The “Novo Ensino Médio Reform” Brazil’s Latest Step towards Universalization of Upper-Secondary Education

Jonathan Madison
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The “Novo Ensino Médio Reform” Brazil’s Latest Step towards Universalization of Upper-Secondary Education

By Jonathan Madison

Introduction

Brazil has reformed its upper-secondary education with legislation that President Michel Temer says places Brazil “side by side the great nations” of the world. This latest reform is a continuation of a history of incremental reform, striving for the universalization of upper-secondary education, and an effort to modernize the education system. The Novo Ensino Médio (New High School) reform introduces changes to the school schedule and curriculum. The most visible effects of the legislation were to lengthen the school day to a seven-hour schedule and install a flexible and specialized curriculum. This case provides a compelling example of education modernization and upper-secondary universalization. Furthermore, the rate at which Brazil has urbanized and universalized makes the case extraordinary.

The reform attempts to strike a balance between continued progress of universalization and quality with fiscal conservatism. This legislation is the result of a mix between bipartisan policy proposals that have been discussed for years and fiscally conservative solutions designed to reduce the public burden during the economic recession. Specifically, the legislation, especially in its implementation, incentivizes the privatization of professional-technical education, while advancing consensus reforms like the lengthening of the school day and specialized curriculum.

Despite being largely comprised of consensus reforms, major controversy surrounds the current legislation that was originally passed by way of an executive provisional measure. This has led to concerns about the undermining of the democratization of education. Brazil’s primary national organization of teachers unions declared that the “antidemocratic method” used by the government did “not fit the legal, judicial or moral conditions for this subject of immense

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3 Brazilian upper-secondary education called Ensino Médio is attended for 3 years by students aged 15 – 17. The other stage of Brazilian basic public education is called Fundamental education, and includes both Primary and Lower Secondary Education.

importance for the lives of millions of people of the present and future generations.”\(^5\) Furthermore, opponents of the reform have called it out as an attempt to privatize Brazil’s public education and infringe upon the teacher’s domain by allowing experts in their field to teach technical classes without being teachers.

So how does this latest reform fit into the historical progression towards universalization and how does it attempt to modernize the system? In what ways does the legislation differ from bipartisan consensus and what are the implications of these differences? To answer these questions, this paper will outline the historical development of Brazilian upper-secondary education reforms starting with the military government through the present day, and their accompanying results. This analysis will place the reform in historical perspective as the continuation of an incremental process. Continuing, the paper will provide a detailed description of the policy itself while analyzing its early implementation and the role of privatization. Lastly, the paper will discuss the political debate that surrounded formation of this particular policy and the overarching implications of this policy for future education policy in Brazil.

**Brazilian Upper-secondary Education Reform in Historical Perspective**

The Novo Ensino Médio reform is the most recent step in a long progression of upper-secondary education policies in Brazil. Tracing back this incremental chain reveals four primary reform movements of upper-secondary education in Brazil. First, the reform of the military government that placed upper-secondary education as terminal stage of education and attempted to expand its utility outside the middle class. Second, the Brazilian Constitution of 1988 and the reforms of the Cardoso administration that separated professional-technical education from standard upper-secondary education and installed a social welfare program to incentivize school attendance. Third, reforms of the Workers’ Party\(^6\) administrations of Luiz Inácio Lula da Silva and Dilma Rousseff that focused on the integration of professional-technical education into upper-secondary education. Fourth, the current Novo Ensino Médio reform focused on the modernization of the upper-secondary education system through expansion of the school day and specialization of the curriculum.

The table and figure in this section are used to illustrate the incremental history of upper-secondary education reform. The table provides a reference and names for the different pieces of important legislation. However, the table does not serve as outline of the section itself. The table is color coded to correspond with the four reform movements previously identified. The Law of Directives and Basis for National Education (LDB) here discussed is the piece of legislation that serves as the primary federal directive of education policy in Brazil.

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\(^6\) Partido dos Trabalhadores
<table>
<thead>
<tr>
<th>Assigned Name</th>
<th>Year</th>
<th>Official Law/Decree/Bill #</th>
<th>President</th>
<th>Summary</th>
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<tbody>
<tr>
<td>Current Law of Directives and Basis for National Education (LDB)</td>
<td>1996</td>
<td>Law 9.394</td>
<td>Fernando Henrique Cardoso (1st Term)</td>
<td>Established the current basis public education. Upper-secondary education was returned to serving as a gateway for tertiary education.</td>
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<tr>
<td>Separation Decree</td>
<td>1997</td>
<td>Decree 2.208</td>
<td>Fernando Henrique Cardoso (1st Term)</td>
<td>Separated standard public education curriculum from the professional-technical curriculum for upper-secondary education.</td>
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<td>School Stipend</td>
<td>2001</td>
<td>Law 10.219 (Bolsa Escola)</td>
<td>Fernando Henrique Cardoso (2nd Term)</td>
<td>Cash transfer program conditional upon enrollment of children up to age 15.</td>
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<td>Family Stipend</td>
<td>2004</td>
<td>Law 10.836 (Bolsa Família)</td>
<td>Luiz Inácio Lula da Silva (1st Term)</td>
<td>Combined multiple cash transfer programs, including the school stipend. This stipend applied to students up to age 17.</td>
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<tr>
<td>Integration Decree</td>
<td>2004</td>
<td>Decree 5.154</td>
<td>Luiz Inácio Lula da Silva (1st Term)</td>
<td>Allowed for integrated professional/academic curricula and schools at the upper-secondary level.</td>
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<tr>
<td>Constitutional Amendment 59</td>
<td>2009</td>
<td>Constitutional Amendment 59</td>
<td>Luiz Inácio Lula da Silva (2nd Term)</td>
<td>This amendment extended the constitutional guarantee of access to free education to schooling for ages 4 – 17, thereby including upper-secondary education.</td>
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<td><strong>Brazil Initiative Working Paper #8</strong></td>
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<td><strong>PRONATEC Law</strong></td>
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<td>2011</td>
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<td>Law 12.513</td>
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<td>Dilma Rousseff (1st Term)</td>
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<td>Established the National Program of Access to Technical Education and Employment to increase access to professional-technical education.</td>
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<td><strong>Elective Year Bill</strong></td>
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<td>2013</td>
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<td>Bill 5115</td>
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<td>Dilma Rousseff (1st Term)</td>
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<td>Proposed designating the third year of upper-secondary education for specialized education.</td>
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<td><strong>Full-time Bill</strong></td>
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<td>2013</td>
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<td>Bill 6840</td>
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<td>Dilma Rousseff (1st Term)</td>
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<tr>
<td>Proposed transitioning upper-secondary education to full-time (7 hours per day)</td>
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<td><strong>National Plan of Education (PNE)</strong></td>
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<td>2014</td>
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<td>Law 13.005</td>
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<td>Dilma Rousseff (1st Term)</td>
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<td>Established goals for the future of education.</td>
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<td><strong>Novo Ensino Médio Reform</strong></td>
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<td>2017</td>
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<td>Law 13.415</td>
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<td>Michel Temer (1st Term)</td>
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<td>Reformed upper-secondary education into full-time schooling with a specialized curriculum</td>
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<td><strong>Implementation Ordinance</strong></td>
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<td>2017</td>
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<td>Ordinance 727</td>
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<td>Michel Temer (1st Term)</td>
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<td>Implemented the upper-secondary reform.</td>
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The figure in this section, compiles the educational statistics to be used for the measurement of the policies discussed in this paper. Namely the illiteracy rate, the urbanization level, and the enrollment rates for fundamental and upper-secondary education in Brazil.7 These indicators will help to define the outcomes of education policies under the varying regimes and provide a statistical background to the arguments surrounding the Novo Ensino Médio reform.

