

A política nacional em disputa: o papel do CME na construção das estratégias locais para o atendimento à Educação Infantil

National policy in dispute: the role of MEC in the construction of local strategies for Early Childhood Education

Política nacional en disputa: el papel de la ECM en la construcción de estrategias locales de Educación Infantil

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Resumo: Este artigo analisa deliberações municipais para identificar as condições do acesso de crianças à Educação Infantil. A metodologia fundamenta-se na análise da implementação de políticas, investigando como as normas nacionais são aplicadas e examinando os discursos presentes. Os municípios foram selecionados pelo conceito de pares, considerando que localidades com características semelhantes – como porte, matrículas e PIB – podem apresentar abordagens distintas em relação ao acesso, abrangendo 16 municípios e a capital do Estado. Os resultados indicam que alguns documentos nacionais conseguem se impor na indução e que há diferentes formatos de conselhos. Nas deliberações, o público-alvo está majoritariamente associado a instituições privadas e comunitárias; o corte etário geralmente segue a data estabelecida nas Diretrizes; a obrigatoriedade é tratada em 57% dos casos; a formação é predominantemente em nível superior, com no mínimo o Normal; a infraestrutura segue critérios mínimos; a enturmação apresenta subdivisões variadas; e a relação profissional/criança oferece diversas proporções.

Palavras-chave: Deliberações; Conselhos; Educação Infantil; Municípios; Políticas Públicas.

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Abstract: The current article is an analysis of municipal deliberations and its aim is to identify the conditions for children's access to Early Childhood Education. The methodology is based on analyzing policy implementation in order to investigate how national standards are applied and to assess the current discourses. Municipalities were selected through the concept of pairs by taking into consideration that localities presenting similar features, such as size, enrollment and GDP, may have different approaches to access. The sample covered 16 municipalities and the State capital. According to the results, some national documents account for a successful induction; furthermore, there are different council formats. The most common target audience in deliberations is associated with private and community institutions. The age cutoff often follows the dates recommended in the Guidelines. Mandatory attendance is addressed in 57% of cases. Higher Education is the prevailing schooling, with at least a Major Degree in “Basic Education”. Infrastructure follows minimum criteria. Grouping presents different subdivisions and the professional: child ratio provides diverse proportions.

Keywords: Deliberations; Councils; Early Childhood Education; Municipalities, Public Policies.

Resumen: El artículo examina las deliberaciones municipales orientadas a identificar las condiciones de acceso infantil a la Educación Inicial. Se adopta una metodología centrada en el análisis de la implementación de políticas, con el objetivo de indagar la aplicación de los lineamientos nacionales y evaluar los discursos predominantes. La muestra comprende 16 municipios y la capital del Estado, seleccionados mediante el criterio de pares, en función de similitudes en tamaño, matrícula y PBI, pero con abordajes diferenciados frente al acceso. Los resultados muestran que ciertos documentos nacionales operan como mecanismos efectivos de inducción; además, se observan distintos formatos de consejos. El público destinatario más frecuente corresponde a instituciones privadas y comunitarias, mientras que el corte etario suele seguir la fecha estipulada en las Directrices. La obligatoriedad de la asistencia se explicita en el 57% de los casos. Predomina la formación superior con titulación en “Educación Básica”. La infraestructura responde a criterios mínimos, la organización grupal presenta subdivisiones diversas y la relación profesional: niño exhibe variaciones significativas.

Palabras clave: Deliberaciones; Consejos; Educación Infantil; Municipios; Políticas Públicas.

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Introduction

“[...] Laws are not enough.
Lilies do not grow from the law.
My name is tumult,
and it is written on a stone [...]”.

(Carlos Drummond de Andrade⁴ - free translation by the author)

This article describes the assessment of Early Childhood Education policies implemented by municipalities in Rio de Janeiro State – RJ. It is based on authorization and

⁴ Fragment of the poem “*Nosso tempo*”, available at: <https://www.lettras.mus.br/carlos-drummond-de-andrade/881736/>. Accessed on July 16, 2023.

operation deliberations approved by Municipal Education Councils (MEC) in force back in 2023. The aim of this analysis is to identify the conditions available for the access of children in the age group 0 to 6 years⁵ to Early Childhood Education. This investigation takes into consideration the existence or lack of guidelines in compliance with provisions in the national legislation, which are the spaces aimed at formulating local proposals and at possible (in)consistencies observed in the policy of stages.

The methodology concerns the implementation of public policies that, according to Lotta et al. (2021, p. 397) and based on Hill and Varone's (2016)⁶ assumptions, seek to understand "how [policies'] rules and plans are implemented through the actions of different actors". They emphasize that education policies in Brazil are multilayered and multilevel processes (different governments and stakeholders). These policies are rooted in the legal framework provided after the approval of the 1988 Federal Constitution (CF/1988). This Constitution provides for a collaboration system set among the Federal, the State and the Municipal governments. "Therefore, thinking about processes of change in education means developing adherence systems comprising many actors who oftentimes do not operate hierarchically" (Lotta *et al.*, 2021, p. 402).

