TRAJECTORY OF EARLY CHILDHOOD EDUCATION SERVICES IN BRAZIL

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ABSTRACT: This article seeks to highlight the trajectory of early childhood education services in Brazil, spanning from the first initiatives, implemented by the hygienist movement, mainly by the IPAI in Rio de Janeiro (1927), to the present time. Nowadays, the early childhood education is understood as a right to education and the first stage of basic education, as established by the 1988 Brazilian Federal Constitution (CF) and the 1996 Law of Guidelines and Bases for National Education (LDB). The objective is to verify advances and setbacks for ensuring access to educational services. To accomplish this, this article relies on a bibliographical analysis and examination of legislation, which allow us to infer on the subject matter. We seek signs and clues of an educational process for children who were in daycare centers, nursery schools, kindergartens, and/or preschools linked to Social Assistance and later transitioned to being assisted by Education Departments. It is essential to note that we intend to critically examine the historical trajectory of childcare in the age group from zero to six years old, with the aim of contextualizing the past to enhance our understanding of the present state of early childhood education.

KEYWORDS: Childhood Education. Social assistance. Education as a Process. History of Education.
Introduction

This article presents the trajectory of early childhood education in Brazil, spanning from initiatives implemented by the hygienist movement in the late 19th and early 20th centuries, beginning with the Instituto de Proteção e Assistência à Infância (Institute of Child Protection and Assistance) (MONCORVO, 1927) in Rio de Janeiro, Brazil to the recognition of Early Childhood Education as a right to education and the first stage of primary education through the Brazilian Federal Constitution of 1988 and the National Education Guidelines and Bases Law of 1996. We aim to identify both advancements and setbacks in ensuring children's education access, attempting to understand the significance of childhood and children in the context of historiographical research, indicating that contemporary perceptions of children now view them as rights holders and active contributors to history. As Kuhlmann (2007, p. 30, our translation) notes:

[...] they participate in social relations, which is not exclusively a psychological process but a social, cultural, and historical one. Children seek participation, appropriate values, and behaviors specific to their time and place because social relations are integral to their lives and development.

Thus, it is understood that children are not isolated individuals disconnected from their history but are embedded in a web of social and cultural relations within the society in which they live. For a long time, the education of young children was exclusively within the family, where they established relationships and learned the norms and rules of their social and cultural environment through interaction with adults. In contemporary social groups, children have the opportunity to attend other socialization spaces, engaging in different interactions with various individuals, and one of these possible spaces is school. In this particular case, we refer to the institution that provides care and education for young children, now commonly known as early childhood education.

Therefore, the objective was to trace the historical trajectory of early childhood education in Brazil, highlighting the advancements and setbacks in providing educational services for this modality and signaling the consolidation of the right to education. This article is part of a research project defended in 2019 as a doctoral thesis and was part of the research project Trajetórias docentes na Educação Infantil: pesquisa em escolas públicas de Mato...
Grosso do Sul⁴ (Teacher Trajectories in Early Childhood Education: Research in Public Schools in Mato Grosso do Sul).

To achieve this objective, we employed bibliographical analysis and examined Brazilian legislation, which allowed us to make inferences about the subject matter, seeking clues and indicators of an educational process for children who were initially cared for in daycares (asylums), nursery schools, kindergartens, and/or preschools linked to Social Assistance and later transitioned to being served by Education Departments.

The theoretical and methodological approach of the research was based on a bibliographical and documentary historical perspective. We believed it was possible to write the history of education by understanding that "[...] it is up to the historian to inquire about the dynamics of interdependence present in every time and place in the past to make such changes intelligible" (VEIGA, 2009, p. 18, our translation).

We assert that the research sources reveal the path taken and investigated as a puzzle, where we assemble the pieces represented by documents as clues, hints, or signs (GINZBURG, 1989), enabling an investigative and analytical process of the trajectory of childcare.

To understand history as a process, Thompson (1981) makes a valuable contribution by acknowledging the difficulty of theorizing or conducting research without considering the empirical field's perspective. He notes that the historical process is indeterminate and subject to various theoretical and practical pressures, stating that "[...] 'history' can only be theorized in terms of its peculiar properties" (THOMPSON, 1981, p. 97, our translation).

