

Ensino Religioso entre regulações nacional e locais

Flávia Russo Silva PAIVA¹

Lígia Martha Coimbra da Costa COELHO²

Valdeney Lima da COSTA³

Resumo

Este artigo problematiza a oferta da disciplina Ensino Religioso pelas redes públicas de ensino, considerando a regulação nacional e, mais especificamente, as normativas existentes nos estados de Minas Gerais e do Piauí. Metodologicamente, realizamos uma análise documental, tomando como base um referencial teórico relacionado à oferta do Ensino Religioso na escola pública e suas implicações, pressupondo a laicidade na educação. A investigação apontou a necessidade de realizar uma ampla discussão sobre a oferta da referida disciplina, prevista constitucionalmente no contexto da educação pública brasileira, que evidenciasse debates acerca da diversidade de orientações, em âmbitos nacional e locais, a fim de que haja um trabalho mais democrático, pautado em princípios que não colidam com os preceitos constitucionais vigentes.

Palavras-chave: Educação pública. Ensino Religioso. Política educacional.

¹ PhD in Education. Professor at the Federal University of Viçosa (UFV). Researcher at the Research Center for Times, Spaces, and Integral Education (NEEPhi). ORCID: <https://orcid.org/0000-0001-8047-0843>. E-mail: flavia.paiva@ufv.br.

² PhD in Education. Professor at the Graduate Program in Education at the Federal University of the State of Rio de Janeiro (UNIRIO) and Coordinator of the Research Center for Times, Spaces, and Integral Education (NEEPhi). ORCID: <https://orcid.org/0000-0002-3892-3308>. E-mail: ligiamartha25@outlook.com.

³ PhD in Education. Professor at the State University of Piauí (UESPI) – Bom Jesus Campus. Researcher at the Research Center for Times, Spaces, and Integral Education (NEEPhi). ORCID: <https://orcid.org/0000-0002-5941-6233>. E-mail: valdeneylima@bjs.uespi.br.

Religious Education between national and local regulations

Flávia Russo Silva PAIVA

Lígia Martha Coimbra da Costa COELHO

Valdeney Lima da COSTA

Abstract

This article problematizes the provision of religious education by public education, considering national regulations and, more specifically, those existing in the states of Minas Gerais and Piauí. Methodologically, we carried out documentary analysis based on theoretical references related to the provision of religious education in public schools, its implications and assuming secularism in education. The investigation highlighted the need to carry out a broad discussion on the provision of this discipline, constitutionally expressed in the context of Brazilian public education, highlighting debates that involve the diversity of guidelines, at national and local levels and aiming at a more democratic work, based on principles that do not conflict with current constitutional precepts.

Keywords: Public education. Religious education. Educational politics.

La Educación Religiosa entre las regulaciones nacional y locales

*Flávia Russo Silva PAIVA
Lígia Martha Coimbra da Costa COELHO
Valdeney Lima da COSTA*

Resumen

Este artículo problematiza la provisión de la disciplina de Educación Religiosa por parte de las redes de educación pública, considerando la regulación nacional y, más específicamente, la normativa existente en los estados de Minas Gerais y Piauí. Metodológicamente, realizamos un análisis documental, basado en un marco teórico relacionado con la oferta de Educación Religiosa en las escuelas públicas y sus implicaciones, asumiendo la laicidad en la educación. La investigación destacó la necesidad de realizar una discusión amplia sobre la provisión de esta disciplina, prevista constitucionalmente en el contexto de la educación pública brasileña, que destaque los debates sobre la diversidad de directrices, a nivel nacional y local, para que haya un trabajo más democrático, basado en principios que no entren en conflicto con los preceptos constitucionales vigentes.

Palabras clave: Educación pública. Educación Religiosa. Política educativa.

“Walking with faith, I will go, for faith rarely fails...”⁴

It's always good to engage with the artistic and musical compositions of Gilberto Gil, especially in situations where extremes can not only obstruct but also invalidate perspectives capable of opening broader horizons for paths that may sometimes feel constrained. Art liberates us in the most irreverent words and the most dissonant melodies; it allows us to go where we might not always reach if we tread the steps of a daily life accustomed to established routines.

The preamble with which we open this article aims to lift the curtains on a question that arises in Brazilian society: the importance of religion, discussed with the depth that the subject deserves, including in situations involving the subject of Religious Education in public education networks.

Beyond the current relevance of the topic, we have in our favor the fact that we have researched this reality, touching on it within educational systems and school institutions that experience extended hours for full-time education work that was developed as part of a Graduate Program in Education. In another study within the same program, we reflected on the forms of collaboration among federal entities (the Union, states, and municipalities) in federal full-time education programs. These two movements led us to recognize what connects the two approaches: a relationship that opens up various questions—some extending beyond the field of formal education. We refer to the articulations we can establish when considering intergovernmental relations in education and a set of federal regulations that pertain to Religious Education in Brazil, the latter encompassing practices that highlight issues such as secularism, understood as a principle of the Brazilian state, which is present (albeit in a somewhat vague manner) in the 1988 Constitution.

Such relationships culminated in the problematization of the presence of the subject of Religious Education in public schools across the country, as a curricular component, developed in accordance with the guidelines of the different state and municipal education systems, considering the national and local legislations that regulate it⁵.

