in education financing funds - Fundo de Manutenção e Desenvolvimento do Ensino Fundamental e de Valorização do Magistério (Fundef) [Fund for Maintenance and Development of Fundamental Education and Appreciation of Teachers] and the Fundo de Manutenção e Desenvolvimento da Educação Básica e de Valorização do Magistério (Fundeb) [Fund for Development of Basic Education and Appreciation of Teachers] (ARAÚJO, 2013). These funds, because of their institutional mechanisms, were able to reduce educational funding disparities within each state and among the poorest and the richest states, but were not enough to ensure a minimum acceptable standard of quality of education. That is, they did not ensure the guarantee of basic conditions in all schools and educational systems (XIMENES, 2013). To address this structural violation of the right to education, which leads to discrimination on grounds of birth, with a special loss for the children in the North and the Northeast regions of the country, that Campanha Nacional pelo Direito à Educação [Brazilian Campaign for the Right to Education] developed the

Cost Student-Quality, that must be adopted as reference to the funding of education (CAMPANHA, 2011).

We understand that, in the light of the UNESCO Convention and the principles of the superior interests regarding children and conditions for equal access and permanence in school (Brazilian Constitution, articles 227 and 206, I, respectively, SCA, article 53, I) such disparities in conditions shall be understood as discrimination

by birth. The federative arrangement cannot be invoked as a valid argument for the preservation of such different conditions in accessing fundamental rights and, especially, cannot justify the maintenance of quality conditions below an acceptable level.

It is in that sense that the ESCR Committee positions itself, in ICESCR interpretation, from the definition of discrimination in the Convention: “Article 35. Sharp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination under the Covenant” (E / C.12 / 1999/10, 1999, p. 9).

In compulsory education, usually private schools can be understood as means of structural discrimination in the realization of the right to education, since high school fees act as a powerful mechanism of social selectivity, which strengthens and reproduces the deep social, economic, ethnic and racial inequalities in Brazil. In practical terms, the attendance of private schools is a requirement to access the main jobs and social positions.

Non-discrimination, in this sense, is connected with the requirement that quality education is ensured for all, based on equal basic conditions from the very beginning. It is at this point that becomes relevant the third level of realization of the right to education, acceptability.

2.2.3 Acceptability

Even though education is available and accessible to all, without discrimination of any kind, the realization of the right to education depends on the characterization of the offer as acceptable from the point of view of the contents, curricula, teaching methods and procedures; as relevant to the student; and, to some extent, to their parents. Acceptability demands also that teaching seeks to achieve the broad objectives of education and that the minimum standards established by the State itself with regards to those goals are respected.

Acceptability is, therefore, a feature immediately related to the quality of education in its broadest sense. The quality of education, in this sense, is the acceptable instruction in composition among the interests of children, parents and the public objectives of education (Brazilian Constitution, Article 205; SCA, Article 53). As acceptability criteria should be highlighted the broad goals of education, also stipulated in international human rights conventions and documents as the 2001 General Comment No 1, on the goals of education, by the Children's Rights Committee.

Acceptability concerns both the physical infrastructure of schools and the contents, educational procedures and outcomes. The notion of acceptability, finally, interacts with the normative proposition that defends the guarantee of a basic standard of [acceptable] quality for all, which will force the State to exercise directly its duty of provision and indirectly act through regulation and surveillance of private educational provision, necessary to protect the educational rights.

There is a strong connection between the acceptability and state duties of respect and protection. By incorporating the dimensions of freedom to the right to education, for example, the SCA states that the acceptability of school education must be built in dialogue with students, parents and guardians. Students have the right to contest evaluation criteria and appeal to higher school authorities and parents and guardians have the right to be aware of the educational process as well as to participate in the definition of educational proposals (SCA, Article 53, III and sole paragraph, respectively).

At this point, the participatory definition of acceptable education is connected to the next component of the right to education: adaptability, as both stipulate procedural requirements for defining the content and the school practice as well as spaces of autonomy that must be respected and protected by the State. It is also connected to the principle of democratic management of public education, constitutional principle that has in its scope of protection both the right to participation of students and other members of the school and local community in school management, and in broad

sense, management of the educational system, through councils, conferences, forums and other collegiate bodies and autonomous representative institutions (Law No. 13,005 / 2014, Articles 2 and 9.); as the specific rights of teachers and parents to participate in shaping the pedagogical project of the schools, as evidenced by SCA norms already mentioned, in addition to Article 14 of Law of Directives and Bases of National Education (LDB).

In the case of the right to participation of parents and students, it is noteworthy that the SCA has the importance of extrapolating this right beyond the scope of protection of the constitutional principle of democratic management, since the right to participation listed in this Act must be applied to all schools, public and private.

2.2.4 Adaptability

The last level of realization of the right to education stipulated by the ESCR Committee, from Tomasevski's proposition (2001), qualifies the others in terms of material and procedural ways of approaching the characteristics of that right to the specific and diverse needs of communities, groups, students, family and educators. That is, even if the education is made available and accessible to all without discrimination and that it is acceptable from the point of view of the quality, the right to education should also be adaptable to the demands of diversity, pluralism and participation. It is to adaptability, thus, that the principles of freedom, diversity and pluralism in education connect more strongly (Brazilian Constitution, Article 206, II and III). It is this feature that prevents the guarantee of a standard educational quality, itself a legal and constitutional requirement, from converting into standardization of aspects related to this quality, as inputs, content, processes and outcomes.

Adaptability is therefore the break-even point to be sought in the configuration of the right to quality education, which should aim for equality while respects, protects and promotes diversity. The first

subject to be benefited from the adaptability is the student. As highlighted by the first report developed by Tomasevski (UN, E / CN.4 / 1999/49), in which the characteristics of the right to education were spread internationally, the principles of the Convention on the Rights of the Child indicate a radical reversal of perspective: schools should stop worrying about adapting students for adult life and start focusing on adapting themselves to the demands of students as children, adolescents and young people in development.

It is this component that is specifically protected in Articles 57 and 58 of SCA. In the first, it is stipulated the duty to promote “research, experiments and new proposals for the calendar, grading, curriculum, methodology, teaching and evaluation” in order to adapt school programs to the requirements for inserting children and adolescents excluded from education. Article 58, on the other hand, states that “in the educational process, will be respected cultural, artistic and historical values of the children and adolescents social context, guaranteeing them the freedom of creation and access to culture sources”.

Such a provision cannot be understood as a mere guideline, but as a necessary condition for the realization of the right to education. It approaches both positive government obligations, aimed at enabling effective participation and curricular change, and obligations of respect and protection (negative), since relative autonomy of schools and teachers in the educational process must be preserved.

When we mention the procedural aspect of adaptability in this context, we mean to point out that such a feature, besides being material constitutive of the right to education, requires that the definition of contents, methods, procedures and educational outcomes take into account the participation of students and other social actors, respecting the principle of democratic management of education in the Constitution.

Acceptability and adaptability features connect the human right to education to human rights *in* education and *through* education. Educational practices and policies can only be considered acceptable if they respect the rights and freedoms in teaching and result in the

strengthening of citizenship and human rights. At the same time, only education practices and educational policies that allow spaces for adaptability, from the direct participation of all stakeholders of the educational process, may respect citizenship, pluralism and human rights *in* and *through* education.

3. STRATEGIC POSITIONS IN GOVERNMENT AND ENTERPRISES PRIVATE SPHERE: THE EXERCISE OF "GOVERNANCE" IN BRAZILIAN EDUCATION

Still in the introduction of this report, we considered relevant to highlight the mobilization of the private business sector in order to influence educational policies, in a context of approximation of interests with the government. The concept of governance found in international funding agencies guidelines⁸ as well as in academic papers, has served to clarify and make explicit links between corporate or private business interests in general and the exercise of state power embodied in public policies options. Jessop (2002) notes that its adoption is desirable because it gives a new look to the old practices of corporate "conciliation", either because it provides a solution, even if it is partial and temporary, to the crisis of state planning in mixed economies or the "recent disillusionment with uncontrollable market forces, or even because it offers a solution to the problems of coordination according to the increasing complexity and coordination, intra and among organizations" (JESSOP, 2002, p.2).

In the case of education, "conciliation" historically constitutive of the IberoAmerican educational model involved the state and the Catholic Church. In Brazil, this "symbiosis" was also present in the definition of the educational agenda, as demonstrated by several studies (CUNHA, 1985, 1995; ROMANELLI; 1999; CURY; 1993; SAVIANI, 2007, among others).

Similarly, the organic presence of sectors directly connected to the interests of the business community is part of the political

⁸ World Bank is one of them. See, among others, "Private and public initiatives: working together for health and education". Washington, D.C., World Bank.

“arena” and seeks to produce educational projects subordinated to their interests, since, at least, the arrangements for implementation of the republican regime (MORAES, 1990). As an example, we must remember, with Silva and Souza (2009), the role of the Instituto de Estudos para o Desenvolvimento Industrial (IEDI) [Institute of Studies for Industrial Development]⁹, which published in 1991 the document “A Nova Relação entre a Competitividade e Educação – Estratégias Empresariais” [The New Relationship between the Competitiveness and Education – Business Strategies], whose importance, according to the IEDI itself, “is not only on its uniqueness, but also in the emphasis that is given to the role that entrepreneurs must play in the educational advancement and technical training” (IEDI, 2001, p.8). The authors also point out the emblematic document released in 1990, “Ensino fundamental e competitividade empresarial – uma proposta para ação do governo” [Primary education and business competitiveness – a proposal for government action] (SILVA and SOUZA, 2009) made by the already extinct Herbert Levy Institute, linked to the São Paulo newspaper *Gazeta Mercantil*.

In both cases, the goal was to focus on the educational agenda of the country, with the latter case already formed by segments which articulated then in the movement *Todos Pela Educação* (TPE) [Everyone for Education].

Once this historical presence was remembered, we shall update this condition by considering the interests of specific groups in defining the educational agenda highlighted here, as we believe that:

The Workers' Party (PT), by taking over the presidential terms from 2003 to 2010, approached the public governance concept suggested by several international organizations as an alternative to neoliberal

⁹ In May 1989, thirty industrial companies founded the institute in order to conduct studies on industry and industrial policy and thus contribute to the formulation of a new project for the Brazilian development (IEDI, 2001). Some of their members are also part of the group *Todos Pela Educação* [Everybody for Education].

guidelines (KISSLER and HEIDEMANN, 2006) or of managerial nature. The logic of public governance assimilates the private sector (profit and nonprofit) as agent and partner in shaping public policy, given the assumption that the state or government action is inadequate and sometimes refractory to understand and meet social demands. (ADRIÃO, 2015, p.3).

This web of interests can sometimes be explained when we look at the relations between the occupants of strategic government posts and, for what concerns us here, organizations of private business sectors. In these terms, we designed these policy networks as a specific type of public governance: “governance”, a form of publicprivate relationship (BÖRZEL; 1997), in which the relationships, hierarchies and decision-making flows do not necessarily occur hierarchically as in traditional public management (BONAFONT, 2004).

It is no coincidence that the minister of education in the period from 2005 to 2011, Fernando Haddad, has previously held a special advisor role for the Ministry of Planning, being responsible for promoting and encouraging the adoption of publicprivate partnerships (PPP). In a seminar organized by the National Bank for Economic and Social Development (BNDES) to discuss the law that regulated PPPs (Law 11.079 / 2004), the future Minister stated:

Often the ideological debate and the technical debate about the partnerships highlights issues that are not in the spirit of the law. One of such issues is the binomial nationalization versus privatization. This law is strictly neutral on the issue of privatization versus nationalization. It does not fall within this context. (HADDAD, n.d.)

As if it was possible to have neutrality in any law or act, the rapprochement between corporate sectors and political power gains a new breath with the formalization of PPPs and the creation of a favorable environment for business with public officials, as requested by national and international investors.

In a complementary action to that of public management for education, in 2006, comes a joint of business and corporate foundations called Todos pela Educação¹⁰ [Everyone for Education], whose strength can be measured by the fact it named the educational Target Plan established by the federal government in 2007: Target Plan Everyone for Education Commitment.

This joint, is or was integrated by various members of central organs of public administration, both at the federal and states levels. Among these members, we highlight the former Minister of Education Fernando Haddad, during the government of the Workers Party; Claudia Costin, former Minister of Administration and State Reform during the second term of President Fernando Henrique Cardoso, former Municipal Secretary of Education of Rio de Janeiro, between 2008 and 2014, and current senior Education Director of World Bank (FREITAS, 2012; TODOS PELA EDUCAÇÃO, 2013).

The Santillana Group, one of the companies responsible for selling private education systems analyzed in this study, has José Francisco Soares, current President of the Instituto Nacional de Pesquisas Educacionais Anísio Teixeira (INEP) [National Institute for Educational Research Anísio Teixeira], as one of its employees. José Francisco Soares, nominated in 2014, in the previous administration, and maintained by education ministers who assumed the office in 2015, is a retired professor at the Federal University of Minas Gerais (UFMG), board member of the governance council of Todos pela

¹⁰ “Todos pela Educação” [Everybody for Education] is defined as a movement “funded exclusively by the private sector, which brings together civil society organizations, educators and policy makers that aims to contribute for Brazil to ensure all children and young people the right to quality basic education”. In 2013 Todos pela Educação was integrated, among other representatives of business groups and large banks by: Pão de Açúcar Group; Itaú Social Foundation; Gerdaul Institute, Suzano Group; SESC-SP, Bradesco Foundation, Santander Bank; Iochpe-Maxion SA and Iochpe Foundation; Roberto Marinho Foundation and partners of Globo Org.; DPaschoal Educating Foundation and Ayrton Institute; Instituto Faça Parte, from the Volunteers Center of São Paulo and a Goodwill Ambassador of UNESCO; Itaú Cultural Institute (TPE, 2013).

Educação and, on the official website of Santillana Group, is presented as Chairman of the Technical Board of one of the companies of the group: Avalia Educacional.

This organic relationship between prominent officers of federal education policies and the key incidence actions of the business field on the definition of educational policies, are not the specific object of this work, but it helps us to understand the background in which take place the relationship between the public and the corporative sector, in which are embedded the profitable and unprofitable actions that directly impact the political decision-making process, often against the advice of the educational field itself.

4. GROUPS WITH GREATER INSERTION

The five largest business groups that provide private systems of education (Objetivo, Pearson, Positivo, Santillana and Abril Educação), which are the focus of studies in this research, have similar characteristics considering the products offered to public schools: textbooks materials with activities prescription and content to be developed by teachers at predetermined times; support to teachers, via access to the World Wide Web; training for using the material acquired through meetings with professionals of the educational networks that contracted the services; performance evaluation of students and schools articulated to the content that integrate textbooks (ADRIÃO et al., 2009; 2012).

Four of these corporations provide, among their products, private educational systems exclusively for public schools. They are:

- **Objetivo Group:** Sistema Municipal de Ensino (SOME) [Municipal System of Education]. The distribution of materials is carried out by Editora Sol Soft;

- **Pearson:** educational system for public institutions, offered via Núcleo de Apoio a Municípios e Estados (NAME¹¹) [Center for Support to Municipalities and States], which counts on three differentiated products (besides NAME, it provides COC Educational System for private schools);

- **Positivo Group:** Sistema de Ensino Aprende Brasil (SABE) [Education System Brazil Learns] for public schools and Sistema Positivo de Ensino [Positivo Education System] for private schools.

¹¹ In its origin, NAME meant Support Center for the Municipalization of Education. It was created in 1999 as part of the activities of the Colégio Oswaldo Cruz (COC) publishing house. In 2010, with the sale to the British group Pearson of part of the original COC enterprises (then composing the Brazilian Educational System - SEB), the Center began to receive the new designation, keeping the functions of being responsible for one of the activities the Pearson Group: the sale of private systems for public schools.

• **Santillana Group:** Sistema Uno Público. For private schools, it is offered Uno System, besides other products.

The fifth company studied, **Abril Educação**, does not maintain a specific sector or system to public schools. It commercializes other products, besides the Anglo Education System, object of this mapping¹²¹³.

Three of the analyzed groups were born from pre-university preparatory courses¹⁴ that expanded their field by producing educational materials for all basic education, advisory services to private and public schools, as confirmed by previous researches (ADRIAO et al., 2009), to be finally acquired by international groups, as it was the case of NAME (originally belonging to COC – the Colégio Oswaldo Cruz system), bought by Pearson. Complementary, but in the same direction of this oligopolized “market”, we have the insertion of groups linked to national or global publishers, in the cases of Anglo Education System (Abril) and Uno (Santillana).

Another similarity among the companies should be highlighted: they all work in more than one segment, including the publishing of textbooks, general and specialized media, new educational technologies, school units franchising systems and higher education institutions, so that private education systems are part of a broad palette of products offered by these corporations.

Corporations, in turn, are part of a complex scenario of large and bulky negotiations. Three groups – Abril Educação, Pearson and Santillana – publicly traded, recently staged major negotiations

¹² In February 2015, the Abril Group ceased to operate in the educational market: Abril Educação was sold to Thunnus Participações, controlled by funds managed by Tarpon Gestora de Recursos (<https://oglobo.globo.com/economia/abril-educacao-vendida-fundo-de-investimentos-por-13-bilhao-15288026>)

¹³ However, by the time of this report there was no change in the company name, or in his official page. In a particular item, this report deals with the sales process.

¹⁴ In Brazil, as admission to the university depends on passing very selective tests, there is a market for post-secondary courses with the sole objective of preparing students for a good performance in the tests.

on the stock market, involving the sale of private education systems to public schools. It is noteworthy that in this market public enrollments are the “assets” of these companies (ADRIÃO et al., 2009; ADRIÃO, 2009; ADRIÃO et al., 2013). This aspect deserves special attention, since, in addition to the negotiations arising from the purchase of products for different demands from public schools, process identified more than two decades ago in Brazil and also in other parts of the world (HILL, 2002; DALE, 1994, among others), private education systems inaugurate a distinct strategy for the presence of corporations in the public sphere, as it is the accounting of enrollments a kind of “future market”.