Based on the aforementioned authors, documents are developed by municipalities within a political implementation context driven by federal-government guidance. This process is conflicting, mainly when it comes to conceptual elements, since the adherence to the Early Childhood Education policy is virtually mandatory. CMEs' elaboration is based on a consistent legal framework, despite the existing conflicts, and it presents low ambiguity.

The choice for this study field was based on the 92 RJ municipalities and on their respective information about GDP *per capita*, population and preschool attendance rate in 2010, as well as on variations in the number of preschool enrollments between 2010 and 2017. Municipalities were organized into four population ranges (up to 20.000 inhabitants, from 20.001 to 50.000 inhabitants, from 50.001 to 200.000 inhabitants and more than 200.000) and two GDP *per capita* ranges (up to R\$12.500 and more than R\$12.501) in order to get a higher representativeness. Two municipalities were listed in each of the sets, since a chart was elaborated and organized into two sets (lowest and highest GDPs), and split into four population groups. These municipalities might had presented similar initial conditions but they achieved different preschool-expansion

⁵ This age limit was herein adopted by taking into consideration that children who turn 6 after March 31, according to the National Curricular Guidelines for Early Childhood Education (Brazil, 2009b), must be enrolled in Early Childhood Education..

⁶ HILL, M.; VARONE, F. *The public policy process*. London: Routledge (seventh ed.), 2016.

outcomes between 2010 and 2017, which totaled four pairs per set (16 municipalities). The study included the following pairs: Cambuci/São Sebastião do Alto, Vassouras/Iguaba Grande, Saquarema/Guapimirim, Belford Roxo/Nova Iguaçu, Carmo/Quatis, Santo Antônio de Pádua/Paraíba do Sul, Barra do Piraí/Teresópolis, and Niterói/Duque de Caxias. Rio de Janeiro municipality was also included in the study given its core role in the State's public policies. The following issues were taken into account: the concept of pairs, based on the understanding that similar municipalities (population, enrollment in Early Childhood Education, GDP *per capita*) can present different moves towards access to educational stages.

Access to Resolutions was achieved through searches in websites based on descriptor "EI Resolution of this and that municipality...". They are often not available on city halls or CMEs' websites, but only on information provided by the Public Prosecutor's Office of Rio de Janeiro State, also known as MPRJ in claims that request these documents. The main goal of this investigation lies on analyzing the Resolution to refine the information available. Municipal Laws were enacted to create the Councils were also assessed, as well as descriptor "Law to create MEC in this or that municipality..." and the legislation on councilors' appointment. It was done by using descriptor "MEC composition of this and that municipality...". The same difficulties faced for collecting the Resolutions, in some cases, were also faced to reach the MPRJ website.

The conjugated verb 'deliberates', followed by the articles in the documents, is observed in almost all deliberations. It shows up between the expressions "Municipal Council of Education, in the exercise of its legal powers" and "considerations". These findings lead to the expression: "MEC deliberates". The verb 'to deliberate' (from Latin *deliberare*) means to resolve or to decide, and it is understood as "to make a decision after thinking, analyzing or reflecting [on something]".

It is important highlighting that the deliberation analyses took into account the work by Charaudeau (2005, p. 26-27), which emphasizes three lawmaker-related hypotheses, namely:

1. Finding out how to occupy the Locution space. Therefore, speakers must legitimize and/or justify their "taking the floor" of their speech, in one way or another;
2. Simultaneously, they must position themselves in relation to others (whether the current partner in the act of the locution act or several intended recipients). They must use discursive strategies to create alliance bonds or opposition relationships with their recipient(s);
3. Furthermore, they must place themselves in relation to the enunciation of their own proposition about the world. Thus, they must properly organize and problematize their enunciation.

According to the aforementioned author, these hypotheses set the spaces for the study of language acts listed by him as **locution space, relationship space and 'space for thematization and problematization'**.

The current article is organized into three sections. The first one addresses the emergence of the sense of councils in contemporary times, the Brazilian educational legislation and the legal framework set for Early Childhood Education policies. The second part of it provides an analysis of deliberations by taking into account the three study spaces provided by Charaudeau (2005). The last section presents the final considerations.

1 Council emergence, educational legislation and Early Childhood Education

The transformations in place in the political environment back in the 1980s had straight impact on the implementation of management councils provided for in the 1988 Federal Constitution (Brasil, 1988). It encompassed a broader set of democratic achievements and the strengthening of social movements. The implementation of a new federative pact stood out among these achievements since it recognized the municipalities as autonomous entities within the federation. Municipalities are now endowed with new powers and have access to public resources, in addition to set civil society participation mechanisms aiming the formulation and implementation of public policies.

