


## PUBLIC POLICIES OF THE STATE OF SANTA CATARINA FOR THE REGULATION OF THE PEDAGOGICAL TECHNICAL ASSISTANT

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### ABSTRACT

The objective of this text is to analyze the public policies of the state of Santa Catarina that regulate the attributions of the Pedagogical Technical Assistant - ATP, a position of professional located in educational establishments and in the various bodies responsible for education at the state level, in order to identify the conception and expected contribution of this professional position to the quality of education. The research evidenced theoretical aspects of the conception of public policies, went through the identification of the main policies in the Constitution, in the Law of Guidelines and Bases of Education - LDB and State Law No. 1,139/1992. It is a bibliographic research that was based on the classical theoretical aspect and on the legislation, enabling the conclusions that are in the sense that the creation of a technical position of pedagogical assistant with clear and objective attributions makes the organizational structure of education solid, strengthened and that dynamizes the pedagogical process by ensuring technical and management support in the educational routine for efficiency in educational practice, making it possible to overcome the challenges of contemporary education.

**Keywords:** Educational Policies. Pedagogical Technical Assistant. Santa Catarina. Quality of Education.

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## INTRODUCTION

This article aims to understand and explore the public policies of the State of Santa Catarina, dealing with the regulation of the Pedagogical Technical Assistant - (ATP), for this, the legal bases that underlie the position are analyzed, as well as the importance of the performance of the Pedagogical Technical Assistant in the scope of basic education.

The theme is important because it presents important discussions about research in public policies, the emergence of this area of knowledge as well as the conceptions about public policies until the enactment of State Complementary Law No. 1,139, of October 28, 1992, which creates the position of Pedagogical Technical Assistant in Education in the state of Santa Catarina. In this way, there is a contribution to a better understanding of the importance of these professionals for education in the state, as well as the understanding of their attributions in relation to quality in education.

Quality education is one of the fundamental pillars for the social and economic development of any region. In the State of Santa Catarina, public policies have played a crucial role in structuring and improving the educational system, reflected in several dimensions, including the performance of professionals who support the pedagogical process. Among these professionals, the Pedagogical Technical Assistant (ATP) stands out, whose function has been regulated and guided by a specific set of standards and guidelines.

Understanding ATP regulation is critical not only to ensure compliance with state policies, but also to ensure that pedagogical practices are underpinned by qualified technical support. Throughout this article, issues involving the context will be addressed, discussing the historical context of public educational policies in the country and Santa Catarina, the main laws that regulate the creation of the position as well as the role of the Pedagogical Technical Assistant for the state educational system.

Thus, the article has as its starting point the theoretical field of knowledge of public policies, showing how it has been studied and understood by interest groups and governments. In this line, the laws that guide, organize and define the responsibilities of the federative entities, in relation to education, from the country to the state of Santa Catarina, are studied.

## **PUBLIC POLICIES**

To contextualize and have a clear understanding of what public policies are, it is necessary and important to have clarity about the concepts that surround the subject. Public Policies deal with an important field of knowledge because it is related to institutions that have rules and models that support decision-making.

This area of knowledge has begun to have greater visibility due to restrictive spending policies, including what is real on the agenda and what can be executed. Another factor that helped, which makes public policy more studied and understood, concerns the role of governments, which aim to adopt balanced budgets between revenue and expenditure, to make a balanced governance based on the restrictive spending policy. Another important factor is the political coalitions capable of designing and boosting economic development, promoting social inclusion.

Public policy as an area of knowledge was born in the United States as an academic discipline, breaking stages that were previously focused on the State and institutions, rather than on the production of governments (Souza, 2008, p. 21).

Public policy emerged based on explanatory theories about the role of the State and the government as producers of public policies. In governments we have what is done or not done, seeking to understand why governments opt for certain actions (Souza, 2008, p. 22).

Policy *analysis*, this expression was introduced by H. Laswell, (1936), being a way of reconciling academic scientific knowledge with the empirical production of governments, establishing a dialogue between social scientists, group interests and government (Souza, 2008, p. 23).

To *policy makers*, an expression introduced by H. Simon (1957), that the limitation of the rationality of public decision-makers is limited by problems such as incomplete information, self-interest (Souza, 2008, p.23). This behavior of the actors seeks to maximize their own interests.

For Souza, Lindblom, questioned Laswell and Simon,

Proposing the incorporation into power relations and the integration of phases of the decision-making process, incorporating the formulation, analysis, issues of rationality, bureaucracies, parties, interest groups and elections. And Easton contributed that public policy has a relationship between formulation and results and that the media and interest groups influence results and effects (Souza (2008, p. 24).

From these reflections, it is possible to understand public policies, how they have been changing and improving their concept for a better understanding of interest groups and seeking to expand social inclusion.