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7 All enrollment statistics cited in this paper are net enrollment statistics unless otherwise indicated. Net enrollment is calculated as the number of enrollments from the corresponding age group over the total population of the corresponding age group.
Military Government and Upper-Secondary Education

The Brazilian march towards universal basic public education is a recent historical development. The Vargas era (1930 – 1945) had seen the foundation of Brazil’s modern public school system and some expansion of education but it was still far from universal access.\(^8\) Tracing back the expansion of upper-secondary public education brings us to the military government that ruled Brazil following the 1964 coup, which first expanded upper-secondary education’s role beyond the middle class.

During the late 1960s to mid-1970s, Brazil enjoyed a period of unprecedented economic growth that came to be known as the Brazilian Miracle.\(^9\) The economic boom combined with the massive population flow into urban centers (Figure 1) served as impetus for education reform, including reform of upper-secondary education. Enrollment in upper-secondary education was a mere 10% in 1970 and therefore was part of the focus of the new LDB issued in August of 1971 under military President Emílio Médici (1969 – 1974). The Military LDB modified upper-secondary

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education to include professional-technical education as a mandatory part of the curriculum. This was done to satisfy the increased demand for skilled and technical labor created by the boom and to help sustain the economic growth. Thusly, the Military LDB installed upper-secondary education as a terminal stage of education for those in the public system without the government having to open up public university enrollment. The government was free to maintain public universities as institutions largely attended by wealthier students that mostly attended private upper-secondary education institutions, while public upper-secondary education could produce a workforce for the economy. This new role for upper-secondary education differed from its historical role as a way for the middle class to access superior education. Policymakers behind the Military LDB employed a human capital theory approach that tied upper-secondary education to economic production. The appeal of upper-secondary education to the working class was increased by making it an institution that increased employment opportunities through professional-technical education.

Looking at the time-period of the Military LDB in Brazil, we can see that access to education expanded in step with a steep increase in urbanization. This is a common scenario as urbanization allows schools to be in range of increasing numbers of students. Universalization of education also followed urbanization increases in several nations including the United States and Canada.

What is unique about the Brazilian case is the speed at which urbanization took place. In 1960 on the eve of the military takeover Brazil was still a majority rural nation with just 45% of the population living in an urban area. One decade later that number had already increased to a majority of the population at 56% of the population living in an urban area and the number continued to expand from there. From 1950 to 2000, Brazil experienced an annual increase of the urbanized rate of more than nine percentage points. In the United States by comparison, the urbanization process was much more gradual (Figure 2).

12 LEI N° 5.692.
13 Neta and Assis, “EDUCAÇÃO PROFISSIONAL NO BRASIL (1960-2010).”
18 “IBGE | Portal Do IBGE.”
Therefore, we can see that the Military LDB came as Brazilian policymakers attempted to provide education policy for a nation with rapidly changing demographics. The swift rate of urbanization and subsequent expansion of upper-secondary education presented several challenges for Brazilian policymakers. These challenges centered on introducing quality and universalization into an institution that had historically been exclusionary of lower classes and thusly geared only towards academic pursuits.\(^{19}\) Brazilian policymakers have long attempted to devise policies that provide for universal access while preparing students for both citizenship and employment. This employment-citizenship duality has caused serious debates about the role of education in society and the economy, especially at the upper-secondary level. This employment-citizenship duality has proven a challenge for every Brazilian regime that has attempted to modify upper-secondary education.

In 1985, Brazil began a transition back to democracy.\(^{20}\) At this time, urbanization was surpassing 70% and fundamental education enrollment was around 80%. Meanwhile, upper-secondary enrollment had been steadily increasing since the Military LDB; however, it remained under 20%. These factors presented a complex and entirely new set of challenges for the nation at a critical point in its historical and political development. The challenges now would be to secure the complete universalization of fundamental education while expanding upper-secondary enrollment.

\(^{19}\) Rulian Rocha dos Santos, “BREVE HISTÓRICO DO ENSINO MÉDIO NO BRASIL.”

Return to Democracy and Universalization

The Brazilian Constitutional Convention ratified a new constitution in 1988 completing the transition back to civilian government. The new constitution set forth the goals for education in the new era of government. This constitution addressed the employment-citizenship duality, declaring the duty of education to be the “full development of the person, his preparation for the exercise of citizenship and his qualification for work.” In addition, the constitution guaranteed access to free public basic education with “equal conditions of access and permanence in school,” essentially canonizing universalization as a goal of education in the new constitution. However, the guaranteed access in the constitution applied to fundamental education specifically, not upper-secondary education. Instead, the constitution called for the gradual expansion of obligatory upper-secondary education, amended in 1996 to the gradual universalization of upper-secondary education.

