LUMEN ET VIRTUS

Catalog of educational legislation for school management in the municipal system

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ABSTRACT

The main objective of this article is to discuss the educational legislation applied to school management in the municipal system, focusing on the discussion of the importance of the legislative catalog and the systematization of relevant regulations as support for school management. It is a bibliographic review that includes the analysis of legislative documents, academic articles and institutional reports related to school management at the municipal level. It is observed that the latent need for the advancement of digital technologies and the construction of a robust legal framework that promotes the integration of these tools in an equitable manner. Thus, a. from the results of the study, it can be stated that a catalog of educational legislation contributes to school managers and researchers by systematizing and analyzing the main regulations that govern municipal public education, considering that this type of material offers a comprehensive view of how legislation impacts daily practice in schools, especially in times of crisis and technological transformations.

Keywords: Catalog - Educational Legislation, School Management, Municipal School Systems, Public Education.

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INTRODUCTION

Educational legislation in Brazil is composed of a vast and complex set of rules that guide the organization, operation, and management of educational institutions at their different levels and modalities (Silva, 2021). In the context of municipal public education, the legislation establishes guidelines that must be followed by school managers to ensure access to quality education and the effective implementation of educational policies. The Law of Guidelines and Bases of National Education (LDB), Law No. 9,394/1996, constitutes the main regulatory framework, establishing principles for democratic school management, the organization of education systems and the autonomy of federated entities in the management of basic education (Brasil, 1996). From this base, several other normative documents, such as the National Education Plan (PNE) and guidelines from the National Fund for the Development of Education (FNDE), complement and specify the paths to be followed.

At the municipal level, school management faces significant challenges, such as the effective implementation of these guidelines, the adaptation to local realities and the management of financial and human resources. With the growing complexity of the educational scenario and the need to adapt to new social and technological demands, it is essential and emerging to revisit and understand the current legislation that guides managers in the execution of their functions. Educational legislation offers essential legal and administrative support for the proper functioning of schools and imposes responsibilities and challenges that require constant updating by managers (Silva, 2021).

Thus, it is observed that the creation of a legislative catalog aimed at school management at the municipal level is justified by the need to offer managers a practical and systematized resource, which gathers and interprets the main regulations applicable to their context of action. The fragmentation of laws and their constant evolution make it difficult to quickly and organize access this information, so that a catalog that consolidates these laws can contribute to the improvement of management, helping managers to make informed decisions in line with legal requirements.

It is understood that systematizing legislation organizes knowledge and allows the identification of gaps and points of tension in current regulations, which often reflect the distance between legal theory and daily practice in public schools. Souza (2021) observes that this systematization is essential in a scenario of constant social, political, and technological changes, in which educational policies need quick and effective adjustments to meet contemporary demands.

The main objective of this article is to discuss the educational legislation applied to school management in the municipal system, focusing on the discussion of the importance of the legislative catalog and the systematization of relevant regulations as support for school management. In addition, it seeks to reflect on the new directions and challenges faced by municipal public education, in a scenario of profound transformations, such as those brought about by the COVID-19 pandemic, the expansion of digital technologies and the search for greater social inclusion and diversity in schools.

As for the methodology, it is a bibliographic review that includes the analysis of legislative documents, academic articles and institutional reports related to school management at the municipal level. The selection of sources was carried out based on their relevance and topicality, prioritizing federal, state and municipal laws that deal directly with school management. Studies that address the impacts of these legislations on educational practice were consulted, aiming to contextualize the application of these norms in the daily life of public schools. For the revision of the laws, federal regulations were considered, such as the LDB (Law No. 9,394/1996), the PNE (Law No. 13,005/2014) and the FNDE regulations, as well as specific laws of some municipalities that adopt innovative approaches in school management. The inclusion criteria were based on the legal relevance and practical applicability of the regulations, as well as their repercussion in the Brazilian educational context.

SCHOOL MANAGEMENT IN BRAZIL: HISTORY AND DEFINITIONS

School management, in its essence, refers to the set of practices, processes, and decisions aimed at the effective functioning of an educational institution (Gouvêa, 2018). According to Libâneo (2013), school management involves both administrative and pedagogical aspects, being fundamental for the integral development of the school. For the author, school management can be understood as a mediation between educational objectives and the practical organization of the conditions for carrying out the teaching and learning process (Libâneo, 2013, p. 27).

