



BASIC EDUCATION LEGISLATION IN BRAZIL: THE RELEVANCE FOR SCHOOL MANAGEMENT



<https://doi.org/10.56238/levv16n44-020>

Submitted on: 13/12/2024

Publication date: 13/01/2025

Adelcio Machado dos Santos¹ and Alisson André Escher²

ABSTRACT

Basic education in Brazil is the basis of the educational system and comprises three stages: early childhood education, elementary school and high school; and this entire structure is organized and structured based on legislation, either by the Federal Constitution of 1988, or by educational standards, such as the Law of Guidelines and Bases of National Education (LDB), the National Education Plan (PNE) and, more recently, by Law No. 13,415/2017 – New High School. Therefore, the objective of this article is to discuss the importance of educational legislation for school management, highlighting the relevance of the laws that govern basic education in Brazil, as well as to understand the central role of legislation and evaluate how it can be used as a tool for more efficient management, capable of overcoming administrative and pedagogical challenges. It was a bibliographic review with a survey of studies that deal with the theme of basic education legislation in Brazil and the role of school managers in this process. The study discussed the importance of legislation for the standardization of practices, ensuring a minimum level of quality and equity in basic education throughout the country, as well as the fundamental role of the school manager in the process of improving institutional quality, since he acts directly in the mediation between the student and the school.

Keywords: Legislation – Basic Education. School Management. School Manager. Educational Policies.

¹ Dr. in Engineering and Knowledge Management (UFSC).

Post-Doctorate in Knowledge Management (UFSC).

Professor, researcher and advisor of the Graduate Program in Education at the Alto Vale do Rio do Peixe University (UNIARP).

Rua Victor Baptista Adami, 800 – Centro – Caçador/SC/Brazil.

E-mail: adelciomachado@gmail.com

² Master of the "Stricto Sensu" Graduate Program in Basic Education at UNIARP. Alto Vale do Rio do Peixe University (UNIARP).

Rua Victor Baptista Adami, 800 – Centro – Caçador/SC/Brazil.

Master's student in the Graduate Program in Basic Education at UNIARP.

Alto Vale do Rio University

INTRODUCTION

Basic education in Brazil is the basis of the educational system and comprises three stages: early childhood education, elementary school, and high school. According to the Federal Constitution of 1988, education is a right of all and a duty of the State and the family, being promoted and encouraged with the collaboration of society (BRASIL, 1988). The Law of Guidelines and Bases of National Education (LDB), Law No. 9,394/1996, is the main legal framework that regulates basic education, establishing principles and guidelines for the functioning of educational institutions. The National Education Plan (PNE), approved by Law No. 13,005/2014, also highlights goals and strategies to ensure the quality and equity of basic education in Brazil (Brasil, 2014).

In this context, school management plays a fundamental role for the effective implementation of educational policies provided for by law. Managers, whether principals or coordinators, are responsible for aligning the school's activities with legal regulations and ensuring that the guidelines are followed, which directly impacts the quality of the education offered. However, educational legislation, often complex and constantly updated, requires school managers to be able to interpret and apply these rules efficiently, respecting the local and regional specificities of the educational units.

The study used the literature review as a methodology, with the objective of analyzing and discussing the relevance of basic education legislation for school management. The bibliographic review allowed an in-depth investigation of theoretical and normative sources, including books, scientific articles, official documents and educational legislation, such as the Federal Constitution, the LDB and the PNE. Texts that deal with the impact of public policies and educational standards on the organization and functioning of schools were prioritized. In addition, the study sought to articulate theoretical approaches with management practices, aiming to identify how legislation guides and influences the performance of school managers.

The objective of this article is to discuss the importance of educational legislation for school management, highlighting the relevance of the laws that govern basic education in Brazil, as well as to understand the central role of legislation and evaluate how it can be used as a tool for more efficient management, capable of overcoming administrative and pedagogical challenges.

