

Democratic management in western mesoregion of Maranhão: approaches and highlights in the laws of Municipal Education Systems¹

Gestão democrática na mesorregião Oeste Maranhense: enfoques e destaques nas leis dos Sistemas Municipais de Educação²

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ABSTRACT

This article aims to examine matters regarding the Municipal Education Systems (SME by Portuguese acronym) in western mesoregion of Maranhão, especially the principle of democratic management in the municipalities that institutionalized their SME. The matters and inferences presented are from bibliographic and post-doctoral documentary research in the postgraduate program in education of the Federal University of the Western Pará (Ufopa). It discusses some aspects of theoretical and legal matters that underlie the design of educational system and the democratic management as premises that guide the creation of SME. It infers that, although municipalities enjoy the prerogative to create their SME, in western mesoregion of

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Maranhão, only 8 out of 52 municipalities institutionalized their systems based on specific laws. These municipalities refrained from legal devices that feature the definition and standardization of specific legislation and educational guidelines that allow the expansion and strengthening of spaces and mechanisms for participation. Thus, they consolidated the democratic management of municipal education.

Keywords: Municipal Education System. Democratic Management. Participation.

RESUMO

O presente artigo analisa questões referentes aos Sistemas Municipais de Educação (SME) na Mesorregião Oeste Maranhense, em especial o princípio da gestão democrática nos municípios que institucionalizaram os seus SME. As questões e inferências aqui apresentadas decorrem de pesquisa bibliográfica e documental realizada no pós-doutoramento do Programa de Pós-graduação em Educação da Universidade Federal do Oeste do Pará (Ufopa). Discorre-se sobre alguns aspectos e questões teóricas e legais que fundamentam a concepção de sistema educacional e a gestão democrática como premissas que orientam a criação dos SME. Infere-se que, embora os municípios gozem da prerrogativa de criarem seus SME, na mesorregião Oeste Maranhense, apenas 8 dos 52 institucionalizaram seus sistemas com base em leis específicas. Tais municípios abstiveram-se dos dispositivos legais que dispõem sobre a definição e normatização de legislação específica e diretrizes educacionais que possibilitem a ampliação e fortalecimento dos espaços e mecanismos de participação. Assim, consolidaram a gestão democrática da educação municipal.

Palavras-chave: Sistema Municipal de Educação. Gestão democrática. Participação.

Introduction

This paper derives from a post-doctoral research occurred from September 17th, 2017 to August 18th, 2018 at Federal University of Western Pará - UFOPA, providing a cutting from the ongoing studies in the research project entitled “Democratic management of public education: mapping normative bases and political-institutional conditions of municipal educational systems of Maranhão”, via a network gathering the Federal University of Maranhão - UFMA, the University of Western of State of Santa Catarina - UOESC, the Federal University

of Santa Maria - UFSM, the State University of Piauí - UEPI, Federal University of Tocantins - UFT, the Federal University of Ceará - UFC, the State University of Ponta Grossa - UEPG, and the University Estácio de Sá (from Rio de Janeiro). Each institution analyses legal aspects and political-institutional conditions regarding democratic management of public education in the field of Municipal Education Systems in their respective states, legally allowed to create their Municipal Education Systems. Data presented results from the research Project “Democratic management of public education: mapping normative bases and political-institutional conditions of education systems in western mesoregion of Maranhão”, performed within the post-doctoral Project previously mentioned.

From a methodological viewpoint, bibliographical studies were performed for theoretical deepening in order to contribute to a better understanding and analyses of the principles and assumptions regarding democratic management of public teaching; survey, systematization and analysis of documents regarding the legal bases related to standardization of the democratic management of public education within the municipal education systems of the investigated mesoregion (Organic Municipal Law, SME creation Law and Creation Law of the Municipal Council of Education - CME by the Portuguese acronym); also, identification and analysis of principles, structures, spaces and institutionalized mechanisms of participation established by Municipal Education systems standards.

Some theoretical and legal matters are discussed, which support the SME in Brazil since the legal recognition in the Federal Constitution (CF) of 1988, when municipalities were considered as federated entities, with autonomy to constitute their SME, the principle of democratic management is analyzed in the municipalities of western mesoregion of Maranhão. This state has institutionalized their SME, in an expansion context and of transfer of responsibilities to the municipal spheres, within the framework of the collaboration regime exposed in the Federal Constitution of 1988, in the Education Guidelines and Bases Law, known as LDB number 9394/1996, and in the National Education Plan number 13005 - 2014.