In the items that follow we present information about the groups and its movements in the educational market as well as the characteristics of the private systems of education traded by them with the Brazilian networks of public schools.

4.1 Educational Market: corporations and profits from public education

Three of the private systems researched are made up of products and services provided by groups that resulted, in turn, as mergers of other companies in bulky negotiations involving transactions on international stock markets: Santillana Group / Uno System, Abril Educação / Anglo Teaching System¹⁵ and Pearson / NAME.

Santillana Group is an “arm” (branch) of the Prisa Group, directed by Juan Luis Cebrián, founder of the Spanish newspaper “El País”. The group is listed on the Madrid Stock Exchange. Abril Educação Group, until February 2015 linked to one of the largest publishing groups in Brazil, owner, among others, of magazines like “Veja” and “Exame”, trades on the Stock Exchange, Commodities and

¹⁵ On February 9, 2015, it was announced the sale of all shares of the group Abril Educação to Tarpon investments. However, the nomenclature remained (until the moment of preparation of this report) the same.

Futures Exchange (BM&F BOVESPA), in Brazil. Pearson, in its turn, is listed on the London and New York Stock Exchange.

Positivo Group is entitled the country's largest corporation when it comes to education and technology, owning the largest editorial printer in Brazil and one of the largest in Latin America. One of the companies controlled by the Group, Positivo Informática, went public in 2006, trading stocks also in the BM&F BOVESPA (ADRIÃO et al, 2012).

Objetivo Group, by 2015, had not yet started negotiations on the Brazilian Stock Exchange. However, the specialized media have announced the Group's IPO, one of the last family-owned businesses in the educational market in Brazil.

4.2 Negotiation processes

This subsection provides information regarding the three groups investigated that negotiate private systems commercialized to public schools in stock exchanges in the world: Prisa / Santillana, Pearson, and Abril Educação.

4.2.1 Santillana Group

Santillana Group, by acquiring Moderna publishing house, also bought the education system linked to it: Uno System. The company started developing the area with views to the “market” of public education, creating the “Public Uno System”. The Brazilian Association of School Books Publishers (Abrelivros) announced, in 2006, that the Santillana would have invested R\$ 4 million, currently equivalent to about US\$ 1.39¹⁶ million in the development of Public Uno. In the same article, Mario Ghio Junior, CEO of Uno System¹⁷, reported that the system served 128,000 students from

¹⁶ Brazilian Central Bank, dollar price on March 23, 2015, sales value.

¹⁷ Mario Ghia Jr. is currently CEO of Abril Educação. http://www.usc.br/wp-content/uploads/2015/02/M%C3%A1rio_Ghio_Junior_curriculo.pdf.

public and private schools and that the plan was to take the lead of the two markets within three years and expansion of the “Brazilian phenomenon” [private systems of education] to other countries¹⁸.

Santillana is, as already registered, the publishing arm of the Spanish *Promotora de Informação Sociedade Anônima* (Prisa), publicly traded group with operations in countries of Spanish and Portuguese languages. The official website of the corporation informs that Prisa operates in 22 countries with global brands: El Pais, 40 Principales, W Radio and Santillana. The corporation has four areas of activity: radio, press, audiovisual and editorial/education. In these latter activities is located Santillana, founded in the 1960s and incorporated into the group in 2000. According to the corporate report of Prisa, activities in the publishing / education field accounted for 27% of corporate revenues in 2013, the corresponding to € 350 million. The same document indicates the space occupied on the market by the corporation in each of the countries where it operates. In Brazil, information to investors show that this space corresponds to 14% of the market (PRISA, 2014).

We must consider that, besides private systems, the group is the owner of Moderna publishing house, a leading provider of textbooks for Brazilian public schools (information about this will be presented below) through the National Textbook Program (PNLD). The Group also controls the publishing houses Salamandra and Richmond, the latter based in the United Kingdom, as a producer of materials for teaching English language. Santillana Español is another publisher of the group. In 2005, the Group acquired the majority of shares of a traditional Brazilian publisher, Objetiva.

Also as part of the Prisa Group, the company Avalia Assessoria Educacional, operates, since 2005, in public and private schools, assisting the implementation of performance evaluation

¹⁸ Available in <https://abrelivros.org.br/site/santillana-investe-r-4-milhoes-e-aposta-na-escola-publica/>

systems. According to the group itself, Avaluia has already been responsible for major evaluations of Brazilian Basic Education, as the Prova Brasil [Brazil Test] (2009), mandatory national examination for public schools which is part of the Basic Education Development Index (IDEB), whose responsible is the INEP, the federal government agency; Prova São Paulo [São Paulo Test] (2011), implemented by the municipal government of São Paulo; and state assessments in Alagoas and Ceará, both in 2011 (AVALIA EDUCACIONAL, n.d.).

An article presented in the daily newspaper *Valor Econômico* announces the investment of Santillana group in Brazil: “Santillana, the Spanish group that operates in the publishing and media fields and owns Moderna publishing house, is investing € 20 million to bring in Brazilian schools its education methodology focused on iPad, Apple’s tablet”. In the same article, Pablo Doberti, director of Uno International, states that the goal of the Spanish group in Brazil is to have more than 250,000 students in private schools using the International Uno until 2015 (VALOR ECONÔMICO, online, 06/22/2012).

For Uno, private schools must associate two products provided by the group: traditional brochure materials and new technologies (virtual learning). “Santillana invested € 15 million to adapt the contents of textbooks for tablets, a job that took three years to be developed. In Latin America, Santillana has 200,000 students studying with its educational content through the iPad, of which 130,000 are in Mexico”. (VALOR ECONÔMICO, online, 22/6/2012).

Negotiations involving the Santillana were frequent in recent years: according to the official webpage of the Group, in 2010, the private fund DLJ South American Partners¹⁹, by acquiring 25% of the company's shares, was incorporated as a partner (SANTILLANA, n.d.). At the end of the first half of 2014, Santillana Ediciones Generales, which brings together the Group's imprints

¹⁹ Private equity fund with investments in Latin America.

(Alfaguara, Taurus, Suma de Letras, Aguilar, Altea, Fontanar, Objetiva y Punto de Lectura), was acquired by Penguin

Random House Group in a deal of € 55 million.

The Penguin Random House Group, according to the press, is composed of 53% by a German group and 47% by the British Pearson Group, which also operates in Brazil selling, among other products, private education systems (O GLOBO, 2014).

In Brazil, the negotiation of publishing houses linked to the Group involved Objetiva publishing house, which came under the control of Penguin Random House (already holder of the Brazilian publisher Companhia das Letras). Santillana kept in Brazil operations relating to textbooks and control of Moderna publishing house, Salamandra and ID companies (VEJA, on-line, 03/19/2014).

4.2.2 Abril Educação

Also involved in bulky negotiations, Abril Educação is the provider of Anglo Learning System since 2010, when the system was purchased from the company Anglo Vestibulares. In the year next to its acquisition by the group Abril Educação, the Anglo system started being called in the corporate information as Sistema de Ensino Abril Educação S.A. However, for the market, Anglo brand has been preserved (ABRIL EDUCAÇÃO, n.d.). In addition to Anglo Learning System, the deal involved the purchase of the preparatory courses system, the Anglo Vestibulares, and a company specialized in preparing for civil servant entrance examinations, called SIGA, according to what was published by the Brazilian media (VEJA, 2010).

Abril Educação was separated from Abril Group in 2010 and was constituted as a publishing house, keeping, until February 2015, under the control of the Abril Group, founded in 1950 and administered by Abrilpar, a holding that belongs to the Civita family, founder of the group. The Abrilpar, among other business, controls Abril Media, responsible for publishing the country's largest magazine, *Veja*, with 1.08 million copies in 2013, according

to the Instituto Verificador de Comunicação [Communication Verifier Institute] (IVC).

Abril Educação aggregates Ática and Scipione publishing houses, five preparatory courses for university entrance examinations and other contests, two language schools, a telepresence education company, a company that offers preparatory courses for the realization of the National Examination of Secondary Education (Enem), a mobile learning company (courses on cell phones), an e-learning company for professional training, a program for training leaders in primary schools and five private education systems, among which the Anglo System, the first acquired by Abril Educação.

It means that, beyond the Anglo Learning System, Abril Educação sells four other private education systems: the education system SER, originally created by Ática publishing house; Maxi Education System, acquired in 2011; PH Education System, resulting from the acquisition of PH schools network, also in 2011; and the GEO Education System, one private system originated and spread in northeastern Brazil²⁰.

With regards to the market for private systems of education in Brazil, the Group reported, in 2014, to its investors:

Brazil has showed a growing tendency to adopt education systems in private and public schools, seeking proven quality education and the association to recognized brands. This market has high potential to grow because of (i) the still little explored public schools market; (ii) the growing number of private schools in the country where education systems are more adopted; and (iii) to represent efficient solution for quality offer in a market with few well-trained teachers and rare teachers with exclusive dedication. (ABRIL Educação, Market n.d.).

The page displays data obtained from the analysis by the consulting McKinsey & Company, according to which, in 2011, the

²⁰ Available in: http://www.abrileducacao.com.br/descricao_geo.html

“Basic and Similar Education Market in Brazil” would have handled R\$ 36 billion, of which R\$ 1.4 billion corresponds to transactions involving private systems of education.

However, in 2014, Abril Educação announced a loss of R\$ 18.7 million in the third quarter of the year (INFOMONEY, on-line, 11/11/2014). In early 2015, Thunnus Participações, administered by Tarpone funds management, owner since 2014 of 24% of its shares, acquires the group²¹. The "Material Fact", document made public in the official pages of the Stock Exchange in Brazil on February 9, 2015, shows the dynamics of the process that would culminate at that time with the change of control of the company:

The sums of the shares acquired and to be acquired by Thunnus under the Agreement and its Amendment, respectively, represent the transfer of all the Company's shares held by Abrilpar Block holder, directly and indirectly controlled by Abril. (BM&F BOVESPA, feb. 2015).

According to this document, the total price, considered the agreement and its amendment to be paid to Abrilpar, was R\$ 1,309,489,668.67, the US dollar equivalent of the period to about US\$ 436.5 million²².

4.2.3 Pearson

The acquisitions made by the Pearson Group, operating in Brazil since 1996, are numerous and involve massive financial movements, especially from the end of the first decade of the 2000s.

²¹ According to the Reuters agency, by that time Abril Educação had a net income of R\$ 1.036 billion, in dollars of that period, approximately R\$ 414,400,000.00: <http://www1.folha.uol.com.br/mercado/2014/06/1464828-gestora-derecursos-tarpon-compra-parte-do-controle-da-abril-educacao.shtml>

²² By the time of this report was being elaborated, the Administrative Council for Economic Defense - CADE, had not yet manifested on the negotiation and neither there were indications of structural changes in the group companies.

In 2010, the Pearson Group, owner of the traditional newspaper Financial Times, bought the Sistema Educacional Brasileiro [Brazilian Educational System] (SEB) – publicly traded group, but with a background of a family business – part of the products and services offered, involving two private systems of education, Pueri Domus and Dom Bosco, and the Núcleo de Apoio à Municipalização do Ensino Fundamental [Support Center for Municipalization of Primary Education] (NAME), which was renamed as Núcleo de Apoio a Municípios e Estados [Center for Support to Municipalities and States], responsible for providing private systems to public schools. The deal involved the amount of US \$ 497 million (ADRIÃO et al, 2012).

The “Material Fact”, published by BM & FBOVESPA on July 22, 2010, as reported to trading:

On this date, Pearson and indirect controlling shareholders, Messrs. Chaim Zaher, (...) Adriana Baptiston Cefali Zaher, (...) have agreed, among other parts, a Purchase Agreement and Other Covenants (“Agreement”), at which they agreed a strategic partner of long-term (“Transaction”). The transaction includes a corporate reorganization, whereby the Company will be split half and then will have its indirect control sold to Pearson (BM & FBOVESPA, 22/7/2010).

Besides the private education systems, negotiation meant that Pearson would also control the printer GEB, Logística e Distribuição (BM & FBOVESPA, 07/22/2010). In 2013, the group, in a deal that was worth R\$ 1.7 billion, according to press reports, acquired the Multi Group, owner of the brands Wizard, Yázigi and Skill, all language schools.

Pearson, founded in the nineteenth century, also calls itself the “world’s largest education company” (PEARSON, on-line, n.d.). The profile presented by the company, if does not qualify it as the world’s largest, certainly places it among the biggest ones. According to the media:

Pearson is one of the world's largest learning networks. Headquartered in London, the company also owns the Financial Times and 47% of the shares of Penguin Random House, the company formed from the merger of Random House and Penguin publishers. (BARBOSA, Exame on-line, 02/03/2013).

4.2.4 Objetivo Group

During the period of this investigation, Objetivo Group remained under the leadership of its founder, João Carlos Di Gênio, owner of a network of schools, a major university, radios, television stations and properties in rural areas, besides private education systems sold to public and private schools (ADRIÃO et al, 2009).

Di Gênio's presence in the educational market began with the creation of preparatory courses for university entrance exams in the 1970s. Since then, he built a large "educational empire". His political activity includes passages by the National Education Council.

The national press refers to Di Gênio with adjectives like "education Emperor" or "Owner of education" (VEJA, Abril, digital collection), such are his business.

With regards to private education systems, the Group distributes its material by Editora Sol Soft. Previous studies, confirmed by this research, indicate that the purchase of the Objetivo education system can be performed via Editora Soft Sol, from the same Group (CAIN, 2009; ADRIÃO, et al., 2009).

4.2.5 Positivo Group

Positivo Group also originated in pre-university preparation courses in the 1970s (ADRIÃO et al., 2009) and expanded its operations for higher education in the late 1980s. In the same period, its activities also extend to the area of information technology, with the creation of Positivo Informática, which sells computers and services to private and public institutions. The

group also operates in higher education, holding school units, and has franchised units in Brazil and abroad (ADRIÃO et al. 2013).

One of the companies controlled by Positivo Group, Positivo Informática, traded shares on the stock exchange in 2006. In 2013 its market value, announced by the press, was R\$ 450 million (GAZETA DO POVO, *on-line*, 03/01/2013). Still in 2013, it was announced the propensity to the sale or IPO release of Positivo Group. However, just like Objetivo Group, negotiations had not taken place until the closure of this work.

4.3. Corporations and the provision of textbooks to public education

Four groups among those researched, Moderna/Santillana, Positivo, Pearson and Abril, besides selling private educational systems to subnational public educational networks, participate in the National Textbook Program (PNLD), through which the federal government finances the distribution of textbooks for all students from public schools in the country.

Table 01 shows the volume of public resources transferred to these groups for their participation in PNLD:

Table 1 - Participation of groups Abril Educação, Santillana, Positivo and Pearson in PNLD - primary and secondary education in 2012, 2013 and 2014 in absolute value (in R\$)

Business group	Total value (R\$)		
	2012	2013*	2014**
Abril Educação/Ática	194,550,185	167,999,741.43	179,825,557.34
Abril Educação/Scipione	102,786,747	90,090,915.95	55,283,609.63
Santillana/Moderna	220,734,328	145,245,647.46	211,607,432.76
Santillana/Richmond	15,842,659	16,019,228.74	14,669,993.55
Positivo	30,109,299	24,036,576.37	28,017,245.75
Pearson	-	3,036,037.95	2,022,507.00

Source: FNDE.

* Includes collections for Youth and Adult Education (High School)

** Includes negotiations involving digital objects and books in Brazilian Sign Language (Libras) provided by publishers (without Youth and Adult Education)

Whereas the total public investment in PNLD during the selected period corresponded to R\$ 1,099,847,675.00 in 2012; R\$ 862,222,089.49 in 2013 and R\$ 1,127,578,022.81 in 2014, according to official disclosure, there is a notorious concentration of resources of this program in two of the groups surveyed: Abril and Santillana. The market share of each group in this amount is detailed in Table 02.

Table 2 - Participation of groups Abril Educação, Santillana, Positivo and Pearson in PNLD - primary and secondary education in 2012, 2013 and 2014 in relation to the total expenditure of the Education Ministry (in R\$)

MEC /Companies	2012		2013		2014	
	Value (R\$)	%	Value (R\$)	%	Value (R\$)	%
MEC/PNLD	1,099,847,675	100,0	862,222,089	100.0	1,127,578,023	100.0
Abril Educação	297,341,932	27	258,090,657	29.9	235,109,167	20.9
Santillana	236,576,987	21.5	161,264,876	18.7	226,774,426	20.1
Positivo	30,109,299	2.73	24,036,576	2.8	28,017,246	2.4
Pearson*	-	-	3,036,037.95	0.35	2,022,507.00	0.18

Source: FNDE. * In 2012 Pearson did not take part in the PNLD.

Abril Educação remained, in the period, with the highest participation percentage among the groups surveyed. However, in the year prior to its sale to Thunnus Participações, there is a significant decline of 9.08%, equating with the

Santillana's participation that year. Together, in the three-year period, the four groups surveyed received between 43% and 52% of PNLD resources.

4.4 Private education systems: goods and services

The contracts between public authorities and private groups involves materials for students and teachers and many other services ranging from advice for using the products to performance evaluation

of students and schools. To fully understand it, we present below a summarizing chart about goods and services that can be hired by municipal managers from the business groups researched.

The information was obtained in the official webpages of the groups and disclosure documents, and organized into six aspects: two of them relating to available materials, materials for professionals and learning materials for students; the third aspect referred to the different forms of support to schools, called here as advice; the fourth aspect summarizes the various formats of evaluation offered by the companies; next, the existence of guidelines for the organization of teaching; and finally the basic education stages to which the products are offered.