FUNDAMENTALS OF EDUCATIONAL LEGISLATION IN BRAZIL

Brazilian educational legislation had its initial milestone in the Federal Constitution of 1988, which established the right to education as a duty of the State and the family. Article

205 defines education as a right of all and a fundamental process for the full development of the person, the exercise of citizenship and qualification for work (Brasil, 1988). Thus, as observed in the Brazilian legal system, this provision was fundamental for the construction of subsequent norms.

Another norm of great relevance is the Law of Guidelines and Bases of National Education (LDB), Law No. 9,394/1996, which regulates the organization and functioning of education in Brazil (Brasil, 1996). The LDB defines the principles and objectives of education, covering everything from early childhood education to higher education, mainly reinforcing the appreciation of the extracurricular experience and the pluralism of ideas, in addition to reaffirming the obligation to offer free basic education for all (Cury, 2007).

The National Education Plan (PNE), established by Law No. 13,005/2014, is a legal foundation that organizes goals for education at all levels and modalities of education (Brasil, 2014). It can be stated that the PNE is an educational planning instrument that aims to promote the improvement of the quality of education through specific goals, such as expanding access to early childhood education and secondary education, and improving the training and appreciation of teachers (Gadotti, 2010).

According to Di Pierro (2010), these legislations create the normative framework that guides the organization of basic education in Brazil, ensuring the right to quality education and promoting equity in access. In this way, educational legislation has a fundamental and structural role in the definition of guidelines and goals that constitute the education system and guide educational policies (Piletti; Rossato, 2010). The CF/1988, for example, establishes, in article 214, the bases for the elaboration of national education plans, with the function of coordinating actions and goals aimed at the development of education (Brasil, 1988).

The LDB, in turn, establishes guidelines that must be followed by both the public and private educational spheres and regulates the basic education curriculum, by providing for a common national base, contemplating the regional, cultural and economic diversity of the country (Vieira; Albuquerque, 2001). Thus, the so-called National Common Curricular Base (BNCC) arises as a result of this forecast and guarantees a common basic education for all students in Brazil, without disregarding local specificities (Gatti, 2018).

The PNE, complementing this scenario, emerged to define ten-year goals that must be pursued by all federative instances. Among these goals are the universalization of access to early childhood education and elementary and secondary education, the valorization of teaching, and the democratic management of educational institutions (Silva, 2019). These goals are binding, guiding public policies at all levels of government.

SCHOOL MANAGEMENT, LEGISLATION AND THE ROLE OF THE MANAGER

School management is a concept that involves the planning, organization, coordination and evaluation of school activities, aiming to promote a favorable environment for teaching and learning (Paro, 2015a). According to Lück (2009), school management should be understood as a dynamic process that integrates different administrative, pedagogical and community dimensions, with the objective of ensuring educational effectiveness and the integral development of students. The author highlights that school management goes beyond the mere administration of resources, being a collaborative process that involves the participation of the entire school community, including teachers, students, parents and the administrative team.

In addition, Paro (2015a) defines school management as a democratic and participatory process, in which decisions are shared and articulated to promote the well-being of all those involved in the educational process. Thus, it is important to build an organizational culture that favors autonomy and responsibility, so that the school becomes a space for emancipation and critical development.

Marinho (2014) argues that school managers can be highlighted as key actors in the implementation of the guidelines established by educational legislation. According to the LDB, one of the central functions of managers is to ensure that schools comply with the principles of democratic management, promoting the participation of the school community in the planning and execution of pedagogical actions (Brasil, 1996).

According to Marinho, Vidal and Vieira (2020), school management must ensure that the goals of the PNE are integrated into the school's pedagogical project, creating strategies to achieve these goals in a participatory way. Among the responsibilities of managers is the articulation between municipal, state and federal education agencies to enable the execution of educational policies effectively (Lima, 2018).

In addition, managers need to act in the organization of the school's human, material, and pedagogical resources, in order to ensure compliance with the BNCC and the development of the general competencies provided for in the curriculum. They also have a responsibility to promote the continuing education of teachers and ensure that the school environment is inclusive and safe for all students (Garcia, 2020).