Back in the 1990s, Legal forums aiming participation, such as councils focused on rights, failed to fully establish themselves as bodies representing the popular will in public policymaking. Defense councils on public policies and rights in the health, childhood and adolescence, social assistance and education fields, among others, became the privileged *locus* for civil society participation.

According to Silva (2005), Brazil has had education councils since the beginning of the republican period. The Superior Council of Instruction was the first of them; it was enacted by the Benjamin Constant Reform, in 1891. In the 1930s, after the creation of the Ministry of Education and Public Health, a decree was issued (1931) to set the National Council of Education (NCE), which was later added to the 1934 Constitution as advisory body (Saviani, 2007). The first Law of National Education Guidelines and Bases, also known as LDB, was finally approved in 1961. The Federal Council of Education (FCE) was created in 1962. It was abolished in 1994 and restored in 1995 by the name of NCE – the name originally adopted in the 1930s.

The possibility of having municipalities managing their own education systems dates back to the 1970s, during the military-corporate regime. Law n. 5.692/1971 (Brazil, 1971)

provided for the progressive transfer of educational responsibilities and services, mainly of those related to elementary, to local administrations. It also authorized state education councils to transfer part of their duties to municipal councils, as long as there were institutional conditions for it.

However, municipalities were only recognized as autonomous entities within the federation if they were capable of collaboratively organizing their education systems after the 1988 Constitution. The Constitution also established the principle of public education democratic management, which was reinforced by the second LDB, in 1996 (Brazil, 1996). The second LDB provided for public education democratic management in compliance with the law and with states' municipal and district legislations.

Councils institutionalization indirectly show up in the educational legal system, and it demands an interpretation based on democratic management principles because the legislation does not provide many details on its implementation. Nevertheless, "MEC is often interpreted as, par excellence, an institutional format that embodies this principle, which is associated with social participation in public policies management" (Oliveira, 2008, p. 132).

Laws known for enacting the State and Municipal councils, mainly those of RJ and the selected municipalities in the sample, were added to the research *corpus* in order to allow assessing these councils' behavior.

The council in Rio de Janeiro State was created in 1975, when the country was still under the military-business regime. CMEs creation in the analyzed municipalities did not show significant variations linked to factors such as population or GDP *per capita*. This finding suggests the existence of a common logic in the system.

Most municipalities in Rio de Janeiro State launched their MECs after the 1988 Federal Constitution (Brasil, 1988) enactment and the creation of the State Council of Education (ECE)/RJ. Only two municipalities created their councils before it. Approximately 70% of MECs were created during the time discussions about the new Constitution were still on or after the approval of the 1996 LDB (Brasil, 1996). This scenario highlights the inductive nature of this legal framework within the organization of municipal education systems.

2 Documents language-acts: analyzing municipal deliberations

Deliberations issued by MECs, regarding this item, which establishes the Early Childhood Education operating rules, were taken into account; however, other documents were used in their absence, as seen in Chart 1.

Chart 1 – Documents establishing operating standards for Early Childhood Education in Rio de Janeiro State municipalities