Table 3 - Summary of products and services offered to public schools by private groups

Products and services	Pearson / Núcleo de Apoio a Municípios e Estado (NAME)	Abril Educação / Anglo	Santillana Group / Public Uno	Objetivo Group / Sistema Objetivo Municipal de Ensino (SOME)	Positivo Group / Sistema de Ensino Aprende Brasil (SABE)
Material for professionals	Virtual material guidance available on the company website, as well as copies of the same material provided to students.	Teacher's guide Suggestions of schedules with activities and virtual guidance material, as well as copies of the same material provided to students.	Teacher's Manual Virtual guidance material, as well as copies of the same material provided to students.	Support material for the team responsible for school management and virtual guidance material, as well as copies of the same material provided to students.	Virtual guidance material, as well as copies of the same material provided to students.
Educational material for students	Three models of different materials with specific theoretical guidelines: 1 - Literacy in all educational levels; 2 - Sociointeractionist	Materials organized in periods of w months; digital books for study and realization of disciplines; proposal for spiral curriculum, with	Educational material for classes and specific books for homework.	Material offered in semi-annual, annual or bi-monthly modules, according to the teaching stage. It's announced the use of "problem solving	The material is designated as Integrated Textbook, combining the different subjects. The material is integrated into the activities available

	oriented material, according to the company; 3 - Technician oriented material, according to its divulgation.	an emphasis on homework assignments indicated in the courseware.		methodology" in teaching mathematics and workshops for professionals of public networks who uses their products.	in the System's Portal. The proposal is called as "interactional perspective."
Consultants	It has variations according to the proposal. In common, there are visits from	Digital service: technicians can be contacted for meetings with the	Portal, meetings and lectures; monitoring throughout the	Educational meetings in the state capital, headquarters; modular courses; and distance	Pedagogical advice to teachers and technical staff of the departments of education
	advisers to schools with teachers' training. There is also possibility of using virtual space for training (portal, chats).	network; teachers participate in trainings as multiplying agents and there is access to information via the portal.	school year; attendance to the schools and municipal education departments in a defined schedule; workshops and continuing	monitoring practice.	to guide the implementation of the system; continuing education for teachers and technical teams; and "pedagogical coordinator"

			education for teachers.		available for public networks.
Guidelines for the organization of teaching	It provides "suggestions" for development projects in the classroom.	Suggestions of calendars with four options, in which activities are presented in a different way, and planning activities in the classroom.	Presentation of pedagogical approach to teachers staff	Document with theoretical and curricular framework; holds meetings with supervisory teams for planning activities.	Announces support in project management.
Proposals of evaluation	Distance and in person are offered, with technical support for government assessments.	Simulation analysis system, producing assessments of students by subject, data analysis and report production. The system includes the performance ranking of establishment in relation to a specific subject, or school unit.	Educational and institutional assessment (performance evaluation; questionnaire / associated factors, diagnosis) via service called "Assessoria Avalia Educacional". It also provides bimonthly	Institutional evaluation; assessment of student achievement on tests; assessing the associated factors; Comparative analysis and diagnosis. The results are compiled into "confidential" reports.	Educational Monitoring System Brazil (SIMEC): educational information management tool that "enables to monitor the results achieved and enables the development of action plans to advance quality education in every

		Generating records as "student report card" and ranking abacus to be used by managers (the provision of the service depends on the contract signed).	reviews of models for teachers.		municipality." The system also offers student performance evaluations, by the standards of Prova Brasil (MEC).
Etapas da Basic Education stages for which goods and services are produced.	Early childhood and elementary education	Early Childhood, Elementary and Secondary Education and Pre-College.	Early Childhood and Elementary Education and Pre-College.	Early Childhood, Elementary and Secondary Education.	Early Childhood, Elementary and Secondary Education.

Sources: NETNAME, online; SISTEMA ANGLO, online; SISTEMA UNO, online; OBJETIVO, online; Editora Positivo, online; LUZ, 2012; ADRIÃO et al, 2009; 2012; SILVEIRA, 2014.

The use of virtual resources is part of the services offered. Guidance materials are available on-line to professional of the contractors education networks by the five groups researched. In all cases, the pages of the private systems announce advice and support through access to their websites.

Two private systems, Anglo and Public Uno, however, inform they provide manuals for teachers with theoretical orientations. The sales catalog of Anglo Teaching System features the Teacher's Guide as a material produced by the authors of the handouts elaborated for students, with a view to explain to teachers the theoretical foundation of the proposed activities and to indicate further readings and new activities to deepen.

The materials produced for students receive different names: "Integrated books", "courseware", "modules material". In common, they keep the feature of compiling content from different curriculum subjects, organized according to periods, which can be bimonthly or quarterly. Companies indicate, although briefly, references that would have guided the preparation of teaching materials: spiral curriculum, constructivism, social-interactionism. Only NAME announces it produces materials and services with different theoretical approaches and emphases, leaving to the hiring manager's discretion the choice of intellectual references. The ads make it possible to infer that the references that guide the making of the products are as diverse as the social interactionist and technicist perspectives.

This research did not take as its object of analysis the theoretical orientations of goods and services commercialized, however, considering the common emphasis given by companies to the planning process, routinization, standardization of activities and fulfillment of tasks, we read very carefully the statements regarding the theoretical perspectives that value the autonomy of the individuals and the mediating role of teachers.

The guidelines for the organization of teaching indicate that all companies provide materials, virtual or not, so that the classes are organized according to materials provided to students. The Anglo

Learning System sales catalog indicates even annual calendars models with distribution of content for every day of teaching activity, with the exception of "free days". In Anglo's webpage, we can find the important role in school planning of the "Calendar".

There are also planning services, such as meetings with supervisors offered by Objetivo Group, or the management of projects to be developed in public schools, service that can be ordered from Positivo Group.

With regard to the organization of teaching, the delegation of responsibilities in the construction of policies for the private sector (BEZERRA, 2008) becomes evident in the planning process of the pedagogical work in different degrees, that may reach project management within the public network.

The proposed evaluations, such as guidelines for the organization of teaching, indicate that the groups are preparing for, by commercializing their products and services, covering all aspects involved in educational work: the public manager can purchase from students evaluations models and the creation of information systems up to complex formulae for creating rankings.

5. THE MARKET OF PUBLIC EDUCATION IN THE MEDIA

In parallel with the mapping of the presence of private education systems in municipalities, focus of this study, we sought to map the frequency of advertisements of the education systems, belonging to the five companies studied, in the media specialized in education. Another point of analysis was the presence of these companies in the editorial content of the media specialized in education and in market and in which perspective they are cited.

We are interested in mapping the investment of these companies in advertising, the potential exposure of managers and teachers to these ads, and also the possible correlations between media companies and producers of the private education systems.

For this, advertising inserts and editorial content surveys were conducted in five media vehicles: the newspaper *Valor Econômico*, for being the largest in the country with specific focus in the business field²³; the magazines focused on the education field *Nova Escola* [New School] and *Gestão Escolar* [School Management], both published by Victor Civita Foundation, linked to the Abril Group; and the magazines *Educação* [Education] and *Escola Pública* [Public School], published by Editora Segmento. These are the four biggest magazines on the education field in the country.

We characterize each of the media companies, considering the same criteria used for educational companies. The information about the groups responsible for the publications, as well as

²³ According to a survey of the Communication Verification Institute (IVC) released by the National Association of Newspapers (ANJ), the newspaper *Valor Econômico* was the 18th most widely read in the country in 2013, with an average daily circulation of 58,539 copies (information available in **Erro! A referência de hiperlink não é válida.** [jornais-do-brasil](http://jornais-do-brasil.com.br); accessed on 10.15.2014). The publication is, however, the first in the rank whose editorial line is more clearly focused on the business area, as will be explained in its characterization.

information on the audience profile and the circulation of the magazines and the newspaper, was raised in the publishers' official websites, in previous studies, in specialized publications in the media business field, from the National Association of Newspapers (ANJ), the Communication Verification Institute (IVC) and the information provided by the publishers themselves to advertisers.

5.1 Characterization of the media corporations and publications

5.1.1 Victor Civita Foundation: responsible for publishing the magazines Nova Escola and Gestão Escolar

History

Abril Group, as already mentioned in this study, has gradually expanded its activities in education through Abril Educação S.A.. The history of the Group, however, is strongly anchored in the media field, being still today one of the largest communication groups in Latin America, despite much of its investments redirection towards education. In this sector, the Group controls Abril Media (composed by Editora Abril, Digital Business, Abril Gráfica and CasaCor) and DGB, a holding for distribution and logistics which brings together six companies operating in these areas: Dinap, Entrega Fácil, FC, Magazine Express, TreeLog and Total Express.

According to information from the Group on its website, Abril is "committed to contributing to the dissemination of information, culture and entertainment, for the advancement of education, the improvement of the life quality, the development of free enterprise and strengthening the country's democratic institutions"²⁴. Its main goal is to continue to "develop Brazil's largest publishing company, keeping it profitable, innovative, integrated and diversified, creating, manufacturing and marketing publications with the best editorial and

²⁴ Information available in <http://grupoabril.com.br/pt/missao-e-valores>. Accessed on 25/10/14

graphic quality for the greatest number of individuals and entities in Brazil and - secondarily - other Portuguese-speaking countries." It seeks, as displayed in its institutional site, "to be the leader in integrated multimedia, serving the most profitable and fastest growing segments of the communication and education markets."

Since 1985, Victor Civita Foundation (FVC) operates in parallel with Abril Group. With the group founder's name, it is responsible for editing and publishing the magazines *Nova Escola* and *Gestão Escolar*, discussed below. According to information from its website, the FVC's goal is to "contribute to the improvement of basic education in Brazil, producing content to assist in the training and upgrading of teachers and administrators and influence public policies"²⁵. In addition to these magazines, the activities include conducting Award *Educador Nota 10* [Educator Grade A] and studies and educational research.

In 1986, shortly after its establishment, FVC began publishing *Nova Escola* magazine. The magazine's editorial of its first issue highlighted as its goals: "Providing the teacher with the information necessary for a better performance of their work; valuing them; redeeming their prestige and leadership in the community; integrating them into the change process that now takes place in the country; and providing an exchange of experiences and knowledge among all Brazilian teachers of basic education".

The Victor Civita Foundation received all the money inheritance available in bank accounts, stocks and personal properties after the death of its founder, on 24 August 1990. In that year, his son, Roberto Civita, assumed the presidency of FVC, maintained then by Abril and by Gerdau, Brazilian company from the steel field. In Abril 1988, the Foundation launched the *Sala de Aula* [Classroom] magazine, focused on high school, since the magazine *Nova Escola* was aimed at teachers of elementary school. According to the history available in the webpage of Victor Civita

²⁵ Available in <http://www.fvc.org.br/missao.shtml>. Accessed on 25/10/14

Foundation, because of the "economic crisis of the Collor era," the publication was closed in December 1990.

Eight years later, it launched the magazine *Veja na Sala de Aula* [Veja in the Classroom], the result of a partnership between FVC and *Veja* magazine, the largest circulation publication of the Abril Group and the largest weekly magazine in the country, which would then contemplate the high school teachers audience. The publication thus proposed their goals, "transforming the news into didactic material, providing a new teaching and learning tool to thousands of students and teachers across the country." Thus, the magazine's reports were analyzed and, according to the selection made by the Nova Escola's team and the curricula for secondary education, its consultants would propose lesson plans to be used by teachers. In addition, *Veja na Sala de Aula* offers magazine subscriptions of *Veja* magazine for schools: the school receives 14 copies of the weekly edition of the magazine during the 40 weeks of the school year to work the contents suggested by the lesson plans. The initiative continues up to today, but now only online.

Still in 1998, it was released the digital version of the magazine Nova Escola (www.novaescola.org.br). In addition to the magazine's content, it was created a space for debates on pedagogical issues. In October of that year, it takes place the first edition of the Victor Civita - Professor Nota 10 [Victor Civita - Teacher Grade A] (later changed to the current name, Educador Nota 10), created to "identify and value teachers who adopt best practices in the classroom," according to the Foundation's webpage.

The area of Educational Studies and Research of the Victor Civita Foundation was created in January 2009, in order to "generate practical and applicable recommendations to schools and Brazilian school systems" and disseminate the information researched and produced. In April of that year, it was launched the *Gestão Escolar* magazine, aimed at coordinators and school principals, published up to today. In 2013, the *Gestão Escolar* magazine is also presented in digital version, keeping the printed version as well, survey object of this study. In 2014, however, the printed version is extinguished and the magazine migrated fully to the digital version.

Description

The Victor Civita Foundation had as president, in 2014, Victor Civita Neto and, as vice, Giancarlo Civita, CEO of Grupo Abril, both grandchildren of Victor Civita and children of Roberto Civita. Other directors of the Foundation are: Roberta Anamaria Civita,

Giancarlo's and Civita Neto's sister; Alia Carol Civita; Jorge Gerdau Johannpeter, president of the board of directors of Gerdau Group and great-grandson of João Gerdau - the company's founder -; Beatriz Gerdau Johannpeter, Executive Committee member of the Gerdau Institute, Chairman of the Governance Council of the Grupo de Institutos, Fundações e Empresas (GIFE) [Foundations and Companies Group], member of the Board of Governance of Todos pela Educação [All for Education], and Jorge's daughter; Claudio de Moura Castro, an economist, former Chief of the Division of Social Programs of the Inter-American Development Bank (IDB) and current president of the Advisory Council of the Faculdade Pitágoras, Kroton; Fábio Colletti Barbosa, president of Abril Group and member of the board of the UN Foundation, the Endeavor Institute and the Ayrton Senna Institute; and Marcos Magalhães, president of the Institute of Co-Responsibility for Education (ICE), Chairman of the Institute of Quality in Education (IQE) and member of the Council of the Fernand Braudel Institute of World Economics.

Angela Dannemann was in charge of the Executive Board in 2014. She is a member of the Governance Board of GIFE, the Board of Trustees of Federation of Industries of Rio de Janeiro Fund, member the Brazilian Association of Educational Assessment (ABAVE) and American Evaluation Association (AEA).

Financing and Market

According to the 2013 annual report of the Victor Civita Foundation (FVC), the funds came from four sources: activities revenues, donations, financial income and tax incentives. Moreover,

as already mentioned above, the FVC received all the inheritance money that its founder, Victor Civita, had in bank accounts, stocks and personal properties after his death, on August 24, 1990.

Through searches performed in the Diário Oficial da União (DOU), we found in the edition of December 31, 2013²⁶, contract statement of R \$ 2,529,630.60 from the National Fund for Educational Development (ENDF) - Contractor - and Victor Civita Foundation, contracted for the acquisition of the Nova Escola magazine, in compliance with the Programa Nacional Biblioteca da Escola [National Program for Schools Libraries] (PNBE). This agreement took place on the basis of section I of article 25 of Law 8.666/93, which provides unenforceability of bidding "for the purchase of materials, equipment or goods that can only be provided by producer, company or exclusive sales representative" upon proof of the contracting agency.

Nova Escola Magazine

With 1.8 million readers, according to Brazil Readers Projection Marplan 2013 and with an average circulation of 524,000 copies between January and December 2013, the magazine Nova Escola is the largest monthly magazine in the country and the second with most circulation, second only to *Veja* magazine, also published by Abril Group, and is the largest Brazilian magazine of education, aimed at teachers of basic education. According to the Tracking Ipsos in 2013, 68% of readers/teachers use the magazine as a reference to plan lessons and 76% of them claim to have changed their practices in classroom since they started reading the magazine, that is what informs the material for advertisers available on the magazine's website.

The Nova Escola magazine website comprises lesson plans and teaching sequences for primary and secondary education,

²⁶ Available in <http://www.jusbrasil.com.br/diarios/64491789/dou-secao-3-31-12-2013-pg-209/pdfView>. Accessed on 10/25/14

thematic blogs (on sexuality, technology and Youth and Adult Education), videos and other multimedia features. According to Annual Report data

2013 by Victor Civita Foundation, Nova Escola had an average of 1.1 million of unique visitors per month, 70 million page views, 400,000 followers on social networks and 2.1 million views on Youtube.

Gestão Escolar Magazine

Gestão Escolar Magazine highlights, in its bi-monthly digital editions, targeted content for school management staff: school principals, coordinators and school counselors. In 2013, the magazine circulation was an average of 50,000 copies. In addition, according to the Tracking Ipsos in 2013 69% of readers/managers claim to have changed their practice in management since they started reading the magazine, and 88% of readers/managers use the magazine as a reference for their activities, according to the FVC annual report²⁷. The magazine's website generated, in 2013, 110,000 unique visitors per month, 5 million page views per year and it also has more than 59,000 fans on Facebook.

5.1.2 Segmento Publishing House: responsible for publishing the magazines Educação and Escola Pública

History

The Editora Segmento Ltd. was founded in 1993 by the journalists Rita de Cassia Martinez and Edmilson Gomes Cardial as a private equity firm focused on the editorial production market for various segments and business and corporate communication. According to the company website, the publishing house "has as

²⁷ Available in <http://www.fvc.org.br/pdf/relatorio-anual-2013.pdf>. Accessed on 10/25/2014

main features to wage on good journalism, entrepreneurial sense and a fine view of the market"²⁸.

The first publication by the publishing house was released in 1994 with the magazine *Cidades*. The bimonthly publication, with a circulation of 25,000 copies, was focused on issues of public administration. In five years of existence, according to information from the publishing house to the Brazilian Association of Corporate Communication's (Aberje) website, Segmento reached a number of 18 titles and 14 corporate publications, which would sum up to a circulation above 500,000 copies. Among the titles by the publishing house, we can separate their own titles and titles produced by customer orders, among which is the

Educação magazine, produced for the Union of Educational Institutions in the State of São Paulo (SIEEESP), with an initial print run of 40,000 copies. The table below is a summary of their key titles and customers in 1998.