Democratic management as theoretical and legal principle

Public policies matters are placed in the scope of divided competencies (competitors-legislative and common-administrative) in legal texts and policies regarding the centralization/decentralization/centralization among Union, states and municipalities. Regarding the education, Abrúcio (2010, p. 40) points out three aspects which must be considered:

[...] Decentralization, especially in its translation as municipalization, is thought as capable of generating both the improvement of management and the democratization of the education system; forecasting of guiding and planning national policies in the form of the LDB and the National Education Plan; and a differentiator of education from other sectors, the proposition of a collaboration regime among levels of government as an instrument that would ensure the good implementation of policy in all its cycles, especially in basic education.

Thereunto, Brazilian federative regime, especially from the Federal Constitution of 1988, provided on the redistribution of power through horizontal and vertical division of powers, delegating powers of national interest to the Union; to States of regional interests; and to Municipalities, local interests. Horizontal division relates to the material and legislative field; to the states, remaining ones; and to Municipalities, those indicatively defined. Vertical division is foreseen in article 23 and refers to the concurrent action of the federated entities in areas of common execution, it might be concurrent and cooperative among the Union, States, Federal District and Municipalities.

Based on democratic principles, Federal Constitution of 1988 delegates to municipalities the prerogative of creating their educational systems, according to what is established by the article 18th: “political-administrative organization of the Federative Republic of Brazil comprises the Union, States, the Federal District and Municipalities, all autonomous, under the terms of this Constitution” (BRASIL, 1988). Autonomy is reinforced by the article 211, which states: “The Union, States, the Federal District and municipalities shall collaboratively organize their education systems [...]” (BRASIL, 1988).

§4º When organizing their education systems, states and municipalities will define collaboration ways, in order to ensure the universalization of mandatory education (BRASIL, 1988).

In the same way, LDB/1996 provided in the article 8th that the Union, States, the Federal District and Municipalities shall collaboratively organize their respective educational systems. For municipalities, the article 11th establishes they shall undertake to: organize, maintain and develop the official bodies and institutions of their education systems, integrating them with the policies and educational plans of the Union and states; and creating complementary standards for their education systems (BRASIL, 1996).

For municipalities, this legislation enables the prerogative to participate on the collaboration regime, insertion of Municipal Education as a chapter of its Organic Laws, the elaboration of Municipal Education Plans (PME by the

Portuguese acronym), and institution of SME and CME, thus taking into account the constitutional provision established by the Article 211, which provides for the organization, in a collaborative way, on the educational systems of the Union, States and Municipalities.

In this context, understanding the conception of an educational system is relevant, which, according to Saviani (2010), comprises a unity of elements intentionally gathered in order to reach a coherent and operative set capable of meeting the aspirations and imperatives of civil and political society. This unit of intentional elements conforms to the definition of common purposes and objectives for the whole system. Thereunto, it is about “unity of variety and not unity of identity” (SAVIANI, 2010, p. 381), educational system “articulates a variety of elements which, when integrated into the whole, do not therefore lose their own identity; on the contrary, they participate in the whole, integrate the system in the form of their respective specificities” (SAVIANI, 2010, p. 381).

Saviani (2010) adds that the conception of the educational system in Brazil is related to the federative regime and to the expectation of collaboration among the federated entities, as provided by LDB number 9.394/1996, in its article 8th:

The Union, States, the Federal District and municipalities shall collaboratively organize their respective education systems.

§ 1st The Union will be responsible for coordinating the national education policy, articulating the different levels and systems and exercising a normative, redistributive and supplementary function regarding to other educational instances.

§ 2nd Education systems will be free to organize under this Law (BRASIL, 1996).

According to the Law above mentioned, the municipality may choose between three possibilities for the organization of its education system, as expressed in the sole paragraph of article 11th: establishing its own Education System; integrate into the State Education System; compose with the state a unique system of basic education (BRASIL, 1996). When making the option to create its SME, the municipality shall meet what is provided by PNE number 13005 - 2014, regarding the elaboration of its PME, based on the advancing of the dynamics of democratization in municipal education planning and management.