Following the early and turbulent years of the new democracy, Fernando Henrique Cardoso (1995 – 2002) was elected in 1994. The first major reform of education under the new democracy came during the Cardoso administration with a new LDB in 1996, the Current LDB. The Current LDB officially repealed the Military LDB and removed the emphasis on vocational training by declaring the goal of secondary education to be the “basic preparation for work and citizenship.” This legislation returned secondary education to a more neutral stance by shifting the curriculum towards general education and professional-technical education was not included as a mandatory part of secondary education. The primary function of public upper-secondary education was no longer simply to be a terminal stage of vocational training.

Reform continued the following year with the Separation Decree. This decree specifically addressed the employment-citizenship duality by entirely separating professional-technical education from standard academic upper-secondary education. Upper-secondary schools could offer professional-technical education congruently or sequentially at their own institution or in connection with another. However, the curricula of professional-technical education and standard upper-secondary education were to be entirely separate. Professional-technical schooling would only be allowed to count for a maximum 25% of the total hours necessary to complete upper-secondary schooling. The separate systems meant that students who undertook professional-technical education would be enrolled into two different programs that had no overlap. The Cardoso Ministry of Education argued that forcing the education system to

26 LEI Nº 9.394.
27 Neta and Assis, “EDUCAÇÃO PROFISSIONAL NO BRASIL (1960-2010).”
address both parts of the employment-citizenship duality meant that it would do neither well. Furthermore, professional-technical education courses were wasted on students with academic goals.\(^30\) State and municipal education systems were largely relieved of the responsibility to fund professional-technical education and federal centers of technological education began to take on the lion’s share of professional-technical education duties.\(^31\) Implementation of the Separation Decree had the ultimate effect of concentrating public funding on standard academic education and leaving professional-technical education schools to seek funding from private sources.\(^32\) Federal funding, with an infusion from the Inter-American Development Bank,\(^33\) was channeled into the restructuration of professional-technical schools that were meant to become self-funding through the selling of courses after a period of five years.\(^34\)

The primary focus of education reform for the time-period however, remained on fundamental education and its universalization, the goal mandated by the new constitution. To this end, the Cardoso administration nationalized a cash transfer program that would come to be called, Bolsa Escola or School Stipend. This cash transfer program was originally instituted in Brazil’s federal district in 1994 and later reproduced by the state of Recife in 1997. The concept had come out of debates about providing a national cash transfer benefit to people below a certain poverty line. From these debates came the idea for conditional transfers, including one based on school attendance.\(^35\) After success at the local level, the policy was federalized by President Cardoso through a provisional measure in March of 2001 and converted into the School Stipend Law the following month. The federal program also provided funds for impoverished families on the condition of enrollment of children in school. However, the program applied only to children 6 to 15 years of age and thereby included only the first year of upper-secondary education.\(^36\)

The School Stipend program had potentially the greatest impact of any of the Cardoso education reforms. A World Bank study reported the program as responsible for the enrollment

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\(30\) Neta and Assis, “EDUCAÇÃO PROFISSIONAL NO BRASIL (1960-2010),” 202 - 203.

\(31\) Fernando Henrique Cardoso, Decreto no 2.208; Neta and Assis, “EDUCAÇÃO PROFISSIONAL NO BRASIL (1960-2010).”

\(32\) Neta and Assis, “EDUCAÇÃO PROFISSIONAL NO BRASIL (1960-2010).”


of approximately 40% of the non-enrolled student group,37 and ultimately the program was seen as being successful in sustaining and increasing Brazil’s enrollment rate.38

The Separation Decree however, met with limited success and several schools failed to achieve economic independence.39 Many were critical of the separation of academic and professional-technical education. A 2007 report from the Ministry of Education, under the Lula administration, condemned the move for attempting to privatize professional-technical education and failure to embrace a polytechnic education.40

Ultimately, during the Cardoso administration, fundamental education enrollment had increased approximately 4 percentage points from ~90% to ~94%. Upper-secondary gains had also been impressive as enrollment increased approximately 16 percentage points from ~20% to ~36% (Figure 1). Upper-secondary policy began to take on a new level of importance as enrollment increased.

Lula and the shift toward quality and upper secondary universalization

The 2002 election saw the rise of the Workers’ Party and the election of President Lula (2003 – 2011). As shown, the Brazil of which the Lula administration assumed control was vastly different from the Brazil of their predecessors, especially in terms of educational policy challenges. Brazilian urbanization, which had surpassed 80% of the population in an urban area, finally began to slow but did not stop. Now with Brazil achieving near virtual universalization of fundamental education the challenges were new ones. The challenge for the Lula administration was to sustain the gains of the Cardoso administration and begin to implement reforms that dealt with the quality of education and the universalization of upper-secondary education.

Lula had addressed upper-secondary education before taking office, making a campaign promise to revoke the Separation Decree.41 He did just that in 2004, issuing the Integration Decree. This decree went beyond revoking the Separation Decree and set out its own implementation of the 1996 LDB. The Integration Decree renewed the responsibility of all education systems to offer professional-technical education and allowed for integrated completion of professional-technical and secondary courses. Schools were still to offer professional-technical education either through their own institution or in partnership with another institution. However, the major change was that students were now able to pursue an

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40 Dante Henrique Moura, Sandra Regina de Oliveira Garcia, and Marise Nogueira Ramos, “EDUCAÇÃO PROFISSIONAL TÉCNICA DE NÍVEL MÉDIO INTEGRADA AO ENSINO MÉDIO.”

integrated academic/professional education with an integrated curriculum. This meant that students would receive a general education but the academic curriculum would be integrated with a professional-technical education curriculum into a single curriculum. While integrated education became an option, the law continued to allow for dual matriculation in an academic and professional-technical program as well. In 2008, the changes mandated by this decree were made more permanent when it was transitioned into a law. This policy represents a logic that runs counter of the Cardoso administration. The Lula administration clearly felt that the education system could be charged with both parts of the education-citizenship duality and perform both functions well.