Table 04 – Original and customers' titles by Segmento Publishing House in 1998

Title	Client	Theme	Periodicity	Copies
DBM	Segmento Publishing House	Database Marketing, Direct Marketing, Loyalty Marketing	Bimonthly	12,000
<i>Cidades</i>	Segmento Publishing House	Public administration	Bimonthly	25,000
<i>Ser Humano</i>	Brazilian Association of Human Resources	Human resources, careers and business management	Monthly	18,000
<i>Metalurgia & Materiais</i>	Brazilian Association of	Steel	Monthly	12,000

²⁸ Available in <http://www.editorasegmento.com.br/>. Accessed on 10/20/14

	Metallurgy and Materials			
Automação	EAN Brazil	Business and commercial automation	Monthly	40,000
Dr. Estilo	Libbs Pharmaceuticals Ltd.	Lifestyle and leisure aimed at physicians	Bimonthly	52,000
Saúde Equina	Segmento Publishing House	Equine veterinary	Bimonthly	5000
Automação Hospitalar	EAN Brazil	Hospital Automation	Bimonthly	9000
Puro Sangue Inglês	Brazilian Association of Race Horse Breeders	Race horses Thoroughbred	Bimonthly	8000
França Brasil	Chamber of Commerce FranceBrazil	Economics and business interests of two countries	Monthly	13,000
Ensino Superior	Association of Sponsoring Institutions of Higher Education Institutions in the State of São Paulo	University education	Monthly	10,000
Guia Nacional de Fornecedores	EAN Brazil	Guide business automation suppliers	Yearly	43,000
Viver Psicologia	Psychology and Health Publishing House Ltd.	Psychology, psychiatry, neuroscience and Psychosomatics	Monthly	30,000
Paparazzi	Paparazzi Photo Studio Ltd.	Photography	Bimonthly	18,000

Livro de Reprodutores	Segmento Publishing House	Stallions catalog of Thoroughbred race	Yearly	2,000
Revista Paulista de Pediatria	Pediatrics Society of São Paulo	Scientific papers on pediatrics	Quarterly	10,000
O Prefeito	Problem Solver	Public administration	Weekly	10,000
Educação	Union of Educational Institutions in the State of São Paulo	Middle and high school	Monthly	40,000

Source: the authors, based on data from Aberje

In the late 1990s, Segmento launched a series of publications on education, giving journalistic treatment to Portuguese language and mathematics subjects. According to the publisher's website, publications were adopted as a model by the Ministry of Education, which began distributing "titles Língua Portuguesa and Cálculo for more than 120,000 public schools in the country." Also according to Segmento, the publications are prepared in partnership with reference institutions and professionals in Brazilian higher education, "many of them are used in undergraduate and graduate programs in the areas of education and pedagogy," says the publisher on its website.

In 2001, Ediouro Publicações Ltda partnered with Editora Segmento Ltda in a joint venture to acquire Editora Duetto, giving rise to Ediouro, Segmento - Duetto Editorial Ltda. The society was maintained until early 2014, when there was the decision to end the Duetto's activities, from Segmento's interest to incorporate some titles from this publisher. With the decision to end Duetto, some publications by Duetto started being published by the Segmento Publishing House, like Cabelo&Cia, Mente Cérebro, Scientific American Brasil, Havard Business Review Brasil, Política Externa,

Pais&Filhos and História Viva, besides some collections, booklets and course books.

It is also part of the publishing house's current catalog Educação Infantil [Early Childhood Education] magazine, with its latest released issue, according to its website, in 2012, and guides aimed at students and sectored yearbooks like EAD, Pós-Graduação & MBA, Vestibular e Carreira, Cursos Tecnológicos [Distance Learning titles, Graduation & MBA, Vestibular and Career, Technology Courses] and the guide Boa Escola para seu Filho [Good School to Your Child]. Recently, the content of these guides were gathered in the portal www.guiasdeeducacao.com.br, which features news and a search system that, in the publisher's words, "allows students to look for the course and the most appropriate institution to their needs, in the same fields used in printed guides published by Segmento".

With the education theme, Segmento Publishing House has also produced the special publications Desafios Matemáticos [Mathematical Challenges] and Lição de Casa [Homework] (both Cálculo magazine's supplements); and for Educação magazine, it produced the specials publications Technology, Brazilian Educators, Teacher's Library, Children's Literature, Neuro Education, Early Childhood Education 2011, Library 2012, Early Childhood Education 2009, Contemporary Pedagogy, Literacy Guide, History of Education, Didacticism, Education and Psychology, Major Themes and Culture and Sociology of Childhood. The Escola Pública magazine has had a special supplement on evaluation exams; and the magazine Língua Portuguesa, one on Translation and Language, Classroom, Special Sales, Language Guide, Cinema and Language, Guide for the New Orthography Agreement, Psychoanalysis and Language, Writing, Religion and Language and Vestibular Enem Guide.

Capital and Financing

From a legal point of view, the Segmento Publishing House Ltd. is a limited company business not publicly traded. Currently chairs the company journalist Edmilson Gomes Cardial and are part of the steering committee Carolina Martinez, Márcio Gonçalves Cardial, Miriam Cordeiro, Rita de Cássia Martinez and Rubem Barros.

Educação Magazine

The magazine was created in May 1997 as a monthly and targeted publication, produced for the Union of Educational Institutions in the State of São Paulo (SIEEESP) by Segmento Publishing House. According to the magazine's website, from its creation to 2002 the publication was directed by the teacher and journalist Marco Antonio Araujo. From 2002 until early 2005, the editorial chairman was the journalist Carolina Costa. Next, the teacher and film critic Sérgio Rizzo led the publication until 2006. From 2007 to August 2011, the leadership was taken over by the journalist Rubem Barros. Also according to the magazine's website, the journalist Gilberto Dimenstein, from the editorial committee of the *Folha de S. Paulo* newspaper, belonging to the Folha Group, was an editorial consultant for publication in 2003.

In material aimed at advertisers²⁹, Segmento states that the Educação magazine is "aimed at professionals in basic education filed of both the public and private schools. Educators, managers and other professionals can monitor monthly the main issues related to public policies, innovations in the sector, economy, literature, pedagogy and culture." Its mission is "to promote a critical reflection on educational practices and policies, to reflect on dimensions of education and the role of school and formal education in this process", covering topics like "management and educational

²⁹ <http://revistaeducacao.uol.com.br/textos/fixos/anuncie-226852-1.asp>. Accessed on 10/25/2014

infrastructure, teacher training, curriculum, reading and literacy in language, mathematics and pedagogy; trends and experiences in the various educational systems in the world; society, diversity and education, history and philosophy of education."

According to the same material, Educação magazine has a monthly average circulation of 27,000 copies, 63% distributed via targeted mailing, 16% with sales at newsstands, 15% with subscriptions and 6% with distribution at events. More than half (56%) of readers are concentrated in the Southeast region of the country, followed by Northeast region (16%), South (15%), Midwest (10%) and North (3%). The publication is not measured by Communication Verification Institute (IVC).

The magazine has also a website, which kept in 2014 a monthly average access of 164,000 page views and 115,000 unique visitors. In social networks, Twitter and Facebook, it had, respectively, approximately 36,000 and 200,000 followers in early 2015.

Escola Pública

The bimonthly publication was created by the Segmento Publishing House in 2007 with the aim of "supplying the lack of information and references in the implementation of policies that enable universal access to public education and ensure the improvement of their quality" for school managers and public education networks. The magazine publishes interviews with experts, reports on "best practices" in networks and Brazilian schools, tips and services to assist in policy and staff management, suggests books and websites, develops news on indicators, assessment and government programs and publishes managers testimonies.

According to promotional material for advertisers available on the magazine's website³⁰, Escola Pública has a monthly average circulation of 25,000 copies, from which 6,360 are distributed to

³⁰ <http://revistaescolapublica.com.br/textos/fixos/anuncie-252489-1.asp>. Accessed on 10/25/2014

public school principals, 5,570 to all the mayors of the country and over 5,570 to all the municipal secretaries of education, other 4,000 are distributed at events of National Union of Municipal Education Managers (Undime), 1,950 to state departments of education, 650 to municipal departments of education from state capitals, 300 to the Ministry of Education, 300 to the National Congress and 300 copies to education councils.

The magazine also features virtual platforms. Its Internet portal had, in 2014, 22,000 visitors average per month and 31,000 page views. Their social networks, Twitter and Facebook, in turn, had in early 2015 about 6,800 and 8,200 followers respectively.

5.1.3 Valor Econômico Newspaper

History

Founded on May 2, 2000, the newspaper Valor Econômico is the result of a partnership between the companies InfoGlobo – Globo Group, the biggest communication group of the country – and Folha Group, with an initial investment of R\$ 50 million. In an interview with researcher Hérica Lene, Celso Pinto, Valor's managing editor, reported details on the formation of the newspaper, "the idea of Valor Econômico arose from two separate projects, one from Folha group and another from Globo Group. The two companies, independently, had projects to do something in the economic field. The two made a joint effort and, from there, decided to organize another company - Valor - whose controlling stake is divided equally. According to the research, there was demand for more quality information on economics"(LENE, 2004, p.83).

According to news published by Folha de São Paulo newspaper on May 2, 2010, the newspaper Valor Econômico "arose from the expectation that the expansion of the stock exchange would boost economic news. And that is what happened. The market value of companies listed on the Bovespa jumped from R\$

441 billion in 2000, the year that the paper hit the newsstands, to R\$ 2.3 trillion last year [2009]" (Folha de S.Paulo, on-line, 05/02/2010).

Mercado

Valor Econômico S.A. is a privately held company, in which the share capital is divided into 50% for Folha Group and 50% for InfoGlobo company. According to an article in the newspaper Folha de Sao Paulo on May 2, 2010³¹, "Valor Econômico S.A., the company that publishes the newspaper 'Valor', showed a revenue of R\$ 166 million" in 2009 and "12% growth over the previous year, despite the global economic crisis. Net income was R\$ 16.5 million." According to information from portal Meio & Mensagem in 2012³², the newspaper increased by 20% its advertising revenue over the previous year, receiving advertising from 355 brands.

Globo Group, Brazil's largest media conglomerate, is formed by the following companies: Rede Globo de Televisão (with five stations and 116 affiliates), Globosat (cable channels programmer, with 18 channels), Infoglobo (company that owns the newspapers O Globo, Extra and Expresso and has a stake in the newspaper Valor Econômico and Planeta Móvel), Sistema Globo de Rádio (radio network with 12 stations and 116 affiliates) and Roberto Marinho Foundation (non-profit foundation), Som Livre (music label) and Globo.com (online news portal).

With private equity, the conglomerate's value is estimated in US\$ 28.9 billion, according to Forbes magazine report on May 13, 2014³³, and belongs to the brothers Roberto Irineu Marinho, João Roberto Marinho and José Roberto Marinho. Based on the advertising

³¹ <http://www1.folha.uol.com.br/fsp/dinheiro/fi0205201011.htm>. Accessed on 10/05/14

³² Available in <https://www.meioemensagem.com.br/home/midia/2013/06/13/google-e-maior-empresa-de-midia-do-mundo.html>. Accessed on 10/05/14

³³ Available in <http://www.forbes.com/sites/andersonantunes/2014/05/13/the-15-richest-families-in-brazil/>. Accessed on 10/05/14

revenues of 2011, the survey by Top Thirty Global Media Owners reported that the Group is the 17th largest media company of the world, ahead of companies like Televisa, Microsoft and Facebook³⁴.

The history of the Group started with the launch of the newspaper O Globo in 1925, passes by the inauguration of the first Globo Radio in 1944, by a concession for the operation of a television channel in 1957, until its creation in 1965, and over the various products deriving from it: such as soap operas, television journalism, cinema, as well as its international market share, its performance in other means besides the Open TV, like the Internet, the radio, the movies, the cable TV, the recording industry, the press, etc. (SANTOS e CAPPARELLI, 2005).

In the education field, the Globo Group develops, in partnership with the United Nations Children's Fund (UNICEF), the project Globo Educação. According disclosure on its own website, the project "aims to mobilize Brazilian society to a quality public education, through a set of actions involving campaigns, debates, seminars, reports, among others." Besides that, in 1977, the then president of Globo Group, Roberto Marinho, created the Roberto Marinho Foundation. According to the journalist's memoirs' website, the Foundation is focused on education and knowledge, and its main project is Telecurso - distance learning program produced and aired by the station since 1978.

Folha Group, on the other hand, controls the newspaper with the second highest average circulation in the country, Folha de São Paulo and Brazil's largest content and Internet services portal, UOL. The Group has also, in addition to 50% of the newspaper Valor Econômico, the largest commercial printer in the country, Gráfica Plural, daily newspaper Agora, the Datafolha surveys institute, the book publishing house Publifolha and news agency Folhapress, among others.

³⁴ Available in <http://www.meioemensagem.com.br/home/midia/noticias/2013/06/13/Google-e-maior-empresa-de-midia-dohttp://www.meioemensagem.com.br/home/midia/noticias/2013/06/13/Google-e-maior-empresa-de-midia-do-mundo.htmlmundo.html>. Accessed on 10/05/14

Folha Group started in 1921 with the opening of the Folha da Noite [Evening Paper] newspaper in Sao Paulo, followed by the newspapers Folha da Manhã [Morning Paper] (1925) and Folha da Tarde [Afternoon Paper] (1949). In 1960, the three publications were combined to bring up the newspaper Folha de São Paulo, with the lawyer José Ramos Nabantino as its owner.

In 1962, after a strike of journalists occurred in the previous year, the newspaper Folha de São Paulo was acquired by businessmen Carlos Caldeira Filho and Octavio Frias de Oliveira. In 1968, the paper became the first one in Latin America to be printed in offset system and, in 1986, became newspaper with the largest circulation in the whole country - position it held until 2013, when it was overcome by the Minas Gerais newspaper Super Notícia [Super News].

With the end of the partnership between Carlos and Octavio in 1991, Folha de São Paulo started to belong exclusively to the Frias family, which had owned since the mid-1980s the newspaper's executive operation, in the hands of Luiz Frias and Otavio Frias Filho, as president and editorial director, respectively, of Folha Group.

In 1996, it launched the content and Internet access provider UOL, a publicly traded company whose majority was owned by Folha Group, with stocks of Portugal Telecom telecommunications group and other investors.

Publication features

The printed version of Valor Econômico newspaper circulates from Monday to Friday, plus five annuals content editions, 30 magazines and 70 special supplements. Every day, the newspaper publishes five sections with news, articles and analysis of the economic market in Brazil and in the world. Currently the newspaper is the largest vehicle for business, economics, finance and laws of the country. According to information from the Circulation Verification Institute (IVC) for the year 2013, the newspaper has the 18th largest circulation in Brazil, with an

average circulation of 58,539 copies. According to research commissioned by the newspaper to Ipsos Marplan - market research institute -, the total readership value, also considering the Internet portal, rose from 296,000 in the first quarter of 2012 to 418,000 in the third quarter, what configures an increase of 30%.

In its website, the newspaper states its editorial mission is to "provide readers a comprehensive and reliable picture of what occurs in the country, especially in the productive sphere, to assist decision-making process of economic agents and to provide guidance to the audience in general."

The newspaper has as editorial director Vera Brandimarte journalist. Besides the director, makes up its editorial board: Aluizio Maranhão Gomes da Silva, Antonio Manuel Teixeira Mendes, Celso Pinto, Joao Roberto Marinho, Luiz Frias, Otavio Frias Filho and

Roberto Irineu Marinho. While administration board's members are: Antonio Manuel Teixeira Mendes, Luiz Frias, Marcello Henrique Monteiro de Moraes and Roberto Irineu Marinho.

The newspaper accounts in its institutional presentation 421,000 readers in printed and digital platforms, stating that the vast majority of its target audience belongs to the classes A / B (90%), is interested in technology (86%) and with decision-making jobs (70%).

As for Internet users who access its internet platform, the paper reports that held until April 2014 the amount of 28 million page views, 965,000 unique visitors and about 11 pages accessed by performed visits.