Thereunto, Dourado and Amaral Nelson (2011) assert that democratic management might contribute for the implementation of policies and plans of

systems and schools aimed at improving the quality of public education. For them, understanding democratic management is necessary, as:

[...] space for collective deliberation (students, staff, teachers, parents or guardians), it needs to be taken as a basis for improving the quality of education and improving educational policies, while state policies education in articulation with rational guidelines for all levels and modalities of education/teaching (DOURADO; AMARAL NELSON, 2011, p. 303).

The conception pointed by the authors is corroborated and democratic management is reaffirmed as:

[...] a process of learning and political struggle that is not restricted to the limits of educational practice, but glimpses, in the specificities of this social practice and its relative autonomy, the possibility of creating channels of effective participation and learning of the democratic “game”, and consequently for rethink structures of authoritarian power that permeate social relations and, within these, educational practices (DOURADO, 2008, p. 79).

Although with limitations, LDB number 9394/1996 opened some possibilities for education democratic management, when reinforced the constitutional principle by disposing in the article 3rd that teaching will be performed supported by the principle that states “democratic management of public education under this Law and the education systems legislation” (BRASIL, 1996, p. 47). The article 14th states that “education systems will define the rules for democratic management of public education in basic education, according to their peculiarities” (BRASIL, 1996, p. 52).

Even if the principle of democratic management of public education is ensured in the legal instruments, its process of materialization is considered contradictory, slow and crossed by conflicts, advances and setbacks, as there are still authoritarian and clientelist practices of local and regional bossiness and elite hegemony over the popular classes.

To Cabral Neto and Castro (2014, p. 750):

The core of this process is centered on a dynamic, in which a devolution of responsibilities is materialized toward the tip of the system and not the decision-making power of hierarchically lower levels of administrative organization. With these characteristics, Participation is metamorphosed into a management technique that fosters cohesion and consensus, thus depoliticizing the process of participation of social subjects in policy formulation, implementation and assessment.

Thereunto, management of SME has the challenge to supplant rationalization procedures and the search for results before decreased investments, and overcome the culture of patronage and patrimonialism, practices that are still present in several Brazilian municipalities, especially in state of Maranhão, where political arrangements are characterized by the centralization of local power, then participatory processes allow the subjects involved to realize the need to break practices that consider individual and non-collective decisions. Participation that preserves collective interests must comprise

[...] An enlarged state, therefore, resulting from the articulation and dispute between civil society and political society and, in this scenario, not being reduced to the government, understanding the path to search for break with the historical tradition of the Brazilian state, involves the effective participation of civil and political society (DOURADO, 2011, p. 52).

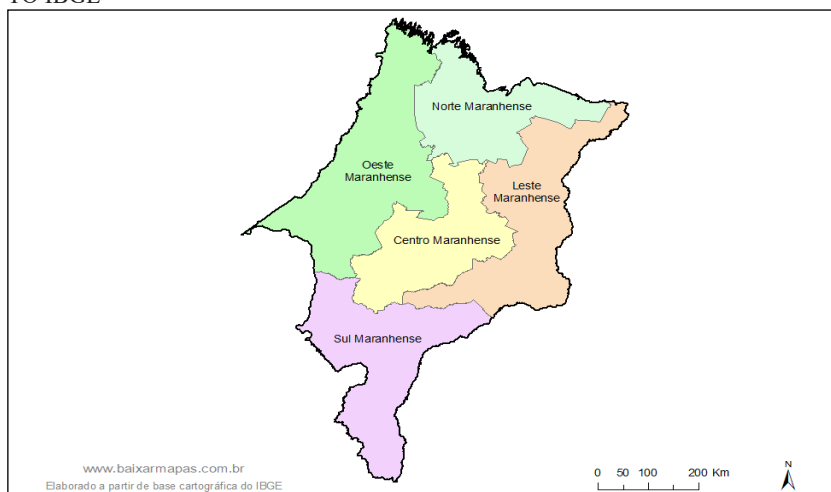
In this perspective, mechanisms that make possible collective participation shall not allow practices that cause its emptying, in other words, governors who stimulate participation in the scope of speech, but do not meet the requirements from the organized civil society, control social movements and create participatory strategies tutored to legitimize the actions of public administration. Therefore, political will of those who make up the public administration deserves attention, because implementing educational policies allied to the fulfillment of decisions taken collectively is fundamental to foster participatory processes that contribute to the democratic management of public education in all stages and modalities, both within the educational systems and institutions.