Lück (2009) complements this definition by emphasizing that school management goes beyond bureaucratic administration, as it seeks to promote a culture of collaboration, participation and engagement of the school community. For the author, school management is characterized by the articulation of actions aimed at improving school performance, both from the pedagogical and administrative points of view (Lück, 2009, p. 45). Therefore, management is essential to create an environment conducive to teaching and learning, encompassing planning, execution, monitoring and evaluation of school activities.

Another important point of view is that of Paro (2007), who sees school management as a dialogical process, which should be built from the dialogue between the different actors of the school community. Paro defends a democratic management, which prioritizes the active participation of teachers, students, parents and other employees, stating that the school should be seen as a public space of collective construction, where everyone involved has a voice.

In Brazil, school management has evolved over time, reflecting the political, social, and economic changes that have occurred in the country. In the colonial period, education was aimed at the elites and dominated by the Catholic Church. School institutions were controlled by religious orders, and management focused on transmitting the religious and cultural values of the Portuguese metropolis (Boto, 2010). According to Boto (2010), colonial education had an authoritarian and centralized character, with little autonomy for schools.

With the proclamation of the Republic in 1889, Brazil began to modernize, and education came to be seen as an instrument of national development. However, school management was still predominantly centralized, with little participation from the community (Boto, 2010). In the 1930s, with the creation of the Ministry of Education and Public Health, there was an effort to organize the educational system and standardize the administration of schools. The publication of the Manifesto of the Pioneers of New Education, in 1932, was an important milestone in this process, as it defended public, secular and free education as a right for all (Cunha, 1991).

In the 1960s, with the advent of the military regime, school management in Brazil became even more centralizing and technocratic. The Law of Guidelines and Bases of Education (LDB) of 1961 established the basic guidelines for the functioning of schools, but the autonomy of institutions remained limited. According to Saviani (2008), the military regime imposed an authoritarian school management, with little or no participation of the school community in the decisions.

It was only after the redemocratization of the country, in the 1980s, that a movement in favor of democratic management began to emerge. The 1988 Constitution established, in its article 206, that the democratic management of public education should be one of the principles of national education (Paro, 2007). The new LDB, sanctioned in 1996, consolidated this principle, providing for the participation of parents, students and teachers in the management of schools (Brasil, 1996). For Lück (2000), democratic management seeks a more active and shared participation in decisions, valuing the role of all those involved in the educational process.

Gouvêa (2018) argues that, currently, school management in Brazil faces challenges that include ensuring adequate resources, training managers, and building a collaborative culture in schools. The National Education Plan (PNE), instituted in 2014, reinforces the need to strengthen democratic management and community participation, as a way to improve the quality of basic education in the country.

EDUCATIONAL LEGISLATION IN THE MUNICIPAL CONTEXT

School management in the municipal context in Brazil is largely regulated by a legislative framework that establishes guidelines for the organization and functioning of the education system (Nunes, 2021). The LDB, Law No. 9,394/1996), is the main regulation that governs education in the country, defining the rights and duties of the different spheres of government and educational institutions. It establishes that the municipality should act primarily in elementary education and early childhood education, ensuring the supply of vacancies and the quality of teaching in public schools (Brasil, 1996).

In addition to the LDB, other laws and norms complement educational legislation, such as the National Education Plan (PNE), instituted by Law No. 13,005/2014, which establishes goals and strategies for education in Brazil until 2024, including the promotion of democratic and participatory management in schools (Brasil, 2014). The National Fund for the Development of Education (FNDE) also issues regulations that guide the allocation of resources and the implementation of educational policies in municipalities, such as the Direct Money at School Program (PDDE), which decentralizes resources directly to schools to improve infrastructure and teaching conditions (FNDE, 2021).