5.2 Overview

In the Chart 03 below, it is possible to find a summary view of the five analyzed publications according to audience, periodicity, circulation, readership and responsible publisher:

Chart 03 - Features and scope of the analyzed publications - Summary table

Publication	Periodicity	Copies	Virtual Range	Audiences	Publisher responsible
Nova Escola	Monthly	524,000	<ul style="list-style-type: none"> • Website: 1.1 million unique visitors per month and 70 million page views • Social networks: 400,000 followers on Facebook and Twitter and 2.1 million views on Youtube. 	Teachers	Victor Civita Foundation
Gestão Escolar	Bimonthly	50,000	<ul style="list-style-type: none"> • Website: 110,000 unique visitors per month and 5 million page views per year • Social networks: 59,000 followers Facebook 	School management staff: school principals, coordinators, and school counselors	Victor Civita Foundation
Educação Magazine	Monthly	27,000	<ul style="list-style-type: none"> • Website: 115,000 unique visitors per month and 164 000 page views 	Professionals in the education field of private and public	Editora Segmento Ltda

			<ul style="list-style-type: none"> • Social networks: 36,000 followers on Twitter and 200,000 on Facebook 	basic education: educators and managers	
Escola Pública Magazine	Bimonthly	25,000	<ul style="list-style-type: none"> • Website: 22,000 unique visitors per month and 31,00 page views • Social networks: 6,800 followers on Twitter and 8,200 on Facebook 	Public schools principals, mayors, municipal secretaries of education and state departments of education, Ministry of Education, Congress and Education Councils.	Editora Segmento Ltda
Valor Econômico Newspaper	daily	58,500	<ul style="list-style-type: none"> • Website: 80,400 unique visitors per month and 2.3 million page views Social networks: 682,000 followers on Twitter and 630,000 on Facebook 	Actors linked to the areas of business, economics, finance and law	Valor Econômico S.A (Folha Group and Globo Corp)

Source: The authors, based on information from the publishers' official websites and studies of the National Newspaper Association (ANJ) and the Communication Verification Institute (IVC)

5.3 Advertisement frequency in the media specialized in education

To obtain the frequency of advertising inserts in the five companies that sell private systems of education to public networks studied in this paper - Objetivo/SOME, Santillana/Sistema Uno, Abril /Sistema Anglo de Ensino, Pearson/NAME and Positivo/SABE – we analyzed the targeted magazines Nova Escola, Gestão Escolar, Educação and Escola Pública in their printed versions throughout the year of 2013, listing, per issue, the number of pages devoted to advertising companies, in relation to private systems of these companies as shown on table 03 e 04:

Table 03 – Number of advertising pages per corporation in targeted magazines studied in 2013

Magazine	Abril Educação	Objetivo	Positivo	Santillana	Pearson	Other Companies
Nova Escola	22	11	24	0	0	41
Gestão Escolar	0	0	0	2	0	8
Educação	0	11	18	0	25	37
Escola Pública	0	9	7	0	6	15

Source: The authors from survey in these publications

Table 04 – Number of advertising pages per private education system in targeted magazines studied in 2013

Magazine	Anglo	SOME	SABE	Uno Público	NAME
Nova Escola	0	4	8	0	0
Gestão Escolar	0	0	0	0	0

Educação	0	4	8	0	0
Escola Pública	0	4	4	0	6

Source: The authors from survey in these publications

It should be noted, first, the great volume of investment in targeted magazines by companies producing didactic-pedagogical materials, whether to the advertisement of textbooks that integrates the National Textbook Program (PNLD), or aimed at the dissemination of private education systems offered to public networks and private schools.

The segment of private systems of education, aimed at the public or private sector, is by far the biggest advertiser in these magazines, occupying between 70% and 90% of the advertising space available on them.

Among the companies studied, we observed that Positivo Group is the one that invests most in advertising in this publication segment, totaling 49 pages of ads throughout the year 2013, in the magazines Nova Escola (24 pages), Educação (18 pages) and Escola Pública (7 pages), all focused on spreading its method of teaching and other educational materials. Specifically advertising its private system of education, there were 20 pages, 8 in Nova Escola magazine, 8 in Educação Magazine, and 4 in Escola Pública magazine. There were no announcements from Positivo in Gestão Escolar magazine.

The company Pearson ranks second, with 31 ads pages total in 2013, distributed on the magazines Educação (25 pages) and Escola Pública (6 pages). It is noteworthy, however, that the announcements made by Pearson are mostly related to COC and Dom Bosco materials which, are not directed to public schools. Only the announcements made in Escola Pública magazine (6 pages) are dedicated to the dissemination of the NAME system.

Also with 31 ad pages in 2013, there is Objetivo Group, which distributed its advertising among magazines Nova Escola (11 pages), Educação (11 pages) and Escola Pública (9 pages). From all

of them, 4 pages in each publication aimed to advertise their private system of education. The rest of them were focused on their school chain and preuniversity exam course.

Abril Educação did not advertise, in 2013, its private education system, Anglo, in the researched magazines. The 22 pages of advertising of Abril Educação (all concentrated in the magazine *Nova Escola*) revolved around educative materials published by the Ática and Scipione publishers and which integrated mostly the PNLD.

With regards to Santillana Group, only two pages of ads were found, both of them on *Gestão Escolar* and dedicated to the advertisement of the *Gestão Escolar* [School Management] Award, made in partnership with Santillana Foundation. About the private system Public Uno, no pages of ads were found in the four magazines analyzed.

On the other hand, over 101 pages of the four magazines announced teaching materials, mostly produced by companies whose collections made up the PNLD as FTD, Editora SM, Editora Moderna, Editora do Brasil, among others; or other private systems of education like Ari de Sá, J. Piaget, Etapa, Poliedro, sistema Ético de Ensino (Editora Saraiva), among others.

5.4 Frequency of editorial presence in business media and in media specialized in education

In addition to ad inserts in the advertising spaces of the four targeted publications analyzed in this study (magazines *Nova Escola*, *Gestão Escolar*, *Educação* and *Escola Pública*), the editorial content of these magazines was analyzed as well as the editorial content of the newspaper *Valor Econômico*, in order to identify the editorial treatment given by these media groups to private education systems and the companies that produce them.

Table 05 – Number of mentions of private education systems companies in the editorial content of the magazine Nova Escola, Gestão Escolar, Educação and Escola Pública in 2013

Magazine	Anglo	SOME	SABE	Uno Público	NAME	Outros
Nova Escola	0	0	1	0	0	0
Gestão Escolar	0	0	1	0	0	8
Educação	0	0	2	0	0	2
Escola Pública	0	9	1	0	0	1

Source: The authors from survey in these publications

As can be seen in Table 05, in the targeted magazines, focused on pedagogical issues, school management and educational theories, it is not common to have the presence of companies involved in the production of teaching materials in the editorial content, which rules out, at first, the hypothesis of publishers linked to business groups that produce private education systems, such as Victor Civita Foundation, taking advantage directly from their publications to promote their own brands in the editorial content.

The only mentions to a private school system in the editorial content of these publications occurred with the Positivo Group. Throughout all editions of 2013, the group is quoted once by the magazine Nova Escola, issue 264, August, in a report on teaching methods of geography, where an excerpt from this publisher's book is cited as an example. Gestão Escolar magazine also quotes Positivo once over 2013, in its issue 29, December 2013/January 2014. The quoting occurs in a section of suggestions of books in the education field, indicating a book by this publisher on responsibilities of teaching.

The Escola Pública magazine made over 2013 a quote to Positivo in its editorial content. The issue 30, December 2012 / January 2013, in which Aprende Brasil System is quoted in an

article on technology and education. The report includes quotes from representatives of the company and makes direct reference to the education system.

In *Educação* magazine, there were two citations to the Positivo Group in its editorial content throughout 2013, both in issue 199, November. Citations appeared through company representatives speeches relating to the theme "Technologies to be used in the classroom," where they are interviewed as experts.

Finally, the FTD Publishing House appears as a source in two other reports, both in *Educação* magazine, being one regarding the PNLD and digital books and another titled "Teachers who write textbooks tell how works an expanding market." Santillana/Moderna Publishing House also appears in a section of books suggestions on *Escola Pública* magazine, with the book "Regime de colaboração na educação" [Collaboration Scheme in education].

The only citation about private education systems in the editorial content of the analyzed magazines is was made by *Escola Pública*. In issue 30, November 2012/January 2013, *SABE*, from Positivo Group, is quoted in a report about education and technologies. The article includes the essay of a representative of the company and makes reference to the private system.

It is noteworthy that in none of the cases explained above there is a direct link between the business group publishing those publications and Positivo Group, responsible for the production and sale of the private education system.

From the newspaper *Valor Econômico*, it was analyzed only the presence of studied companies in the editorial content of the publication. Considering that the publication is aimed at the business area and that it intends to be a Brazilian version of the newspaper *Financial Times*, as expected, all 13 citations to private systems of education or educational companies (8 to *Abril Educação*, one to Positivo, 3 to Pearson and one to Pitagóras) were made in the business perspective, generally praising market growth and new mergers and acquisitions that have taken place

over the years. In none of the reports, the perspective of the right to education or the quality of materials is discussed.

Table 06 – Number of mentions of private education systems companies in the content editorial of the newspaper Valor Econômico during 2013

Publi- cação	Abril Educação	Objetivo	Positivo	Santillana	Pearson	Outros
Valor Econô- mico	8	0	1	0	3	1

Source: The authors from survey in these publications

Another case worth mentioning is the TOP Educação Award, mixing editorial and advertising content. Held annually by the Educação magazine and the Segmento Publishing House, TOP Educação aims to reward "the brands most remembered by the market of education", according to the website of the initiative³⁵. The award is made from voluntary registration of companies and the winners are announced on the Educação magazine, in pages that intersperse editorial content of the publication with announcements of the winners. In 2013, analyzed by this research, the announcement was made in the September issue and held a total of 35 pages, of which 19 were dedicated to announcements of winners and 16 to editorial content.

Of the companies studied in this paper, were awarded the private school system Aprende Brasil (SABE), by Positivo Publishing House, in the category "Education system for public schools"; Pearson, in the category "Publisher of teaching and language books"; Editora Moderna, from Santillana Group, in the category "Children's Literature"; and Ática imprint, from Abril Educação, in the category "Publisher of educational books."

³⁵ Available at <http://premiotopeducacao.com.br/>. Accessed in 10/30/2015.

The editorial content related to the award presents a report with consultants about the key trends for the "branding in Basic Education schools". The article points out that competition in the private sector has grown and that "as the student is not an ordinary customer, the challenge is to build the school brand without appearing frivolous". The text also notes that "the construction of a brand starts at the moment it is decided the DNA of the product, in this case the school".

Given the above, it is not possible to say that there is direct link between the TOP Educação Award and the promotion of a particular private system of education over public networks. However, the award category "Education system for public schools" and the story on brand building in the educational segment promote, respectively, the entry of private systems of education in public networks, and a conception of education as a commodity.

6. MAPPING THE PRESENCE OF BUSINESS GROUPS

Among the goals of this research is the mapping of municipalities that adopted private systems of education, sold by the five largest companies operating in the Brazilian market identified by previous research – SABE/Positivo Group, SOME/Objetivo Group, NAME/Pearson, Anglo/Abril Educação and Uno Público/Santillana (ADRIÃO, coord. 2009; ADRIÃO, coord. 2012) - characterized in this report.

Thus, we sought to notice the integration of these business groups with the local education, since the acquisition of private systems conforms to educational policies under the guidance of such groups, with direct impact on the conduct of educational policies in the municipalities.

The survey confirmed the presence of several³⁶ companies vying for the "market" of the public schools networks, and at the same time pointed to an oligopoly tendency. For this reason, the data presented here refer to the five major groups.

The originally planned methodological route had to be changed, since access to information on contracts between companies and local governments was denied by four of the five groups, although in Brazil there is the Law No. 12,527 / 2011, which allows all Brazilian citizens access to information by public bodies. For purposes of this research, therefore, our data collection efforts (via this strategy) were not met. Partially, the postponement of the conclusion of this work is due to the team's efforts to build alternatives to these difficulties. In view of the above mentioned,

³⁶ Even with no claim to comprehensively raise this information, since it was out of the objectives of this research, the information collected indicates the presence of nine different companies with similar material and included in public networks through the provision of private education systems.

four strategies for data collection, summarized below, were designed and used as we realized new needs due to the quality of the data obtained:

1 - It began with the attempt to directly ask the private companies under study the lists of the partner municipalities. From the contacts made, only Positivo Group provided the amount and the name of the Brazilian municipalities adopting the Learning System Aprende Brasil.

2 - At the same time, we requested support to National Union of Municipal Education Managers (Undime)³⁷, reached through an online questionnaire provided by the organization on its website, aimed at municipal managers, on the adoption of private education systems by associated municipalities. The questionnaire was distributed by the entity, through virtual newsletter, to the educational managers of the 5,570 Brazilian municipalities, of which 427 responded. Considering the relatively low volume of responses, the team chose a third complementary strategy for data collection.

3 - The same questionnaire was applied in person to the municipal education managers who participated in the sixth edition of the Undime's National Extraordinary Forum, held from May 27 to 30, 2014, in the city of Florianópolis/SC. According to the organization's direction, 921 municipalities attended the event, represented by their municipal managers for education, technicians and educators of the Municipal Departments of Education. Of these, 302 completed the questionnaire at the time, through its distribution along with the event's material as well as its application individually by the team of Ação Educativa.

4 - Finally, we searched in municipal accounts reports, using the number of the National Register of Legal Entities (CNPJ) of the suppliers of the private companies analyzed recorded in the pages

³⁷ Civil nonprofit association established in 1986. It consists of education municipal managers of Brazil with nationwide operations. (Available in: <<http://undime.org.br/institucional/o-que-e-a-undime/>>)

of the States Audit Courts³⁸, the presence of contracts for the sale of private education systems to municipalities during the studied period. In the São Paulo State Audit Court (TCE-SP) were found 126 municipalities that, in 2013, had made payments to one of the five companies in this study. Inquiries have also been carried out based on Law n.12.527 / 2011 (Access to Information Act), to the Audit Courts of the other 25 Brazilian states and the Federal District, and only eight of them (Paraíba, Paraná, Piauí, Rio de Janeiro, Rio Grande do Norte, Rondônia, Sergipe and Santa Catarina) responded satisfactorily. The others either rejected the request for information (Ceará, Mato Grosso, Minas Gerais, Rio Grande do Sul, Roraima and Tocantins) or have not even responded it (other states).

After carrying out the crossing of data obtained from the various collection strategies described above, and considering only the five companies object of study, the results were organized in tables that consider: the number of municipalities that have adopted the private education system of each business; Municipal Human Development Index (MHDI)³⁹ of all municipalities; the states with the largest number of municipalities that have adopted their private systems of education, and also whether or not municipalities had Municipal System of Education and a Municipal Education Plan.

Thus, we sought to highlight: 1 – the socioeconomic profile of the municipalities that constitute an educational market; 2 – the organizational characteristics of these levels of government that may be related to adherence to these private systems.

³⁸ Agencies responsible for carrying out accounting, financial and budget inspection of the actions of states and municipalities.

³⁹ IDHM: Índice de Desenvolvimento Humano Municipal (IDHM) is a composite measure of three dimensions of the indicators of human development: longevity, education and income. The index ranges from 0 to 1. The closer to 1, the greater the human development. (http://www.pnud.org.br/idh/IDHM.aspx?ÍndiceAccordion=0&li=li_IDHM)

Table 07 - identified municipalities that have adopted private school system in 2013 – per company

Businesses and Systems	Adopting municipalities	%
Positivo Group - SABE	225	66.37
Pearson-NAME	65	19.17
Abril Educação Anglo	23	6.78
Objetivo- SOME	20	5.89
Santillana- Public Uno	6	1.76
Total	339	100

Source: Authors based on data collected by the UNDIME, TCEs, institutional information from companies.

By Table 07, it is evident that the company with the largest presence among the identified municipalities is the Positivo Group - with 66.36%. It is noteworthy that this company was the only one that answered the request of this research regarding the list of all municipalities in Brazil that adopted their education system in 2013. Such information certainly influences the perception of the integration of companies with the public schools. However, if we compare the distribution of companies considering as a universe the data derived from the information collected by Undime and from TCEs, excluding the listing provided by Positivo, the percentage of its domination in relation to the total becomes 53% i.e. majority remains, although to a lower extent⁴⁰.

⁴⁰ Through the questionnaires on the website and in the Undime's National Extraordinary Forum and consultations with the State Audit Courts, it was possible to obtain information on 57.3% of the municipalities that buy the products from Positivo Group. This allows us to have an indication of the extent achieved by this research.

Table 08 - identified municipalities that have adopted private school system in 2013 - per company (excluding the list provided by Positivo)

Business and private systems	Number of Municipalities	%
Positivo Group - SABE	129	53
Pearson-NAME	65	26.7
Abril Educação-Anglo	23	9.46
Objetivo-SOME	20	8.23
Santillana- Public Uno	6	2.46
Total	243	100

Source: Authors based on data collected by the UNIDIME and TCEs.

Another important perspective is to identify the socioeconomic profile of the municipalities that adopted any of the different education systems studied:

Table 09 - MHDI of municipalities identified that adopted private school system in 2013 - per company

Company / MHDI	Very low	Low	Medium	High	Very high
Positivo/SABE	0	12	51	159	03
Pearson/NAME	0	02	09	52	02
Abril/Anglo	0	01	01	21	0
Objetivo/SOME	0	0	02	17	01
Santillana/Uno	0	0	0	06	0
Total	0	15	63	255	06

Source: The authors based on data collected by the UNIDIME, TCEs, institutional information from companies.

Of the identified 339 municipalities, 324 (95.57% of total) have MHDI medium, high or very high. In addition, of the total analyzed, there is no municipality with very low MHDI that has adopted any of the systems studied and also no municipalities with low MHDI was identified as buyer of private educational system by enterprises Objetivo and Santillana.

Table 10 - States with the largest number of municipalities that adopted private education systems – per company

Company / State	SP	SC	PR	MG	Others	Total
Positivo/SABE	53	37	36	32	67	225
Pearson/NAME	59	0	0	01	05	65
Abril Educação/Anglo	22	0	0	0	01	23
Objetivo/SOME	19	0	0	0	01	20
Santillana/Uno	06	0	0	0	0	06
Total	159	37	36	33	74	339

Source: Authors based on data collected by the UNIDIME, TCEs, institutional information from companies

São Paulo State has the largest number of identified municipalities that adopted private education systems for public schools, provided by the companies surveyed. There are 159 municipalities, representing 46.9% of the municipalities that adopt private systems identified in this study, a condition partly explained by this type of participation of the private sector having begun just in São Paulo (ADRIÃO et al., 2009) and partly by the increased availability of data on this state because of the greater transparency of TCE-SP. Santa Catarina, Paraná and Minas Gerais, respectively with 37, 36 and 33 municipalities also have important number of municipalities that have adopted private systems of education from these companies. These data shows that the companies studied here focus their activities mainly in the Southeast and South regions of Brazil, not by coincidence the regions that have the highest percentage of participation in the Brazilian GDP (Gross Domestic Product), respectively 55.4 and 16.2%.⁴¹

⁴¹ Percentage corresponding to 2011 according to the IBGE (Brazilian Institute of Geography and Statistics).