Analysis of the principle of democratic management in the laws of SME in western mesoregion of Maranhão

State of Maranhão is in Northeast East, in a transition area between Northeast and the Northern Region (Middle North). From a geographical viewpoint, IBGE has divided the state in five mesoregions: Center, East, West, North and South. Maranhão occupies an area with 331,983,293 km², then it is the 2nd largest in the Northeast and the 8th in Brazil; 80% from its territory is within Legal Amazônia. According to data from the Brazilian Institute of Geography and Statistics (Instituto Brasileiro de Geografia e Estatística - IBGE), in 2017 it had a population of 7,000,229 inhabitants (IBGE, 2017a).

Western mesoregion of Maranhão, study object in this work, is one of the five mesoregions in Maranhão, according to division by IBGE (2017a), composed by 52 municipalities which occupy the area with 86,550 km², and shelter 1,414,734 inhabitants. It is divided into three microregions: Gurupi, Pindaré and Imperatriz, also called pre-amazon region, according to the map below.

MAP 1 – DIVISION OF STATE OF MARANHÃO IN MESOREGIONS ACCORDING TO IBGE



SOURCE: IBGE, 2017b.

Regarding the creation of SME, the board below reveals that from 52 municipalities which compose the mesoregion west, only 08 have instituted the SME in specific law.

BOARD 1 – INSTITUTIONALIZATION OF MUNICIPAL EDUCATION SYSTEMS IN WESTERN MESOREGION OF MARANHÃO

	Municipality	Current legal act	Act number/ year	Year of institutionalization
1.	Açailândia	Law	322	2009
2.	Alto Alegre do Pindaré	Law	059	2003
3.	Governador Nunes Freire	Law	007	2006
4.	Imperatriz	Law	901	1999
5.	Lago da Pedra	Law	258	2010
6.	Nova Olinda do Maranhão	Law	084	2010
7.	Santa Luzia	Law	311	2006
8.	Turialva	Law	482	2003

SOURCE: Elaborated by authors based on researched laws.

These data may portrait both economical limitations faced by the state and political characteristics that predominated in Maranhão for over forty decades of *coronelismo* and the oligarchy by Sarney, as Fausto (2008, p. 173) express: “the state was characterized as a political fiefdom, informally transmitted by inheritance, as a ‘natural’ way for preservation of power, by fact, not by right”. It has reflected the former political structure of the first Brazilian republic, a trait directly linked to the “traditional socio-economic structure of the country, based on kin groups that are both blood kinship groups with their alliances and associated groups economically and politically” (FAUSTO, 2008, p. 173-174). This situation is still lived in some municipalities, according to the expressed by the map below, on the creation of SME in western mesoregion of the state.

BOARD 2 – PRINCIPLES OF DEMOCRATIC MANAGEMENT OF EDUCATION ACCORDING TO THE LEGISLATION OF EDUCATION SYSTEMS IN THE MUNICIPALITIES OF WESTERN MESOREGION OF MARANHÃO - PARTICIPATION

MUNICIPALITY	School community in School council		Professionals in the PPP*		Community in planning municipal education	
	Yes	No	Yes	No	Yes	No
Açailândia		X		X		X
Alto Alegre do Pindaré	X		X		X	
Governador Nunes Freire		X		X		X
Imperatriz	X		X		X	
Lago da Pedra		X		X		X
Nova Olinda do Maranhão		X		X		X
Santa Luzia	X		X		X	
Turiaçu	X		X		X	

SOURCE: Elaborated by authors from municipal laws.

Related to the principle of school Community participation in school council, of professionals of education in elaboration of Pedagogical-Political Project (PPP) and of Community in municipal education planning, the table reveals that only 50% of researched municipalities have mentioned community participation, participative planning and decentralization of the educational management process and the budget. When regarding the manager's election, only 03 (three) municipalities mentioned this mechanism, and just 01 (one) has cited Municipal Education Forum - FME.