In 2003, President Lula issued a provisional measure that instituted a program called Bolsa Família or Family Stipend. The Family Stipend combined several social programs, including the School Stipend, into one cash transfer program. This new comprehensive program, which included a stipend for adolescents 16 and 17 years old, was also conditional upon enrollment in school, except for amongst the poorest of families for whom the transfer is unconditional. Now government incentives on a federal level were applied to ages that included the entirety of upper-secondary education.

Also under the Lula administration, a Workers’ Party sponsored constitutional amendment passed with virtually unanimous support as Constitutional Amendment 59 in 2009. This amendment changed the federal definition of basic education by changing the constitutional guarantee of access to fundamental education to access to free public education for all students aged 4 to 17. This meant that upper-secondary education was now officially part of the free public education guaranteed by the constitution.

As with the Cardoso administration, the policy that produced the greatest results was the cash transfer policy. The Family Stipend sustained previous gains and led to further gains in enrollment. The policy is also credited with the abolition of extreme poverty within Brazil. Undoubtedly, the policy served to mitigate several of the barriers between impoverished families and public education.

The integrated education reform however, achieved only limited success. The majority of states did not implement the integrated reform and integrated schools as a result are a limited but increasing phenomenon. According to the most recent school census, out of the 8.1 million

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43 Dante Henrique Moura, Sandra Regina de Oliveira Garcia, and Marise Nogueira Ramos, “EDUCAÇÃO PROFISSIONAL TÉCNICA DE NÍVEL MÉDIO INTEGRADA AO ENSINO MÉDIO.”
44 LUIZ INÁCIO LULA DA SILVA, Decreto n° 5.154.
49 Langevin and Stackhouse, “Brazil and Development: Growth, Equity, and Sustainability into the 21st Century.”
50 Neta and Assis, “EDUCAÇÃO PROFISSIONAL NO BRASIL (1960-2010).”
students enrolled in upper-secondary education in Brazil, only 1.9 million are enrolled in some form of professional-technical education. Examination of that 1.9 million shows that only around one third are enrolled in an integrated school.\(^{51}\) This policy however, placed emphasis on professional-technical education in connection with upper-secondary education as a new relevant indicator of the education system.

Constitutional Amendment 59 had significant symbolic importance as it officially set the universalization of upper-secondary education as a requirement for Brazilian public education. The amendment also represents official recognition of upper-secondary education as part of standard basic public education on a national scale, essentially shifting this level of education from benefit to right.

Overall, during the Lula administration fundamental enrollment remained strong, increasing form \(\sim 94\%\) to \(\sim 95\%\). Upper-secondary education enrollment took another significant step forward and crossed the halfway point with an eleven-percentage point increase from \(~40\%\) to \(~51\%\). Meanwhile the illiteracy rate had dropped below 10\% (Figure 1). In addition, the percentage of upper-secondary education students enrolled in a professional-technical education program had risen to 15\% by the time Lula left office (Figure 3).

**Dilma Rousseff and the Expansion of Integrated Education**

Lula and the Workers’ Party remained very popular throughout his two terms.\(^{52}\) As a result, his handpicked successor Dilma Rousseff (2011 – 2016) was able to secure victory in the 2010 election without excessive consternation.\(^{53}\) The new Rouseff administration continued along the same lines as its predecessor by trying to facilitate access to and completion of

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\(^{51}\) “CENSO ESCOLAR DA EDUCAÇÃO BÁSICA 2016 Notas Estatísticas” (Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira (Inep), February 2017).

\(^{52}\) “Profile: Luiz Inacio Lula Da Silva,” *BBC News*, July 12, 2017, sec. Latin America & Caribbean, 

technical education courses and thusly continue the expansion of upper-secondary enrollment. In October of her first year as president, Rousseff signed the PRONATEC Law. This law created the National Program of Access to Technical Education and Employment (PRONATEC). The main purpose of the PRONATEC Law was to expand access to professional-technical education and increase the quality of upper-secondary education through better cooperation with professional-technical education. In the declarations of motives for the bill, five ministers of the president’s cabinet headed by the Minister of Education explained that despite the Lula administration adding 214 new professional-technical education centers, the federal system with only 354 education centers was only able to serve just 10.2% of the upper-secondary population in 2010. As a result, the new law ordered the program to increase the size and number of spaces within the federal system while finding ways to incentivize the state and municipal systems to expand as well. The law also placed a priority on creating better connections between professional-technical education and the job market.

In 2014, Brazil was rocked by a massive corruption scandal uncovered by the Lava Jato (Car Wash) investigation. This investigation implicated several leaders of big business and top-level politicians. This scandal combined with an economy that had entered a steep recession

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54 Programa Nacional de Acesso ao Ensino Técnico e Emprego
57 LEI Nº 12.513.
dealt staggering blows to the popularity of Rousseff and the Workers’ Party.59 In 2016, several of Brazil’s right leaning parties were able to begin impeachment proceedings against the president on an accusation of a budgeting impropriety.60 In August of 2016, Rousseff was officially impeached, bringing her Vice President Michel Temer (2016 - current) of the right leaning Brazilian Democratic Movement Party61 to power.62

Having been cut short it is impossible to know what more the Rousseff administration would have done in terms of upper-secondary education. A policy analysis of the PRONATEC law found that this program was benefitting mostly private professional-technical education programs that often lacked the necessary oversight and that these courses, eager to meet demand, were too short to be substantive or effective.63 Nevertheless, both figures 1 and 3 show continued progress under the Dilma administration. In terms of upper-secondary education, enrollment had reached nearly 57% by 2015, the last year with data available.

The burden of continuing the gains in education now fell to the Temer administration. While this administration would continue to build on the work of its predecessors, it would shift the focus to the modernization of the system and the reduction of public burden. This differed from the approach of the Workers’ Party governments but hearkened back to the system of the Cardoso administration.

**The Novo Ensino Médio Reform**

This section examines the Novo Ensino Médio reform itself as well as the policy environment that produced it. Here I seek to examine the connections between the historical progression detailed above and the modernization reform produced by the Temer administration in 2016, and thusly place the reform in historical perspective. Then this section will discuss the implementation of this reform and the ways in which it incentivizes privatization.