Table 11 - Number of municipalities that have private education systems and Municipal Education Plan, per company - 2013

Company and private system	Number of Municipalities	With Municipal Education Plan	Without Municipal Education Plan
Positivo/SABE	225	145	80
Pearson/NAME	65	37	28
Abril/Anglo	23	10	13
Objetivo/SOME	20	12	8
Santillana/Uno	6	4	2
Total	339	208	131

Source: Authors based on data collected by the UNIDIME, TCEs, institutional information from companies.

The data shows that of the 339 municipalities surveyed, 208 municipalities (61.35%) had Municipal Education Plan in the reference year of the survey (2013), while approximately

38.64% had not elaborated one.

With regards to the second operation indicator of municipal management, i.e., the presence of its own municipal education system, which allows municipalities greater degree of autonomy in defining local educational policy, Table 12 indicates that only in the case of Positivo Group/SABE the presence of municipalities with their own systems of education significantly exceeds those that are linked to the respective state systems.

Table 12 - Number of municipalities with private education systems and their own educational systems, per company, in 2013

	Number of Municipalities	With municipal system	Integrated into the state system
Positivo/SABE	225	139	86
Pearson/NAME	65	34	31
Abril/Anglo	23	12	11

Objetivo/SOME	20	4	16
Santillana/Uno	6	0	6
Total	339	189	150

Source: Authors based on data collected by the UNIDIME, TCEs, institutional information from companies.

Municipalities that have their own system totals 189, or 55.75% of the municipalities surveyed. Among those that adopt the Positivo Group system, just over 60% have their own system. In the case of municipalities served by Pearson/NAME and Abril/Anglo, nearly half had set up their own municipal system during the study period. The municipalities that have adopted the systems Objetivo/Some and Santillana/Uno clash, since most of these do not have the system itself, are tied to the state system.

The presence of their own systems entails, at least in theory, greater democratization of local management education, particularly through the creation of the respective municipal councils of education and greater local autonomy in the determination of educational policies.

7. LOOKING MORE CLOSELY: THE PRESENCE OF BUSINESS GROUPS IN INTENTIONALLY SELECTED MUNICIPALITIES

In 2013, according to the School Census (MEC / INEP), 23,224,479 (45.9%) of enrollment in basic education were under the responsibility of municipalities.

We set out to study the cases of intentionally selected municipalities that corresponded to two criteria: having adopted the private education system sold by any selected business group and being present in the higher ranges (0.8 to 1.0) or lower (0 0.49) of MHDI. The following charts present information related to these municipalities.

In Chart 04, we have a list of municipalities selected according to the classification of MHDI (high and low) that have adopted private education system in the period.

It should be noted that it was not found in the mapping done by this research low MHDI municipalities that adopted the private education system Uno, Anglo and Objetivo, preventing the carrying out of its case studies. Thus, as can be seen in the Chart 04, case studies were performed in low MHDI municipalities only for Pearson and Positivo companies. In all the cases studied there are municipalities in the states of São Paulo, Santa Catarina, Bahia and Alagoas.

Chart 04 - Overview of selected municipalities for research - 2013

ENTERPRISES AND PRIVATE EDUCATION SYSTEMS	Municipalities with HIGH IDHM	Municipalities with LOW IDHM
Santillana/Uno Público	Brotas - SP*	-
Abril Educação/Anglo	Capivari – SP	-

Pearson/NAME	Andradina – SP	Piaçabuçu – AL
Positivo/SABE	Papanduva – PR	Itagibá – BA
Objetivo/SOME	Santana Parnaíba – SP	–

Source: Authors based on the collected data. * Only Brotas refers to 2012. According to the testimony, from 2013, Brotas has changed its system supplier company to decrease spending on this type of expenditure.

Chart 05, below, presents information about the profile of municipalities, which expresses the administrative capacity and an expectation about the institutional conditions for the development of educational policy in meeting the local demands. Thus, it identified the existence of a Municipal School System; the validity of a Municipal Education Plan; the existence of Municipal Board of Education and the FUNDEB Council⁴²; and if public schools have school councils. It is believed that the existence of such instances and management tools can enhance decision-making on educational policies more democratic and more appropriate to the local needs. This is because, although with variations, the collegiate bodies (councils) are made up of representatives from educators, government managers and representatives of families. In some cases, workers' unions in the education are also part of its composition. The existence of a Municipal Education Plan, on the other hand, indicates potential for the development of strategies and educational policy by the municipality.

The municipality of Andradina/SP is the only city studied that does not have its own municipal system, but has other management councils. The municipalities of Brotas/SP and Capivari/SP have their own municipal systems, Municipal Plans for Education and collegiate directors at schools, in addition to having high development index. That is, formally, they would be able to develop and implement their own educational policies. This is not the condition observed in the

⁴² FUNDEB – Accounting fund for maintenance and development of basic education.

municipalities of Itagibá/BA and Santana do Parnaíba/SP. In common, although belonging to opposite scales of development, these municipalities, despite having their own systems, show that they were not able to plan long-term municipal education as they do not have an education plan. Consider:

Chart 05 - Municipal schools administration selected municipality - Presence of Systems, Plans and Councils

	Andradina (SP)	Brotas (SP)	Capivari (SP)	Itagibá (BA)	Papanduva (PR)	Piaçabuçu (AL)	Santana do Parnaíba (SP)
Municipal system of education	no	yes	yes	yes	yes	yes	yes
Municipal Education Plan	no	yes	yes	no	yes	yes	no
City Board of Education	yes	yes	yes	yes	yes	yes	yes
Fundeb Council	yes	yes	yes	yes	yes	yes	yes
School Council	yes	yes	yes	yes	no	no	yes

Source: Authors based on <http://www.deolhonosplanos.org.br/>

With regards to enrollment in kindergarten and elementary school, as show tables 13 and 14, it is emphasized that all enrollments in the first five years of elementary school are the responsibility of municipalities and three of them also are also responsible for the final years of this educational stage - Andradina, Brotas and Papanduva. Another aspect to highlight is that the municipalities of Itagibá and Papanduva have no private schools to attend the final years of elementary school.

By the enrollment data presented in the following tables, it is possible to note that all municipalities offer kindergarten and the early years of elementary school, and also five of the seven municipalities offer vacancies also in the final years of elementary

school. In this case, in spite of all the municipalities attend almost all enrollments in kindergarten and elementary school, the use of the private education system does not always meet that total, as detected in the interviews and the analysis of municipal spending on that kind of purchase.

Table 13 - Enrolment in kindergarten (kindergartens and preschools) per administrative sphere - 2013

SPHERE / MUNICIPALITY	FEDERAL	STATE	MUNICIPAL	PRIVATE	TOTAL
Andradina – SP	-	0	1,674	519	2,193
Brotas – SP	-	0	754	149	903
Capivari – SP	0	0	2,008	303	2,311
Itagibá-BA	-	0	434	97	531
Papanduva – SC	-	0	644	52	696
Piaçabuçu – AL	-	0	685	83	768
Santana de Parnaíba – SP	-	0	6,072	1,540	7,612

Source: Authors based on the school census data (2013)

Table 14 - Enrolment in elementary school, first and final years, per administrative level – 2013

SPHERE / MUNICIPALITY	FIRST YEARS				FINAL YEARS			
	Fed.	Stat.	Mun.	Private	Fed.	Stat.	Mun.	Private
Andradina – SP	-	0	2290	721	-	2448	0	638
Brotas – SP	-	0	1387	231	-	942	302	220
Capivari – SP	-	0	3536	328	-	1247	1344	326
Itagibá – BA	-	0	1412	34	-	0	915	0
Papanduva – SC	-	581	811	74	-	1100	0	0
Piaçabuçu – AL	-	17	1565	117	-	337	1093	52
Santana do	-	0	8810	1991	-	0	8685	1507

Parnaíba – SP							
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Source: Authors based on the school census data (2013)

Another element that helps us set up the organization of municipal management and the impacts caused by adherence to private educational systems is participation in PNLD. Let's see how this issue is presented for each one of the municipalities that make up the case studies:

Table 15 - Participation of municipalities in PNLD concomitantly with the adoption of the Private Education Systems - 2012 and 2013

Municipality	Private system adopted	Total didactic, informative and complementary works received ¹ from PNLD	Year of receipt
Brotas	UNO	21 additional works	2012
	Sistema Dom Bosco	126 additional works	2013
Andradina	NAME	4,865 works	2012
		5,282 works	2013
Capivari	Anglo	4 dictionaries	2012
		175 works	2013
Itagiba	Sistema Aprende Brasil (SABE)	8063 works	2012
		10,176 works	2013
Piaçabuçu	NAME	8813 works	2013
	NAME	8159 works	2012
Papanduva	SABE	3181 works	2012
	SABE	2628 works	2013
Santana do Parnaíba	SOME	107,505 works	2012
		92,199 works	2013

SOURCE: The authors based on <https://www.fnnde.gov.br/distribuicaoosimadnet/filtroDistribuicao>. Accessed on November, 2014

The data comprising Table 15 refer to the total of textbooks, course books, dictionaries and even what the program describes as complementary works (several collections etc.) received by the municipalities through PNLD. The survey considered the set of

works regardless of the grade or the category to what it was directed, since we were interested in identifying whether the statements from the companies and managers about the "superiority" of private systems in relation to other didactic supports, such as textbooks, were true.

It could be noticed that, except for the cities of Brotas and Capivari, limited to receive complementary works, all the others remained in the selected years, linked to PNLD to receive books and teaching materials, as indicated in Table 16. Itagiba, Piaçabuçu and Santana do Parnaíba received such works in fairly high proportion, considering the expenditure made by the municipalities to purchase private education systems, as it is shown in this work.

Table 16 - Proportion of works received per student in PNLD, per municipality, 2013

Municipalities	Book per student / year (2013)
Andradina – SP	1.48
Itagiba – BA	5.51
Piaçabuçu - AL	6.52
Papanduva - SC	1.8
Santana do Parnaíba - SP	6.19

Source: authors based on FNDE data: <https://www.fnde.gov.br/distribuicaosimadnet/>

By comparing the information in Tables 15 and 16, two aspects are worth noting. The first is that the private school system did not prevent, in general, municipalities to request PNLD books. This is a positive aspect, as it may indicate that the educational activities were not reduced only to what is prescribed by those materials. On the other hand, draws our attention, and also the public prosecutor's (MIZUKI, 2013), the fact that governments spend doubly resources for the same purpose, as the textbooks of private systems convey commonly content also present in textbooks distributed by PNLD.

Other studies (Adrião et al, 2009) have indicated the double payment for the same purpose:

Another reason why we should be attentive to the acquisition of private educational systems by the public sector is the fact that people pay in double for textbooks used in public schools [...] The population already pays private companies in the publishing industry, sorted by technical evaluation for the production of textbooks that integrate federal programs and whose collection is available to the municipal education networks. (ADRIÃO et al, 2009, p. 808-09)

Moreover, it is surprising that municipal networks with up to 15,000 students acquire concomitantly materials from private systems and the books distributed by the federal government through the PNLD. This is the case of Itagiba, Piaçabuçu and Santana do Parnaíba, in which there is a distribution per capita of more than 5 works per student/year and also the purchase of private systems.

Since 2012, the municipalities that do not wish to participate anymore in PNLD should request the suspension of remittance of the material or its exclusion from the Program, according to Resolution n. 42/2012 of the National Forum for the Development of Education.

7.1 Municipal expenditures with the purchase of private education system

One of the specific goals of this research was referring to municipal expenses with the purchase of private education systems and the proportion of these costs in relation to municipal spending on education. Therefore, we considered:

●● Definition of the approximate value of the private system of education per student in each municipality;

◎◎ Percentage of spending with the private education systems in relation to total spending in each municipality in the role education;

◎◎ Percentage of spending with the private education systems per student/year for expenditure per student/year in the attended years.

It's noteworthy that, in Brazil, as stipulated in the Federal Constitution and the Law of Directives and Bases of National Education, for the Maintenance and Development of Education, states, municipalities and the Federal District should use least 25% of the resulting income taxes and transfers. As Bassi (2011, p. 119) states, "the linking [vinculação], as that device became known, generates by far the most significant amount of resources for the financing of municipal education".

The Law of Directives and Bases of National Education also establishes what is considered spending with Maintenance and Development of Education, among which are: remuneration and improvement of education professionals; acquisition, construction and maintenance of facilities and equipment necessary for teaching; use and maintenance of goods and services linked to education; studies and research aimed at improving the quality and expansion of education; conducting support activities necessary for the functioning of education systems; granting of scholarships to students from public and private schools; maintenance of school transportation programs and acquisition of school material. It is within this group of expenses that the federal government maintains the mentioned PNLD.

7.1.1 Approximate value used in the private system of education by municipalities

The approximate amount invested by each municipality in the purchase of private education systems was calculated from dividing the total amount spent on the systems and the number of students served in the grades in which it was adopted. For the total amount spent by the municipality with the private education

systems, we used data collected from the Audit Courts of the respective states. To value the composition of expenditure in the year were added all expenses paid during the year to the company responsible for the sale. On the other hand, the data regarding the number of enrollments attended by the partnership are the School Census 2013, except for Brotas, whose data are for 2012. Information on which grades are attended by the partnership were also taken from the Audit Courts, except for the municipality of Itagibá/BA whose information was taken from the interview, since there was no such information in the Bahia Audit Court website.

Table 17 - Approximate nominal value of private education systems per student / year in the attended grades, in 2013 (R\$)

Municipalities / SPE High IDHM	Total expenditure - SPE	Attended grades	Number of students	Value student / year
Andradina (SP) - NAME	632,771.04	EI e EF	3964	159.62
Brotas (SP)- UNO	739,859.71	EI e EF	2323	318.49
Papanduva (SC) - SABE	320,332.18*	EF	811	394.98
Capivari (SP) – Anglo	2,219,687.51	EI e EF	6888	322.25
Santana de Parnaíba (SP) – SOME	4,092,240.99	EI, EF e EM	28,608	143.04
Low IDHM				
Itagiba (BA) – SABE	516,558.62	**	1787	279.82
Piaçabuçu – NAME ***				

Source: TCEs (SP, SC, SE, BA) and School Census (MEC-INEP)

* expenses with the SAE from January to June 2013; ** In this case there is no information in the TC on the grades attended, it was adopted as methodology the division of the expense with the SPE by the total municipal enrollments; *** It was not possible to find information about the municipality of Piaçabuçu.

Table 17 indicates that the smallest amount spent per student per year for the purchase of the private education system was R\$ 143.04, in the municipality of Santana do Parnaíba/SP, with

Objetivo company. The largest amount, on the other hand, was spent by the municipality of Papanduva/SC, with Positivo Group.

It is interesting to note that a private education systems sold by the same company may have different costs for the municipalities buyers. For example, the system sold by Grupo Positivo cost approximately R\$ 279.82 in Itagibá/BA and R\$ 394.98 in Papanduva/SC. Itagibá is a city of low MHDI, while Papanduva has a high MHDI. It would not be strange if, as there is an adaptation to the inequalities between the "consumer governments", the "kits" that integrate the private systems consisted of services and products according to their spending capacity.

7.1.2 Proportion of spending on the private education systems in relation to total expenditures of municipalities in education

For the establishment of this value we used two data sources. The data relating to total spending of each municipality in education were collected from SIOPE - System of information on public budgets with education⁴³. As for the amount spent by the municipality with the private systems, the procedure already described in the previous section assumed consultation with the Audit Courts.

Table 18 – Participation of expenditure with the private systems in the total expenditures of the municipalities in education - 2013

Municipalities / SPE	Total expenditure - SPE	Total expenditure - Education	Relative share of SPE (%)
Andradina (SP) - NAME	632,771.04	29,865,664.34	2.11
Brotas (SP)- UNO	739,859.71	16,147,464.09	4.58
Papanduva (SC) – SABE	320,332.18*	8,539,180.03	3.75

⁴³ Source: <http://www.fnnde.gov.br/fnde-sistemas/sistema-siope-apresentacao/siope-relatorios-municipais>. Accessed on 10/10/2014

Capivari (SP) – Anglo	2,219,687.51	38,984,620.49	5.69
Santana de Parnaíba (SP) – SOME	4,092,240.99	199,105,166.43	2.05
Itagiba (BA) – SABE	516,558.62	13,926,865.96	3.7
Piaçabuçu (AL) – NAME**		10,021,450.66	

Source: TCEs (SP, SC, SE, BA) and SIOPE.

*Values spent with SAE from January to June 2013; ** Data about the municipality of Piaçabuçu's (AL) partnership were not found.

It can see in Table 18 that all municipalities surveyed used between 2% and 6% of total spending on education to the payment of private educational systems. Two municipalities of São Paulo state have the lowest and the highest percentage, respectively Santana do Parnaíba, with 2.05%, and Capivari with 5.69%. It is also not possible to state here that there is a differentiation in percentages depending on MHDI of the municipalities surveyed.

7.1.3 The percentage expenditure with private educational systems per student / year related to total spending per student/year in 2013

To compose the expenditure per student per year in the attended grades, it was used data from SIOPE (specifically the demonstrative of education). Thus, if the council adopted private system for primary education and early childhood education, it was summed up the expenses paid in these two stages of basic education. On the other hand, the spending per student /year with private systems is shown in Table 19.

Table 19 – Expenditure on private systems per student per year in relation to total expenditure per student per year in the assisted grades, 2013 (R\$)

Municipalities / PRIVATE SYSTEM	Total spending per student / year	Total spending per student / year with the SPE	Relative share of SPE (%)
Andradina (SP) – NAME	6,899.05	159.62	2.31
Brotas (SP)- UNO	6,124.37	318.49	5.20
Capivari (SP) – Anglo	4,961.00	322.25	6.49
Papanduva (SC) – SABE	5,616.12	394.98	7.03
Santana de Parnaíba (SP) – SOME	5,440.96	143.04	2.62
Itagiba (BA) – SABE	6,651.38	279.82	4.20
Piaçabuçu (AL) – NAME*			

Sources: TCEs (SP, SC, SE, BA) and SIOPE. * No data found about spending with the municipality of Piaçabuçu's (AL) partnership.

