

## **Professional Education and the Reform of High School: law nº 13.415/2017**

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**ABSTRACT – Professional Education and the Reform of High School: law nº 13.415/2017.** This text has the purpose of problematizing Law nº 13.415/2017 (Brasil, 2017b) in the sense of understand it as a reverse of professional education policies. It refers to a documentary analysis that made it possible to understand that, historically, the policies for a professional education have been subjugating this formation to the absurdities of the labor market, subjecting itself to capitalist modes of production. Thus, the current law did not contribute to valorization of technical education, nor favored policies of teacher training for this type of teaching. The opposite, it has induced the notorious knowledge that it is a way of guaranteeing professionals, not teachers, regents of classrooms in professional technical high school education.

**Keywords: Professional Education. Notorious Knowledge. Training Itineraries.**

**RESUMO – Educação Profissional e a Reforma do Ensino Médio: lei nº 13.415/2017.** Este texto tem por finalidade problematizar a lei nº 13.415/2017 (Brasil, 2017b), no sentido de compreendê-la como um retrocesso às políticas da educação profissional. Trata-se de uma análise documental, e possibilitou entender que, historicamente, as políticas para a educação profissional vêm subjugando essa formação aos desmandos do mercado de trabalho, submetendo-se aos modos de produção capitalista. Destarte, a atual lei não contribuiu para valorização do ensino técnico, tampouco favoreceu políticas de formação docente para essa modalidade de ensino. Ao contrário, induziu o notório saber que é uma maneira de garantir profissionais, não professores, regentes de salas de aula para educação profissional técnica de nível médio.

**Palavras-chave: Educação Profissional. Notório Saber. Itinerários Formativos.**

## Introduction

This text has the purpose of provoking a problematization and reflection on law nº 13.415/2017 (Brasil, 2017b), which changes the laws nº: 1) 9.394/1996 (Brasil, 1996) – which establishes guidelines and bases of national education (LDB) and 2) 11.494/2007 (Brasil, 2007) – that regulates the Fund for Maintenance and Development of Basic Education and Valuation of Education Professionals (Fundeb), the Consolidation of Labor Laws (CLT). In addition, it revokes the law nº 11.161/2005 – which provides for the teaching of the Spanish language and establishes a Policy to Promote the Implementation of Full Time Secondary educations.

The concerns that motivated this discussion are on the threshold of professionals from the Federal Network of Professional, Scientific and Technological Education (RFEPECT), who have been working in Technical Professional Level Education (EPTNM) since 1994 in undergraduate and postgraduate courses. That said, we propose an incursion into the trajectory of the Professional and Technological Education (EPT) from 1909 (year in which the Union created as Schools of Artificers Apprentices for professional and gratuitous education for the “[...] boys deprived of fortune” (Brazil, 1909)) to 2017, to bring history and arguments that indicate the law nº 13.415/2017 (Brasil, 2017b) is a curvature for the permanence and the induction of the Brazilian educational duality. This law, in addition to reinforcing the idea criticized and opposed by Goodson (1997), of a hand education and a head education, also tends to crystallize perspectives of a medium level technical professional formation that is autonomous, critical and liberating.

## Human Formation and a Historical Subordination of Professional Education to Capitalist Policies

The Professional and Technological Education (EPT) in Brazil has its historical mark on September 23, 1909, when the President of the Republic, Nilo Peçanha, signed Decree nº 7.566 (Brazil, 1909), which created and systematized in the *capitals of the Republic' States*, Schools of Artificers Apprentices. One of the guiding factors for the publication of this legislation was the end of slave labor in the country and the need to serve 636 installed factories. It was necessary a control policy of the proletarian class and their children, for a population with 14 million inhabitants and a total of approximately 54 thousand workers; especially considering the need to qualify labor force for the economy markedly agrarian-exporting, with predominance of pre-capitalist rural labor relations (Brasil, 2009).

Against this scenario, it is understood that technical education in Brazil has its genesis constituted under discriminatory and elitist ideological bases, because it was intended to prepare children aged between 10 and 13 years old of the peripheral layer of Brazilian society, the so-called poor and disadvantaged of luck, for learning a craft, to *save* these

children from the ills of the world. In addition, it had a disciplinary character, aiming to fill the idle time of these children, thus preventing them from crime. It is worth emphasizing that this aspect reflects the idea that if the proletarian children were idle, they could become marginal. That is, the lack of a professional occupation would be possible cause for misconduct of these children. However, what was in fact aimed at was the qualification of the low-cost labor force for the factory and agricultural production of the time.