**Policy Environment**

The year 2013 produced several bills that set the stage for the Novo Ensino Médio reform. The first bill of consequence was the Elective Year Bill proposed by Deputy Izalci Lucas of the Brazilian Social Democracy Party (PSDB).64 This bill proposed maintaining the first two years of upper-secondary education for a common mandatory curriculum and reserving the third year for elective education. For this third elective year, the bill proposed three potential specializations

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60 Gallas.

61 Partido do Movimento Democrático Brasileiro


64 Partido da Social Democracia Brasileira
In November of 2013, the bipartisan Special Congressional Commission on Ensino Médio Reform submitted the Full-time Bill. This bill proposed full-time schooling for upper-secondary schooling. This meant increasing the annual hour requirement from 800 hours to 1,400 hours, spread over at least 200 days. The in-practice effect is increasing the school day from four to seven hours. Both bills progressed through the legislative process, and then in 2016 a request was submitted to combine the bills into a single comprehensive reform bill.

However, later in 2016 this legislative process would be preempted by President Temer’s provisional measure. While these two bills represented the core of reform proposals 2013 to 2016 saw a deluge of legislation. This legislation included attempts to add courses such as civics, government, women’s history, finance, first aid, and many others to the mandatory curriculum for upper-secondary education. Still other pieces of legislation, proposed vocational specialization in connection with upper-secondary education or dual enrollment in post-secondary education in the third and final year.

Following these bill proposals, a general vision of upper-secondary reform was institutionalized in June of 2014 with the approval of the National Plan of Education (PNE). The PNE is a legal document that outlines the federal government’s goals and orientation for education that the National Congress is required to approve on a ten-year basis. The PNE set forth ambitious goals for upper-secondary education. Specifically, four of the goals in the 2014 PNE directly address upper-secondary education. Goal 3 of the PNE is the universalization of education of those 15 – 17 years old by 2016. Furthermore, it sets a goal for an 85% net enrollment rate for upper-secondary education by the time the PNE expires in 2024. Strategies that the PNE lists for accomplishing this goal include: renovation of the upper-secondary system, development of a flexible curriculum that includes elective classes; the expansion of free access to upper-secondary schools with integrated professional-technical education, improved enforcement of social programs that require enrollment and attendance in school, and stimulation of participation of adolescents in technology and science courses.

Goal 6 is to achieve full-time schooling of at least 7 hours a day in 50% of Brazil’s basic education public schools and serve at least 25% of the student population in doing so. The

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69 “Câmara Dos Deputados - Pesquisa Simplificada.”
70 Plano Nacional de Educação
strategies laid out here, called for expansion of extra-curricular activities and the gradual increase of the teacher’s time at the school.73

Goal 7 laid out targets for scores for the Basic Education Development Index (IDEB).7475 The IDEB is an internal Brazilian measurement device, which evaluates schools based on standardized test scores and the percentage of students who pass from one grade to the next each year, known as school flow.76 Strategies in this area largely focused on improving school flow.77

Finally, goal 11 was to triple the number of enrollments in upper-secondary level professional-technical education with at least 50% of the growth being in the public sector. Strategies for this goal included expansion of the federal system of professional-technical education and stimulation of professional-technical education at the state and municipal level.78

The 2014 PNE reveals a general-consensus amongst policymakers and civil society79 about the future, or at least goals, for upper-secondary education. Furthermore, it represents a clear declaration of universalization as the overarching goal with specific measurements of what that would entail. However, the exact path forward was still a matter of debate.

Later in 2014, during her campaign for reelection President Rousseff maintained, that reform of the upper-secondary education was necessary and needed to start with the curriculum. Continuing, she argued that the 12 required subjects were too much and this overload was turning off students instead of attracting them. She also felt that the policy in place regarding failures – that failing a single subject means a student has to repeat all subjects for that school year – was contributing to the upper-secondary abandonment rate. Her position created serious controversy and backlash from the public, largely on social media, in opposition to the idea of cutting classes from the required curriculum.80

In November of 2014, the National Confederation of Education Workers (CNTE),81 the national union organization, released their report on the 2014 PNE. Their report detailed their opinions of the reform and outlined the best practices for civil society to accompany the

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73 LEI No 13.005.
74 LEI No 13.005.
75 Índice de Desenvolvimento da Educação Básica
77 LEI No 13.005.
78 LEI No 13.005.
81 CNTE - Confederação Nacional dos Trabalhadores em Educação
implementation of the PNE. Specifically, the CNTE called for close oversight of upper-secondary reform and democratic inclusion in the process of restructuring for full-time schooling.\footnote{\textit{CNTE - Confederação Nacional dos Trabalhadores em Educação, “Cadernos de Educação: PNE: Mais Futuro Para a Educação Brasileira,”} 378 - 379.}

The Temer administration began pushing several major modernization reforms upon assuming power. One reform that significantly affected the education policy environment was Constitutional Amendment 95, which passed in December of 2016. This highly controversial amendment capped public spending, including education spending, at its current levels for the following 20 years with exceptions only for inflation. This reform was not well received by the education community.\footnote{\textit{CNTE - Confederação Nacional dos Trabalhadores em Educação, “Senado Está Prestes a Concluir Votação Da ‘reforma’ do Ensino Médio,”} February 3, 2017, \url{http://www.cnte.org.br/index.php/cnte-informa/1702-cnte-informa-779-03-de-fevereiro-de-2017/17706-senado-esta-prestes-a-concluir-votacao-da-reforma-do-ensino-medio.html}; \textit{Estudantes Se Reúnem Para Protestar Contra Reforma Do Ensino Médio,} \textit{G1 Globo}, October 9, 2016, \url{http://g1.globo.com/pr/parana/noticia/2016/10/estudantes-se-reunem-para-protestar-contra-reforma-do-ensino-medio.html}.}

**The Reform**

Eventually, the upper-secondary education reform process would be thrown into overdrive by President Temer’s declaration of a provisional measure in September of 2016, a process that will be discussed in detail in the final section. For now, it is sufficient to understand that the provisional measure was mandated in September of 2016 and converted into law in February of 2017. The details of the law in its final form will be presented here.