The Federal Constitution of 1988 provides for the decentralization of the educational system, attributing specific responsibilities to each federative entity. The municipalities are mainly responsible for offering early childhood education and elementary education, according to articles 211 and 30 of the Constitution. They are responsible for the construction, maintenance and administration of the public schools of these stages, in addition to the management of teachers and other education professionals (Brasil, 1988). The LDB reinforces these attributions by emphasizing that municipal education systems must be organized autonomously, within legal limits, and coordinate the process of elaboration of municipal education plans (Brasil, 1996).

However, the implementation of these educational policies in the municipalities is not always homogeneous, due to the disparity between local realities. Municipalities with greater financial and administrative resources are able to implement national guidelines more efficiently, while those with less capacity face significant difficulties (Souza, 2020).

Among the main challenges faced by school managers in the municipalities, the scarcity of financial resources stands out; although there are financing mechanisms such as the Fund for the Maintenance and Development of Basic Education and the Valorization of Education Professionals (Fundeb), many schools face difficulties in maintaining infrastructure and promoting improvements in the quality of teaching (Pereira, 2019). As Souza (2020) observes, in smaller municipalities or with less revenue, the dependence on intergovernmental transfers, such as transfers from Fundeb, makes school management even more vulnerable to budget fluctuations.

Carvalho (2018) mentions excessive bureaucracy, which hinders the agile implementation of educational policies, due to complex administrative processes, lack of adequate training of school managers and the need to strictly follow legal regulations often mean that the resources allocated to schools are underused or slow to be applied (Carvalho, 2018).

In addition, managers need to deal with the complexity of educational legislation, which is vast and constantly updated. The lack of clarity in some regulations and the need to follow various guidelines from different levels of government (federal, state, and municipal) overwhelm managers and hinder decision-making (Nunes, 2021). Democratic and participatory management, provided for in the LDB, also represents a challenge, since not all schools have a consolidated culture of active participation of the school community (Silva, 2021).

MAIN LAWS AND REGULATIONS FOR SCHOOL MANAGEMENT

As already presented, school management in the Brazilian municipal system is guided by a set of laws and regulations that define the guidelines for the organization, financing, and execution of educational policies (Souza, 2020). These legislations aim to ensure equity and quality of education, and are structured at three main levels: federal, state and municipal laws, as well as regulations from agencies such as the FNDE.

The National Fund for the Development of Education (FNDE) is an agency linked to the Ministry of Education, responsible for the execution of educational policies aimed at basic and vocational education (FNDE, 2022). FNDE regulations are essential for school management at the municipal level, as they define the application of financial resources destined to programs such as the National School Feeding Program (PNAE), the National School Transportation Program (PNATE), and the Direct Money at School Program (PDDE) (FNDE, 2022).

The FNDE guidelines also include regulations for accountability and supervision of the use of resources, in order to ensure transparency and efficiency in the execution of educational programs. In this way, FNDE regulations play a central role in the organization and management of municipal schools, enabling the implementation of educational policies on a daily basis.

With regard to the basis of Brazilian educational legislation, it is anchored in federal laws that guide the entire educational system of the country, with Law No. 9,394/1996 being the main reference, precisely because it establishes general parameters and guidelines for education, including the responsibility of municipalities in the provision of early childhood education and elementary education (Brasil, 1996).

An important milestone in this process is the PNE, Law No. 13,005/2014, which establishes goals for Brazilian education with a ten-year horizon, including the universalization of school attendance and the valorization of education professionals (Brasil, 2014). As Nunes (2021) points out, the PNE determines that municipalities must prepare their own education plans, in line with national guidelines, and provide goals and strategies to improve the quality of education In addition, the Statute of the Child and Adolescent (ECA), Law No. 8,069/1990, can also be considered another essential milestone for school management, because it guarantees the right to quality education for all children and adolescents, and it is up to managers to ensure compliance with this right and to combat school dropout (Brasil, 1990).

With regard to federal laws, they are complemented by state and municipal legislation, which adapt national standards to local realities. Each Brazilian state has the autonomy to legislate on education, respecting the general guidelines established by the LDB and the PNE. An example is the State Education Plan (PEE), which in each federative unit aligns the state goals with those of the PNE, adapting them according to regional specificities (Silva, 2019)

At the municipal level, Municipal Education Plans (PME) are fundamental for school management, as they guide local educational policies, the allocation of resources, and the development of programs aimed at improving the quality of education (Gouvêa, 2022). These plans are mandatory and must be prepared with broad participation of civil society, in line with the PNE and the PEE.