Libaneo (2017) understands that the role of the school manager, in the current educational context, is fundamental to ensure that the norms are implemented effectively and that the legal guidelines are transformed into pedagogical practices that meet the needs of the school community. The school manager has the role of mediator between the legal requirements and the daily reality of the school. Also according to Libâneo (2017),

educational management involves the planning, organization and control of resources and processes so that the educational objectives defined by the legislation are achieved. Therefore, it can be said that the manager must be aware of the laws and needs to interpret and apply them within the context of his school unit.

The LDB is one of the main instruments that guides the organization of schools in Brazil. According to this legislation, it is up to the school manager to ensure that the institution complies with the principles of equal conditions for access and permanence, freedom to learn and teach, pluralism of ideas and pedagogical conceptions, among others (Brasil, 1996). Silva (2004) observes that the manager becomes responsible for creating an environment that respects these principles, while keeping the school in compliance with the legislation.

The norms and guidelines imposed by educational legislation directly affect the way schools are organized, as in the case of the BNCC, which establishes competencies and skills that must be developed throughout basic education. Therefore, the school manager must be responsible and act directly in the articulation between the pedagogical team and the teachers so that the school's curriculum is aligned with these requirements (Saviani, 2020). The legislation also determines fundamental aspects of the school's functioning, such as the minimum workload, the evaluation processes and the offer of complementary activities, provided for in the PNE, and which define goals for the expansion of access to education and the improvement of the quality of teaching, which requires the school manager to have a strategic plan capable of integrating the guidelines of the plan with the school's daily practices (Lombardi, 2012).

Compliance with these legal requirements has a direct impact on school planning, so that the manager needs to ensure that the available resources – human, material and financial – are used efficiently to achieve the goals set out in the legislation (Paro, 1997). According to Paro (2015b), the effectiveness of school management depends on an effective articulation between institutional objectives, the political-pedagogical project and the socio-cultural reality of the school. The role of the school manager in the implementation of educational policies goes beyond the simple application of norms, that is, he is responsible for translating the guidelines into practical actions that promote the improvement of the quality of teaching, requiring an articulated action between different spheres of management – pedagogical, administrative and financial – in addition to a constant dialogue with the school community. (Luck, 2005).

According to Lück (2009), the school manager needs to be a leader who inspires and motivates his team to implement changes and educational innovation, in order to ensure

compliance with legal requirements. For Libaneo (2004), the manager must promote an environment favorable to the participation of all actors in the school community, fostering engagement in decisions that affect the institution's daily life.

It is observed that, in the current Brazilian educational scenario, the implementation of the New High School and the guidelines of Inclusive Education demand from the school manager leadership skills and a deep understanding of the current educational policies (Luck, 2005). Luck (2006) understands that curricular flexibility and the inclusion of students with special needs are aspects that require the manager to have a holistic and adaptive view of the school, in addition to the ability to manage changes in a participatory way.

THE IMPLICATIONS OF EDUCATIONAL POLICIES AND THE IMPORTANCE OF TRAINING MANAGERS: A DISCUSSION

As already discussed, Resolution CNE/CP No. 2/2017, known as the LDB, establishes essential content and competencies that must be worked on at all stages of basic education. This policy, by standardizing the national curriculum, aims to promote equity in access to quality education (Mubai; Manuel, 2024). In this sense, the implementation of the BNCC requires school managers to reformulate their political-pedagogical projects (PPP), adapting school curricula to incorporate the general competencies foreseen, implying bureaucratic adjustments and the training of pedagogical teams to deal with the new curricular approach focused on competencies and skills (Mubai; Manuel, 2024).

The New High School, instituted by Law No. 13,415/2017, expands curricular flexibility, allowing students to choose training itineraries according to their areas of interest (Corrêa, 2018). This flexibility is seen as positive because it enables an education more aligned with the interests of students, it imposes on school managers the task of reorganizing the functioning of the school, which includes everything from the logistics of schedules to the availability of trained teachers to teach the new itineraries (Castilho, 2017). According to Cavaliere (2020), the flexibility of the curriculum requires an organizational restructuring that challenges the traditional structure of Brazilian schools, demanding a new profile of educational management.