In the current Brazilian context of childcare and early education, as described by Nunes, Corsino, and Didonet (2011), we see an improvement in quality thanks to the efforts of municipal education systems. These improvements have been made possible through the mobilization of social, legal, and institutional changes coordinated by the federal government.

In this article, we demonstrate that the sources we have analyzed influenced the origins of legal guarantees and transformed the provision of education for children. These changes were driven by individuals or representative groups and revealed their way of life and understanding of social relations. Thus, based on this understanding, this article is divided into three parts.

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⁴ The municipality of Naviraí is located in the state of Mato Grosso do Sul, which is one of the 27 federal units of Brazil. The state is situated in the southern part of the Central-West Region and shares borders with five Brazilian states: Mato Grosso, Goiás, Minas Gerais, São Paulo, and Paraná, as well as with South American countries, namely Paraguay and Bolivia.


⁶ The care of young children in Brazil is referred to as Early Childhood Education and provides education for children from 0 to 5 years of age in municipal education systems.
In the first part, we present the configuration and emergence of initiatives to record the care of young children in Brazil based on the study of the work "Histórico da proteção à infância no Brasil: 1500-1922" by Dr. Moncorvo (1927). This work is one of Brazil's earliest pieces on child education, albeit from a medical-hygienist perspective. It stands as one of the pioneers in portraying the situation of children in the country since the time of colonization.

In the second part, we analyze the changes in the historical process from 1932 in Brazil, emphasizing the origins of childcare and its consolidation. In the final cut, we indicate the creation of legislation and the regulation of the guarantee of early childhood education for children aged zero to six years. To do so, this represents one of the possible snapshots of early childhood education in Brazil, as presented through bibliographic and legal documents related to childcare.

Childcare in Brazil: Historical Origins

Although childcare in Brazil remains a relatively recent achievement, when viewed as part of a long-term historical process, it becomes a topic worthy of reflection, both in the past and today. When the first Jesuits arrived in Brazil in the 1500s, their objective was to civilize the indigenous peoples through Christianity, as was the case in all colonized countries in the Americas. This was done to secure labor for the Portuguese crown and exploit the colonies' wealth. However, they encountered difficulties in changing the deeply ingrained habits of the already adult indigenous population. Consequently, they turned their attention to children's education, believing it would be more manageable (COUTO; MELO, 1998).

This led to the establishment of "Casas de Muchachos", intending to educate orphaned and indigenous children according to the principles of the church. This is the first instance of children being separated from their families in Brazil. However, until the end of the 19th century, relatively little was done for Brazilian children. Among some early initiatives, we can mention the creation of the Instituto de Menores e a Casa de Correção da Corte (Institute for Minors and the Correction House of the Court). The State began to take guardianship of impoverished children to ensure that they were minimally cared for so that they would not become "idlers, vagabonds, abandoned, or those who could not receive suitable and appropriate education" (COUTO; MELO, 1998, p. 21, our translation).

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7 Today, Early Childhood Education is for children aged 0 to 5 years. This change occurred with the incorporation of the nine-year Elementary Education by Law No. 11,274, dated February 6, 2006.
At the time when children left the care of the Institute for Minors, typically around the ages of 10-12, they were transferred to the *Escola de Aprendizes de Marinheiros* (School of Apprentice Sailors). Thus, society mobilized around creating special legislation for minors during the transition from the Empire to the Republic. By the end of the 1800s, childcare began to take shape through the efforts of small private movements and groups.

The first educational initiatives for early childhood became evident through kindergartens in São Paulo and Rio de Janeiro between the late 1870s and 1909. Initially, these institutions were only present in the country's major cities and catered primarily to the affluent class of the time. However, in 1879, the Leôncio de Carvalho Reform mandated that every district in the Empire should have a kindergarten responsible for children's education before the age of 7. Nevertheless, this legal provision was not effectively implemented (NUNES; CORSINO; DIDONET, 2011).