In methodological terms, we conducted a documentary research and analysis (Cechinel et al., 2016; Fávero; Centenaro, 2019). The study relied on national legislation and local regulations as a significant legal framework. Furthermore, we undertook a comparison of this material with

⁴ Lyrics/chorus of the song "Andar com Fé," composed by Gilberto Gil in 1982.

⁵ Considering the polysemy of the concept of regulation and its different uses in linguistic and administrative contexts, as discussed in Barroso's (2005) study, we use this term in reference to a broader action by the state (and its federative entities) in the realm of public administration, which includes the regulation (structuring of norms, legislations) regarding specific issues and/or topics.

emblematic situations encountered in the Brazilian educational landscape, which served as a foundation for the analyses conducted. Regarding local regulations concerning the offering of the subject of Religious Education, we highlight realities addressed in our previous studies.

Regarding the legal framework, we highlight the contributions of the Constitution of the Federative Republic of Brazil (CF/1988) and the Law of Guidelines and Bases of National Education, No. 9.394/1996 (LDBEN/1996). More specifically, focusing on local contexts, we analyze the regulations concerning Religious Education in the state education systems of Minas Gerais and Piauí drawing a parallel with the normative guidelines followed by the education systems in the capitals of these states.

In analyzing the local normative guidelines for Religious Education in Minas Gerais, we emphasize State Law No. 15.434/2005; Resolution No. 470/2019; the Reference Curriculum of Minas Gerais (Minas Gerais, 2018); Municipal Bill No. 1.642/2015; and the Curricular Proposals for Early Childhood Education, Elementary Education, and Youth and Adult Education of the Municipal Education Network of Belo Horizonte, published in 2016. In the educational context of Piauí, we observe State Law No. 5.356/2003; Resolution No. 188/2016; the document “Curriculo Piauí: um marco para a educação no nosso estado” (Silva, 2019); the Organic Law of the municipality of Teresina (2019); and the document “Curriculo de Teresina: Ensino Religioso” (2018).

The theoretical framework we navigate is based on the analysis and problematization of Religious Education as a subject in the school curriculum of public networks, primarily highlighting the studies of Cunha (2011, 2012, 2013, 2016) and Cavaliere (2006).

The structure of this article is presented in three sections. In the first, we discuss Religious Education as a subject present in Brazilian public schools, considering the legal frameworks that regulate it at the national level. In the second part, we focus on local legislation and the offering of this subject by the public education networks in the states of Minas Gerais and Piauí. Finally, in the third section, we provide observations regarding the aspects presented in the previous parts, highlighting discussions that involve its offering in public schools.

To initiate the debate, we raise the following guiding question: what does national legislation tell us about Religious Education as a school subject present, including in public educational institutions?

1 Religious Education in Brazilian Public Schools: What Does National Legislation Tell Us?

Religious Education is addressed in Article 210, § 1 of the 1988 Constitution as a “subject in the regular schedules of public elementary schools” (Brazil, 1988) and is the subject of study by various authors (Cury, 1993; 2004; Cavaliere, 2007; Cunha, 2006; 2009; 2011; Cunha; Fernandes, 2012), who, in light of the constitutional text, discuss theoretical and epistemological nuances regarding its feasibility in the public education network. This debate about the subject and how it can be offered by the various education networks/systems generates different understandings and enters a realm of contention in Brazilian society.

Under the Law of Guidelines and Bases of National Education, No. 9.394/1996, in accordance with the provisions of Article 33 of the CF/1988, Religious Education is presented as an optional subject and “an integral part of the basic education of the citizen,” included in the “regular schedules of public elementary schools, ensuring respect for Brazil’s cultural and religious diversity, with any forms of proselytism prohibited.” The paragraphs of this article explain that (§ 1) it is up to the education systems to regulate the procedures for defining the contents of Religious Education and to establish norms for the qualification and admission of teachers; and (§ 2) to consult civil entities composed of different religious denominations in defining the content to be taught.

In this perspective, it is worth noting that, despite both pieces of legislation indicating the optional nature of enrollment, the LDBEN/1996 conceives Religious Education as “an integral part of the basic education of the citizen.” Thus, as Cunha (2011) points out, Religious Education is highlighted as an optional possibility that ultimately becomes mandatory, as it is considered part of basic education. The author argues: “(...) how can students or their parents request an exemption from a subject that is an integral part of basic education?” (Cunha, 2011, p. 3).

At the core of this discussion lies the possibility of interpreting and defending the notion that religion “(...) leads to the logical conclusion that students without religion are lacking something. Thus, social ills could be related to this absence” (Cavaliere, 2006, p. 7)⁶. However, it is important to remember, as Cavaliere (2006) emphasizes, that Religious Education in schools can, in fact, spark conflicts instead of promoting “social pacification,” especially when practices of religious intolerance occur in the school environment. Supporting this observation, the research conducted by Zeferino

⁶ This interpretation stems from the author's conclusions following interviews and observations conducted over two years in the context of research on Religious Education in schools in the state of Rio de Janeiro (Ver Cavaliere, 2006).

(2016)⁷ identifies such practices, highlighting discrimination and/or actions that oppose the religion of students, creating stigmas based on the religious differences of others.