Over the years, professional education (EP) incorporated young people and adults in their destination, preserving the identity of addressing the working class, qualifying labor for the job market. That is, although the EP expanded the age of the subjects to be trained professionally, it continued offering a technical education that was destined to the children of the workers to answer the demand put by the market, which means to recognize that it was consolidating itself at its identity, the one that proposes to qualify workers for the jobs.

Thus, from the perspective of the dominant classes, the education of different social groups of workers should “[...] occur in order to enable them technically, socially and ideologically for work. It is about subordinating the social function of education in a controlled way to respond to the demands of capital” (Frigotto, 2003, p. 26). Thereby, the leading thread in the history of EFA is capital, with the social and technical division of labor determined by the productive forces (Kuenzer, 2001), from an instrumentalist and pragmatic point of view on the adequacy of the labor market, which was accentuated in the 1940s with the creation of the network of industrial and agricultural technical schools (Frigotto, 2003).

In Brazil, the provision of a dual structure of education materialized through professional training schools for the working class and academic training schools for the elite, hegemony and bourgeoisie. One of the fundamental aspects of hegemony, according to Portelli (1977), is precisely the creation of an ideological block that allows the ruling class to maintain intellectual monopoly by attracting other layers of intellectuals, which favors not only the exercise of the function leader, but also of its dominant function.

In this structure, the professional education aimed at the children of workers, subordinated to the needs and demands of the capital accumulation process (Frigotto, 2003). Nevertheless, education contributed to the social and technical division of labor through differentiated school curriculum, distinguishing the intellectual formation from manual training, as denounced by Goodson (1997), a curriculum for the head (propaedeutic teaching) and another for the hands (technical education). Costa (2016) points out that the separation between hand and brain is an aggravating factor for professional training from the perspective of polytechnic education because the territory of general, academic and propaedeutic education is strongly defined as technical training, professional education, peripheral status in this process.

In this educational duality, professional courses did not allow access to college education. Only with the Capanema Reform, in 1942, with the promulgation of the Organic Laws, the graduates of these technical courses were able to ascend to higher courses. Therefore, it was from this reform that a way of access to the upper level for the graduates of the secondary/professional courses was opened. However, even considering the possibility of access to graduates of technical courses at the higher level, it is understood that there was no fairness of opportunity, since according to Kuenzer (2005), those enrolled or graduating from professional courses had the knowledge of a specific field of work, of learning a profession, and therefore an adaptation to a curriculum which was composed of academic disciplines such as languages, sciences, philosophy and art was necessary.

The contradiction is pendular because it enabled the access of the graduates of professional courses and on the other hand, it limited it through curricula deprived of the knowledge necessary to enter this level of education. According to Frigotto, Ciavatta and Ramos (2005), dualism is consolidated in the values plan and content of training, with the prevailing social precept that technical education is aimed at the children of the working classes, qualifying them for the destination of the labor market and not to college education. The binomial formation (education) and work (employment), supported the ideals of the modes of production that, consequently, ended up in the school curricula, reinforcing the dual formation.

With the enactment of law nº 5.692/71 (Brasil, 1971), specific (technical) training became the core of the secondary education base (currently known as High School). It was the so-called *compulsory professionalization law*, since all courses offered at the 2nd level compulsorily were intended for a full or partial professional qualification. Frigotto, Ciavatta and Ramos (2005) affirm that this law would make it possible to overcome the dualism present at the secondary education. However, the resistance of different social segments, especially those whose formation was consolidated in schools of preparation for college education and entrepreneurs of education (private schools), led to the reestablishment of this structural subdivision in the form of education provision.

Cunha (2014) points out that there were adhesions and rejections to this project of compulsory professionalization. Thus, the criticism of students, educational administrators and businessmen of the teaching took on a political dimension. Considering that Brazil lived in a civil-military dictatorship, the opposite manifestations were carried out with difficulties. One of the significant rejections presented to this project was the fact that:

[...] the students did not passively receive the new order of universal and compulsory professionalization in secondary education. Despite a diffuse but effective motivation for acquiring a professional qualification, they reacted to the introduction of professional disciplines, by reducing the workload of those who were interested in the entrance

exams. They also reacted to the levy of more and more expensive fees in public schools, as a measure to finance the projected reform (Cunha, 2014. p. 922).

In view of this scenario, it should be noted that tensions, resistance and pressure culminated in the repeal of law nº 5.692/71 (Brasil, 1971) and the promulgation of law nº 7.044/82 (Brasil, 1982), which suspended the obligation to professionalize in the secondary education. In fact, there were professional courses that gave federal technical schools the task of training technicians with quality. This law did not break with the educational dualism, but rather, it consolidated a discriminatory cultural matrix, since according to Frigotto, Ciavatta and Ramos (2005), the students who attended the technical education were deprived of a basic formation, which, in turn, predominated in the propaedeutic courses, giving those who attended such courses, advantages in relation to the conditions of access to college education and culture in general.