It is worth noting that during this period, the State showed little interest in the conditions of Brazilian children, especially those from impoverished backgrounds. Even with the creation of institutions aimed at the less fortunate, such as the Asilo de Meninos Desvalidos founded in Rio de Janeiro in 1875 (Instituto João Alfredo), the three Institutes named Menores Artífices established in Minas Gerais in 1876, as well as schools and associations for the welfare of children, like the *Jardim de Infância do Brasil Menezes Vieira* created to serve the elite in 1875, the provision of childcare was insufficient to meet the demand and almost negligible for the broader Brazilian population.

In this context, another initiative came from doctors who treated children following the "[...] models of more advanced countries, the hygienist model, and puericulture, ideal for civilized people and the improvement of the race through the useful application of Eugenics rules". In response to this, the *Instituto de Proteção e Assistência à Infância* (IPAI) (Institute of Child Protection and Assistance) was founded in 1899 in Rio de Janeiro, following European models and prioritizing the principles of Eugenics (MONCORVO, 1927, p. 139). Towards the end of this period, the activities of the *Creche da Companhia de Fiação e Tecidos Corcovado* in Rio de Janeiro began, marking the first recorded Brazilian nursery for the children of factory workers (KUHLMANN, 1998).

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8 In Brazil, "eugenic practices in Brazilian public education were more of a solution than a challenge: they created a picture of thought and values on one hand, and on the other, they showed the ways in which this thinking was transformed into public policies" (CARVALHO; CORRÊA, 2016, p. 230, our translation).
The childhood situation began to change due to the efforts of certain groups that mobilized in response to the government's indifference to the issue of children. One noteworthy example is the work carried out by the Instituto de Proteção e Assistência a Infância (IPAI), which aimed to provide daycare services for children under 2 years of age, emphasizing caring for mothers during the last months of pregnancy and also focused on promoting hygiene knowledge among the impoverished population.

The activities of the IPAI expanded and diversified through courses, vaccination campaigns, and efforts to combat epidemics. They organized celebrations dedicated to childhood, promoted the establishment of nurseries, daycares, and child protection institutes across various states in Brazil, conducted studies on child mortality, and participated in congresses. Hygienic practices were intertwined with child protection efforts, recognizing that childcare should address the lack of support for working mothers.

The IPAI significantly influenced societal perceptions of children during that period, invoking a sense of public responsibility for child health. Its activities extended to multiple states, providing an organizational and institutional model to governments for assisting impoverished children. Their proposal was designed to articulate government budgetary responsibility, charity, and social volunteerism. Nunes, Corsino, and Didonet (2011, p. 19, our translation) state that the objective of the proposal was:

[...] To carry out a comprehensive action encompassing health, assistance, and education, all promoted and directed by the same entity. Within its scope were daycare centers, kindergartens, services for children from impoverished families, children with disabilities, infant health, and destitute childhood. Here, we can trace the beginnings of the interrelation between child assistance, health, and education.

Discussions about establishing daycare centers and kindergartens for child care began in light of this. The first Brazilian kindergarten was inaugurated in 1875 but soon closed due to a lack of public support. In Europe, there have been daycares since the 18th century and kindergartens since the 19th century, while in Brazil, such institutions emerged only in the 20th century. In 1908, we had the "first scientifically directed popular daycare" for the children of workers up to 2 years old. In 1909, the "Jardim de Infância Campos Salles" (Campos Salles Kindergarten), was inaugurated in Rio de Janeiro (KRAMER, 1995).

The Proclamation of the Republic in Brazil in 1889 also influenced the development of actions aimed at protecting children, giving rise to child welfare entities, daycares, asylums, and boarding schools, all to combat high infant mortality rates and ensure care for impoverished
children. Brazilian society characterized these childcare institutions from the perspective of assisting poor children and prioritizing physical health, hygiene, and nutrition. It wasn't until 1927 that "[...] the Children's Code came into effect, but the situation of children care didn’t have a significant change" (COUTO; MELO,1998, p. 28, our translation).

The bibliography referenced in Moncorvo's work (1927) indicates that the initial initiatives for children stemmed from the Brazilian hygienist movement, aiming to combat the alarming infant mortality attributed to causes such as illegitimate births resulting from unions between enslaved people and their enslavers, as well as the lack of physical, moral, and intellectual education for mothers who allowed for mercenary nursing (slaved women hired as wet nurses).