Although this study chooses not to delve into the debate surrounding the arguments for and against the offering of Religious Education in education systems/networks, we highlight that the discussion regarding its incompatibility with secularism ⁸ On the other hand, it is important to emphasize the existence of groups and entities that advocate for the religious aspect in school education through the establishment of a specific subject to fulfill this task.

Supporting favorable positions on this matter, the Brazil-Vatican Concordat, an agreement signed between Brazil and the Vatican City State that establishes the Legal Status of the Catholic Church in our country, presents religion as an integral and important element in providing “holistic education” (Art. 11, § 1). It proposes “Religious Education, both Catholic and from other religious denominations, as an optional subject” within the “regular schedules of public elementary schools” (Brazil, 2010). It is noteworthy that Article 11 of the Concordat aligns with Article 33, § 1 and § 2 of the LDBEN/1996 mentioned earlier, as it stipulates that the state determines the offering of Catholic Religious Education and that of other religious denominations in its legislation while delegating the responsibility for its regulation to the federative entities an arrangement that is feasible within the context of Brazilian federalism.

On the other hand, as Cunha (2012, p. 99) points out in opposition, “the Union has relinquished its role in defining the curricular guidelines” as well as in “shaping the teaching of this subject, transferring the responsibilities to states and municipalities, where the influence of religious entities could be exerted more effectively, even in a less visible manner.” Could this transfer of authority from the central government be seen as a form of decentralization of decisions and/or responsibilities to subnational levels, assigning them the task of addressing and/or resolving such a “contested” issue?

We can also highlight the Direct Action of Unconstitutionality (ADI) No. 4.439/2010, which requested that the Supreme Federal Court (STF) assess the wording of Article 33 of the LDBEN/1996,

⁷ Zeferino's (2016) research was conducted in a Master's program in Education, aiming to understand how religion is expressed in the daily school environment. The study took place within the context of elementary education in the Municipal Education Network of Rio de Janeiro.

⁸ Regarding secularism, it is important to note that it theoretically represents an attitude of impartiality toward religion(s), presupposing the “democratic and non-dogmatic foundation of its actions, legitimized by the people and not by the divine” (Zylbersztajn, 2012, p. 62). Thus, the state must ensure the freedom of citizens to express their faith equally among various denominations, respecting all differences in belief. The organic separation of the state from specific religions serves as an indicator of the nation's secularism (Zylbersztajn, 2012). In this perspective, it is considered that the secular nature of the state implies non-intervention by the Church; however, a factor that could hypothetically contradict this stance would be the presence of Religious Education in public schools.

Religious Education between national and local regulations

considering that Religious Education is “an integral part of the basic education of the citizen” based on the CF/1988. This action proposes that such education be provided in a non-confessional manner, thereby prohibiting the admission of teachers as representatives of religious denominations. This request was denied by the STF on September 27, 2017, which ruled against the prohibition of confessional Religious Education in Brazilian public schools.

In this context, since the regulation of the offering of Religious Education is the responsibility of the federative entities, and in light of this decision, we may consider that we are moving toward an intensification of the dispute in the religious field regarding the creed adopted as the basis for the subject (across different education networks) or favoring certain religions (to the detriment of others) that will find space in the school curriculum. After all, Brazilian public education networks retain the freedom and autonomy to choose between a confessional or non-confessional model, and, among other aspects, they can also influence the situation at hand.

In concluding the reflections presented in this section, we reiterate that the confessional model of the subject can be adopted, with state and municipal networks responsible for deciding between a confessional or non-confessional approach, thus allowing for various forms of offering that may intensify the dispute we have referred to. It is from this perspective that we transition to the second section.

2 Religious Education in Brazilian Public Schools: What Do Local Legislations "Pontificate"?

As we presented in the previous section, the Federal Constitution of 1988 mandates the offering of Religious Education in public schools as a subject in the curriculum. To fulfill this requirement, the Union proposes a sharing of responsibilities, granting autonomy to state and municipal education networks to decide on a confessional or non-confessional format, as well as to establish the curricular contents to be addressed. This aspect allows us to infer that the offering of Religious Education by education systems/networks, and consequently in public schools, varies from state to state across the country, as well as from municipality to municipality and, possibly, from school to school.

Focusing the discussion on the local realities emphasized in this study, we observe that in Minas Gerais, the state education network has adopted a non-confessional model, as outlined in State Law No. 15.434/2005. The choice for non-confessionalism is reinforced by Resolution No. 470/2019,

which establishes and guides the implementation of the Reference Curriculum of Minas Gerais for Early Childhood Education and Elementary Education in the state education system.

The Reference Curriculum of Minas Gerais, developed in alignment with the National Common Curriculum Base (BNCC), positions Religious Education as an area of knowledge; it emphasizes the constitutional obligation to offer this curricular component, accompanied by the optional nature of enrollment; and it indicates that it should be addressed from perspectives and pedagogical purposes distinct from confessionalism. In other words, the state public education network of Minas Gerais opts to offer Religious Education in its non-confessional format. A thorough reading of the document indicates the understanding that religious phenomena can be approached from various philosophical perspectives and that they, “in their multiple manifestations, are an integral part of humanity's cultural substratum,” such that the Religious Education subject should address religious knowledge from ethical assumptions, without privileging any belief or conviction, and considering them “based on diverse cultures and religious traditions, while not disregarding the existence of secular life philosophies”(Minas Gerais, 2019, p. 875).