Municipality	Document	Summary	Access: website...
Set 1 (GDP per capita up to R\$ 12.500,00)			
1.1.1 Cambuci	MEC Deliberation n. 003/2021	It updates the Municipal Education Council Resolution n. 002 from August 4, 2021, which establishes standards for the authorization and closure of private school units in Cambuci municipality -RJ based on national and state regulations.	City Hall
1.1.2 São Sebastião do Alto	Decree n. 306/1999	It forms the Education System of São Sebastião do Alto municipality	MPRJ
1.2.1 Vassouras	MEC Deliberation n. 01/2010	It establishes rules for the authorization of Early Childhood Education Institutions in Vassouras Municipal System and provides for on other measures	MPRJ
1.2.2 Iguaba Grande	MEC Deliberation n. 01/2014	It establishes standards for Early Childhood Education in the Education System of Iguaba Grande municipality and revokes Deliberation n. 01/2006 from April 11, 2006	Non-identified
1.3.1 Saquarema	MEC Deliberation n. 08/2023	It establishes rules for the operation of Early Childhood Education institutions in the Saquarema Municipal Education System, provides for other measures and revokes MEC Resolution n. 03 from October 23, 2014	Official Gazette
1.3.2 Guapimirim	SME Resolution n. 005/2021	It approves Regulation based on guidelines for students' enrollment and grouping in Early Childhood Education School Units – Daycare and Preschool, Elementary Education, Youth and Adult Education and Special Education in the Public Network of Guapimirim Municipal Education System, and provides for other measures	Official Gazette
1.4.1 Belford Roxo	MEC Deliberation n. 28/2021	It establishes standards for the authorization and operation of Early Childhood Education in Belford Roxo Municipal Education System	City Hall
1.4.2 Nova Iguaçu	MEC Deliberation n. 02/ 2014	It establishes rules for authorizing the operation of private Early Childhood Education institutions in Nova Iguaçu Municipal Education System and provides for other measures	MPRJ
Set 2 (GDP per capita over R\$ 12.501,00)			
2.1.1 Carmo	MEC Deliberation n. 001/2012	It regulates Early Childhood Education in Carmo municipality, establishes the rules for authorizing private Early Childhood Education institutions to operate in the municipality and provides for other measures.	MPRJ
2.1.2 Quatis	Law n. 496/2005	It provides for Quatis Municipal Education System and for other measures	City Council
2.2.1 Santo Antônio de Pádua	MEC Deliberation n. 01/2022	It establishes rules for authorizing the operation and closure of activities of private in-person Early Childhood Education educational institutions, which is the first Basic Education stage, Municipal Santo Antônio Education System members and provides for other measures	City Hall
2.2.2 Paraíba do Sul	MEC/PS Deliberation n. 01/2005	It establishes rules for authorizing the operation of private Early Childhood Education institutions that assist and educate children in the age group 0 to 5 years and 11 months	Non-identified
2.3.1 Barra do Pirai	MEC Deliberation n. 02/2012	It establishes the Curricular and Operational Guidelines, and defines the rules for authorizing the operation of Early Childhood Education institutions in Barra do Pirai Municipal Education System	MPRJ
2.3.2 Teresópolis	MEC Deliberation n. 06/2007	It establishes standards for the operation and organization of Teresópolis Education System, and provides for other measures	SME
2.4.1 Niterói	MEC Deliberation n. 039/2019	It establishes guidelines for the operation of institutions that provide for Early Childhood Education in Niterói Municipal Education System	PGM
2.4.2 Duque de Caxias	MEC Deliberation n. 14/2014	It repeals MEC/DC Resolution n. 02/2005, which establishes rules for authorizing the operation of private Early Childhood Education institutions that assist and educate children in the age group 0 to 5 years and 11 months.	MPRJ
Included municipality			
Rio de Janeiro	E/MEC Deliberation n. 38/2020	It amends Deliberation E/MEC n. 30 from January 3, 2019, which establishes rules for authorizing the operation of private or community Early Childhood Education institutions of in Rio de Janeiro municipality Education System and also holds other provisions that shall come into force with new wording.	City Hall

Source: Elaborated by the authors.

Note: The pairs were grouped based on four population ranges (up to 20,000, from 20,001 to 50,000, from 50,001 to 200,000 and above 200,000), in ascending order, as shown in the table above - both in the first and second sets.

Deliberations and Documents available in the research were analyzed based on their titles, abstract, “considerations”, chapters, articles, among others. These elements were organized into fragments to set the spaces and assess language acts, as proposed by Charaudeau (2005): the locution space, which deals with legitimizing the acts based on the legislation; the relationship space, which addresses the relevance of participating in documents’ preparation; and the space for thematization and problematization, wherein meanings are analyzed.

2.1 Locution space: the legitimization of speech space

MECs language act for locution based on Deliberations legitimizes the implementation process substantiated by the legal framework that, in its turn, enables its development and approval. There are no significant differences between municipalities in the first and second sets of municipalities. It was necessary, for instance, to use different Deliberation documents in both sets, namely: São Sebastião do Alto and Guapimirim, in the first set; and Quatis, in the second one. Deliberations in most municipalities (14 of the 17) were approved by the Municipal Council. The “recitals” were often used as the very basis to identify the legal framework supporting the “Municipal Deliberations”.

The 1988 Federal Constitution (Brasil, 1988) was initially used. According to the analysis of documents regarding the investigated municipalities, this Constitution was cited by less than half of them. Law n. 8.069/1990 (Brasil, 1990), which establishes the Child and Adolescent Statute, also known as ECA, was mentioned by 30% of municipalities. The LDB (Brasil, 1996) was mentioned by all municipalities. Law n. 13.005/2014, which establishes the National Education Plan, also known as PNE (Brasil, 2014), was cited by only two municipalities. This is as strange fact given that this law is crucial, as it defines education guidelines and goals.

It was appropriate to include MEC Resolutions given their core role in municipal Deliberations’ authorization acts.

The following Resolutions are mentioned by only one municipality: (i) NCE/BCE Resolution n. 03/2005 (Brazil, 2005), which establishes national standards for Elementary Education expansion to nine years; (ii) NCE/BCE Resolution n. 04/2010 (Brazil, 2010a), which defines general national discipline matrix guidelines for Basic Education; (iii) NCE/BCE Resolution n. 07/2010 (Brazil, 2010c), which establishes National Discipline Matrix Guidelines for a nine-year Elementary Education cycle; and (iv) NCE/BCE Resolution n. 02/2018 (Brazil, 2018a), which defines complementary operational guidelines for children’s initial enrollment in Early Childhood Education and Elementary Education at the ages of 4 and 6, respectively.

NCE/BCE Resolution n. 01/1999 (Brazil, 1999), which establishes the National Discipline Matrix Guidelines for Early Childhood Education; and NCE/BCE Resolution n. 05/2009 (Brazil, 2009b), which establishes the national discipline matrix guidelines for Early Childhood Education (it defines operational guidelines for enrollment in Elementary Education and Early Childhood Education) are mentioned by two municipalities, each.