Therefore, in 1919, the Departamento da Criança (Child Department) was established in Brazil to address childhood issues through systematic and methodically organized work (MONCORVO, 1927). This initiative originated from IPAI; however, the responsibility for managing the department was to be shared between the state and private entities, envisioning a public-private partnership for child care and assistance. In practice, though, the department was created and maintained by the physician Moncorvo without the assistance of the state or the municipality of Rio de Janeiro.

From their origins, the proposals for educational care for Brazilian children address the issue through two main initiatives, offering institutions differentiated by age groups and social classes. Thus, there were daycares for children aged 0 to 3 years, conceived to meet the needs of working mothers who couldn't leave their children at home alone, being considered an initiative separate from maternal schools or kindergartens, they were designed for children aged 3 or 4 to 6 years and had an existentialist aspect from the outset.

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initiative separate from maternal schools or kindergartens, they were designed for children aged 3 or 4 to 6 years and had a welfarism aspect from the outset.

We understand that there is a welfarism conception in actions related to state interests that offer services that do not empower users; instead, they reinforce their condition of subordination to the provided services. Throughout history, these actions have been characterized by a discourse of "favor exchange," especially concerning partisan politics, which makes the poor population dependent on specific activities. Consequently, communities become recipients of benefits, not seeing the service as their right but as part of a favor and vote exchange perspective. For the impoverished population dependent on these services and advantages for their survival, the intention behind the state's development of these policies did not matter; they were concerned with their immediate needs (FIDELIS, 2005).

Considering this, Kuhlmann (1998) emphasizes that, despite their welfarism characteristics from the outset, daycares had an educational proposal similar to maternal schools and kindergartens. However, the pedagogical approach set it apart from welfarism nurseries from kindergartens. Assistential institutions were focused on the "subordination" of children and families, whereas kindergartens had a "liberation" proposal.

Laws were enacted at the end of the 19th century and the beginning of the 20th century, and social institutions proliferated in Public Health, Family Law, Labor Relations, and Education. Legal, sanitary, and famous education institutions, referred to by Kuhlmann (1998, p. 60) as "Scientific Assistance," argued that faith, progress, and science had replaced the traditional hospital and prison systems. Thus, Social Institutions emerged, which could be seen as a set of measures not as a worker's right but rather as a reward for subservient workers. Their function was to discipline people experiencing poverty and the labor force.

Civil society-organized institutions supported tasks that the State could not adequately address. There was a disagreement between the State and civil society organizations regarding whether private charitable works should assist public authorities. The characteristic of this perception of care was the use of scientific methods to assess and determine if the destitute genuinely required assistance. This approach aimed to promote racial improvement and social control in the direction of progress and civilization.

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9 Social Work, in its origin in Brazil, contributed to the spread of welfare, as its intervention among the working class aimed to ensure harmony between social classes and the maintenance of power by the dominant type. For this purpose, it advocated understanding the "social issue" as something natural rather than a result of the capitalist model and the inequalities it produces (FIDELIS, 2005).
In 1920, the Child Department in Brazil was considered essential for public utility, and various tasks were assigned. These included compiling a historical account of the State of child protection in Brazil, promoting initiatives to support impoverished children and pregnant women, publishing bulletins and disseminating knowledge, organizing congresses, and contributing to the enforcement of child protection laws to standardize Brazilian statistics on infant mortality (KRAMER, 1995). Thus, in 1923, through Decree No. 16.300 of December 31, 1923 (BRASIL, 1923), a section dedicated to the Inspection of Child Hygiene proposed inspections of private schools, colleges, as well as places of shelter and infant asylums, such as nurseries and any institutions intended for children. This is one of the first initiatives of the State to regulate and oversee childcare institutions.

Subsequently, Decree No. 21,417 of May 17, 1932 (BRASIL, 1932), which regulated the working conditions of women in industrial and commercial establishments, provided in Article 12: "Establishments where at least thirty women over the age of 16 work shall have a suitable location where female employees are allowed to keep their breastfeeding children under supervision and care." These are the first indications that the State intended to ensure a certain level of assistance for children and working mothers. However, despite the beginning of legislation, little changed for impoverished children in Brazil. Even though charitable institutions adapted to the requirements of jurists and physicians, children still lacked rights.