It was not possible to find any significant difference between municipalities with high and low MHDI. As for the percentage of expenditure on the purchase of the private educational systems in relation to total spending in the attended grades, the variation was from 2.31% in the municipality of Andradina, São Paulo, and 7.03% in Papanduva in the state of Santa Catarina. Both are municipalities with high MHDI, using, respectively, NAME and Positivo private education systems.

Comparing the percentages shown in Tables 18 and 19 it is possible to note that, in the latter, the percentages are slightly higher, given that in the "total education spending" were considered the expenditure of municipalities with all grades and

categories in which it acts. In Table 18, the figures indicate the proportion of expenditure per student/year considering only the cost of the grades attended by the private system.

In addition to the relationship between the cost/student and the municipalities' MHDI, other indicators were also considered. Chart 06 provides information regarding the cost/student/approximate year of private systems in different municipalities, seeking to relate it with: company contracted, resident population, MHDI, number of students enrolled in the grades to which private educational systems were purchased, grades attended by the systems purchase and, finally, the package acquired. Municipalities are presented in descending order, according to the approximate cost of the private systems, defined in the previous table.

Table 06 - Relationship between approximate cost of private educational system per student and other factors, 2013

Municipality / Factors	Cost student / year (R\$)	Company	Population	MHDI	Students	Attended grade*	Package acquired
Papanduva (SC)	394.98	Positivo/SABE	17,928	high	811	ES	Handouts, training after 2014, access to website and simulated exams.
Capivari (SP)	322.25	Abril Educação/Anglo	48,576	high	6888	ECE and ES	Handouts,, weekly educational assistance, conferences, support material.

Brotas (SP)	318.49	Santillan/Uno	21,580	high	2323	ECE and ES	Handouts, training (2 per year), specific material for special needs such as poor vision
Itagiba (BA)	279.82	Positivo/SABE	15,193	low	1787	ECE and ES	Handouts, teachers training and access to website.
Andradina (SP)	159.62	PEARSON NAME	55.334	high	3964	ECE and ES	Handouts, bimonthly monitoring, training, simulated exams and supplementary textbooks.
Santana de Parnaíba (SP)	143.04	Objetivo SOME	108,813	high	28,608	ECE, ES and HS	Handouts, teachers training and website.

* ES = Elementary School / ECE = Early Childhood Education / HS = High School
The municipality of Piaçabuçu is not in the table as there is no information about the cost / student / year.

We have already pointed previously that it is not possible to make any link between the cost of the private system and the MHDI of the different municipalities surveyed. However, in this framework, the main highlight to be done refers to the fact that the municipality which had the highest cost/student with private systems – childhood and elementary education in Papanduva/SC – is a small town with 17,928 inhabitants. This municipality was the only one to buy the private system to be used only in one educational stage (elementary), with the lowest number of

enrollments. At the other extreme, the municipality of Santana de Parnaíba/SP, which paid the lowest cost per student, adopted the private system in all stages of basic education (early childhood, elementary and high school), which together accounts for 28,608 municipal enrollment. It is also the largest municipality in terms of population. These data indicate a possible relationship between the cost/student/year and the volume purchased. It is noteworthy that this relationship is seen when we compare the two municipalities with the highest and lowest cost, but it is not necessarily confirmed in other municipalities surveyed.

It was not possible to point out any relationship between cost/student and the service package purchased in each municipality, nor between the cost and the different companies contracted. It is interesting to note that a private system sold by the same company may have different costs for the purchasing municipalities. For example, the system sold by Positivo Group cost approximately R\$ 279.82 in Itagiba/BA and R\$ 394.98 in Papanduva/SC. Itagiba is a city of low HDI, while Papanduva has a high HDI. It would not be unexpected that as adaptation to the inequalities between the "consumer governments," the "kits" that integrate the private systems consisted of services and products according with their spending capacity. This difference in the costs of the same private system in different municipalities deserves attention from regulatory agencies (Audit Courts, prosecution office, etc.).

7.2 The perception of managers on the adoption of private education systems in the municipalities studied

The seven municipalities informed earlier took part in the interviews. In order to collect data in the interviews, six were conducted in person and one by phone. All were recorded with the consent of the respondents. The interviews aimed to identify how occurred the acquisition and decision making for the purchase of the private system (Chart 07), as well as general data that could help building up the diagnosis already presented. In the following

tables, we present the level of education served by the private system and details on the material used by each company.

Chart 07 - Summary table on decision-making for the purchase of private systems in the interviewed municipalities

MUNICIPALITIES	FORM OF ACQUISITION OF THE SYSTEM	DECISION MAKING FOR PURCHASING THE SYSTEM
Andradina/SP-Pearson/NAME	Bidding.	Proposal from the Mayor, who has formed a team (coordinator of the Education Department, supervisor, schools network coordinator, early childhood and elementary school teachers) who analyzed the material by three companies (Objetivo, Positivo and PEARSON).
Brotas (SP)-UNO/SANTILLAN	Bidding (occurs every year, with the criteria the relationship between what the council want and the price of the material).	Who decided it was the mayor without involvement of other collective bodies.
Capivari/SP – ABRIL EDUCAÇÃO/ ANGLO	They knew the material through a particular school unit of Anglo that there is in the city.	Education Department (they can't state whether there was or not participation of other agencies, communities or groups).
Itagiba (BA) – Positivo/SABE	Decided during the previous management.	The respondent does not know whether there was participation of the City Board of Education to adopt the private system (the interview reveals that it was imposed on schools and teachers).
Papanduva/PR – Positivo/SABE	They consulted several companies, Anglo, OPET, Objetivo, PEARSON, but Positivo is a strong brand in the region	By the Education Department and the school principals, validated by the City Board of Education.

	and in the state capital, a factor that played an important role in the decision	
Piaçabuçu/ Pearson/NAME	The municipality's education department evaluated other private systems from four other companies (Alfabeto, PEARSON, Positivo)	Coordinators of the Education Department, the schools' educational coordinators, preschool teachers (in 2014), with the validation of the City Board of Education.
Santana Parnaíba/SP – ObjetivoSOME	Public bidding	It was a management decision. Supervisors analyzed various systems to participate in the trading session (attended by Positivo, Anglo, ...). There is a City Council, but they could not state whether it took part in the decision. It was discussed with teachers, coordinators and supervisors. Little involvement of parents in relation to the private system acquired.

Source: The researchers based on data collected in the interviews.

Chart 08 - Summary table about the beginning of the acquisition and education level offered in the interviewed municipalities

MUNICIPALITIES	START OF SYSTEM ACQUISITION	EDUCATION STAGE
Andradina/SP- PEARSON/NAME	Since 2009 (5 years renewable contract annually for guidance Biddings Consulting Division).	Early Childhood Education (from nursery), Elementary School and material for children with disabilities.
Brotas (SP) - SANTILANA/ UNO	Pueri Domus from 2005 to 2011; UNO in 2012; and Dom Bosco in 2013 and 2014	Elementary School.
Capivari/SP – Anglo	Since 2005 (5 years renewable contract)	Children and elementary school education (in focused schools/urban area). In January 2013 a

		survey was conducted with all teachers to evaluate the use of the material, and it started to be used in early childhood education and grades 4 th and 5 th all over the city, in urban and rural areas.
Itagiba (BA) – Positivo/SABE	Since 2010	In 2012, they adopted the from Children education to the 5 th year of elementary school. In 2014 only elementary education I. The waiver of the preschool level is related to the idea of gradually removing the private system (which would be an achievement of the population – with political weight) and start resuming PNLD (because the Audition Court judges it is two costs for the same purpose, so they have canceled the textbooks for elementary school I).
Papanduva/PR – Positivo/SABE	Before OPET. Since 2012 it has adopted Aprende Brasil System, by Positivo.	Only for the 5 th and 9 th grades of elementary school. In 2014, for the 4 th and 8 th grades. Early Childhood Education (from nursery). Very poor municipality with a low IDEB.
Piaçabuçu/ Pearson /NAME	Since 2010.*	Elementary Education and High School.
Santana Parnaíba/SP – Objetivo/SOME	Since 2008. They had the private system for 6 years. In 2014 they did not have one due to a timing issue in the realization of the bid. They intend to resume in 2015, but did not know with which company.	Early Childhood Education (from nursery), Elementary School and material for children with disabilities.

Source: The researchers based on data collected in the interviews.

* When the private system was purchased in 2010, the sale of the company to Pearson had not yet been done, the material developed by NAME had the company's name, COC.

Chart 09 – Summary table of the services contracted by municipalities

MUNICIPALITIES	CONTRACTED SERVICES
Andradina/SP-Pearson/NAME	Textbooks materials, bi-monthly follow-up with staff in schools to monitor and evaluate the use of handouts. They also offer on-line support in the system's website, where teachers are all registered with a password. There are still reviews, and distribution of recovery textbooks for students (one book per student). The Secretariat requested training from 2014 on to early childhood education and for primary education teachers (three hours of training every two months).
Brotas (SP) – Santillana/UNO	Textbooks materials and equipment adapted for some special needs, such as low vision (expanded materials). There are two annual lectures (one per semester) and two training courses (also one per semester) for teachers and for managers.
Capivari/SP – Anglo	Textbooks (for all students), CDs, journal, pencil case, pencils and other materials. Educational assistance, with weekly visits to schools. It also offers videoconferencing and presence conferences.
Itagiba (BA) – Positivo/SABE	Handouts, with books for students and teachers, as well as access to the site for both, students and the teachers, through a password (Portal Aprende Brasil). There is still continuous teacher's training.
Papanduva/PR – Positivo/SABE	Textbooks; Aprende Brasil website access for students and teachers, by personal password; preparatory tests for Prova Brasil (a standardized government test); and teacher training courses (from 2014 on).
Piaçabuçu/a Pearson /NAME	Textbooks; teacher training and educational support to teachers and to monitor the development of children; lectures for parents; virtual space for teachers and students; and an agreement with the municipality to offer undergraduate and specialization for teachers with special prices.
Santana Parnaíba/SP – Objetivo/SOME	Textbooks; training for teachers; and virtual space for questions.

Source: The researchers based on data collected in interviews

8. THE PRIVATE EDUCATION SYSTEMS IN THE LIGHT OF THE BROAD CONTENT OF THE RIGHT EDUCATION

8.1 Violations of the availability and accessibility of education

It was hoped that the growing participation of the state in the mandatory provision of mandatory and non-mandatory education, which took place in recent decades, started reducing the market space in education, more specifically the profitable and non-profit private schools. However, as identified in this paper, business groups and economic groups have sought other ways to profit from the education not exclusively with direct education offer (enrollment in private schools), threatening the human right for education paradigm, which is replaced by the market logic, based on cost-benefit and vision of students as commodities (ADRIÃO et al 2009; 2012). This perspective, which directly links the weaknesses of the Brazilian public educational system to business opportunities, is explicitly expressed by some of the business groups, as already explained in this paper. The adoption of private systems - and not other types of state investments - is pointed as "efficient solution for quality offer in a market with few well-trained teachers and rare teachers with exclusive dedication" (ABRIL Educação, Market n.d.), among other advantages.

In this profit expansion movement in education, the sale of private education systems to municipal networks, as demonstrated in the overall mapping carried out, formed a major privatization trend in Brazil, with the development of a competitive market for companies that vie for the provision of these services to the municipalities. As discussed in the general characterization of the companies and Chart 01, the packages sold to municipalities vary in scope and purpose, as do the proportional expenditures of

municipalities for their maintenance (Tables 18 and 19). All of this in a context of need and resources for investments and maintenance of basic aspects of the contracting public schools networks.

The abrupt and poorly planned municipalization of elementary school in the last two decades, since it was not accompanied by financial and technician comparable support, made explicit the precarious situation of many of the local governments, creating a promising market for private advisors in educational and management fields. The weakness of educational managements also leave room for "endogenous" privatization modalities, such as public-private partnerships that lead to the proliferation of private logic in public education and the incidence of corporate actors in the management of education policies at the expense of democratic participation mechanisms and the strengthening actors committed to the structuring of public systems of education, through the development of skills in the schools and municipalities.

Today, the federal government provides, free of charge, to municipal and state schools didactic and para-didactic material for elementary and high school education, in the regular modalities and adult and youth education, through the National Textbook Program (PNLD). Only in 2014, the federal government spent more than R\$ 1.1 billion (according to the Ministry of Education) in the purchase of educational materials to be distributed to municipalities. Still, in the case of those that take private education systems, the municipalities stop receiving the books on their network to expend its own resources in the acquisition of such systems. This may well characterize the duplication of spending for the same issue - textbooks (ADRIÃO et al., 2009, p. 809) - as, in the case of those that formally give up the receipt of PNLD books, voluntary loss of resources that would be transferred from the federal government.

As we have seen, buying private systems of education to public municipal networks, as well as the PNLD and other initiatives of "purchasing school material" (Law of Directives and

Bases of National Education, 70, VIII), can be accounted for in spending on maintenance and development of education. This means that this direct transfer of public resources to the private sector does not suffer from the limitations imposed by the Constitution for the state transfer to the non-profit sector (Brazilian Constitution, article 213).

Therefore, the increasing use of public funds to purchase private education systems, associated with high profits involved in such negotiations and the loss of a feature offered for free by the federal government substantially reduces the ability of municipalities to provide new places in the public system, due to the reduction of available public resources for creating opportunities, especially in non-mandatory stages and in those where its coverage is low, impacting the poorest populations, children in age to attend at nurseries, young people and adults with low education and students with disabilities or special educational needs – populations normally excluded from nurseries or schools under the argument of absence of resources for the generalization of attendance besides the mandatory stages or modalities.

Therefore, some of the main findings of this research are the data for the cost of the adoption of private education systems by municipalities (Section 7). We have seen (tables 17 to 19) that the amounts spent on educational materials per student/year vary significantly among the municipalities surveyed, from R\$ 143.04 in Santana do Parnaíba/SP to R\$ 394.98

in Papanduva/SC. In percentage terms, the expenditure per student/year with private systems ranged from 2.31% in Andradina/SP to 7.03% in Papanduva/SC. In the municipality with low MHDI – Itagiba/BA - This expense represented 4.2% of spending per student/year.

The amount spent on the systems in proportion to the amount used, for each municipality, in education reinforces the perception of the importance of this expense in the municipal education budget. Table 18 has shown us that this participation could reach 5.69% of these expenses, as in the case of the municipality of Capivari/SP, with

a minimum 2.05% percentage in Santana de Parnaíba/SP. Taking into account that the share of current expenditure on teaching and non-teaching staff represents most of the fixed costs of education in the cities, we see that although minority when compared to total expenditure, expenditure on private systems consume a relatively large part of the free allocation resources, which could be applied to investments in infrastructure or other strengthening programs of their public network.

Established as a hypothesis to be verified in future studies, the percentage applied to the purchase of private educational systems is comparable, in some municipalities, to the costs of investments in the construction of early childhood education units or refurbishment and qualification of existing schools. Moreover, as educational companies strongly influence the direction of the educational policy, it would not be an unreasonable hypothesis to think that such influence on the public budget is strongly reaching municipal managers who stops investing in expanding its service capacity while transfers resources to increase the profits of such companies.

Although there is no correlation between municipalities MHDI and the percentage of their budgets to contracts with private educational systems, it is a fact that in the universe of contracting municipalities stand out those with higher MHDI, as demonstrated: of the 339 identified municipalities, 325 (95.57% of the identified municipalities) have medium, high and very high MHDI. On the other hand, if there are some municipalities with low IDHM that adopt such systems, any municipality with very low IDHM was identified as the education system contractor in the reference year. These data indicate that the municipalities with greater relative availability of resources are the main targets of private groups.

The direct transfer of funds to the private sector through the purchase of private education systems, including the possibility of accounting these expenditures on maintenance and development of education, in this context, encourages privatization, weakens the ability of municipalities to directly implement teaching in those

stages and modalities with more needs and tends to decrease infrastructure, technical staff and management for the provision of a quality public education, since this happens to be partly contracted out. While it is recognized that a portion of the expense is reversed in services, advisory and teaching/learning materials, private educational systems have the main purpose to hold up public resources for the profit of corporate groups. Thus it has a negative effect while reducing social and educational inequalities.

8.2 Violations against acceptability and adaptability in school education

Private education systems based on handouts are a methodology focused on the learning material (textbooks), often called handout (cheaper paperback), whose content is a compilation of the most important information about each subject, exercises, pictures, schemes, etc. On the one hand, it provides a more organized teaching, on the other, it paralyzes pedagogical practice and shows another effect of "endogenous" privatization. One of the possible developments of this methodology is the fragmentation of knowledge, incapacitating the individual to understand it globally, as well as their causes, processes, consequences and contexts. This specific issue, ie, the analysis regarding the pedagogical content of the materials provided by private education systems, is beyond the scope of this research. Our focus is in the process of choice and its relationship with the State duty to ensure acceptability and adaptability in education.

As they do not go through a quality control process by government agencies such as occurs with the materials of PNLD, there is no accountability on the acceptability (quality) of materials and their suitability to the curriculum guidelines. This assessment is left to the contracting municipalities themselves.

In interviews with the managers, this issue was proposed, although not all of them have expressed this concern in the acquisition process carried out by the municipality. In some cases,

it was recognized that, in addition to non-existence of a process of quality analysis of the offered material and the suitability of its specific proposal to local demands, the decision was not even analyzed by the educational bodies.