NCE/BCE Resolution n. 06/2010 (Brazil, 2010b), which defines the Operational Guidelines for enrollment in Elementary Education and Early Childhood Education, is cited by three municipalities.

It is important mentioning that some municipalities refer to state and/or municipal documents. However, the core issue addressed in this section lies on assessing whether documents produced at national level actually play an inducing role in municipalities, which would feature the locution space defined by Charaudeau (2005).

The analysis did not show significant differences between the investigated sets or between municipalities' population ranges. It was observed that national documents act as induction instruments, although at varying degrees, mainly in the cases of the 1988 Federal Constitution and the LDB; they were less significant in the cases of the National Education Plan (PNE) and the NCE Resolution.

It is clear that Early Childhood Education has been occupying space in the public policy agenda and in the academic environment, since the access to, and the quality of, this segment is acknowledged as right of both children and their families.

2.2 Relationship space: participation in activities by the Municipal Education Council

The second hypothesis by Charaudeau (2005) highlights the relationship space, which regards the environment where proposals are elaborated. It brings to the debate how participation in MECs take place, based on their composition. According to Bordignon and Pereira (2008, p. 39), at first, "councils were conceived as governmental bodies for higher-level advisory purposes; therefore, councilors were chosen by the Executive Branch, based on 'notorious educational knowledge', regional representation criteria and on different schooling". However, they also state that "municipal education councils ruled by the 1988 Constitution embody a different nature, namely: that of state bodies working as the voice of society speaking to the government" (Bordignon; Pereira, 2008, p. 39).

Councilors appointments are taken into consideration to identify the segments represented in different MECs. No significant discrepancies were observed between the sets of municipalities, either in terms of GDP *per capita* or of different population groups.

It was possible identifying several council formats and different compositions. Overall, councils comprise government and civil society representatives, besides seeking the parity required to achieve a democratic governance. However, different concepts of civil society representatives were found including local community, parents, students in Youth and Adult Education (EJA), student unions, professional and employer unions, school boards, parent-teacher associations, private universities, among others. Furthermore, it is easy to find divergent understandings about who non-governmental representatives are including guardianship councils, State Departments of Education (SDE), universities and public schools, and even lawmakers.

It was possible identifying several council formats and compositions. "When the choice derives from the will of the represented ones, [which is] expressed through direct election, it is expected that the exercise of office will be focused on the education purpose, from the perspective of the segment. Other forms of appointment may compromise the meaning of representation" (Bordignon; Pereira, 2008, p. 71). The method chosen to appoint the president is another factor influencing the autonomy of councilors' duties. The council president in Cambuci and São Sebastião do Alto municipalities was appointed by São Paulo municipality (SME). The secretary of education is the president in Belford Roxo, Paraíba do Sul and Duque de Caxias municipalities. Parity toward civil society was only found in Teresópolis and Niterói.

However, the Public Prosecutor's Office (MPRJ) of Rio de Janeiro State reasons on the reality of the substantial relevance of the Executive Branch in MECs' presidency. It may indicate that education systems are still guided by vertical decision-making, which makes collegiate bodies similar to advisory ones. Thus, "Education Councils' independence is closely related to their representativeness and power decentralization; the parity in the distribution of seats on the collegiate body is a core element" (Rio de Janeiro, 2014, p. 25). The MPRJ also emphasizes that "education councils must fully publicize their actions and enable citizens to access their meeting minutes and deliberations, including on the Internet" (Rio de Janeiro, 2014, p. 28). This investigation has shown the difficulty of achieving such publicity - not even the appointment documents were easily accessed, since their appointment required in-depth search. Oftentimes, only few clues were found on the website of the Public Prosecutor's Office.

2.3 Space for thematization and problematization: concepts of municipal deliberations

Finally, the analysis moves on to Charaudeau's (2005) third hypothesis, which is related to the space for thematization and problematization, wherein language subjects' worldview is highlighted. It is herein represented by MECs.

The reading of municipal documents allowed the construction of some investigation categories, as follows: **Target audience**, administrative categories addressed by the Deliberations (public, private, community); **Age cutoff**, defined cutoff dates; **Mandatory nature**, whether they mention mandatory preschool; **Teacher training**, requirements for teaching trainings (teachers and assistants); **Infrastructure**: least provision of spaces and facilities; **Grouping**, how daycare centers and preschools are divided and named; **Professional:child ratio**, establishing the largest tolerable number of children per professional.