Nevertheless, when considering advancements, we can identify two crucial moments in forming children's rights from 1922 onwards. The Child Department in Brazil organized the first Congress for Child Protection, and eleven years later, the second Congress for Child Protection took place in 1933. These actions indicate that child protection was not yet a priority at that time, given the gap between the two congresses.

During this period, there was a growing concern for child education, driven by educational movements that began to take shape, particularly the New School movement based on the principles of Developmental Psychology, which was gaining traction in the United States and Europe. This gradually led to a greater appreciation of children (KRAMER, 1995). In this regard, we revisit Kuhlmann's perspective (1998) on education focused on subordination, in contrast to emancipatory education, and present some views of change during this period.
From assistance to education: the changes that occurred from 1932

In 1922, the 1st Congress for Child Protection took place, requesting support from governmental authorities. In the 2nd Congress, held over a decade later in 1933, new institutions for child assistance were introduced, such as milk distribution centers, kindergartens, milk dispensing stations, infant clinics, maternal schools, and child polyclinics. Campaigns in favor of breastfeeding and against the sale of breast milk and strong advocacy for daycares and public care for impoverished and abandoned children emerged (KRAMER, 1995).

In this context, Brazil and the government must pay attention to childhood. Thus, Decree No. 19,402 of 1930 created the Ministry of Education and Public Health. In 1940, the National Child Department was established, centralizing the care of Brazilian children for almost 30 years. Starting in 1941, the Serviço de Assistência a Menores [SAM] (Child Welfare Service) was created to cater to minors under 18 who were abandoned or considered delinquents. It was linked to the Ministry of Justice and Interior Affairs. In 1942, the Legião Brasileira de Assistência [LBA] (Brazilian Legion of Assistance) was established under the inspiration of Darcy Vargas, the first lady and wife of Getúlio Vargas, who was then the President of the Republic. The LBA received support from the Federation of Commercial Associations and the National Confederation of Industries (KRAMER, 1995). These dates are crucial in the history of Brazilian child education and child care perspectives.

After 1946, the LBA's assistance policy shifted toward exclusive support for maternity and childhood through families, becoming a consultative body for the State. It's worth highlighting the actions focused on child care in Brazil by the United Nations International Children's Emergency Fund (UNICEF), which began its work in the country in 1950 with campaigns distributing powdered milk. Later, its efforts expanded to support nutrition, health, education, and social well-being. In the 1960s, UNICEF sought to establish more direct contact with the government, tailoring cooperation programs to the country's needs.

In this context, various private initiatives also began to emerge, such as the Organização Mundial de Educação Pré-escolar (OMEP) (World Organization for Early Childhood Education). Notably, OMEP started its activities in 1952 in Rio de Janeiro as a non-governmental educational entity and collaborated with both public and private organizations, focusing on training and developing human resources through courses, congresses, and study seminars.
Therefore, starting in 1964, childhood became a concern of the authoritarian State\textsuperscript{10}, and the *Função Nacional do Bem-Estar do Menor (FUNABEM)* (National Foundation for the Well-Being of Minors) was established in the country. FUNABEM sought to present a new image of care, replacing the notion of "abandoned minors" with "needy minors." FUNABEM was dissolved in April 1990, and, *Fundações Estaduais para o Bem-Estar do Menor (FEBEMs)* (State Foundations for the Well-Being of Minors) were created. In 2006, FEBEM was renamed the *Função Centro de Atendimento Socioeducativo ao Adolescente - Fundação CASA* (Foundation for Socio-Educational Care for Adolescents - Foundation CASA). For a long time, the history of child care in Brazil was closely tied to the "[...] removal of children from their socio-family environment [...]" (COUTO; MELO, 1998, p. 35, our translation), using the institutionalization model. However, this model lost ground due to its inefficacy, and educational initiatives began to emerge as alternative possibilities.