These data indicate that we must be aware of the government's attempts to narrow the public sphere, in other words:

[...] transforming it into his/her private matter, and to do that, repel non-state actors' interventions and places of intervention into private life. Thus, democracy, far from being the way of life of individuals committed to their private happiness, is the struggle process against this privatization, the enlarging process of this sphere. Enlarging public sphere [...]. Mean struggle against the division of public and private that guarantees the double domination by oligarchy on state and on society (RANCIÈRE, 2014, p. 72).

Data above still reveal that only 03 (three) municipalities have community participation on the choice of school principal through direct election, which remains a challenge to overcome, both in western mesoregion of Maranhão and in the others. The reason is that electing the principals is an important democratic exercise to strengthen democratic management, despite that it could not be an effective warranty for democratization of school management, as Dourado (2011, p. 102) points out:

Although elections present themselves as a legitimate channel in the struggle for school democratization and wider social relations – and it is not the only one - we must always consider the limitations of the representative system in a class society, based on antagonistic and irreconcilable interests.

Regarding the participation spaces and mechanisms provided by Creation Laws of SME in municipalities searched, the table below shows a synthesis.

BOARD 3 – SYNTHESIS OF PARTICIPATION SPACES AND MECHANISMS DEFINED BY EDUCATION SYSTEMS LEGISLATION OF MUNICIPALITIES OF WESTERN MESOREGION OF MARANHÃO

MUNICIPALITY	CME		PME		School Council		Student Guild	
	Yes	No	Yes	No	Yes	No	Yes	No
Açailândia	X			X		X		X
Alto Alegre do Pindaré	X		X		X		X	
Governador Nunes Freire	X			X		X		X
Imperatriz	X		X		X			X
Lago da Pedra	X			X		X		X
Nova Olinda do Maranhão	X			X		X		X
Santa Luzia	X		X		X		X	
Turiaçu	X		X			X		X

SOURCE: Elaborated by authors from municipal laws.

The referred table makes evident that municipalities which institutionalized their SME have mentioned CME as spaces for democratic management. However, only 50% have mentioned the municipal plan in their SME creation laws; and only 02 (two) have mentioned the Students' guild. We still notice that only 01 (one) municipality has mentioned Municipal Education Forum - FME

and Municipal Conference of Education. The importance of these democratic spaces must be highlighted, because they are paramount for formulation, implementation, monitoring, assessment and social control of local public policies. Thereunto, strengthening these spaces is necessary in order to avoid being submitted to the new ideological pressures from ruling classes that require “not only alienation of “democratic” power, but the clear separation between “democracy” and “demos” - or, at the very least, the decisive departure from popular power as the main criterion of democratic value” (WOOD, 2011, p. 196).

Regarding the CME, it should be emphasized that the legal existence of this mechanism may not mean autonomy, plural and equal composition and full exercise of its deliberative, advisory, supervisory and social control functions. This is because most times the existence of CME does not mean changes in traditional participation ways that are protected and subordinated to which historically subjects have been called to participate as a gift and not as citizenship rights. Numerous council members participate to endorse corporate demands and to strengthen centralized postures, or to provide the necessary number and quorum, but not to change or build legitimate participation structures (GONH, 2008).

We also register that only 02 (two) municipalities have mentioned students’ guild and 03 (three) have school councils. Regarding the students’ guild, we must be aware that the lack of mention in the SME laws do not implies legislation weakness, because priorities of municipalities refer to the provision of early childhood education and elementary school, and associations are more frequent in high school, but the encouragement of political formation of class representatives in elementary school and the participation of students in school councils contributes to the school democratic management. The lack recognition of school councils in the analyzed laws as instruments of participation disregards that:

[...] Participation requires the meaning of building something that belongs to everyone and that has directly to do with one’s quality of life, whether in terms of personal fulfillment or the social benefits that come from it. commitment, which generates participation, requires the collective sharing of success, not just responsibility (BORDIGNON; GRACINDO, 2000, p. 171).

Analysis of SME legislation of 08 (eight) municipalities in Western mesoregion of Maranhão enables us to infer that municipal role is influenced by several factors, such as: degree of social and political articulation of local communities, political will of public administrations, institutional design of

educational policies, ability to carry out participatory policies, and, above all, the way in which governors conduct public policies within each municipality. In addition, “the orientation of public education policies for collective interests will mean an important mechanism for valorization of municipal spaces, almost always destined to integrate with homogenized policies” (NARDI, 2006, p. 64), highlighting those recommended by international organizations, which often do not take into account municipal diversity.