In contrast, within the municipal network of the capital of Minas Gerais, we observe the absence of Religious Education in the curricular matrix for Early Childhood Education, Elementary Education, and Youth and Adult Education, as can be seen in the Curricular Proposals for each of the mentioned educational stages.

According to Oliveira (2009), this subject was removed from the school curriculum of the Municipal Education Network of Belo Horizonte in the late 1980s, and even after the educational reform brought about by the Escola Plural Program in 1996, this situation did not change. The scholar notes that to comply with Article 33 of the LDBEN/1996, the Municipal Secretary of Education of Belo Horizonte determined that the contents of Religious Education should be addressed as transversal themes; however, it did not provide any guidance—such as through the publication of an official document—indicating how these aspects could be incorporated into the school curriculum.

The absence of Religious Education as a curricular subject in the Municipal Education Network of Belo Horizonte was the subject of a dissertation by Oliveira (2016), conducted within the Graduate Program in Religious Studies at the Pontifical Catholic University of Minas Gerais (PUC/MG). The author discussed this ‘absence’ while considering the simultaneous ‘presence’ of religiosity in school spaces and in teaching practices, leading her to highlight the ‘presence-absence’ of Religious Education in the public municipal school system of the capital, which can be understood in terms of

Religious Education between national and local regulations

a hidden curriculum. The researcher emphasized this hidden curriculum of Religious Education in the network, even though the subject is not formally included, noting its presence in confessional and proselytizing expressions, or in conflicts that arise without appropriate pedagogical treatment.

As we have observed, the situation of Religious Education within the context of the Municipal Education Network of Belo Horizonte remains unchanged, even after the publication of the Reference Curriculum (Minas Gerais, 2018). In this scenario, it is important to highlight the debate raised by Bill No. 1.642/2015, presented to the Municipal Chamber by then-councilor Vilmo Gomes, which proposed the mandatory offering of Religious Education classes in the schools of the Municipal Education Network of the capital, thus contradicting previous municipal provisions as well as the state law from 2005. The bill was approved in the second round by the Chamber in 2016, but the mayor at the time, Alexandre Kalil, vetoed the legislative proposal, with the decision published in the Official City Gazette (DOM) on March 4, 2017.

Regarding the proposal presented by the Belo Horizonte councilor, it is important to note that the offering of Religious Education as a subject in the school curriculum is legally mandatory, with enrollment being optional and the decision to take it resting solely with the students' guardians. As for the veto of Bill No. 1.642/2015, we can associate it with a “normative infidelity” of the Belo Horizonte city government, considering the aspects already highlighted regarding Religious Education in the CF/1988 and the LDBEN/1996. Thus, while the municipal administration's decision to veto this subject in the education network may aim to uphold the principle of secularism in education, it can also be interpreted as unconstitutional.

The reality observed has led us to reflect on and interpret another issue concerning the religious aspect of education. The Municipal Education Network of Belo Horizonte does not offer Religious Education as a subject, yet it allows partnerships and/or rentals for the use of religious spaces within the context of the municipal full-time school program, “Escola Integrada.” Therefore, while the mayor vetoes the offering of Religious Education in municipal schools, the same city hall enables relationships with religious institutions by allowing partnerships and the use of their spaces for activities within that program. From this perspective, we question: is there an attempt to uphold the principle of secularism on one hand, while violating it on the other by accepting these partnerships?

Regarding this political tension, we examined the “reasons for the veto” published in the DOM on March 4, 2017, and noted that the justifications provided do not rest on secularism, but rather on the budgetary impact that the creation of a position for a Religious Education teacher in the Municipal

Education Network of the capital would have on local public administration. The publication also highlights Article 33 of the LDBEN/1996, indicating that this provision contradicts Article 210 of the Federal Constitution of 1988. It then emphasizes that, in “perfect harmony with the provisions” of the higher education law and the CF/1988, is Article 164 of the Organic Law of the Municipality, which states in its first paragraph that “religious education, without a confessional character and with optional enrollment and attendance, constitutes a subject of public elementary schools” (Municipal Government of Belo Horizonte, 1990).

Continuing, the mayor further justifies that the Municipal Secretary of Education of Belo Horizonte expressed the necessity to emphasize that Bill No. 6/2017 contradicts the provisions of the LDBEN/1996 by instituting, on March 4, 2017, Religious Education classes in the schools of the Municipal Education Network of Belo Horizonte (DOM, 2017).

In doing so, is the municipal administration of the capital forgetting that Religious Education is indeed mandatory—in terms of offering, as determined by the LDBEN/1996 and the CF/1988—since the optionality referred to pertains to enrollment in this subject and not its provision? Is it not the municipal administration that is moving toward a confrontation with what is established by the 1988 Constitution, and reinforced by the LDBEN/1996?

In light of this scenario, we can consider that if there were an effective sharing of responsibilities, accompanied by federal coordination/guidance to regulate the offering of Religious Education by state and municipal education networks in Brazil, such offerings would likely not occur so differently across public schools nationwide, which could help uphold the secular nature of education. On the other hand, we ask: would such an attitude be democratic?