Regarding care in educational institutions, a movement began in 1975 (still during the military government) when the first meeting of coordinators of preschool education was organized in Brasília\textsuperscript{11}. From this meeting the *Coordenação de Educação Pré-escolar (COEPRE)* (Coordination of Preschool Education) was created. COEPRE conducted research to identify the number of enrollments in preschool, the needs for care in each region, the profile of the teaching staff, the developed curricula, and the material resources for institutions serving children under 6 years old. Several seminars were held to establish necessary general principles for preschool education, but these actions were unsuccessful due to a lack of financial resources, resulting in limited and fragmented efforts.

In the same period (1976), the LBA Foundation was created, proposing to implement the so-called "*Casulo Project*" as part of its assistance program, aiming to serve as many children as possible "with limited resources." The *Casulo Project* became the main Brazilian program for caring for young children, particularly those under 6 years old, by supporting mothers in need of job training. It expanded care and introduced the daycare program for children aged 0 to 6 years, ensuring that children did not remain on the streets or at home alone\textsuperscript{12}.

\textsuperscript{10} Brazil experienced a period of Military Dictatorship from 1964 to 1984.

\textsuperscript{11} Brasília was inaugurated as the capital of Brazil on April 21, 1960, by then-president Juscelino Kubitschek.

\textsuperscript{12} Regarding the "*Projeto Casulo*" and the "*Clube de Mães,*" more information can be found in the work of Gisele Tavares de Souza Rodrigues from the Postgraduate Program at UFGD, titled "*História da Educação Infantil em Naviraí*" (History of Early Childhood Education in Naviraí) and the *Clube de Mães: as origens do atendimento à criança pequena* (Mothers Club: The Origins of Childcare) (1974 - 1990)" (RODRIGUES, 2018).
However, with the political opening of the 1980s in Brazil, democratic transition began. Starting in 1984, movements in favor of childcare for children aged 0 to 6 years emerged, strengthening the idea of education as a right. This was achieved through the struggle for daycare centers by feminist movements, professionals, institutions, and social movements, which demanded that the State create legislation regarding children and education. We can consider that the history of institutions for the care of young children reflects the social relations experienced in each historical moment, where the concept of child education evolved, bearing marks and achievements that culminated in the approval of the Federal Constitution of 1988 (BRASIL, 1988) and later the National Education Guidelines and Bases Law, Law No. 9394 of 1996 (BRASIL, 1996).

**Public Policies in Brazil aimed at children's education**

In 1961, after thirteen years of discussions in Brazil, the first National Education Guidelines and Bases Law was approved, Law No. 4,024 of December 20, 1961. The text referred to children under the age of seven as part of pre-primary education, addressing the period before primary education, which began at age seven:

Art. 23 - Pre-primary education is intended for children up to seven years old and will be provided in maternal schools and kindergartens. Art. 24 - Companies that employ mothers with children under seven years of age will be encouraged to organize and maintain pre-primary education institutions on their initiative or in cooperation with public authorities (BRASIL, 1961, our translation).

This law took a long time to be approved, and when it finally came into effect, it could not meet the needs of national education. Regarding the care of children aged 0 to 6, it is evident that the law did not guarantee this care's provision or obligatory nature, characterizing it as "preparatory" for the subsequent level of Primary Education.

In 1971, during the Military Dictatorship regime, the second National Education Guidelines and Bases Law/ Law No. 5,692/71, amending the provisions for 1st and 2nd degrees from the previous Law No. 4,024/61, was approved. The legislation addressed the education of children aged 0 to 6 in Article 19, §2: "The education systems shall ensure that children under seven years of age receive appropriate education in maternal schools, kindergartens, and equivalent institutions" (BRASIL, 1971, our translation).

The wording of the law used the term "ensure appropriately" to define the role of the State in the education of children under 7, making the understanding of care more
comprehensive and uncertain, without any institutional commitment on the part of public authorities. According to Freitas and Biccas (2009), this law for early childhood education was "a tragedy" because it effectively removed any educational obligations related to young children from the government, as the term 'ensure' is merely a recommendation that may or may not be followed by public authorities.