The central changes of the legislation center on the increase in minimum hours, and the change in the curriculum. The hours increase deals with moving Brazilian upper-secondary schools away from shift schooling and towards full-time schooling. According to the 2016 School Census, just over 93% of upper-secondary students were in schools that were not full-time. This usually means schools that work on shift scheduling of morning, afternoon, or night schooling with students choosing the time of day they want to attend school.\footnote{\textit{“CENSO ESCOLAR DA EDUCAÇÃO BÁSICA 2016 Notas Estatísticas.”}} The exact legal change consists of changing the schools minimum hour requirement for one year from 800 hours over 200 days to 1,400 hours.\footnote{\textit{LEI No 13.415; “Entenda o Novo Ensino Médio,”} \textit{Notícia, Portal Brasil}, accessed October 31, 2016, \url{http://www.brasil.gov.br/educacao/2016/09/entenda-o-novo-ensino-medio}.} The law still allows for a nighttime option but the daily duration of time in schools was changed to seven hours instead of four hours. This change is to be gradual according to the law itself and will be overseen by the Ministry of Education.\footnote{\textit{LEI No 13.415.}}

The change in curriculum seeks to increase student flexibility by introducing a curriculum that allows students to choose their specialization upon reaching the upper-secondary stage. The former curriculum was organized into 12 mandatory subjects (Portuguese and reading, mathematics, biology, physics, chemistry, philosophy, English, geography, history, sociology,
physical education, and art). The newly designed curriculum has been divided into two parts. The first part is the obligatory classes, which will be 60% of class hours. The second part is made up of classes that vary depending on your specialization.

Students themselves will choose a specialization from five specialization areas, within those specializations the states and schools will determine the classes to be offered. Portuguese and math are now the only subjects that are expressly required by the law for each of the three years. English will be required but not necessarily for all three years. Students are permitted to select an additional foreign language with Spanish as the preferred next option. The five specialization areas are language and technology, math and technology, natural science and its technology, human science and social applications, or a professional-technical education. The four academic areas of specialization are designed to prepare students to pursue a college education in their area, if they decide to do so. However, completion of upper-secondary education, no matter the specialization, makes a student eligible for tertiary education.

The changes to professional-technical education are the genesis of much of the controversy. Graduating with this specialization can provide certifications and prepare students for entry into the job market. In connection with professional-technical education, the law allows for qualified individuals within these areas to teach classes even if they are not certified teachers. Furthermore, the law allows school systems to contract out certain parts of the educational experience to other educational institutions if necessary to comply with the new legislation. This part of the law opens the door to the reduction of public burden through the privatization of professional-technical education, a position similar to that of the Cardoso administration’s Separation Decree.

The law establishes the National Fund of Education Development (FNDE) as the budget mechanism by which the federal government will provide financial support for the transition to full-time schooling for public institutions. While also specifying that underdeveloped areas should be given priority. According to the Ministry of Education, the reform is designed to allow students greater freedom of choice and to ensure that more fully developed students are being produced by the time they reach the end of secondary education. Actual changes began to take effect at the start of the first semester of 2017.

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89 LEI N° 13.415.
90 LEI N° 13.415.
91 LEI N° 13.415; “Entenda o Novo Ensino Médio.”
92 LEI N° 13.415; “Entenda o Novo Ensino Médio.”
93 Neta and Assis, “EDUCAÇÃO PROFISSIONAL NO BRASIL (1960-2010).”
94 Fundo Nacional do Desenvolvimento da Educação
95 LEI N° 13.415.
96 “Entenda o Novo Ensino Médio.”
Implementation, an Attempt at Privatization?

A significant part of the implementation of the Novo Ensino Médio Reform came in the Ministry of Education’s Implementation Ordinance in June 2017. The Implementation Ordinance suggests a potential effort to privatize professional-technical education similar to the efforts of the Cardoso government. This ordinance deals with transitioning of upper-secondary schools to full-time schedules. Specifically, it institutes the program by which the government will transfer funds to states for school transitions and outlines the criteria to qualify for funding. Conditions for funding include compliance with the curriculum and hour requirements outlined in the law.97 In order to comply with the burdens of teaching so many hours and subjects it will often be easier and cheaper for schools to outsource professional-technical education to one of the many private institutions in Brazil. A process made easier by the outsourcing and specialist-teacher provisions in the legislation. This will free schools from having to hire and train teachers in a myriad of professional-technical areas while also allowing the school to offer a wide array of certifications and specializations by way of their partner institution. Thusly, while not required privatization is incentivized.

In terms of funding, the Ministry of Education will calculate and proportionally distribute funds by way of the FNDE as specified by the law. However, the ordinance also stipulates that funding transfers are conditional upon budgetary availability.98 Given that the government has capped its education spending, budgetary availability may be sporadic. Nevertheless, in January of 2018 the government did dispense the first funding for the program. The government released 406 million reais (126.7 million USD) for the transition. Furthermore, the Ministry of Education said that more will be dispersed through the year and following years until a total 1.5 billion reais (468.4 million USD) is dispersed through 2020. Estimating a cost of 2,000 reais per student the government aims to have 967 schools serving 285 thousand students enrolled in the transition program by the end of 2018.99 The government would appear to be serious about attempting to fund the reform.

In terms of specific criteria for transition, the Implementation Ordinance lists five principal criteria for eligibility for the program.100

- A minimum of 120 enrollments for the first year class.
- High socioeconomic vulnerability, based on the Human Development Index.
- Four of the six infrastructure items the ordinance identifies (library of 50m², 8 classrooms of 40m², sport court of 400m², male and female locker rooms of 16m², kitchen of 30m², or a cafeteria).