According to Wittmann (2004), the practice of managers is directly influenced by the need to implement and monitor the application of educational policies, since it goes beyond administrative aspects and involves pedagogical leadership to ensure the articulation between legislation and teaching practices. Lima and Oliveira (2021) observe that school managers act as a mediator between what the educational policy prescribes and the

concrete reality of the school, which requires not only technical knowledge, but also the ability to manage conflicts and propose creative solutions.

Cavaliere (2020) understands that managers must act as facilitators in the process of change, ensuring that the teaching team is trained to understand and apply the new pedagogical guidelines, thus seeking to reinforce the need for close monitoring of the teaching-learning process, especially in times of transition or implementation of new policies.

For Gomes (2020), the continuous training of school managers is essential for them to understand, interpret and apply the legislation effectively. Given the complexity of new policies, such as the BNCC and the New High School, managers need to be up to date with educational guidelines and trained to make decisions that directly impact the school environment and the understanding of the laws, as well as the development of leadership and management skills (Gomes, 2020).

As stated by Silva and Costa (2019), the continuing education of school managers is a determining factor for success in the implementation of educational policies, since only through in-depth knowledge of the legislation is it possible to ensure that the school acts in line with current standards. Thus, training programs must be constantly offered and accessible, enabling managers to improve their skills and abilities.

In this sense, some good management practices based on educational legislation should include the reformulation of pedagogical plans, the development of interdisciplinary projects and the articulation between school, family and community. According to Aguiar and Dourado (2018), managers who manage to integrate legislation into the school reality demonstrate better results, especially by promoting democratic and participatory management, as recommended by the LDB, which establishes the participation of the school community in decision-making.

Another example of good practices, mentioned by Lima and Oliveira (2021), is the creation of spaces for continuing education for teachers, in line with the requirements of the BNCC. Such actions ensure the effective application of the new guidelines and promote a collaborative learning environment. According to Gomes (2020), the successful implementation of educational policies in schools depends, to a large extent, on the ability of managers to transform legal guidelines into practical actions, aligned with local needs. Thus, it can be seen that among the main challenges that managers face in the application of educational policies is the conciliation between national guidelines and local realities, which often the precarious infrastructure and lack of resources hinder the implementation of policies that, although progressive in their conception, encounter barriers in the daily life of

schools (Cavaliere, 2020). Sousa and Melo (2021) highlight that school managers face the challenge of operationalizing legislation in contexts of extreme inequality, which often results in partial or ineffective implementation of policies.

Silva and Costa (2019) state that the prospects for the future of educational policies point to greater investment in the training of education professionals and in the creation of mechanisms that make policies more adaptable to regional diversities. In this regard, the digitalization of school management, the use of educational technologies, and the decentralization of decision-making are trends that can positively impact the way managers deal with new legislation.

FINAL CONSIDERATIONS

Basic education legislation underpins the structuring and organization of the Brazilian educational system. Throughout the article, it was highlighted how educational laws, such as the CF/1988 and the LDB, provide the necessary framework for the functioning of schools and for the fulfillment of educational goals. These legal frameworks guide the performance of school managers, directly influencing pedagogical planning, resource management, and the relationship with the school community.

In addition, the importance of legislation for the standardization of practices was discussed, ensuring a minimum level of quality and equity in basic education throughout the country. However, as noted, the applicability of these rules does not occur automatically, that is, there is a need for compliance by the participating entities. Managers face challenges such as lack of resources, regional differences, and the constant updating of public policies, which require careful interpretation and adaptation to the local context.

In view of this, educational legislation should not be seen only as a set of rules, but as a management instrument that can enhance school effectiveness. The ability of a manager to interpret and implement these standards is decisive for the creation of a school environment that promotes quality learning and the integral development of students.

To improve the implementation of legislation in basic education, some main points were observed. First, that it is essential to promote the continuous training of school managers, ensuring that they deeply understand educational laws and policies, as well as their practical implications. Second, it is necessary to encourage dialogue between managers, teachers and the school community, in order to promote a collaborative and contextualized interpretation of the legislation. And finally, it is essential that there is greater coordination between the different levels of government (municipal, state and federal) to

ensure adequate technical and financial support to schools, facilitating compliance with legal guidelines.