However, during this period of struggle and apparent setbacks, preschool education began to grow significantly in the country and became the subject of national policies and social demands from civil society. During this period, preschool and daycare came to represent possibilities for education. Consequently, amidst disputes, adjustments, and the reconfiguration of democracy, the Federal Constitution of Brazil was promulgated in 1988, ensuring the recognition of children as citizens and subjects of rights:

Article 6 - Social rights include education, health, food, work, housing, leisure, security, social security, maternity and childhood protection, and assistance to the destitute, as provided in this Constitution. Article 227 - It is the duty of the family, society, and the State to ensure children, adolescents, and young people, with absolute priority, the right to life, health, food, education, leisure, professional training, culture, dignity, respect, freedom, and family and community coexistence, in addition to protecting them from all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression (BRASIL, 1988, our translation).

The promulgation of the Federal Constitution 1988 expanded the vision of children and their needs in Brazil. Children began to be conceived as individuals, child citizens with rights, complete individuals who require comprehensive care in educational institutions and within the family because the "[...]Constitution played a significant role in guaranteeing the right to early childhood education" (PINTO; FLORES, 2017, p. 241, our translation).

This process was historic in Brazil post-Military Dictatorship. To bring together institutions, organize a movement, and coordinate studies and debates in the construction of a proposal regarding children to be presented to the National Constituent Assembly, an interministerial committee called the Comissão Nacional Criança e Constituinte (CNCC) (National Child and Constituent Commission) was created, with significant participation from social organizations with a direct interest in children (NUNES; CORSINO; DIDONET, 2011).

Following the Federal Constitution, other legislations benefited child care and early childhood education in Brazil. In 1993, the Lei Orgânica da Assistência Social (LOAS) (Organic Law of Social Assistance), Law No. 8,742 of December 7, 1993, was approved. This legislation was vital because it mandated changes in the social assistance policy in Brazil, as it...
was social assistance that provided resources for children from 0 to 6 years of age up to that point. This law should be integrated with sectoral policies to address poverty, provide minimum social benefits, offer conditions to deal with social contingencies, and universalize social rights. This aspect is essential because institutions for children under 7 years of age were under the purview of the Social Assistance departments, following these new regulations. Thus, the LOAS established decentralization of its actions, providing for "[...] the transfer of responsibility for the execution of services, programs, and projects to municipalities, duly accompanied by the corresponding transfer of resources" (BRASIL, 1993, our translation). In this way, municipalities became responsible for providing care for young children.

In the post-constitution years, while the new National Education Guidelines and Bases Law (LDBEN), Law No. 9394/1996, was being discussed, there were uncertainties about how the State, at its three levels, would ensure constitutional principles and the right of children aged 0 to 6 to education. In the face of these challenges, the Ministry of Education (MEC) in 1992-1994 promoted coordination with states and municipalities and dialogue with other segments of the education field.

In the case of early childhood education, the discussion of a national policy was initiated, leading to the creation of the National Commission for Early Childhood Education, composed of representatives from states, municipalities, federal agencies such as the Ministry of Health and the Secretariat of Social Assistance, universities, non-governmental organizations, UNESCO, and UNICEF. This commission was established by the Ministry of Education (MEC) to discuss the implications of the policy and support the Basic Education Department through the Coordination of Early Childhood Education (COEDI) in its implementation.

In the same context, in 1994, two documents were created to guide early childhood education: the "Política de Formação do Profissional de Educação Infantil" (Policy for the Training of Early Childhood Education Professionals), in April 1994 and the "Política Nacional de Educação Infantil" (National Policy for Early Childhood Education), in December 1994. These documents served as a reference for the discussions of the 1996 (LDBEN), which affirmed early childhood education in Brazil as the first stage of Basic Education:

> Early Childhood Education, the first stage of primary education, has the purpose of promoting the comprehensive development of children up to 5 (five)\textsuperscript{13} years of age in their physical, psychological, intellectual, and social

\textsuperscript{13} Text revision by Law No. 12,796, of April 4, 2013 (BRAZIL, 2013). Up to that point, the text was presented as follows: Art. 29. Early Childhood Education, the first stage of basic education, aims at the integral development.
aspects, complementing the family and community action. Art. 30. Early Childhood Education shall be offered in I - Nurseries or equivalent entities for children up to three years of age; II - Preschools, for children from 4 (four) to 5 (five) years of age (BRASIL, 1996, our translation).