No significant differences were found through the analysis of constructed categories, either between sets or between pairs of municipalities. With respect to **target audience**, most of it deals with private institution's operations (Cambuci, Belford Roxo, Nova Iguaçu, Carmo, Santo Antônio de Pádua, Paraíba do Sul, Teresópolis, Duque de Caxias, and Rio de Janeiro). Vassouras, Iguaba Grande, Saquarema, Barra do Piraí, and Niterói municipalities mentioned both public and private institutions. However, in order to get the operating authorization, they only mentioned private institutions; furthermore, public institutions were created by Municipal-Government acts. No deliberations were identified in São Sebastião do Alto, Guapimirim and Quatis, and it made it impossible to define the **target audience**.

It is important noting that almost all municipalities adopted understandings based on the original LDB text (Brazil, 1996), whose Article 19 established that different educational institutions were classified as public or private, "thus, [they were] understood as those maintained and administered by individuals or legal entities under private law". Rio de Janeiro was the only municipality adopting the text that is currently validated. The understanding of LDB Article 20 was revoked by law n. 13,868/2019⁷. The amendment included community institutions in section III of Article 19, which establishes that private and community institutions may qualify as confessional and may be certified as philanthropic, in its paragraphs.

Most Councils shirk their duties when it comes to public institutions, as seen in this section. They only focus private and community institutions. Furthermore, it is clear that MECs' responsibilities go beyond simply accrediting institutions. Future research should assess municipalities' supervision and monitoring of public and private, and community-based institutions that comprise Early Childhood Education in their systems.

⁷ The aforementioned law amends laws n. 4.024/1961 and 9.394/1996 to include provisions on community universities.

As for the **age cut-off category**⁸, most municipalities adopt the date ‘March 31’, which is in compliance with determinations in NCE/BCE Resolution n. 5/2009 (Brazil, 2009b). Only Teresópolis (April 30) and Quatis (June 30) recorded different dates. São Sebastião do Alto, Iguaba Grande, Nova Iguaçu and Carmo municipalities did not mention the cut-off date.

Only municipal "documents" approved after 2009 were taken into considered for the **mandatory category** - the year the Constitutional Amendment n. 59/2009 (Brazil, 2009a) was approved. Among other deliberations, it establishes preschool as mandatory education and universalization scheduled for 2016, except for São Sebastião do Alto, Quatis and Teresópolis municipalities. Thus, of the 14 municipalities that have approved documents after 2009, 8 addressed the mandatory nature (Cambuci, Iguaba Grande, Saquarema, Santo Antônio de Pádua, Paraíba do Sul, Barra do Piraí, Niterói, and Duque de Caxias) and six did not mention it (Vassouras, Guapimirim, Belford Roxo, Nova Iguaçu, Carmo, and Rio de Janeiro).

The Amendment restricted mandatory attendance to preschool and excluded daycare from it; therefore, there is the risk of having the mandatory stage guided by a school-based model. In order to go on with the legislation, law n. 12.,796/2013 (Brazil, 2013) was approved and it made several changes in LDB, including the possibility of having secondary education in the ‘Normal modality’ for Early Childhood Education, of including mandatory education from preschool onwards (cf. EC No. 59/2009) and the definition of the cut-off age for Elementary Education. Actually, this last element was more closely guided by SMEs, although the EC was approved four years earlier.

Regarding the **teacher training category**, one finds the understanding that training to work as Early Childhood Education teacher requires a higher education degree. A Major Degree in ‘Normal Education’ is accepted and it is the most common one. This rule is followed by eight municipalities (Cambuci, Iguaba Grande, Saquarema, Belford Roxo, Santo Antônio de Pádua, Niterói, Duque de Caxias, and Rio de Janeiro). The minimum ‘Normal Education’ qualification for teachers is observed in four municipalities (Vassouras, Paraíba do Sul, Barra do Piraí, and Teresópolis). The preferential requirement for teaching assistants (regardless of nomenclature) in four municipalities includes a “Normal Education” Degree (Cambuci, Carmo-RJ, Santo Antônio de Pádua, and Duque de Caxias); High School is the requirement in five municipalities (Belford Roxo, Paraíba do Sul, Barra do Pira, Teresópolis, and Niterói) and Elementary Education is required in only two municipalities (Carmo and Rio de Janeiro). Rio

⁸ NCE/BCE Resolution n. 5/2009 (Brasil, 2009b).

de Janeiro gives a four-year deadline for High School completion and four municipalities do not mention assistants (Vassouras, Iguaba Grande, Saquarema and Carmo). Finally, teacher training is not mentioned for either teachers or assistants in the documents of three municipalities (São Sebastião do Alto, Guapimirim and Quatis).

At first, Art. 62 of LDB (Brazil, 1996) stated that teacher training focused on working in Basic Education would be provided for individuals with higher education degree, which would be accepted as the least training required for Early Childhood Education teaching and for teaching at the first four grades of Elementary School. However, in 2013⁹, Art. 62 was modified, its reach was updated for the first five years of Elementary School. At the same time, it revoked paragraph 4 of Art. 87. In other words, the requirement for higher education degree to teach in Basic Education is no longer in force. A new amendment from 2017¹⁰ kept the understanding about complete high school (Normal Course modality) as the least training for teaching in Early Childhood Education and in the first five years of Elementary School.