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98 MINISTÉRIO DA EDUCAÇÃO.
100 MINISTÉRIO DA EDUCAÇÃO, PORTARIA Nº 727.
• More than 50% of the school’s students must be studying for less than 35 hours per week (7 hours per day).
• The school cannot already be participating in the program

Using these criteria, the State Secretary of Education for each state will then submit their request for funding which will include a list of eligible schools they have selected, along with an implementation plan for the transition of the schools. The Ministry of Education will then evaluate the requests and approve or reject each school application with each state having a minimum annual number of schools that will be approved. Priority will be given to schools with the highest socioeconomic vulnerability, serving the largest number of students, and possessing the desired infrastructure; importance being assigned in that order.\textsuperscript{101}

Compliance once in the program is contingent upon meeting the curriculum and hour requirements. The ordinance calls for a minimum 37 hour school week, with math and Portuguese receiving 5 hours each and 8 hours being reserved specifically for specialization classes. Remaining in the program is also conditional upon specific goals in relation to the rate of students repeating grades or abandoning school. By the third year of the program, schools are expected to maintain both rates at or below 5%.\textsuperscript{102} Once again, compliance will be easier for schools that concentrate efforts on academic classes and allow professional-technical education to be outsourced in some fashion.

The Reform and Politics

Analysis of the politics behind the Novo Ensino Médio reform reveal a hotly contested battle around the democratization of public education reform and competing theories of education’s role in society as either a producer of social equality or human capital. This section will examine the political debate that ensued and the positions taken by proponents and opponents of the legislation before, during, and after the legislative process.

Upon coming to power, the Temer administration and Brazil’s conservative parties set about a myriad of reforms including social security, privatization, regulation and bureaucracy reduction, worker legislation, spending caps, and education.\textsuperscript{103} In speaking with a group of investors at 2017 Santander Brasil Conference, Temer explained his motivation for these reforms. He felt the reforms were necessary to return Brazil to stability saying, “We now have an opportunity to end these historical cycles of changing [the Constitution] every 25 or 30 years. Reforms are important and will bring Brazil into the 21st century.”\textsuperscript{104} Furthermore, he stated that the reforms would return Brazil to a “solid and competitive economy.”\textsuperscript{105} These motivations

\textsuperscript{101} MINISTÉRIO DA EDUCAÇÃO.
\textsuperscript{102} MINISTÉRIO DA EDUCAÇÃO.
\textsuperscript{105} Planalto, “Temer aponta medidas como responsáveis por economia sólida e competitiva.”
reveal a modernization philosophy guiding the reform efforts of the new administration, including the Novo Ensino Médio reform.

**The Temer Administration and an Urgent Provisional Measure**

The first impetus of controversy came because the reform was passed originally by way of provisional measure. According to the Brazilian Constitution, the president has the power to issue provisional measures that are entered instantly into law in “urgent” situations. Once a provisional measure has been issued, the Chamber of Deputies and the Senate have 60 session days to vote or extend the period for only one more 60 session day time-period. Within this time allotment, the National Congress must vote on the measure. If the measure fails then it loses its effect, if it passes as is, it continues as law, if it is modified than the measure will remain in effect until the president signs or vetoes the new bill.\(^{106}\)

The Temer administration decided that the condition of upper-secondary education constituted just such an urgent situation and instituted reform by way of provisional measure on September 22, 2016.\(^{107}\) In the official Exposition of Motives, Temer’s Minister of Education José Mendonça Bezerra Filho, argued that the urgent nature was due to the convergence of a stagnant upper-secondary system at a time when the Brazilian youth population was reaching its peak at around 50 million. Furthermore, he maintained that Brazil’s elderly population was also steadily growing that the current and near future upper-secondary students represented Brazil’s economic base for social programs for the near future. Therefore, the education of these students was crucial to creating an economically and socially stable Brazil in the future and thus the legislation was of an urgent nature.\(^{108}\) Later, after the measure was already law, Temer stated that he had undertaken reform by way of provisional measure because any attempt to introduce the reform as legislation would be grouped with earlier legislation in congress and “stay there for many years.”\(^{109}\) This suggests that the administration chose a provisional measure as way to force congress’ hand.

Chief among the motives listed for the reform itself, was the allegation that upper-secondary education was failing to fulfill its purpose. Modernization once again played a key role. Namely, that the upper-secondary system was not producing individuals capable of influencing their environment or prepared for the challenges of the 21\(^{st}\) century. As evidence of this, the document cites a 58% enrollment rate, which corresponds with the data in Figure 1. Also cited, is stagnating scores on the IDEB and national evaluations at the upper-secondary level and the fact that 75% of upper-secondary students pursue neither tertiary nor professional-technical education. In agreement with President Rousseff’s point in 2014, the exposition also highlights

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\(^{106}\) **CONSTITUIÇÃO DA REPÚBLICA FEDERATIVA DO BRASIL DE 1988.**


\(^{109}\) **Planalto**, “Discurso do Presidente da República, Michel Temer.”
the large number of required subjects as having a negative impact on the desirability of this stage of education.\footnote{JOSÉ MENDONÇA BEZERRA FILHO, “Exposição de Motivos N° 00084/2016/MEC.”}

**Reaction from the Opposition**

Condemnation of the legislation by opponents was virtually instant. The day after the provisional measure was issued the CNTE released their condemnation of it. The CNTE opened by denouncing the president and the Secretary of Education as coup conspirators, referencing the impeachment. Utterly rejecting the measure, the CNTE condemned the legislation for a few key reasons. First, it was passed as a provisional measure, which the CNTE saw as preempting the democratic process that should surround legislation of such “immense importance.”\footnote{CNTE - Confederação Nacional dos Trabalhadores em Educação, “Análise Da Medida Provisória N° 746, Que Trata Da Reforma Do Ensino Médio.”} In addressing the legislation itself, the CNTE declared the objectives to be the reduction of instruction to the “dictation of the market” and the “privatization of public education.”\footnote{CNTE - Confederação Nacional dos Trabalhadores em Educação.} Continuing, the CNTE attacked the elimination of several mandatory subjects, the outsourcing of educational services, and the contracting of non-certified professionals as educators. In addition, the CNTE condemned the budget constricting Constitutional Amendment 95, which was still being debated at the time, and felt that this orientation called into question the government’s dedication to properly funding the transition to full-time schooling.\footnote{CNTE - Confederação Nacional dos Trabalhadores em Educação.}

In the following months, there were several educator and student based protests. This included a student movement that occupied hundreds of schools across Brazil. These movements largely shared the same motivations that the CNTE had listed while also targeting the budget amendment.\footnote{“Estudantes Se Reúnem Para Protestar Contra Reforma Do Ensino Médio”; Marina Rossi, “Ocupações Diminuem No Paraná, Mas Aumentam Em Escolas de Outros Estados,” EL PAÍS, November 4, 2016, https://brasil.elpais.com/brasil/2016/11/02/politica/1478102466_461878.html.} These conflicts were represented within the national congress as evidenced by the amendment process and legislative debates.