Finally, from the literature review carried out, several opportunities emerge for deepening the theme in future research. The realization of case studies in public and private schools, focusing on how managers interpret and apply educational legislation in the school routine, which would enable a more concrete analysis of management practices, considering the particularities of each context and identifying the main challenges faced in the implementation of legal guidelines. Another study suggestion would be to evaluate the impact of training school managers on the effective application of legislation with the aim of examining whether the continuous training of managers positively influences compliance with educational standards and policies, in addition to exploring which types of training are most effective.

In addition, comparative studies between different regions of Brazil could be interesting for the observation of different geographical panoramas to understand the variations in the implementation of educational legislation, considering regional inequalities and different socioeconomic contexts, so that this perception corroborates to identify the areas that need greater technical and financial support to ensure a more efficient and equitable school management.

Finally, investigations into the impact of the most recent educational policies, such as the BNCC and the New High School, could deepen the questions about how these new regulations are being incorporated into school management and their effects on academic performance and the internal organization of schools. Therefore, these researches could compose a range of future research on the subject, especially with the purpose of improving the formulation of public policies and the improvement of management practices in basic education.

REFERENCES

1. Aguiar, M. A., & Dourado, L. F. (Orgs.). (2018). A BNCC na contramão do PNE 2014-2024: Avaliação e perspectivas. Anpae. Disponível em: <https://anpae.org.br/BibliotecaVirtual/4-Publicacoes/BNCC-VERSAO-FINAL.pdf>. Acesso em: 22 set. 2024.
2. Brasil. (1988). Constituição da República Federativa do Brasil de 1988. Senado Federal.
3. Brasil. (1996). Lei n.º 9.394, de 20 de dezembro de 1996: Estabelece as diretrizes e bases da educação nacional. Diário Oficial da União, Brasília, DF, 23 dez. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/l9394.htm. Acesso em: 24 set. 2024.
4. Brasil. (2014). Lei n.º 13.005, de 25 de junho de 2014: Aprova o Plano Nacional de Educação - PNE e dá outras providências. Diário Oficial da União, Brasília, DF, 26 jun. Disponível em: http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/l13005.htm. Acesso em: 24 set. 2024.
5. Castilho, D. (2017). Reforma do Ensino Médio: Desmonte na educação e inércia do enfrentamento retórico. Pragmatismo Político. Disponível em: <https://www.pragmatismopolitico.com.br/2017/02/reforma-do-ensino-medio-desmonte-educacao-inercia.html>. Acesso em: 23 set. 2024.
6. Cavaliere, A. M. (2020). Gestão educacional e políticas públicas no Brasil. Editora UFRJ.
7. Corrêa, S. de S. (2018). Reorganização curricular no ensino médio: Uma proposta de inovação com o Programa Ensino Médio Inovador. Tese de doutorado, Programa de Pós-Graduação em Educação, Universidade do Vale do Itajaí, Itajaí.
8. Cury, C. R. J. (2007). A gestão democrática na escola e o direito à educação. RBPAE, 23(3), 483-495. Disponível em: <https://seer.ufrgs.br/rbpae/article/view/19144/11145>. Acesso em: 24 set. 2024.
9. Di Piero, M. C. (2010). A educação de jovens e adultos no Plano Nacional de Educação: Avaliação, desafios e perspectivas. Educação e Sociedade, 31(112), 939-959.
10. Gadotti, M. (2010). Qualidade na educação: Uma nova abordagem. Editora e Livraria Instituto Paulo Freire.
11. Garcia, E. (2020). A gestão escolar e as políticas públicas: Desafios e perspectivas. Cortez.
12. Gatti, B. A. (2018). Base Nacional Comum Curricular: Diretrizes para o currículo escolar. Educação e Pesquisa, 44(1), 1-18.
13. Gomes, F. R. (2020). Boas práticas de gestão escolar: Um estudo de caso. Cortez.
14. Libâneo, J. C. (2004). Organização e gestão da escola: Teoria e prática (5. ed. rev. ampl.). Editora Alternativa.
15. Libâneo, J. C. (2017). Organização e gestão da escola: Teoria e prática (7. ed.). Edições Loyola.