When we question ourselves or are asked about what public policies are, we are insecure in answering, because many do not have a constructed concept, we do not have an understanding to answer clearly. Because many times, we think that this term is the responsibility, knowledge and understanding of governments. On the contrary, public policies are created for the population, this does not belong exclusively to governments, this says much more about us than about governments.

From this perspective of understanding public policies, the existence of a link between government and society is perceived, as Riboli states:

Public policies, in a general dimension, mean the set of actions of a state nature that aim to ensure the effectiveness of the well-being of the population, contemplating the public interest. They are responsible for the link between the State and society and result from political decisions of the government. They may have a constitutional origin or in other laws. They direct the actions of governments, guiding planning and its deployment until it is effective for the beneficiaries (Riboli, 2021, p. 207).

In order to demystify public policies a little, it is necessary to research, read and understand, so that we can break the paradigms and thoughts that public policies refer only to political parties.

As a rule, there is no better definition for public policies, for some they are emphasized on problem solving, where there are arguments that ignore the essence of public policy and forget rational and procedural aspects, they are around ideas and interests, of governments, the focus is leaving aside, the possibilities of cooperation between governments and social groups or institutions are left out.

Public policies are multidisciplinary fields that have repercussions on the economy and society, on the interrelations that involve the State. For this reason, there are several disciplines that research/study public policies, which share a common interest and aim at theoretical and empirical advances.

The field of knowledge of public policy seeks to put the government into action, analyze actions, propose changes in the direction of these actions. Where democratic governments translate their electoral purposes into actions that will produce real results or changes for the population. Bringing with it theories and methods, a holistic look,

formulating plans, programs, projects, which when implemented are subject to monitoring and evaluation systems, being approved by new legislation.

When talking about public policies, it refers to governments, what is up to them, what are the perceptions, understandings and conceptions of public policy. In some governments, there is the participation of institutions and interest groups in the decisions and implementation of public policies. Where in other governments there is no such participation, they are exclusive decisions by those in power, in the interest of a certain social class.

In the field of knowledge of public policy, which is much studied and still in great need of improvement, there are many discussions and considerations that fit into different forms of public policy development, by governments, with or without the participation of interest groups. In addition, the different types of public policies, inserted in governments, according to their own interests, are also studied.

For Theodor Lowi, public policy can have four formats:

The first is a distributive policy, where the decisions made by the government, which disregard the issue of limited resources, generate more individual impacts than by privileging social groups or regions, to the detriment of the whole. The second is regulatory policies, which are more visible to the public, involving bureaucracy, politicians and interest groups. The third format is redistributive policies, which affect a greater number of people and impose concrete and short-term losses for certain social groups, and uncertain and future gains for others, such as the tax system. The fourth format is that of constitutive policies that deal with procedures. Each of these policies generates different points or vetoes, which has been adding to the process (Souza, 2008, p.28).

In the view of Lindblom, Caiden and Wildavski, public policies have a more incremental view, where government resources for programs, agencies or a given public policy do not start from scratch, but from marginal and incremental decisions that disregard political or substantive changes in public programs (Souza, 2006, p. 29). This model loses strength due to the fiscal adjustment. But it is from incrementalism that comes the view of past decisions, constraining future decisions and limiting the ability of governments to adopt new public policies.

Different ways of analyzing and describing public policy is beneficial, as it evidences a pluralism of ideas and conceptions, and can be used in the different forms of its governmental applicability. Allowing public policy to be seen as a deliberative cycle, consisting of a dynamic and learning process.

In this process, governments define their agendas, and can focus on problems, but for this it is necessary to have a definition of the problems and how this may affect the results of the agenda. Where this agenda can be a collective construction on the needs of facing a certain problem, sometimes related to ideologies, it is a powerful factor, built more by bargaining than by persuasion when starting the starting point. In the agenda, the participants of the agenda are determined as visible (politicians, pressure groups) and the invisible (academics and bureaucracy), where the visible participants who define the agenda, with incentive or veto, while the invisible ones define the alternatives to the problem.

Still on the political choices or political agenda, Cohen March and Olsen argue that "the choices of public policies, as if the alternatives were in a "garbage can", where there are several problems and few solutions" (Souza, 2006, p. 30). Where these solutions would not be properly analyzed and depend on the range of solutions that policy *makers* have at the moment. Organizations build preferences and not preferences build actions, seeking solutions put forward by parties as preferences appear.

In Jenkins-Smith's point of view, public policy should be conceived as a set of stable subsystems that are articulated with external events, contrary to the *garbage can model*. Where Sabatier and Jenkins-Smith argue that public policy should have beliefs, values and ideas (Souza, 2006, p. 31).