**The amendment process**

In transitioning from provisional measure to law, the reform was opened up for amendments. During this time, the congressional body proposed 568 amendments, approving or partially approving 145 of them.\footnote{“Emendas Da Medida Provisória N° 746” (2016), http://www25.senado.leg.br/web/atividade/materias/-/materia/126992.} A large part of the approved amendments to the measure dealt with reinstating subjects whose mandatory nature had been undone by the provisional measure. While math and Portuguese are the only subjects that are required for all three years, art, physical education, sociology, and philosophy were all reinstated to their obligatory nature at the upper-secondary level. Other approved amendments of note focused on maintaining...
nocturnal education, extending the funding period to 10 years, and limiting funding to public institutions.\textsuperscript{116} These amendments originated from across the political spectrum.

Congressional opposition led by the Workers' Party submitted hundreds of amendments, some of them were symbolic and simply amended the legislation out of existence. Other opposition amendments aimed at legitimate changes. Privatization and separation of professional-technical education and the infringement upon the teacher’s domain were serious concerns for the opposition, especially the Workers’ Party. As a result, there were several challenges to the stipulation that qualified individuals who are not teachers, would be allowed to teach. Multiple amendments attempted to remove this stipulation, on grounds that the quality of education would be negatively impacted by teachers who were experts in their field but lacked knowledge of teaching itself. In addition, multiple opposition amendments proposed removing professional-technical education as a separate education area and instead requiring students who opt for this form of education to select one of the four academic areas to complete simultaneously. Aside from opposing a perceived threat of privatization, these amendments are largely in keeping with the Lula reform of integrated education. The commission rejected consolidation of the specializations on the grounds that all the specialization areas were subject to the general subject requirements.\textsuperscript{117} The commission defended the employment of specialists as in line with the concept of bringing real world expertise into schools.\textsuperscript{118}

In addition, the opposition attempted unsuccessfully to modify the bill to oblige all schools to offer all five specialization areas and to return Spanish to an obligatory status and make it equal to English education. Answering, the committee maintained that it would be unrealistic to expect that all schools have the capacity to offer all five areas without exception\textsuperscript{119} and that while students were welcome to take other languages in addition, English would best prepare them for the globalized world.\textsuperscript{120}

During the amendment process, the CNTE opted not to submit any amendments by way of their congressional allies. In explaining their decision, the CNTE explained that the reform as conceptualized by the Temer administration had become “privatist,” “reductionist,” and carried out in an undemocratic fashion.\textsuperscript{121}

The eventual voting process on the bill was largely polarized along ideological lines.\textsuperscript{122} Voting in the senate was completely polarized with not a single vote crossing the aisle in either

\begin{footnotesize}
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\item\textsuperscript{116} Emendas da Medida Provisória Nº 746.
\item\textsuperscript{117} Pedro Chaves, "Relatório Legislativo Da MPV 746" (Brasília, Brasil: Senado Federal, 2016), http://www25.senado.leg.br/web/atividade/materias/-/materia/126992.
\item\textsuperscript{118} Pedro Chaves.
\item\textsuperscript{119} Pedro Chaves.
\item\textsuperscript{120} Pedro Chaves.
\item\textsuperscript{122} Political ideologies according to: André Shalders - @shaldim, “Direita Ou Esquerda? Análise de Votações Indica Posição de Partidos Brasileiros No Espectro Ideológico,” \textit{BBC Brasil}, September 11, 2017, sec. Brasil,
\end{itemize}
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direction. Voting in the Chamber of Deputies was virtually polarized as well. Not a single Workers’ Party vote in the chamber or senate went in favor of the legislation.

Conclusion

The Novo Ensino Médio Reform is a continuation of Brazil’s incremental progression towards universalization of upper-secondary education. Though the reform has become a polarizing topic, the bulk of the legislation, a seven-hour school day and subject specialization, are products of debates and bills that far preceded the Temer administration and were bipartisan visions of the future. This reform is a solid step and the continuation of Brazil’s already impressive progress towards universalization. While increasing time in class stands to increase the quality of this level of education, specialization increases the desirability for students. Thusly, the reform should be able to build on its predecessors and continue to increase quality and enrollment.

The area where the reform strays furthest form the consensus is the incentivizing of privatization of professional-technical education. However, even this strategy is reminiscent of the Cardoso administrations Separation Decree and is part of a greater strategy of fiscal conservatism that seeks to limit public burden during Brazil’s economic crisis. While caution should be taken from the fact that the Cardoso reform was not very successful in its endeavors, there are also reasons to be optimistic about this attempt at privatization. This privatization if done through smart public-private partnerships could prove fruitful for all involved. Brazil currently has public-private partnerships in the area of professional-technical education that are continually improving. Publically sponsored private institutions such as the National Service of Industrial Learning (SENAI) and the National Service of Commercial Learning (SENAC) are already providing valuable services in the area of professional-technical education. Each of these institutions is present in more than 2000 Brazilian municipalities and are some of the world’s largest professional-technical education institutions. Any privatization of professional-technical education should focus on the expansion of partnerships such as these. Furthermore, if privatization of professional-technical education increases the quality and opportunities available to students, it will further increase the desirability of this stage of education.

Given the impetus and motivations for this reform, evaluation of the policy’s outcomes should concentrate on three principle indicators, upper-secondary enrollment, professional-technical enrollment, and Brazil’s standardized measures found in the IDEB. Policy evaluators should monitor the continuing transfer of federal funds, privatization of professional-technical education, and the impacts on access to education. Brazil now has decades of sustained progress towards education universalization, including the achievement of universalization of fundamental education. The Novo Ensino Médio reform is by in large the result and continuation of that progress.