In 1986, in the Sarney government, the Program for the Improvement and Expansion of Technical Education (PROTEC) was instituted in Brazil, which aimed at designing a public policy whose purpose was to leverage technical education in Brazil. In order to do so, it proposed to establish 200 new technical, industrial and agrotechnical schools in order to reduce the precariousness of this level of education. For Ramos (2006), this action had the purpose of projecting a greater index of the country's development, allowing the attendance to the demands of the interior, for regional development opportunities. However, this purpose was not consolidated, since PROTEC did not fulfill its expansion target, limiting the implementation of less than 25% of this goal, with the creation of only 47 Decentralized Education Units (UNEDs).

In 1996, the Law of Directives and Bases of Education was promulgated, LDB nº 9.394 (Brasil, 1996). Secondary education started to be called *high school*, making up all basic education. At the beginning, the Technical Professional Education of the High School (EPTNM) was treated independently of basic education, especially secondary education. However, although Decree nº 5.154/2004 (Brasil, 2004a) affirms that professional secondary technical education will be developed in an articulated way with the high school, only from 2008, through Law nº 11.741 (Brasil, 2008c), is that the EPTNM began to compose the basic education as a modality of teaching.

In 1997, under the government of Fernando Henrique Cardoso (FHC), Decree nº 2.208/97 (Brasil, 1997), which regulated the LDB, was promulgated, making the offer of technical courses with a proper curriculum independent of high school and that could only be done in the concomitant or subsequent modalities. This meant the end of the perspective of a professional polytechnic education:

The conception of polytechnic education, especially in its infrastructural dimension, is defined in the struggle for freedom at work, whereas it seeks methods of reconstructing the identity of the worker with the product of

his work, through the mediation of the totalizing understanding of the work's process. This kind of understanding would open the way for a broader action, propitiated by polyvalence, in the process of existence's production. Polytechnic presupposes, therefore, theoretical-practical domain of the work process. In short, what the polytechnic conception of education proposes, in its infrastructural dimension, is the identification of strategies of human formation, based on the modern work processes, which point to a reappropriation of the domain work (Rodrigues, 2005, p. 272).

The author's ideas contribute to the understanding that professional training needs to be guided by the principles of polytechnics, so that workers are not only an artifact to the labor market, but above all, they are subjects who, when performing their professional activities, are capable of understanding and mastering the theoretical-practical process of work. That is, professional training enables an emancipatory and critical education of society and its contradictory contexts between capital, labor and education.

This scenario extends and is complemented still in 1997, with the implementation of the Professional Education Expansion Program (PROEP), with a productive and privative curricular logic to attend neoliberal agreements with international organizations. The idea of a Minimum State, which presupposes a displacement of the attributions of the State before the economy and society, is fortified. The only way of economic regulation, therefore, must be realized by the most rational and efficient market forces (Minto, 2016).

This process is marked by the competitive and individualistic logic characteristic of neoliberal policies. These policies translate international agreements and are rooted throughout Latin America (AL), especially from the Washington Consensus, recommending that the state withdraw from the economy so that AL countries submit to market forces (Bandeira, 2002).

Leher (1999) states that the International Bank for Reconstruction and Development (BIRD) has set the guidelines for educational reform in Latin America and Africa not only as a recipe for suggestions but as part of structural adjustment agreements. Thus, the influence of the World Bank in EFA did not contemplate a project of socioeconomic and cultural development of the country, but rather a market vision, segregating the human formation and conditioning it to the productive processes by means of a qualification or technical training for immediate insertion to the jobs.

In response to the Washington Consensus, the policies of the FHC government for the EPTNM, such as PROEP, were implemented both for the improvement of technical and pedagogical aspects and for the expansion of the Professional Education network, through partnerships with States and with institutions in the community segment. In addition, it proposed aspects of adequacy and updating of curricula, offer-

ing courses based on market studies (Menezes, 2001). If it seems to be a policy of valorization of the EPT, on the other hand, this legislation imposes the offer of a professional education disintegrated from general education, because for the market, what was its interest and what was important was the qualified workforce, without necessarily promote a rising education.

Associated with this action was published law nº 9.649/98 (Brasil, 1998), which exempted the Union from creating technical schools. The expansion of the offer of Professional Education, through the creation of new educational units by the Union, could only occur in partnership with States, municipalities, productive sector or non-governmental organizations. In this way, the State would exempt itself from the obligation of maintenance and financial management of these new educational establishments. It is believed that this was one of the most cruel ways to slow down the expansion of the EPTNM, as well as to enable free and quality basic education, with human and professional training, to the marginalized and withdrawn classes from the core of capitalist societies.