16. Lima, M. de S. (2018). Gestão democrática e a participação da comunidade escolar. *Educação & Sociedade*, 39(145), 1095-1110.
17. Lima, J. S., & Oliveira, M. R. (2021). O papel do gestor escolar na implementação de políticas educacionais recentes. *Educação & Sociedade*, 42(156), 45-53.
18. Lombardi, J. C. (2012). A importância da abordagem histórica da gestão educacional. In A. L. Andreotti, J. C. Lombardi, & L. W. Minto (Orgs.), *História da administração escolar no Brasil: Do diretor ao gestor* (2. ed., p. 15-28). Alínea.
19. Luck, H., & et al. (2005). *A escola participativa: O trabalho do gestor escolar*. Vozes.
20. Luck, H. (2006). *Concepções e processos democráticos de gestão educacional*. Vozes. (Série: Cadernos de Gestão).
21. Lück, H. (2009). *Gestão escolar e qualidade do ensino: Experiências de capacitação de gestores*. Vozes.
22. Marinho, I. da C. (2014). *Administração escolar no Brasil (1935-1968)*. Dissertação de Mestrado, Universidade de São Paulo, São Paulo. Disponível em: https://www.teses.usp.br/teses/disponiveis/48/48134/tde11112014-101357/publico/IASMIN_DA_COSTA_MARINHO_rev.pdf. Acesso em: 23 set. 2024.
23. Marinho, I. C., Vidal, E. M., & Vieira, S. L. (2020). Diretores escolares do Brasil: Mudanças no perfil e na gestão pedagógica no período 2007–2017. *Atos de Pesquisa em Educação*, 15(3), 823-846.
24. Mubai, M. G. C., & Manuel, A. (2024). Capacitação de gestores escolares, um caminho para a melhoria da qualidade de ensino: Percepções dos gestores escolares e professores de quatro escolas do ensino primário em Maputo, Moçambique. *Revista Ibero-Americana de Humanidades, Ciências e Educação*, 10(03), mar.
25. Paro, V. H. (2015). *Diretor escolar: Educador ou gerente?* Cortez.
26. Paro, V. H. (1997). *Gestão democrática da escola pública*. Ática.
27. Paro, V. H. (2015a). *Gestão democrática da escola pública* (6. ed.). Ática.
28. Paro, V. H. (2015b). *Gestão escolar, democracia e qualidade do ensino*. Cortez.
29. Piletti, N., & Rossato, G. (2010). *Educação básica: Da organização legal ao cotidiano escolar*. Ática.
30. Saviani, D. (2020). *História das ideias pedagógicas no Brasil* (4. ed.). Autores Associados.
31. Silva, J. dos S. (2019). O Plano Nacional de Educação e as políticas públicas para o ensino básico. *Revista Brasileira de Educação*, 24(78), 51-65.
32. Silva, L. A., & Costa, R. P. (2019). *Formação continuada para gestores escolares: Desafios e perspectivas*. Editora Sulina.

33. Silva, S. P. (2004). Gestão compartilhada na escola, um caminho que se constrói. In M. B. de L. Almeida (Ed.), *Dialogando com a escola: Reflexões do estágio e da ação docente nos cursos de formação de professores* (2. ed., p. 49-58). Demócrito Rocha.
34. Sousa, R. F., & Melo, T. L. (2021). Políticas educacionais no Brasil e seus desafios para a gestão escolar. *Revista Brasileira de Educação*, 26(88), 60-72.
35. Vieira, S. L., & Albuquerque, M. G. M. (2001). *Política e planejamento educacional* (2. ed. rev. e ampl.). Edições Demócrito Rocha.
36. Wittmann, L. C. (2004). *Práticas em gestão escolar*. IBPEX. Disponível em: www.cesadufs.com.br/ORBI/.../09520520042012. Acesso em: 23 set. 2024.