Initially, it seemed to us that the Belo Horizonte city hall, by vetoing Religious Education, was concerned with maintaining secularism in public schools—even while assuming an unconstitutional stance. However, we found that the municipal administration, as a policymaker, is not considering other aspects that may involve this issue, such as partnerships for full-time education between schools and religious institutions.

Regarding the state of Piauí, the debate about Religious Education particularly considers the recommendations set forth in the State Constitution of 1989 and State Law No. 5.356/2003. In this context, although it is not our intention to revisit the legal framework regarding the offering of Religious Education in this state, it is important to note that the Piauí State Constitution of 1989 partially reiterates the provisions inscribed in the CF/1988 on the subject, omitting only the expression

Religious Education between national and local regulations

“public elementary schools” found in the wording of § 1 of Article 210, thus encompassing all schools, regardless of legal nature or level of education.

Ferreira (2017) analyzes the legal movement regarding Religious Education in Piauí post-LDBEN/1996, stating that although the establishment of the state education system (Law No. 5,101/99) initiated the discussion on the topic, it was the State Law No. 5,356/2003 that regulated Religious Education, extending its offering to High School a novelty in relation to the federal legislation of that context, according to the author.

The State Law No. 5,356/2003 addresses Religious Education in Elementary and High Schools within the state schools of Piauí, detailing in six paragraphs aspects of Federal Law No. 9,745/1997. It adds that, in addition to prohibiting any forms of proselytism, preferences among religious entities must not be designated in the offering of the subject. Furthermore, Article 4 stipulates that the responsibility for overseeing the applicability of Religious Education in state public schools falls to the Secretary of State for Education of Piauí (SEDUC/PI) through a governing department. From this article, one could interpret that, in the context of municipal public schools, the monitoring of Religious Education should be the responsibility of the municipal education systems, following the guidelines of their Municipal Education Council.

In this context, it is important to highlight that the State Secretary of Education established the Council for Religious Education of Piauí (CONERPI), composed of representatives from different religious entities, responsible for overseeing the issue and promoting its regulation, particularly regarding the qualification of professionals, the offering, and the applicability of the subject in educational institutions. The creation of this council, as well as similar councils in different states, was encouraged by the National Permanent Forum for Religious Education (FONAPER), which constitutes a representation of organized civil society, “considered by law as an advisor to the Secretaries of Education for the contents of religious education” (Dickie; Lui, 2007, p. 240). In this scenario, it is essential to note that these councils and the National Forum played an organizational role regarding religious issues at that time.

The participation of organized civil society was also present in the development of the curricular document titled “Curriculum Piauí: um marco para a educação de nosso estado,” (Curriculum Piauí: A Milestone for Education in Our State) which, according to its authors, was constructed collaboratively between the state and municipal networks, where the “collaboration regime was the methodology employed in the curricular construction” (Piauí, 2019, p. 09, emphasis added). As

observed, this curricular document refers to the collaboration regime, implying its legal existence within the Brazilian educational organization and sometimes associating it with collaborative practices between state and municipal education systems.

According to a study by Cassini and Nascimento (2018), the collaboration regime is often mistakenly understood as forms of collaboration, federative coordination, or inducement actions by the federal government. Considering the conceptual distinction made by Araújo (2013), the aforementioned authors indicate that this imprecision in the use of these concepts hinders intergovernmental relations among federative entities.

In our understanding of the process of developing the BNCC/2018, we recognize that the Union, fulfilling its coordinating role, required the collaboration of states, the Federal District, and municipalities to systematize a guiding curricular document for the existing education networks across the national territory. Thus, it was a process of collaboration and not a regime of collaboration, as outlined in the documents of the National Base and also in the Curriculum of Piauí, which was released to the Piauí community in 2019.

Regarding Religious Education, the document in question, in alignment with the BNCC/2018 and similarly to what is presented in the Reference Curriculum of Minas Gerais, reiterates its nature as a curricular component, with mandatory offering and optional enrollment in public schools. The document also mentions, albeit without further elaboration, the legal frameworks⁹ for the provision of Religious Education in Brazil and Piauí.

Bringing the discussion to the Resolution of the State Council of Education (CEE) of Piauí No. 188/2016, we highlight that this regulation besides establishing the procedures for defining the contents of the curricular component of Religious Education and the qualification of teachers to teach it in schools within the State Education System of Piauí reaffirms it as an integral part of the basic education of the citizen and mandates its offering in both Elementary and High Schools of public and private institutions within this system.

Shifting the discussion to the municipal context, we note that Teresina, the state capital, does not mention Religious Education in the education chapter of its Organic Law, thereby omitting

⁹ They mentioned the national normative framework: Article 210 of the CF/88; Article 33 of the LDBEN/1996; Federal Law No. 9,475/1997; and CNE/CEB Resolutions No. 04 and 07/2010. In the context of Piauí, only the Resolution of the CEE/PI No. 188/2016 was referenced, thus omitting State Law No. 5,356/2003, which we consider an essential reference regarding Religious Education in Piauí.

Religious Education between national and local regulations

references to this subject, despite what is stated in the articles of the CF/1988 (Art. 210) and the Constitution of the State of Piauí (art. 218).