### *Professional Education and the Challenges of Integrated Human Training*

From 2003, in the first government of the then president Lula, the scenario of the EPT began to move through discussions and debates. One of these movements was the organization of the National Seminar on *High School: Political Construction*, held in Brasilia, which had as its axis and landmark the concept of high school, knowledge, work and culture. The conception of formation that permeated this horizon was that of autonomous subjects, technically capable of responding to the demands of the digital-molecular scientific basis of production, but, politically, protagonist of active citizenship in the construction of new social relations (Brasil, 2004b). Another important action was the revocation of decree nº 2.208/1997 (Brasil, 1997), which dismantled the professional education, restricting the qualification and professional qualification to attend the capitalist mode of production. In contrast, Decree nº 5.154/2004 (Brasil, 2004a), known as the conciliatory decree, was published because it made it possible to (re) integrate professional education with high school, although it did not extinguish other forms of supply, such as the concomitant.

The integrated training in the perspective of polytechnic education, for Frigotto (2003), is that which does not give the formula, but the basis of the understanding of things: of Physics, of Chemistry, of electricity; but also of society, human beings, psychology, art and culture. Contributing to this view, Saviani (2003, p. 140) clarifies that:

Polytechnic refers to the mastery of the scientific foundations of the different techniques that characterize the process of modern productive work. It is related to the foundations of the different modalities of work and is based

on certain principles, determinate fundamentals, which must be guaranteed by the polytechnic formation. Why? It is supposed that, dominating these foundations, these principles, the worker is able to develop the different modalities of work, with the comprehension of its character, its essence. It is not a trained worker to perform a certain task perfectly and fit the job market to develop that kind of skill. Differently, it is a question of providing it with a multilateral development, a development that embraces all angles of productive practice insofar as it dominates those principles which underlie the organization of modern production.

In this aspect, it is considered that the ways of offering, concurrent and subsequent, of Professional Education enable “[...] a rude scientific and humanistic impoverishment of the curriculum, in the name of an abstract and populist appreciation of competence and skill” (Leher, 1998, p. 131). Thus, one of the major challenges for the resumption of integrated technical courses continues to be ways of organizing and materializing human, scientific and technological training, with structuring lines of work, science, technology and culture. These axes must be interconnected, integrated, connected and never dissociated.

Nonetheless, it is considered that movements for integrated professional training, which began in 2003, were fundamental to the EPTNM, especially considering the publication of Decree nº 5.154/2004 (Brasil, 2004a) and the promulgation of law nº 11.741/2008 (Brasil, 2008c), which amended the provisions of LDB (Brasil, 1996), aimed at resizing, institutionalizing and integrating the actions of secondary technical education, youth and adult education, and professional and technological education (Brasil, 2008c). From 1909 to 2008, the EPTNM was on the fringe of Basic Education policies (EB), because legal regulations, such as LDB’s, did not incorporate Basic Education. Thus, law nº 11.741/2008 (Brasil, 2008c) was an advance for the EPTNM, as it is treated as a modality of EB.

### **The High School Reform in Law nº 13.415/2017: accept or resist?**

Provisional measure (MP) nº 746/2016 (Brasil, 2016), which preceded the law nº 13.415/2017 (Brasil, 2017b), was the object of protests and resistance by various social segments that fought and fought for an integrated formation. In addition to the criticisms regarding the content of the MP, there were also considerations regarding the way in which this measure was enacted, since there was no involvement of the educational segments to analyze the points and counterpoints of this reform. Thus, the law nº 13.415/2017 (Brasil, 2017b) was not presented for consultation to the subjects who most understand education, namely specialists, teachers, students and managers in School Education.

The idealizers of this reform justified the urgency of promulgating this law, the fact that, since 2009, this modality of education has not



achieved good results in the Index of Development of Basic Education (Ideb) and that, therefore, curricula should be modified. Ideb was created in 2007, “[...] by the National Institute of Studies and Educational Research Anísio Teixeira (Inep), formulated to measure the quality of national learning and establish goals for the improvement of education” (Brasil, s.d). Statistical data from the Ministry of Education (MEC) and INEP in 2015 indicate that the high school in the country’s schools has been stagnant since 2011, with rates below predicted by MEC, as shown in Table 1.