These programs are regulated by specific resolutions, such as Resolution No. 6/2020, which defines the criteria for the transfer of PDDE resources directly to schools, allowing greater financial autonomy and the execution of small works and purchases of teaching materials. For school management, compliance with these regulations is crucial,

as it ensures the proper functioning of schools and the provision of quality education, especially in areas of greater social vulnerability (FNDE, 2020).

NEW DIRECTIONS AND CHALLENGES IN MUNICIPAL PUBLIC EDUCATION

THINKING IN A NEW CONTEXT: THE IMPACTS OF THE PANDEMIC ON EDUCATION

The COVID-19 pandemic has had a profound impact on municipal public education, accelerating the need for new regulations to deal with the suspension of face-to-face classes and the transition to remote teaching (Gouvêa, 2022). The closure of schools has highlighted inequalities in access, especially in the most vulnerable regions, requiring emergency adjustments in educational policies (Kuhlmann Junior, 2021). Within this context, the National Council of Education (CNE) approved emergency guidelines to reorganize the school calendar and ensure that students could continue their pedagogical activities remotely, such as CNE/CP Resolution No. 2/2020 (Gatti et al., 2020). Kuhlmann Junior (2021) understands that this period also forced school managers to adapt their routines and seek solutions to minimize the impacts of the interruption of teaching, demonstrating the urgency of regulations that provide for crisis scenarios.

The pandemic has also highlighted the need for legislation that contemplates the use of technology in education in a more structured and equitable way. According to Gatti et al. (2020), the emergency situation highlighted the weaknesses of the Brazilian educational system, which, although already dealing with structural challenges, began to require a review of regulations to ensure access to all students in crisis contexts. The advancement of digital technologies in education, accelerated by the pandemic, has also exposed gaps in educational legislation, given that the inclusion of information and communication technologies (ICTs) in the school environment had already been discussed for years, but forced remote teaching highlighted the absence of clear legal guidelines on the use of digital tools in public education (Gatti et al. 2020).

Law No. 14,040/2020, which provides for exceptional rules for the 2020 school year, brought some emergency responses, such as the permission to count non-face-to-face pedagogical activities in the fulfillment of the minimum workload, but the legislation still does not sufficiently achieve the regulation of infrastructure and digital training for teachers and students (Brasil, 2020) Currently, policies such as the PNE already highlight the importance of ICTs for teaching, but the regulation on the integration of technologies in the pedagogical process is still incipient (Silva, 2019). According to Kuhlmann Junior (2021), educational legislation needs to advance to provide for the effective use of digital technologies and

ensure the digital inclusion of all students, considering both infrastructure and teacher training challenges.

INCLUSION, DIVERSITY AND PERSPECTIVES OF RECENT LEGISLATION

In municipal public education, recent legislation aimed at inclusion and diversity are also agendas that are gaining more and more prominence in the scenario of discussions of educational public policies. The Brazilian Law for the Inclusion of Persons with Disabilities (Law No. 13,146/2015) and the National Policy on Special Education in the Perspective of Inclusive Education (MEC, 2008) are examples of advances in the field of inclusion of students with disabilities. These regulations require that public schools be prepared to welcome the diversity of students, offering conditions for inclusive learning, either through curricular adaptations or the provision of assistive technologies (MEC, 2008)

In addition to the inclusion of people with disabilities, issues of racial and gender diversity have also gained space in educational legislation. Law No. 10,639/2003, which includes the mandatory teaching of Afro-Brazilian and African history and culture in schools, is an example of legislation that aims to combat structural racism in the educational environment. However, as discussed by Silva (2019), the implementation of these regulations encounters barriers due to the lack of resources and adequate training of teachers, evidencing a mismatch between the legislation and its practical application.

For Gouvêa (2022), with the advancement of technology and the growing awareness of topics such as inclusion and equity, it is likely that future educational legislation will more comprehensively contemplate hybrid teaching, the use of digital tools, and more robust inclusion policies. The PNE already proposes goals for universal access to basic education, including improvements in the continuing education of teachers and the use of ICTs, but there is still a long way to go to ensure that these goals are met (Gouvêa, 2022).