Based on the sources we accessed through governmental portals, we observe that the discussion on Religious Education in the context of education in Teresina is revisited in the development of the Teresina Curriculum, approved in 2018 after aligning the Teresina Curriculum Guidelines with the BNCC/2018. In a specific volume on Religious Education, the Teresina Curriculum outlines legal frameworks and summarizes the historical debate; however, it does not reference state legislation on the topic, nor does it provide insights into the discussion within the context of the public education network in the capital.

In the following section, we present considerations regarding the documentary analysis conducted, seeking to understand Religious Education in the context of the sharing of responsibilities among federative entities; considering both national and local regulations; and highlighting the different ways in which this issue is addressed at the subnational levels, specifically in the states of Minas Gerais and Piauí.

Final considerations

In this study, we address the offering of Religious Education as a subject by public education networks, considering national regulation and, more specifically, the existing norms in the states of Minas Gerais and Piauí. We conducted a documentary analysis based on documents, studies, and research that discuss the provision of Religious Education in public schools, its implications, and the assumption of secularism in education.

Without intending to exhaust the analyses and reflections regarding the documentary study conducted, we initially note that the autonomy of each education network to choose a mode of offering Religious Education - confessional or non-confessional - allows us to observe the diversity in the format of this curricular component across Brazilian states and municipalities, as indicated by the local contexts analyzed in this article.

In the context of Minas Gerais, the state education network opts for the non-confessional modality of Religious Education, which is incorporated into the curriculum as an area of knowledge that is a mandatory curricular component in terms of offering, and optional regarding enrollment. In contrast, we find the absence of this subject in the Curricular Proposals of the Municipal Education Network of the capital; however, this does not mean that the religious dimension is absent from the "ground" of the schools, as religiosity permeates the school environment through various practices

that occur within these institutions. One such practice involves the use of religious spaces through partnerships (space provision or rental) for conducting school activities - a reality observed and represented by the *Escola Integrada* program.

Based on the study of the legal sources we accessed regarding the issue of Religious Education in Piauí, we found that, although its establishment occurred after federal legislation, its regulation through Resolution CEE/PI No. 188/2016 brought advancements on the topic compared to other federative units. This regulation reinforces the mandatory offering of this education in public and private schools within the State System, while also reiterating that enrollment is optional for students. Other notable recommendations expressed in the aforementioned resolution include the organization of the contents of the Religious Education curricular component (Art. 6), which defines that the subject must be taught at least once a week, and the qualification of teachers to teach this curricular component.

Regarding the federative issue in Brazilian education, we highlight the absence of such coordination by the Union, which fosters the emergence, at the subnational levels, of regulations that often contradict the secular and democratic principles of the Brazilian state as constitutionally established. We identified the existence of distinct regulations leading to the implementation of a constitutional principle regardless of whether we agree with this principle which is the provision of Religious Education as a subject in the school curriculum. In this sense, different ways of addressing the issue coexist among federative entities, which can lead to tensions in educational policies and pedagogical practices within public education networks, although we can also understand this situation as part of local autonomy.

We understand that the lack of regulation regarding intergovernmental cooperation mechanisms, particularly concerning educational responsibilities, along with the long-desired tax reform, are broad, complex, and historical issues that reveal the political interests at play in the relationships between administrative entities and business fractions within the Federal State.

We also emphasize that, by directing the responsibilities for regulating school Religious Education to the federative entities, more organized religious groups in society tend to exert pressure on education networks/systems, especially in the absence of specific legislation that could regulate certain practices.

In this way, even though it is extensive in matters of education, the CF/1988 transfers important and significant decisions to the federative entities, which, based on the autonomy granted to them,

Religious Education between national and local regulations

can decide on the different ways of offering this subject, intensifying political-ideological disputes and potentially leading to conflicts regarding the practices implemented in public schools across different states and municipalities.

At the end of this study, we conclude that the debate surrounding the presence of Religious Education in public schools, considering the assumption of secularism in education and within the context of Brazilian federalism, will continue for some time, as there are still unresolved issues, while new ones are emerging. The social, political, and cultural landscape we previously experience - marked by the rise of a conservative government with a strong focus on religious issues - allows us to foresee that, even with the recent election of a new, progressive government, disputes among different political-religious groups and movements are likely to persist and interfere with policies directed at Brazilian public schools.

References

ARAÚJO, Gilda Cardoso. Federalismo e políticas educacionais no Brasil: equalização e atuação do empresariado como projetos em disputa para a regulamentação do regime de colaboração. **Educação e Sociedade**, Campinas, v. 34, n.124, p.787-802, jul-set, 2013.

BARROSO, João. O estado, a educação e a regulação das políticas públicas. **Educação e Sociedade**, Campinas, v. 26, n. 92, p. 725-751, out. 2005.

BRASIL. **Constituição da República Federativa do Brasil**. Brasília: Presidência da República, 1988.

BRASIL. **Decreto n. 7.107, de 11 de fevereiro de 2010**. Promulga o Acordo entre o Governo da República Federativa do Brasil e a Santa Sé relativo ao Estatuto Jurídico da Igreja Católica no Brasil, firmado na Cidade do Vaticano. Brasília: Casa Civil, em 13 nov. 2008.