**Table 1 – The Index of Development of Basic Education (Ideb), High School – Brazil 2016**

High School	2005	2007	2009	2011	2013	2015
IDEB	3.4	3.5	3.6	3.7	3.7	3.7
GOAL	3.4	3.5	3.7	3.9	4.3	5.2

Source: Elaborated by the author based on Observatório do PNE’s data. Available at: <<http://www.observatoriodopne.org.br/metas-pne/7-aprendizado-adequado-fluxo-adequado/indicadores>>. Access on: Jun. 5, 2017.

In fact, it is observed that High School has not reached the goal determined by the Ideb, which in 2013 was 4.3, being 0.6 below this index. In 2015, it remained at 3.7 when the target was 5.2. Although it is possible to recognize the need for investments in this level of education in order to reach the desired indexes, it is considered that linking the low performance of high school to curricular issues is a superficial condition that aims to respond to the population that is not satisfied with these results. Therefore, reforming the curriculum of High School is not a guarantee of improvement the quality of basic public education, because the investment in these institutions, especially in state and municipal schools, has not answered the need for quality education, for example, with regard to improvement of laboratories, classrooms, bibliographic collection, among other aspects. In addition, teachers’ career plans have not been attractive, nor have salary been reasonable, since, in order to achieve a decent survival, it induces teachers to work two or three shifts to improve monthly income and conditions worthy of survival. One measure adopted by the Union to improve the salaries of Brazilian teachers was the publication of law nº 11.738/2008 (Brasil, 2008b), which establishes the minimum floor for these education professionals. As reported by the MEC (Piso..., 2017, online), in 2017, the teacher who has a minimum workload of 40 hours per week and training at a medium level (normal course modality), can not receive less than the national teacher floor that is R\$ 2,298.80.

Based on this, and on Saviani (2005), it is understood that the discussions in the educational scope permeate the need to resume a critical discourse, which considers the relationship between education and social conditioning, in such a way that social practice is indissoluble of educational practice. And in this sense, the educational practice is not

dissociated from social practice. It is not possible to think of improvement of educational indexes without elaborating policies of investments in career plans of education professionals, in physical and human infrastructure of educational institutions. Nevertheless, it is through organic social relations that the teaching-learning process consolidates and thus, “[...] the act of teaching is inseparable from the production of this act and its consumption” (Saviani, 2005 p. 12-13). In fact, as Saviani (2005) points out, the school is not only a reproducer of society, but it can also be an instrument for societal change, because, as it educates, a new man is formed.

### *Impacts of High School Reform on Professional Education*

Regarding the impacts of law nº 13.415/2017 (Brasil, 2017b), in the political and didactic-pedagogical organization of the medium-level professional technical education courses, there are the situations that will be presented in the following items.

### *Training Itineraries and Professional Education*

As provided in art. 36, the high school curriculum will be composed of the National Curricular Base (BNCC) and formative itineraries, which should be organized through the provision of different curricular arrangements, according to the relevance to the local context and the possibility of the education systems, to know: I – languages and their technologies; II – mathematics and its technologies; III – nature sciences and their technologies; IV – applied human and social sciences; V – technical and professional training (Brasil, 2017b). Organizing a curriculum by formative itineraries may incur the worsening of limiting the still undecided young person into future professional choices. These choices will be decisive in the access to the undergraduate courses, which given the specificity of this level of education, are professional courses. Therefore, this form of high school organization engenders the possibility of overcoming the frontiers of knowledge, since the curricular organization is limited to choices for disconnected and solitary itineraries.

Although this situation is considered, it is important to point out that in 2008 the Ministry of Education instituted the National Catalog of Technical Courses (CNCT), which is an instrument that disciplines the provision of EPTNM courses, aiming at orienting institutions, students and the society in general, regarding the planning of the courses and corresponding professional qualifications and technical specializations of average level. In addition, it has the purpose of answering the new socio-educational demands. The CNCT consists of 227 courses distributed in thirteen technological axes (Brasil, 2014).

Furthermore, it is understood that the repeal of law nº 11.684/2008 (Brasil, 2008a), which provided for the inclusion of Philosophy and Sociology as compulsory subjects in all high school grades, was a setback

in understanding that such suppression does not cause learning damage of high school students. Strictly speaking, it is assumed that such disciplines constitute the materiality of critical discussions about the specificities of education and the world of work, especially when secondary education is in integration with professional education. From 2017, the disciplines of Physical Education, Sociology and Philosophy become compulsory components of the National Curricular Common Base (BNCC), being at the discretion of the training institutions to organize their form of offer in accordance with the proposed curricular design for high school.

### *How is EPT in Integrated Way?*

Before specifically discussing EPT in an integrated way, it is necessary to problematize the current situation of the third version of the National Curricular Common Base (BNCC) sent to the National Education Council in November 2017 (CNE).