The **infrastructure category** is in compliance with the Ministry of Education's (ME) guiding role. The document known as National Infrastructure Parameters for Early Childhood Education Institutions (Brazil, 2006) sets the requirements for the addressed spaces' renovation and adjustments.

If one bears in mind the 14 Deliberations¹¹, most municipalities have building infrastructure, equipment, infrastructure for indoor and outdoor spaces, and security measures. These elements express the vision of education systems towards ensuring high-quality early childhood education services. It is noteworthy that buildings must be designed according to pedagogical proposals, as observed in 10 of the 14 municipalities that have issued their Deliberations. Furthermore, 10 municipalities have established that classrooms must measure 1m² per child, which often account for 80% of school buildings (Cambuci, Saquarema, Belford Roxo, Nova Iguaçu, Carmo, Santo Antônio de Pádua, Barra do Piraí, Niterói, Duque de Caxias, and Rio de Janeiro). All municipalities must provide outdoor spaces for recreational activities. Only Santo Antônio de Pádua municipality provided a reading room/multimedia space.

The word “baby” showed up for the first time in Saquarema documents, which mentioned the nursery conditions and the possibility of providing adequate care to this population. It showed up two more times in Duque de Caxias documents. The first time

⁹ As amended by Law No. 12,796 of 2013.

¹⁰ As amended by Law No. 13,415 of 2017.

¹¹ Except for the municipalities where it was not possible to access the Deliberations and other documents were used for the analysis of the categories: São Sebastião do Alto (Decree that establishes the Municipal Education System), Guapimirim (Enturmatation Resolution) and Quatis (Law that provides for the Municipal Education System).

referred to the right distance between cribs based on infant care; and the second one regarded the provision of adequate bathing and hygiene spaces. Thus, the word "baby" was only observed three times in all read documents, so far. However, it is slightly mentioned by all municipalities when it comes to the need for individual cribs or resting places for babies. Some municipalities set the proper distances between cribs. Breastfeeding and hygiene spaces were mentioned by ten municipalities (Cambuci, Vassouras, Saquarema, Belford Roxo, Carmo, Santo Antônio de Pádua, Barra do Piraí, Niterói, Duque de Caxias, and Rio de Janeiro).

According to the analyzed municipal documents about the **grouping category**, subdivisions are often provided for in authorizations and operation processes set for Early Childhood Education institutions, although the LDB (Brazil, 1996) does not establish any subdivisions between stage segments. These subdivisions are commonly called:

- i) Daycare I or Nursery I, for children in the age group 0 to 1 year; ii) Daycare II or Nursery II or Kindergarten, for children in the age group 1 to 2 years; iii) Daycare III or Kindergarten I or Kindergarten, for children in the age group 2 to 3 years;
- iv) Daycare IV or Kindergarten II, for children in the age group 3 to 4; v) Pre-school I, for children in the age group 4; vi) Pre-school II, for children in the age group 5.

The subdivision provided for in the National Common Discipline Matrix Base, also known as BNCC (Brazil, 2018b), is only mentioned by Santo Antônio de Pádua and Rio de Janeiro municipalities. This finding makes it clear that the age groups corresponding to daycare and pre-school are organized for babies (from 0 to 1 year and 6 months), very young children (from 1 year and 7 months to 3 years and 11 months) and young children (from 4 years to 5 years and 11 months). The word "baby" only shows up two times more; thus, totaling only five times in all read municipal documents, although this age group is considered to match Early Childhood Education services.

Finally, the professional/child relationship was assessed. It is important highlighting that the discussion about the largest number of "students" in the classroom has been under discussion in the Congress since April 4, 2007. Although the Congress has not been able to make progress on this issue, NCE/BCE Resolution n. 1/2024 (Brazil, 2024) was approved. It enacted the National Operational Guidelines for Quality and Equity in Early Childhood Education. Its Art. 6 states the following largest numbers of infants and children per teacher: I - five infants per educator in classes of infants in the age group 0 to 12 month, II - eight infants per educator in classes of infants in the age group 12 to 24 months, III - 12 infants per educator in classes of infants in the age group 25 to 36 months, IV - 18 children per educator for classes of children in the age group 37 to 48 months and V - 20 children per educator for classes of children in the age group 4 and 5 years.