Then, although SME constitutes an instance of municipal education management with a constitutional basis, in other words, as an autonomous federative entity with a legal-political character of domestic law and autonomy, several municipalities in Maranhão have not yet been prepared to comply with the provisions of the CF, because, out of 52 (fifty-two) municipalities that compose the mesoregion in analysis, only 08 (eight) have constituted their SME in specific law, despite this prerogative not preventing this federated entity from elaborating its Municipal Education Plan - PME, which, in turn, should be included in the SME creation law.

Final considerations

Throughout this article we researched in the intent of showing how the principle of democratic management is expressed by SME creation laws in municipalities of Western mesoregion of Maranhão. Data and analysis allow to express the inference that creating SME might enable municipalities to organize, plan and evaluate education actions of their laws scope. Thereunto, autonomy shall not be restricted to legal precepts, but covering administrative, technical and financial aspects, in other words, revealing the capacity and commitment of municipal governors to act together the CME and other public education forums to jointly deliberate on educational policy.

Then, federalist regime, through decentralization, must be accompanied by the transfer of resources to the municipalities and the articulated planning of the federal entities, “not only to build consensus on general objectives, but mainly to set educational management instruments and goals, defining how it will work in the Brazilian federative gear” (ABRÚCIO, 2010, p. 66).

Results from the research point out that there is a need to overcome the authoritarian, bureaucratized and centralizing conceptions and practices still present in Brazilian political culture, which do not decentralize power or share decisions, nor allow participative and collective processes and spaces.

Overcoming these challenges can build and configure democratic management as a form of active participation and social control, in the sense of a social quality public education.

Regarding democratic management, we highlight that legislation ensures this principle in the organization of Brazilian education, then, participation must be stimulated in a way to make possible expanding spaces and mechanisms that promote more collective engagement in the formulation, monitoring and social control of municipal public policies. Besides, participatory processes must overcome the tutelage and disenchantments produced by the meritocratic ideology, based on results, individualism and competition defended by the market.

Including democratic principle which opened and assured spaces for teachers, students and school communities to claim and organize management experiences with more participatory and expanded decision-making processes and made emerge other tensions that gravitate around axes: school councils and participation, decentralization/centralization, autonomy, political-pedagogical project and election for managers. Only the institutionalization of one or another of these components, however, is no guarantee of actual democratization, because attention to the ideology impregnated in the discourse of appropriation of social appeals in favor of the precepts of the socioeconomic system is necessary, as well as being aware that the law by itself is not a warranty of effective right. The context of the applicability of this law and the actors involved in this process are of paramount importance for democracy materialize itself, given the precepts implicit in the discourses or the real demands of the movements and needs of the systems and schools.

School management democratization is paramount to the school to perform its work, offering a referenced quality teaching that replaces the matter of the political and social function of the school, in the context of differentiated interests that mark Brazilian society and education.

As synthesis, within the municipalities, SME and CME are fundamental to the municipal planning process, because CME might mobilize the process of dialogue between civil society and politics, and, articulated to municipal forums and other instruments for education monitoring and social control, all them may contribute to the elaboration, monitoring and evaluation of the Municipal Education Plan (PME). This last one is the management instrument of municipality that accomplish the goals and guidelines foreseen in the PNE – axis of the Brazilian educational policy – and in the State Education Plan (PEE), according to collaboration and cooperation regime provided by Brazilian Education Law. However, PME might not be restricted to copying the PNE or the PEE, but it should define its own guidelines and goals, expressing the education project of municipality according to its peculiarities and needs.

For the construction of democratic management and the institutionalization of the SME, the strengthening of the CME, the school councils, the student councils, the forums and the municipal education conferences is necessary, because those are strategies and possibilities of transformation that may bring about changes in the reality of education of the municipalities.

Thereunto, collective commitments and wills are indispensable in assuring that the mechanisms of participation - claimed by the popular movements and educators committed to public education, as foreseen by the legislations – will be implemented in the practice of educational systems and institutions. These aspects require the development of a new participatory culture that could provoke changes in the subjects individually and collectively, even if they are small changes in daily practice, they can give rise to new forms of organization and management of education that materialize democracy in schools and in other social instances.

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