The National Curricular Common Base is a normative document that defines the organic and progressive set of essential learning that all students must develop throughout the stages and modalities of Basic Education. It applies to school education, [...] and indicates knowledge and skills that all students are expected to develop throughout schooling (Brasil, 2017a, p. 7).

As described in this excerpt, the BNCC is a basic education policy, which according to LDB, consists of child education, elementary school and high school (Brasil, 1996). In view of this, it is strange that the MEC sends the third version of the BNCC for approval to the CNE, and in that document the high school is aborted. What would be the Union's interests in producing and submitting for approval to a BNCC excluding the secondary education of Basic Education? Excluding yes. Even if this exclusion is not definitive, the third version of this Basic Education document: general competences of the National Curricular Common Base, does not deal with high school. This BNCC defines the set of essential learning only for child and elementary education.

In the peculiarity of EPT, paragraph 3 of law nº 13.415/2017 (Brasil, 2017b) says that at the educational systems criterion, the training itinerary can be integrated, and it is translated into the composition of curricular components of the National Curricular Common Base (BNCC) and the itineraries formations, considering items I to V of the caput (Brasil, 2017b). This prerogative enables the maintenance of integrated technical education, both in the federal institutions of professional, scientific and technological education, and in the state and private network. However, while there is such a benefit, one must question whether the federal government will maintain and/or expand these courses if there is an institutional interest in remaining so. Therefore, it is questioned: will be released funds for maintenance and expansion of courses that has the curriculum integrated with the general training that is com-

posed of disciplines of the BNCC? Will there be a concourse for basic, technical and technological education (EBTT) teachers for BNCC disciplines or will it be restricted only to EBTT teachers who teach specific subjects of professional education – technical training? What are limits of institutional autonomy will be maintained without damage to institutional projects that go against governmental policies?

### *Certification of Work Knowledge*

The sixth paragraph leaves gaps so that, at the discretion of the education systems, the offer of training with technical and professional emphasis consider the inclusion of practical experiences of work in the productive sector or in simulation environments. And also the possibility of granting intermediate qualification certificates for work, when the training is structured and organized in stages with finality (Brasil, 2017b).

It is considered that this proposal refers to the professional education of the 1940s, when the then Minister of Education, Gustavo Capanema, in response to the growing process of industrialization, promulgated a package of norms for Brazilian education, of which the decrees 1) Decree nº 4.244/42 (Brasil, 1942c): Organic Law of Secondary Education; 2) Decree nº 4.073/42 (Brasil, 1942b): Organic Law of Industrial Education; 3) Decree nº 6.141/43 (Brasil, 1943): Organic Law of Commercial Education; 4) Decree nº 8.529/46 (Brasil, 1946a): Organic Law of Primary Education; 5) Decree nº 8.530/46 (Brasil, 1946b): Organic Law of Normal Teaching and; 6) Decree nº 9.613/46 (Brasil, 1946c): Organic Law of Agricultural Education. These decrees were called *Organic Laws of National Education*, which marked the Capanema Reformation.

The political context with which these decrees were published was a consequence of the coup d'état of November 10, 1937, which took place in Getúlio Vargas's government, which, with military support, implemented what he called the New State, but which in practice was a dictatorship, because the National Congress was closed and became governed by Decree-Laws, such as those mentioned above (Palma Filho, 2005). Both Cunha (2014) and Palma Filho (2005) emphasize the difficulty of reporting the rejections and resistances to these authoritarian practices, since censorship was established.

Although there was control of the press, the media and control of political demonstrations, there were also ways of expressing the cries against this dictatorship. Opposition to these abuses was formed by a broad range of liberal-democratic, socialist and communist parties, including political leaders who had their political rights revoked, such as Miguel Arraes, Leonel Brizola, Carlos Lacerda, and Juscelino Kubitschek. These citizens believed that the organization of the masses was the way to reestablish the rule of law, the democracy (Cunha, 2014).

For this study, we will analyze some aspects of Decree nº 4.073/42 (Brasil, 1942b), called the Organic Law of Industrial Education. The

purpose of the cutting of this decree is to point out correlated ideas between law nº 13.415/2017 (Brasil, 2017b) and the aforementioned decree. In other words, the aim is to problematize the training itinerary for professional education, especially as regards “[...] the possibility of granting intermediate qualification certificates for work” (Brasil, 2017b, art. 36), which is in line with Decree nº 4.073/42, in art. 8, whose offer of “[...] industrial education courses is organized in the following modalities: (a) ordinary courses or professional training; b) extraordinary courses, or of qualification, improvement or professional specialization; c) individual courses or professional illustration” (Brasil, 1942b, art. 8).