BRASIL. **Lei n. 9.394, de 20 de dezembro de 1996**. Estabelece as Diretrizes e Bases da Educação Nacional. Brasília, DF: Diário Oficial da União da República Federativa do Brasil, 23 dez. 1996.

BRASIL. **Lei n. 9.475, de 22 de julho de 1997**. Dá nova redação ao art. 33 da Lei n° 9.394, de 20 de dezembro de 1996. Brasília, DF: Diário Oficial da União, 23 jul. 1997.

BRASIL. Ministério da Educação. **Base Nacional Comum Curricular**. Brasília: MEC, 2018.

BRASIL. Ministério do Planejamento, Desenvolvimento e Gestão. **O Federalismo Brasileiro**. Curso Federalismo Fiscal no Brasil. Brasília: Escola Nacional de Administração Pública (ENAP), 2017.

OLIVEIRA, Vilma Lúcia de Oliveira. **Ensino Religioso na Escola Pública Municipal de Belo Horizonte**: a presença-ausência de um currículo oculto. 2016. 121F. Dissertação (Mestrado em Ciência da Religião). Pontifícia Universidade Católica de Minas Gerais, Belo Horizonte, 2016.

CASSINI, Simone Alves; NASCIMENTO, Andreas. A indução federal nas políticas educacionais: a questão da colaboração e da coordenação federativa. In: ARAÚJO, Gilda Cardoso de;

RODRIGUES, Rodrigo Ferreira. **Federalismo e Políticas Educacionais**: entre velhos dilemas e novos desafios. Campos dos Goytacazes, RJ: Brasil Multicultural, 2018, p. 39-51.

CAVALIERE, Ana Maria Villela. Quando o Estado pede socorro à religião. **Revista Contemporânea de Educação**, Rio de Janeiro, v. 1, n. 2, p. 178-189, 2006.

CAVALIERE, Ana Maria Villela. O mal-estar do Ensino Religioso nas escolas públicas. **Cadernos de Pesquisa**, São Paulo, v. 37, n. 131, p. 303-332, 2007.

CECHINEL, André; FONTANA, Silvia Aparecida Pereira; GIUSTINA, Kelli Pazeto Della; PEREIRA, Antonio Serafim; PRADO, Silvia Salvador do. Estudo/Análise Documental: uma revisão teórica e metodológica. **Criar Educação**, Criciúma, v. 5, n.1, p.1-7, jan./jun., 2016.

CURY, Carlos Roberto Jamil. A educação básica no Brasil. **Educação e Sociedade**, Campinas, v. 23, n. 80, p. 168-200, set. 2002.

CURY, Carlos Roberto Jamil. Ensino Religioso e Escola Pública: o curso histórico de uma polêmica entre Igreja e Estado no Brasil. **Educação em Revista**, Belo Horizonte, n. 17, p. 20-37, jun. 1993.

CURY, Carlos Roberto Jamil. Ensino Religioso na escola pública: o retorno de uma polêmica recorrente. **Revista Brasileira de Educação**, Rio de Janeiro, n. 27, p. 183-191, set./out./nov./dez. 2004.

CUNHA, Luiz Antônio. A educação carente de autonomia. Regime Federativo a serviço da religião. **Revista Retratos da Escola**, Brasília, v. 6, n. 10, p. 95-104, jan./jun. 2012.

CUNHA, Luiz Antônio. A educação na Concordata Brasil-Vaticano. **Educação e Sociedade**, Campinas, v. 30, n. 106, p. 263-280, jan./abr. 2009.

CUNHA, Luiz Antônio. Ensino Religioso nas escolas públicas: a propósito de um seminário internacional. **Educação e Sociedade**, Campinas, v. 27, n. 97, p. 1235-1256, 2006.

CUNHA, Luiz Antônio. **Protagonistas da Luta pela Laicidade no Estado**: A Ótica Educacional. 2011. Disponível em: <http://www.sbpcnet.org.br/livro/60ra/textos/MR-LuizAntonioCunha.pdf> Acesso em: 04 jul. 2017.

CUNHA, Luiz Antônio. Sistema Nacional de Educação e o Ensino Religioso nas escolas públicas. **Educação e Sociedade**, Campinas, v. 34, n. 124, p. 925-941, jul./set. 2013.

CUNHA, Luiz Antônio. **O projeto reacionário de educação**. 2016. Disponível em: <http://www.luizantoniocunha.pro.br/#> Acesso em: 10 jan. 2022.

CUNHA, Luiz Antônio; FERNANDES, Vânia. Um acordo insólito: Ensino Religioso sem ônus para os poderes públicos na primeira LDB. **Educação e Pesquisa**, São Paulo, v. 38, n. 4, p. 849-864, out./dez. 2012.

DICKIE, Maria Amélia Schmidt; LUI, Janaina de Alencar. O Ensino Religioso e a interpretação da lei. **Revista Horizontes Antropológicos**, Porto Alegre, ano 13, n. 27, p. 237-252, jan./jun. 2007.

FÁVERO, Altair Alberto; CENTENARO, Junior Bufon. A pesquisa documental nas investigações de políticas educacionais: potencialidades e limites. **Contrapontos, Univali**, Itajaí, v. 19, n.1, p. 170-184, jan-dez. 2019.