Although the documents did not present parameters establishing these ratios, which were only recorded later, municipalities seek an “adequate” ratio between the number of professionals and children, since they are aware of their responsibility. Overall, they follow the grouping rules in order to set the following ratios:

i) Daycare I/Nursery I/0 to 1 year: it ranges, for example, from one teacher for every four children in Niterói, to six children in Duque de Caxias, Teresópolis and Rio de Janeiro, and to ten children in Guapimirim – assistants’ numbers are expected to be based on these numbers.

ii) Nursery II/Kindergarten/1-2 years: Each teacher can be in charge of six children, on average, in Teresópolis, Niterói, Duque de Caxias and Rio de Janeiro; and of ten children, in Guapimirim, for example, including assistants. The requirement in Saquarema and Belford Roxo is to have one teacher and one assistant for 15 or 16 children, respectively. Paraíba do Sul requires one teacher and at least four monitors for every 20 children, per classroom.

iii) Nursery III/Kindergarten I/Kindergarten/2-3 years: The ratio of one teacher to every six children is observed in Teresópolis; of eight children, in Duque de Caxias, of ten children in Niterói and up to 25 children in Guapimirim. Saquarema and Belford Roxo specify one assistant/helper for up to 20 children, in addition to the teacher; whereas Paraíba do Sul requires three monitors for the same number of children. Rio de Janeiro requires one teacher for up to 24 children, one assistant for a group of up to 15 children and two assistants from 16 children onwards.

iv) Daycare IV/Kindergarten II/3-4 years: The aforementioned ratio ranges from one teacher to 15 children in Niterói, to 22 children in Belford Roxo and to 25 children in Guapimirim. Saquarema requires one teacher and one assistant for up to 20 children. Rio de Janeiro requires one teacher for up to 24 children, one assistant for a group of up to 20 children and two assistants from 21 children, onwards.

v) Pre-K I/Preschool I/4 years: the provision of one teacher for up to 25 children was common in several municipalities, such as Saquarema, Guapimirim, Belford Roxo, Paraíba do Sul, Teresópolis and Rio de Janeiro. Duque de Caxias provides one assistant from the 13th enrollment on and Niterói also provides one assistant from the 20th enrollment onwards.

vi) Pre -K II/Preschool II/5 years: Similarly, the provision establishes one teacher for every 25 children, as set in Saquarema, Guapimirim, Paraíba do Sul, Teresópolis and Rio de Janeiro Deliberations. Duque de Caxias requires one teacher for up to 10 children, and from the 11th enrollment onwards - the teacher would count on one assistant. Niterói requires one teacher for up to 20 children, and one teacher and one assistant from 21 to 25 children.

Vassouras and Barra do Piraí municipalities established the total of 25 students per teacher, but they did not specify different age groups. There are also municipalities that did

not specify the modulation, they left it up to the institution's pedagogical proposal, such as the case of Nova Iguaçu and Carmo, or the Municipal Education System was in charge of setting the appropriate ratio between number of "students" and "teachers", just like in Quatis. Finally, Cambuci, Iguaba Grande and Santo Antônio de Pádua Deliberations, as well as São Sebastião do Alto Decree, did not mention the professional:child ratio.

Conclusions

The main challenge faced by the current research was to identify how Early Childhood Education policies embody national normative documentation assumptions. It was done in order to better understand which of policies had the strongest influence on the induction process and whether these interpretations were in compliance with the herein addressed proposals. According to Arretche (2000), the municipal entity is not forced to implement a given policy, except for constitutional impositions. Therefore, it is essential observing whether the national legislation echoes on municipal practices, mainly on Early Childhood Education, whose implementation is on the hands of SMEs, whereas MECs are responsible for its standardization.

The lack or unavailability of some resolutions point out that each council is responsible for publicizing the actions taken by the municipal administration in order to showcase MECs' institutionalization level. MECs' responsibility is not limited to deliberating or accrediting institutions, but to supervise and monitor their institutions' system, even in the private sector. Have MECs been able to keep up with providing the services? How have municipal regulations been translated into different contexts?

The 1988 Federal Constitution and the 1996 LDB are the most often cited documents among the analyzed national documents due to their mandatory nature. On the other hand, the National Education Plan (PNE) and the National Council of Neighborhoods (NCE) Resolutions are ignored in these documents. No significant differences were observed between the sets of municipalities presenting the highest and the lowest GDPs, nor between different population groups. According to the analyses, there is a general trend common to Rio de Janeiro State.

The second analyzed axis regards the relationship space and focuses the context deliberations are elaborated in. The appointments of MEC board members were used in the study, and different formats and compositions were observed - SMEs and civil society were often observed. Different concepts of "parity" were identified, including, in some cases, the guardianship councils, the state department of education, universities and

public schools, as well as the legislative branch and non-governmental representatives. Oftentimes, MEC presidency compromises the principle of parity by unbalancing the government/civil society representativeness.

The third axis, the so-called space for thematization and problematization, triggered reflections on daycare services. Notably, the word "baby" only showed up five times in all the analyzed documents (approximately 300 pages, over 124.000 words). The specificity of working with babies has been a pressing issue in municipal policies. This challenge reflects on the training requirements set for professionals, on service provision and on lack of provisions for 'babies' in legal texts.

It is important emphasizing that information available in the current research should be outspread in order to inform policymaker in municipalities and to contribute to the deeper understanding of national policies' influence on local policies. It is essential to do not underestimate this topic's complexity; therefore, it requires further in-depth debate aimed at ensuring social-quality for all children.

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