It should be emphasized that these professional courses were not articulated with secondary education, and did not even enable the verticalization of this training through access to college education. Thus, college education was a priority for those subjects who were educated in secondary education, and therefore allows the interpretation of the exclusionary bias for which the students of the professional courses were destined. This situation can be understood as one of the strong reasons that guided the social demand for education towards academic education, neglecting professional education (Romanelli, 2005).

Although it can be recognized that Law nº 13.415/2017 (Brasil, 2017b) does not prevent access to undergraduate courses, as in the Capanema Reform, it is understood that a fragmented formation, shared in formative itineraries may hinder the verticalization of those individuals who opt for professional training. This belief is based on the understanding that, since it is not compulsory for the integrated training and for making it possible for the institutions to make the choices for the curricular organization, the knowledge necessary to ascension in undergraduate courses is insufficient for the approval of entrance exams. This is more worrying for the working class, which will not have the right to choose, since public institutions will be able to offer only what is within their possibilities of physical, financial and human resources.

That said, it is understood that the reform of secondary education, especially in the specificity of professional education, is a retrocession to the historical-cultural trajectory of professional training. Intermediate itineraries represent the qualification of the labor force to respond immediately and uncritically to the modes of capitalist production. It represents subordinating professional education to the owners of capital, in addition to retaking the duality of basic education that provides a propaedeutic, academic education for the elite and a technical education, poor for the poor. Poor in the sense of not providing the democratization of knowledge, as well as depriving the organization of critical and autonomous thinking.

It is not about defending an emancipatory education that denies the labor market. It is a matter of recognizing that education, especially professional education, because of the specificity of training for the professions, has the social mission of interacting with the socio-political, cultural, scientific, technological, economic and financial context. It is

conceived that the EPT is committed to train the worker in its entirety so that, when selling its workforce to capital, do not do so submissively and alienated.

It should also be clarified that this view does not imply that the worker who has not attended technical courses is selling his labor force in a submissive and alienated way. What is defended is that the professional training courses are based on the binomials: education and work; culture and society; technique and technology.

Problematize law nº 13.415/2017 (Brasil, 2017b) is an obligation of the subjects who are committed to a polytechnic professional education, with a free, compulsory and unique public education for young people that makes possible the disruption of the monopoly of culture and knowledge. A professional education that is able to overcome the duality of manual labor (execution, technique) and intellectual work (conception, science) and with that to give everyone an integral understanding of the productive process. In addition, an omnilateral (that is, multilateral, integral) formation of the personality, in order to make the human being able to produce and enjoy science, art, and technique, thus enabling the reciprocal integration of the school with society for the purpose of overcome the estrangement between educational practices and other social practices (Rodrigues, 2005).

It can not be accepted without *shouting* the induction that law nº 13.415/2017 (Brasil, 2017b), that makes for professional education, in the sense of instituting courses of qualification, improvement or professional specialization, as was done in 1942. Technological education requires an increase in schooling and, therefore, no longer accepts the condition of professional education at the threshold of a narrow, technicist and alienated definition as determined in the organic laws of the Capanema Reformation, a time when lawmakers understood that the purpose of technical courses was the teaching of techniques, specific to the exercise of specific functions in industry.

### *Teacher Training or Notorious Knowledge?*

About teaching in professional education courses, regarding the curricular arrangements for the *technical and vocational training* itinerary, there are two situations that contradict the ideologies of a formation based on the principle of polytechnics. The first refers to the explicit possibility in law nº 13.415/2017 (Brasil, 2017b, art. 36, paragraph 8) of the EPT offer to be “[...] held in the institution itself or in partnership with other institutions”. Thus, EPT institutions have the prerogative to form partnerships with the private sector and the S education system. It is important to emphasize that this condition of contract between public and private also refers to the 1940s, when the Capanema Reform created the organization of the *S System*<sup>1</sup>, with the first institution of this set of system denominated *National Service of Industrialists Learning* (SENAI), regulated by Decree nº 4.048/1942 (Brasil, 1942a). This contextualization is to understand that, even though 75 years have passed

since the Capanema Reform, law nº 13.415/2017 (Brasil, 2017b) presents an organic relationship with some demands placed on this reform. The public/private relationship can be a connection that will deplete public institutions of greater investments in physical and human infrastructure, making it difficult to universalize or expand secondary education in free and quality public education institutions.