Religious Education between national and local regulations

FERREIRA, Eliete Quixaba. **Ensino Religioso e formação docente**: os critérios de contratação de professores para a disciplina de Ensino Religioso no estado do Piauí. 2017. 67f. Dissertação (Mestrado Profissional em Ciências das Religiões). Faculdade UNIDA de Vitória, Vitória, 2017.

FERREIRA FILHO, Manoel Gonçalves. **Curso de direito Constitucional**: de acordo com a Constituição. 18. ed. São Paulo: Saraiva, 1990.

MINAS GERAIS. **Lei n. 15.434, de 05 de janeiro de 2005**. Dispõe sobre o Ensino Religioso na Rede Pública Estadual de Ensino. Disponível em: <https://leisestaduais.com.br/mg/lei-ordinaria-n-15434-2005-minas-gerais-dispoe-sobre-o-ensino-religioso-na-rede-publica-estadual-de-ensino>. Acesso em: 15 fev. 2023.

MINAS GERAIS. **Curriculo Referência de Minas Gerais**. 2018. Disponível em: <https://curriculoreferencia.educacao.mg.gov.br/>. Acesso em: 10 fev. 2023.

MINAS GERAIS. Conselho Estadual de Educação de Minas Gerais. **Resolução n. 470 de 27 de junho de 2019**. Institui e orienta a implementação do Curriculo Referência de Minas Gerais da Educação Infantil e do Ensino Fundamental nas escolas do Sistema de Ensino de Minas Gerais. Disponível em: https://normativasconselhos.mec.gov.br/normativa/view/mpb-470-2019_60d99adc28140.pdf. Acesso em: 10 fev. 2023.

OLIVEIRA, Heli Sabino de. Laicidade e Religiosidade em escolas públicas de Belo Horizonte. In: III Simpósio Internacional sobre Religiosidades, Diálogos Culturais e Hibridações, 2009, Campo Grande. Entre o público e o privado, afirmações e oposições na construção do conhecimento religioso. **Anais [...]**. Campo Grande: Universidade Federal de Mato Grosso do Sul, v. 01. p. 01-09, 2009.

PIAUÍ. **Lei estadual n. 5.354, de 11 de Dezembro de 2003**. Dispõe sobre o Ensino Religioso no ensino Fundamental e Médio, nas escolas da rede pública do Estado do Piauí. Disponível em: <http://legislacao.pi.gov.br/legislacao/default/ato/12955>. Acesso em: 12 fev. 2023.

PIAUÍ. **Resolução n. 188, de 05 de Julho de 2016**. Regulamenta os procedimentos para definição dos conteúdos do Componente Curricular Ensino Religioso. Teresina: Conselho Estadual de Educação – CEE/PI.

PREFEITURA MUNICIPAL DE BELO HORIZONTE. **Projeto de Lei n. 1642 de 2015**. Dispõe sobre a obrigatoriedade de aulas de Ensino Religioso nas escolas da rede municipal de ensino e dá outras providências. Disponível em: <https://www.cmbh.mg.gov.br/atividade-legislativa/pesquisar-proposicoes/projeto-de-lei/1642/2015> Acesso em: 10 fev. 2023.

PREFEITURA MUNICIPAL DE BELO HORIZONTE. Secretaria Municipal de Educação. **Proposições Curriculares da Educação Infantil, do Ensino Fundamental e da Educação de Jovens e Adultos da Rede Municipal de Educação de Belo Horizonte**. 2016. Disponível em: <https://prefeitura.pbh.gov.br/educacao/politica-pedagogica-da-rmebh>. Acesso em: 15 fev. 2023.

SILVA, Carlos Alberto Pereira da. (org.). **Curriculo do Piauí**: um marco para a educação do nosso estado. Teresina: SEDUC, 2019.

TERESINA. Curriculo de Teresina: Ensino Religioso. 2018. Disponível em: <https://semec.pmt.pi.gov.br/diretrizes-curriculares-de-teresina/>. Acesso em: 20 fev. 2023.

TERESINA. **Lei Orgânica do município de Teresina**. Revisada e atualizada até a Emenda n. 30/2019, publicada no Diário Oficial do Município n. 2.508, de 24/abr/2019. Disponível em:

<https://pmt.pi.gov.br/wp-content/uploads/sites/34/2020/03/LEI-ORGANICA-DO-MUNICIPIO-DE-TERESINA-atualizada-at%C3%A9-emenda-30-2019.pdf>. Acesso em: 20 fev. 2023.

ZEFERINO, Joycimar Lemos Barcellos. **Entre diálogos e silenciamentos**: o que dizem os professores sobre a religião no cotidiano das escolas?. 2016. 158f. Dissertação (Mestrado em Educação). Pontifícia Universidade Católica do Rio de Janeiro, Rio de Janeiro, 2016.

ZYLBERSTAJN, Joana. **O Princípio da Laicidade na Constituição Federal de 1988**. 2012. 226f. Tese (Doutorado em Direito). Faculdade de Direito da Universidade de São Paulo, São Paulo, 2012.



The licensing rights used by the journal Education in Focus is the license
Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC-SA 4.0)

Received on: 07/08/2023

Approved on: 17/04/2024