Under these legal norms, it was only in 2007, under the new Social Assistance policy, that the Ministry of Social Development (MDS) authorized municipalities to transfer the management of daycare centers from the Department of Social Assistance to the Department of Education. For this transfer, the Comitê Técnico Interministerial (CTI) (Interministerial Technical Committee) was created, involving the MDS, the Ministry of Education, and the Ministry of Planning, consolidating the understanding that daycare centers and preschools were no longer social assistance services, thus characterizing daycare as a purely educational institution.

In the wake of these legal changes, Brazil approved the Child and Adolescent Statute, Law No. 8,069, on July 13, 1990, and the National Education Guidelines and Bases Law, Law No. 9394, on December 20, 1996, placing children and adolescents within the sphere of education, as the responsibility of the education systems. In this scenario, a conceptual shift determined the administrative transfer of early childhood education to education departments and ministries. It was necessary and essential to leave behind conceptions that depicted impoverished childhood as a time and place of "culturally deprived" individuals, second-class citizens who needed compensation to overcome their "deficiencies" (FREITAS; BICCAS, 2009, p. 292).

With these legal measures, young children in Brazil are recognized as citizens with rights, and thus, the provision of early childhood education is a right of the child, not solely the family's responsibility. As a result, there has also been a significant change reflected in guiding documents for the child's curriculum, such as the National Curricular Guidelines for Early Childhood Education (DCNEI), in creating spaces and times for the child within the institution while respecting their value in their historical, social, and cultural context (BRASIL, 2009).

To this end, according to Souza and Faria (2018), we can ensure that children are recognized as social subjects and rights holders. Regarding early childhood education, we have accumulated a set of guidelines for the construction of nurseries and preschools, as well as

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14 Text revision by Law No. 12,796, of April 4, 2013, up to that point, the text was presented as follows: II - Preschools, for children from four to six years of age.
pedagogical projects based on the recognition of the child as an agent in the specificity of their education.

However, we have also accumulated the struggle to provide places in public nurseries, as well as the realization of teacher training and the qualification of professionals working in early childhood education. Furthermore, we have achieved children's right to pedagogical practices whose curriculum focuses on interaction and play rather than anticipation or compensation to ensure elementary education.

In light of the above and the series of regulations that emerged after the National Guidelines and Bases for Education Law (LDBEN), Law No. 9,394/1996, we can consider that Brazil has made progress in the issue of child care, but there have also been moments of regression regarding the guarantee of early childhood education. One such example was the approval of the Nine-Year Basic Education Law, Law No. 11,274, on February 6, 2006, which "extends elementary education to nine years in duration, with enrollment of children aged six" (BRASIL, 2006). This amendment to the LDBEN led to the extension of elementary education from eight to nine years, removing the care of six-year-old children from early childhood education. This initiative was proposed to organize resources, as elementary education is mandatory and a subjective public right, while early childhood education does not have this guarantee. Regarding current policies for early childhood education, we can indicate some studies that allow for an expansion of this discussion, such as Faria and Palhares (2005) and Souza and Faria (2018).

However, the drafting and approval of these legal instruments have been and continue to be very important in guaranteeing the right to education for all Brazilian children. There are still challenges to be faced in this path of struggles affirmed through legislation so that they are effectively implemented in the context of institutions that provide care for children. In this regard, there is a need to expand discussions so that legal instruments go beyond paper and are operationalized through education policies, and for this, the participation of society is fundamental.
Final considerations

In this text, we have discussed the trajectory of early childhood education services in Brazil, contextualizing the process through the organization and legal guarantees provided by the state for the care of this age group in childhood. It was possible to understand that legal guarantees for care are still very recent in the history of early childhood education. However, it was evident that many of these legal advances were realized through the struggle of society in the process of the country's democratization and legislation changes. These guarantees have changed the conceptual understanding of the child and the curricular practice of young children in a specific manner and not as compensation or preparation for the next level of education.

The paths taken so far have also indicated the challenges we must continue to face for public and quality early childhood education, as we are still in the process of strengthening and consolidating achievements. We still suffer from reflecting on what early childhood care was in the past.

Nevertheless, we believe that we must continue to fight for an education for the child and not just about the child, where their interests are respected and where they can be the main characters in their own story.

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