The second and not least, refers to the non-compulsory training in undergraduate courses for teaching at EPT. However, the law allows any bachelors who prove to be well-known in any technical qualification, can receive a certificate for teaching. Nevertheless, and even more aggravating is the prerogative that any professional, regardless of his level or degree of training, can prove his knowledge and become a teacher in professional education courses. That is, any citizen, whether trained, if proving the technical field of the profession for which the professional qualification is intended, may teach in technical courses of medium level. It is important to note that the guidelines by which they should be used to prove such knowledge are not determined by the aforementioned law.

It is considered that this permission goes against any fight and discussion about the need to implement government policies that the teaching profession is carried out by professionals duly trained to do so. The art. 61 of the LDB was added the possibility of welcoming “[...] professionals with well-known knowledge recognized by the respective education systems, to deliver contents of areas related to their training or professional experience, attested by specific degree or teaching practice in units educational [...]” (Brasil, 2017b, art. 61) to specifically attend the professional education.

Concerning the possibility of recognizing the notorious knowledge, LDB, in its art. 66, says that “[...] the preparation for the exercise of the higher teaching profession will be done at the postgraduate level, mainly in master’s and doctoral programs”, and is complemented by the sole paragraph, with the following wording: “[...] well known, recognized by university with a doctorate course in related field, may meet the requirement of academic title” (Brasil, 1996, art. 66). Thereby, it is understood that LDB allowed the recognition of knowledge only for teaching in undergraduate courses aimed at equating the certification of knowledge with academic qualification.

It is conceived that the permissiveness of notorious knowledge in technical courses is a silent way to disqualify the teaching profession and, above all, to postpone the urgency of implementing State policies to foster teacher training, reinforcing the professionalism of teaching as the minimum necessary to pursue the profession. After all, no one becomes a doctor, an engineer, a lawyer, for a notorious fact. So why be complicit with the permissiveness of teaching can be exercised by professionals from the most diverse areas, without however graduating to the teaching profession?

## Final Considerations

By way of final considerations three points are pointed out. The first one refers to the possibility of choosing a formative itinerary for young people. This prerogative is a fallacy silenced by the Union and by the lawmakers of law nº 13.415/2017 (Brasil, 2017b), because the public schools, especially the state schools, were not given the investment necessary to offer the menu with the five itineraries. In this way, the choice of the student will be at the limit of the offer of the dish of the day. Therefore, what will be left to the public institutions will be to check what is in the dispensation and serve the best menu with the ingredients they have, since it was not guaranteed the money or variety of ingredients to diversify, create and innovate the offer of the training itineraries.

Goodson's studies (2007, p. 247) provide a reflection on the power play that lies behind these curricular reforms, as both the prescribed curriculum and "[...] the interest of dominant groups are embedded in a historical power partnership of which the prescriptions provide 'clear rules of the game' for schooling, and funding and resources are tied to these rules". Another point worth mentioning is the seduction of the law by the title that presents "[...] regulates the Fund for Maintenance and Development of Basic Education and Valuation of Education Professionals [...]" (Brasil, 2017, ementa), when the which shows a devaluation of teaching professionals through the induction of knowledge.

Still on the valuation of education professionals, it is understood that better career plans and salary are paramount. In addition, respect for the teacher profession and contrary to what is proposed the well-known, there is a need to highlight the constitution of teacher education policies for basic education, especially for professional education.

The third and final aspect refers to the publication of law nº 13.415/2017 (Brasil, 2017b), regarding the standardization of recognition of notorious knowledge. Well, if from 2012 there was a hope of increasing flights towards strengthening teacher training for vocational education, including with the prospect that by 2020 the bachelors would participate in pedagogical complementation programs, this flight struck and returned to the beginning of the decade of 1909, when technical education teachers were recruited instructors from the labor market. This fact reaffirms the understanding that law nº 13.415/2017 (Brasil, 2017b) is an aggravation of EPT policies, especially in the specificity of well-known knowledge, since it does not foster the formation of a professional / trainer of the mid-level technician who is able to interact critically with the socio-political, historical, cultural, and economic contexts that makes the tenuous border with education and labor relations in modes of production.

Translated from portuguese by Fernanda Silva Freire

Received on September 15, 2017

Approved on December 28, 2017



## Note

1 S System is formed by the set of organizations of the corporate entities focused on professional training, social assistance, consulting, research and technical assistance, which, in addition to its name beginning with a letter S, have common roots and organized characteristics. They are part of the S system: National Service of Industrial Learning (Senai); Social Service of Commerce (SESC); Social Service Industry (Sesi); and National Service of Learning of the Commerce (Senac). There are also the following: National Rural Apprenticeship Service (Senar); National Cooperativism Learning Service (Sescoop); and Social Transportation Service (Sest). Available at: <<http://www12.senado.leg.br/noticias/glossario-legislativo/sistema-s>>. Access in: Jun. 15, 2016.

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