As Silva (2019) argues, in the coming years, educational regulations are also expected to adapt to the demands of a more connected society, promoting a more inclusive and accessible education for all. An example is the discussion about the New Fundeb (EC No. 108/2020), which establishes new criteria for financing basic education and can have significant impacts on improving school infrastructure and valuing education professionals (Gouvêa, 2022).

Despite advances in regulations, such as digital inclusion and the school inclusion policy, there are still important gaps. Current legislation, although it advances in the field of inclusion and diversity, is often not accompanied by effective implementation mechanisms. The lack of investment in infrastructure, especially in peripheral regions, and the lack of

teacher training are significant obstacles for the regulations to become effective in practice. As Gouvêa (2022) observes, many of the existing laws in the field of municipal education remain ideals to be achieved, but lack financial and technical support to be implemented efficiently.

Educational laws and regulations have direct implications on the daily lives of school managers. According to Kuhlmann Junior (2021), legislation needs to adapt its practices to ensure compliance with legislation, while dealing with the lack of resources and the complexity of local demands. The continuing education of managers and teachers, as recommended by LDB, still needs to be expanded so that they can face the challenges imposed by the new legislation (Silva, 2019). In addition, the flexibility of educational policies, especially in times of crisis such as the pandemic, is essential for managers to have the ability to respond quickly and effectively.

FINAL CONSIDERATIONS

The analysis of educational legislation in the context of municipal school management in Brazil presents a dynamic and challenging scenario. The COVID-19 pandemic has driven emergency changes in regulations, highlighting the need for legislative adaptations that ensure the continuity of education in times of crisis. Laws such as CNE/CP Resolution No. 2/2020 and Law No. 14,040/2020 demonstrate quick responses, but also point to gaps that need to be filled to ensure the inclusion of all students, especially in a scenario of technological inequality.

It is observed that the latent need for the advancement of digital technologies and the construction of a robust legal framework that promotes the integration of these tools in an equitable manner. The use of ICTs in education, accelerated by the pandemic, has not been fully accompanied by effective public policies, highlighting a mismatch between the contemporary demands of education and current legislation. The LDB and the PNE mention the importance of technology, but the practical application of these concepts still encounters structural barriers.

Legislation aimed at inclusion and diversity, such as the Brazilian Inclusion Law (Law No. 13,146/2015) and Law No. 10,639/2003, are important achievements, but still face challenges in implementation. Issues such as lack of resources and adequate teacher training hinder the full implementation of these regulations, making it clear that legislation alone does not solve the structural problems of municipal public education.

Thus, it can be said that a catalog of educational legislation contributes to school managers and researchers by systematizing and analyzing the main regulations that

govern municipal public education, considering that this type of material offers a comprehensive view of how legislation impacts daily practice in schools, especially in times of crisis and technological transformations. For managers, this study serves as a tool that facilitates access to legislative information, allowing a deeper understanding of obligations and rights in the school context. For the researchers, the study points out the challenges and advances at the intersection between legislation and practice, opening space for more detailed investigations into the effects of regulations on school daily life.

There are still many areas to be explored in the field of the intersection between educational legislation and school management. One point that deserves further investigation is the effectiveness of digital inclusion policies, especially in the context of municipal public schools. Research that assesses the impact of digital technologies on the learning and development of students in peripheral areas can contribute to the formulation of new policies.

Another promising field of study is the analysis of inclusion and diversity policies in school practice, so it is necessary to carry out more research that investigates how the norms of inclusion of marginalized groups (such as students with disabilities and racial minorities) are applied in school daily life and that can help identify gaps and propose improvements. In addition, studies on the continuous training of managers and teachers in the context of new educational demands are also necessary, as adequate training is a critical factor for the effective implementation of laws.

Finally, the implications of the legislation for hybrid teaching, which combines face-to-face and remote, deserve to be better understood. The revision of the regulations that govern the use of ICTs in education can help create clearer and more inclusive guidelines for the future of public education in Brazil.

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