Some municipalities, however, conducted a preliminary assessment process. In Andradina/SP it was reported that the mayor decided to form a team - made up of a coordinator from the education department, a supervisor, a public schools network coordinator and two teachers of elementary and early childhood education - which analyzed the material of three companies (Objetivo, Positivo and Pearson) and decided to hire the latter. The contract was valid for five years, with annual renewal between 2009 and 2013. The research could not check the candor of such evaluations or whether they have been made solely for the purpose of preventing judicial questioning by public prosecutors, the Auditors Court or other competitors companies⁴⁴.

In Papanduva/SC, it was reported that there had been consulting with various companies - Anglo, OPET, Objetivo, Pearson - prevailing, however, since 2012, Positivo for being "a strong brand in the region and in the state capital", a feature that played an important role in the decision, even more than any evaluation of quality and adaptation to local needs. Still, the decision was "validated" by the municipal department of education, the school principals and the municipal board of education. According to the respondent, in 2014 there was a reduction in the private system presence to the early grades of elementary school, which would be part of a gradual strategy to

⁴⁴ One aspect not addressed in this study is related to legal questions about the fairness of the bidding process for the purchase of private education systems by municipalities. Since there are several offers on the market, the public prosecutor, for example, is questioning the application bidding waiver for the purchase of private education systems. However, such questions are restricted to the form of adoption of such systems in the municipalities, which is why it is possible that the evaluations referred to by the representatives of the municipalities are a simple way to avoid and prevent such questioning.

withdraw the private system, which is highly valued by the population. They also aim to meet the objections of the Audits Court, as the municipality chose not to cancel the participation in PNLD in the grades covered by the private education system.

Also in Piaçabuçu/AL, which has adopted the private system produced by Pearson, since 2010, reported to have been carried out analyzes of other private systems by the education department, including Alfabeto and Positivo. In that case, the decision would have gone through coordinators of the education department, educational supervisors of schools and preschool teachers, with the validation of the municipal education council.

In Santana do Parnaíba/SP, according to the report, the preliminary assessment was restricted to managers linked to the central government education department. They analyzed various systems to participate in the bidding process, which was attended by Positivo, Anglo and Objetivo, which came out selected. The system has been adopted since 2008, with interruption in 2014 due to flaws in the bidding process. Despite having a municipal education council, the respondent could not say whether its members or body took part in the decision that led to the initial adoption, but said the choice was not discussed with teachers, coordinators and supervisors. He also notes little parental involvement with the system acquired.

In Itagiba/BA the respondent did not say whether there was participation of the municipal council of education in the adoption of the private system, although he has shown that the adoption was imposed on schools and teachers. In this case, the reason for not being aware is the change of government, since the decision to adopt the private education system was taken under the previous government to that one, that started in 2013. Despite this factor, in that year, according to the respondent, it was conducted a "survey with all teachers" to evaluate the use of the material and as a result its use has been expanded to early childhood education and elementary schools of the rural areas.

In Capivari/SP, the respondent attributed the choice of the Anglo system to the presence of a private school linked to that business group in the city, which at once reveals the absence of any detailed assessment of the quality and adaptability of the materials provided in relation to the other competitors. The decision passed by the education department, but the respondent does not know whether there was the participation of other agencies, communities or groups. Since 2005, they have adopted this system in contracts of five years with the possibility of renewal, according to the interviewee.

Another issue perceived in the study is the need of differentiation and analysis of two decision moments. The first is the very decision to adopt or not a private school system, while the second relates to the decision on which system to adopt among those offered in the private education market. There are few explicit references to the first decision in the interviews, although it should be assumed that this type of policy option naturally concerns the sphere of the municipal secretary of education's or the mayor's assignments.

In Brotas/SP, the respondent has explicitly recognized that it was up to the local mayor to decide upon the adoption of private systems without participation of collegiate bodies from the educational field or schools. Once it was decided, according to the respondent, there has been held an annual bidding process to purchase the private system, combining an evaluation of the materials available and the offered prices. The little difference between the contracted systems, however, shows that the continuity factor plays a major role in the choice process, even for pedagogical reasons: Pueri Domus system was adopted from 2005 to 2011, and Uno between 2012 and 2014.

The first choice, ie, the initial option of adopting a private system of education is related to the aforementioned dissemination of a negative view of public education, encouraged indirectly by the State through the way of disclosure and dissemination of the results of schools on standardized learning tests. Those are promoted in national public policy as the sole quality criterion, being spread in a decontextualized way in relation to the socioeconomic profile of the

students and the cultural, ethnic and racial diversity of the population. This, allied to the explicit marketing of educational companies, leading public decision-makers to believe that the adoption of private systems produce qualitative changes in municipal schools networks, approaching them to the performance of private schools that adopt the same systems.

Therefore, the concept of quality conveyed in the adoption of standardized systems is self-referenced, supported by strong advertising strategies and based on the performance of private schools that in no way resemble the public schools, since these are aimed at higher income population and have as their reason for existence socioeconomic segmentation that they themselves produce. Even though these companies adopt different strategies, in general, it was identified major investments in promoting this vision that seeks to relate improvements in the quality of education to the adoption of standardized education systems. This advertising, in some cases, is targeted to managers of public schools - including the direct distribution of magazines that convey the mayors and municipal education secretaries.

This factor is also evident in the case of the municipality of Capivari/SP, in which the Anglo system was adopted because of the presence of an Anglo private school unity in the city. It is also referred by the education manager as justification for the adoption of Positivo system in Papanduva/SC, since this would be a strong school brand in the state.

Regarding the adaptability, the lack of prior consultation with the school communities (school boards, municipal education boards or other organs), both in decisionmaking on the adoption of a system and the choice of system to be adopted, and the unilateral imposition of these choices to schools, should be understood as a violation of the right to education, since it limits excessively the academic freedom of teachers and students and the relative autonomy of schools, without a proper discussion of such limitation in debates or instances of democratic management. Unlike the textbook from PNLD, the handout materials are

characterized distinctively for proposing tighter controls on the content and teaching time, as characterized in this work.

As we have seen, through the adoption of standardized private systems we emphasize the central planning of the pedagogical aspects, which are thus outsourced to private actors outside the local school system. There is also standardization of teaching and students, as well as the use of different control strategies on schools, generically called training. As characterized in this study, such training moments are actually intended for dissemination of models and educational products purchased by the municipality.

Other issues of concern regarding adaptability dimension are those related to diversity and the guarantee of non-discrimination. While the materials produced by PNLD undergo a deep evaluation by technical teams of public higher education institutions, to ensure the quality of content and reduce the risk of containing misconceptions, stereotypes reproduction, or denote prejudice or discrimination of any kind; private school systems do not undergo regular evaluation procedures, they are, as we have seen, in many cases bought and distributed without being properly analyzed by municipal managers, since the procedures of each municipality are diverse and often are subject to prior interests, whether of continuity or preference for a particular brand.

Moreover, unlike the PNLD, the purchase of packages by municipalities does not preserve the autonomy of teachers and schools in the choice of materials and methodologies offered. There is therefore loss in terms of adaptability associated with setbacks in terms of participation and public transparency.

Reflecting the central feature of these systems, the adoption tends to violate the state duties such as the recognition of cultural and educational diversity, which should be respected, protected and promoted by the State. As can be seen from the range of services offered, the adoption of standardized private systems of education in public schools dramatically reduces the curricular adaptation space, as well as the educational autonomy of schools

and teachers, since all classes, activities and content are standardized and controlled based on this reference. It is also this process of standardization that now bases the education training agendas that are contracted by municipalities from these companies. The private systems in public schools, thus, tend to undergo schools, teachers and students to the homogenization, weakening their capabilities as active individuals and creators in the realization of the right to education. In this regard, they oppose to the democratic management of education and, worse than that, they promote reliance on public networks to private services, as it does not encourage the development of local capacities for the production of educational proposals, training and assessments.

Finally, for groups historically marginalized in their right to education, the lack of transparency, participation and public control over private education systems calls into question its capacity of promotion for inclusion and recognition of students with disabilities or special needs, from rural areas, indigenous and *quilombola* communities and other traditional populations.

9. CLOSING REMARKS

The study shows that public education is increasingly constituted as a market for groups or holdings operating in the financial sector. This trend has been empirically perceived by the performance analysis of five of the major groups included in the "educational market" in Brazil for the sale of private education systems to public education networks of subnational: Positivo Group, Santillana Group, Objetivo Group, Abril Educação and Pearson. The huge investments and diversification of products and services intended for public education are important indicators of how the education market already assimilates, in the country, public enrollments as primary investment products or commodities, as indicated by previous studies.

Private educational systems, as characterized, are not limited to instructional materials, but correspond to a set of actions and programs that embody the very educational policy.

Mergers and acquisitions of groups and companies providers of private educational systems, formerly marketed by local and even family groups, reiterate that the Brazilian phenomenon of adoption of private education systems by the public networks of education takes shape, showing up as a trend that, at least for some corporations in question, as is the case of Santillana and Pearson, has the potential to expand globally. From the five companies surveyed, only two - Objetivo Group and Positivo Group – did not have, until the closing of this research in the first half of 2015, gone publicly traded. The other three groups that sell private systems of education to municipalities are controlled or have participation of large transnational corporations that act, among other areas, in the education market. It is the case of NAME System, owned by Pearson; Public Uno System, by Santillana Group; and Anglo System by Abril Educação.

Corporations also seem to give evidence of incursion in the Brazilian educational public agenda with greater force and through the establishment of "social arms" of companies, such as nonprofit corporation (foundations or institutes), as can be inferred from cases in which it was noticed the presence of bodies of foundations and institutes on boards of public management or national policy. It does not seem of little importance that former presidents of the republic, or representative offices of senior public administration are called to compose advisory boards of non-profit entities linked to business groups that perform large business in the educational market.

Considering that one of this research's main goals was to map the inclusion of private companies in the public education offered by the municipalities, it is important to point out the difficult access to these data. During the development of the research, the restriction on access to information led our team to adopt different strategies for accessing data, with results always partial to total data that it initially was intended to analyze. From the surveyed private companies, we highlight that only Positivo Group allowed access to information about its activities in Brazilian municipalities.

This difficulty of access is due, on the one hand, to the lack of information and studies on the subject by the administration itself at the federal level - capable of carrying out systematic surveys and wider coverage - and, on the other, to the lack of transparency of agencies that should be the main drivers of transparency and access to information, such as the Audit Courts. In this regard, the full implementation of the Access to Information Act, in force since 2011, and the strengthening of transparency and social control in acts of public administration are still challenges. Even more because it is about public funds, whose destination, by principle, would require accountability.

Despite these difficulties, the 339 mapped municipalities point trends already demonstrated in previous studies (ADRIÃO, et al 2009; 2012). One is the increased presence of the Positivo Group, corresponding to 66.36% of the municipalities that adopt private education systems, or 53% if we disregard the list sent by the

company. Also noteworthy is the large number of municipalities with private education systems in states of the South and Southeast regions of the country. It was identified in this study the states with the largest number of municipalities adopters of private education systems, namely: São Paulo, with 159 municipalities; Santa Catarina, with 37; Paraná, with 36; and Minas Gerais, with 33. These are the two regions with the highest percentage of participation in the GDP (Gross Domestic Product) in Brazil, respectively, 55.4% and 16.2%, and in which are concentrated municipalities of very high, high or medium MHDI. The difficulty in finding municipalities with low MHDI that adopted private school system in 2013 points to the prevalence of the performance of companies in the education market in municipalities with greater availability of resources, as in Brazil governments are required to invest 25% of tax revenues in the education they offer, although many of them still have major challenges with regards to guaranteeing quality education offer for all.

From the information collected from printed media outlets, it was revealed the growth of the space given to education in publications aimed at the business field in which the area is presented away from the notion of a fundamental right, especially in materials aimed at investors in securities traded on exchange.

At the same time, one can see that companies that provide private education systems have been largely responsible for the financial support of publications aimed at education professionals, occupying between 70% and 90% of the advertising space available on them. It is also important to mention the existence of financial relations between media companies that produce such targeted magazines, and business groups working in the public education market. Despite the virtual absence of these companies in the editorial content analyzed, there are cases such as the award TOP Educação in which editorial content and advertising merge.

Regarding the quality of textbooks that integrate private education systems, it is important to note that, opposed to what occurs with the materials purchased and distributed by the federal

government through the National Textbook Program (PNLD), the first do not undergo any technical evaluation, impartial, publicly and recognized by public institutions that may identify the suitability of materials to the Brazilian educational legislation and its quality, as shown in this study.

Therefore, the concept of quality conveyed in the adoption of private systems is selfreferenced and backed by strong advertising strategies. From the five private systems studied, four are connected to private networks and/or pre-university courses or private schools: SOME, SABE, Anglo and NAME. Their supposed quality is based on the performance of students in private schools, which in no way resemble the public schools, since those are aimed at the higher income population and have as their reason for existence socioeconomic segmentation that they themselves reproduce. Also noteworthy is the major investment of these companies in advertising on vehicles aimed at teachers, managers and other professionals in the public basic education.

The study also found that the same business groups are doubly disadvantaged by the allocation of public funds: they are the ones that most receive funds from the federal government through PNLD and, at the same time, sometimes criticizing implicitly or explicitly this program, sell their services to subnational governments.

As we have seen, the purchase of private systems of education by public municipal systems can lead to two situations that directly impact the availability of funds for education in the municipalities. If they do not stop receiving books from PNLD, by acquiring private education systems the municipality doubles spending (now done by the federal government via PNLD) with the same purpose. If the municipality refuses to receive materials from the national program, it will not duplicate costs, but also reduce significantly its ability to provide new places for students in the public system, due to the reduction of public resources available for creating opportunities, especially in the non-compulsory stages and those with low coverage. This is particularly important if we consider the extension of

compulsory education by constitutional amendment 59/2009 and the expansion of the service contained in the targets of the new National Education Plan. In other words, the purchase of private systems impacts the human right to education by reducing the availability of resources for the expansion of educational opportunity.

This is something serious because of low coverage of some municipalities in early childhood education, especially at a time when the country works to universalize early childhood education in preschool for children between 4 and 5 years old and expand the provision of Children education in day care centers to meet at least 50% of children up to 3 years old in school until 2014, when it finishes the term of the current National Education Plan.

Another issue perceived in the study is the need for analysis of the decision-making processes that lead policy makers to seek private education systems. In this sense, it is possible to distinguish two phases: the first is the very decision to adopt or not a private educational system, while the second relates to the decision on which system to adopt among those offered in the private education market.

There are few explicit references to the first decision in the interviews, although it should be assumed that this type of policy option naturally should come from the sphere of the municipal education departments' or the mayor's assignments. However, it is possible that the option for adopting a private education system is related to the aforementioned notion of self-referenced quality of these companies, together with the spread of a negative view of public education, encouraged indirectly by the State through the performance reporting of schools through Basic Education Development Index (Ideb) and, indirectly, through National High School Exam (Enem).

Finally, for groups historically marginalized in their right to education, the lack of transparency, participation and state control over private education systems calls into question its capacity of promotion for inclusion and recognition of students with disabilities or special needs, from rural areas, indigenous and

quilombola communities and other traditional populations, as well as the adaptability of these materials to these audiences that also need to have their human right to education fully accomplished.

The analysis undertaken in this paper, which passed by the characterization of the education financialization and commodification process in Brazil, reaching the lengthy description of one of its main drivers - the dissemination of the sales of private educational systems to municipalities - must, therefore, also be analyzed in their legal aspect. In this approach, violations to the educational rights due to such policy options are questioned, either if they are indirect violations such as those resulting from the transfer of scarce public resources to the profit of these companies or if they are direct violations resulting from the imposition of educational models to schools and teachers or even if the content of the purchased materials and services may be inappropriate.

There are, therefore, two aspects to be pursued: to continue the study and description of basic education privatization phenomenon in Brazil and, at the same time, mobilize society and the academic field, with the participation of the justice system and other controlling organs, in order to strengthen the channels of participation and the ability of public schools, teachers and school communities to decide directly on their political-pedagogical projects.

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RESEARCH TEAM

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Raquel Borghi has a doctorate degree on education, being a professor at the São Paulo State University (UNESP - Rio Claro) Department of Education as well as at the university's Graduate Program on Education. Currently a member of the editorial team at Revista Educação Teoria e Prática (Theoretical and Applied Education Review), Professor Borghi heads the Educational Policies Study and Research Group (GREPPE) at UNESP - Rio Claro and is a collaborator at the Latin American and African Network of Researchers on Privatization of Education

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The content of the book PRIVATE SYSTEMS OF EDUCATION IN BRAZILIAN PUBLIC EDUCATION: CONSEQUENCES OF COMMODIFICATION FOR THE RIGHT TO EDUCATION results from the articulation between researchers from the Group of Studies and Research in Educational Policies - GREPPE and researchers and activists of Ação Educativa that took place on different opportunities and always with a focus on defending education as a right for all people. In this case, the reason was the participation in an international call for proposals sponsored by the global network of researchers Privatization in Education Research-PERI and funded by the Open Society Foundations (OSF). The research was carried out between 2014 and 2015 and had as its object the critical analysis of the acquisition, by Brazilian municipalities, of Private Systems, considered a form of privatization of the curriculum of public schools. The book opens by adopting as a key to the analysis of the consequences of Private Education Systems - SPE the lens of the four indicators of the Human Right to Education: The 4As developed by Katarina Tomasevski, United Nations Special Rapporteur for the Right to Education between 1998-2004. We hope that the reading of this work will help to revive our pro-activity in the defense of everything that has been achieved in the direction of a free, secular, inclusive and democratic public school.

Theresa Adrião
Denise Carreira
June 2022

The Report also examines the products and services that are reconstituting education as a part of a global education commercial market. This is a beautifully nuanced analysis and provides us with a thorough and compelling case for what is at stake, and why it matters. What's at stake here fundamentally is the transformation of public education and its constitution as a market. The report also highlights the challenges of accessing the details of these contracts, despite public funds being involved.

Susan L. Robertson
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5th April 2022