In a model of public policy as a social arena, where political entrepreneurs transform a circumstance or event into a problem and convince that something needs to be done, this happens when government *policy makers* pay attention to some things and ignore others, focusing on relationships of bonds and exchanges between entities and individuals.

According to Olson, a public interest is not the sum of the interests of the groups. Thus, good public policy could not result from the dispute between groups, but from a rational analysis (Souza, 2006, p. 34).

From the definitions of public policies to the models of public policies, these are fields of knowledge in research and studies present. But what is important to emphasize is that public policy allows us to distinguish what the government intends to do and what it actually does. Where they can involve several formal or informal participants in decisions. Public policy is very comprehensive, it is not restricted to laws and rules, it is an intentional action, with objectives to be achieved. This can result in short or long-term impacts, where this process implies implementation, execution and evaluation.

## **FROM PUBLIC POLICIES TO EDUCATION DOCUMENTS**

The relationship between public policies and education is fundamental for the social and economic development of a country. Where effective public policies can ensure that all citizens, regardless of their social origin, have access to quality education, reducing inequalities. Establishing standards, laws and guidelines that aim to improve the quality of teaching, from teacher training, school infrastructure, the integration of new technologies in education, they promote social inclusion and the formation of a citizen awareness, preparing individuals to actively participate in society. Defining mechanisms for monitoring and evaluating the educational system, helping to identify problems, implement improvements can enrich learning and prepare students for the challenges of the 21st century.

In this bias, public policies play a crucial and determining role in the formation and improvement of education, establishing laws, guidelines, resources and regulations that influence the educational system. They aim to ensure access, equity, and quality, addressing social inequalities and promoting sustainable development.

In this perspective, the Brazilian Federal Constitution of 1988 establishes and defines education as a right of all and a duty of the State and the family. This provision is the basis for public policies that seek to ensure universal and equitable access to quality education. Emphasizing principles such as equal conditions for access and permanence in school, the freedom to learn and the appreciation of the education professional.

Thus, the Constitution guides the formulation of policies that aim to combat inequalities and promote inclusive and quality education. It establishes that the Union, the Federal District, States and Municipalities organize their education systems, and the Union is also responsible for coordinating the national education policy, articulating the different levels and systems and exercising a normative, redistributive and supplementary function, guaranteeing what will happen in education.

In addition to governments, the participation of the community and the family in education is important, as provided for in the Constitution, which talks about the democratic management of education. Promoting an education with inclusion policies and programs aimed at the search for equity, a citizen education, which forms critical and participatory individuals.

In the search for a quality, inclusive education, which aims at the participation of society, it is relevant to highlight the importance of teacher training. The constitution

establishes principles that the training of teachers must be guaranteed through undergraduate courses and continuing education programs. Seeking to promote the qualification and updating of teachers, which can contribute to professional development and the improvement of teaching. Which guarantees the improvement of educational quality.

National education is regulated in Law No. 9,394, of December 20, 1996, which establishes the Guidelines and Bases of Education, based on the Federal Constitution of 1988, comes to reinforce the need for an education that respects cultural diversity and promotes citizenship. This relationship between legislation and education is essential to ensure an educational system that meets the demands of society.

Law No. 9,394/96, better known as the Law of Guidelines and Bases of Education, or even just LDB, acts as a regulatory framework that guides the creation and implementation of public educational policies, ensuring that they are consistent with constitutional principles and rights.

The LDB is important for several reasons, as it is a legal basis that organizes and regulates all levels of education in Brazil, from early childhood education to higher education. It seeks to establish rights and duties for students, teachers, and institutions, promoting a fairer and more equitable educational environment. In addition to recognizing the importance of education professionals and requires adequate training, essential for improving the quality of teaching. Promoting inclusion, ensuring that all students, regardless of their conditions, have access to education. It allows the curricula to be adapted, made more flexible to local realities, respecting the cultural and regional diversity of Brazil. It also defines guidelines for the financing of education, guiding policies that ensure adequate resources. To guarantee resources, it is necessary to establish mechanisms for evaluating the educational system, contributing to the constant improvement of the quality of education. Thus, the LDB is fundamental for the consolidation of quality, inclusive and democratic education in Brazil.

Since 1996, when the LDB was edited, it has always been updated and aligned with new daily and current discussions, which arise over the course of the days. Above all, addressing current contexts adapted to new educational demands, such as the pandemic, such as remote and hybrid education. Policies that guarantee digital inclusion are necessary, essential for the fulfillment of the educational rights established by the LDB. In addition to guaranteeing children's educational rights, there is the importance of continuing



education of teachers in the face of new technologies and teaching methodologies. It can be expanded to include socio-emotional skills in the curriculum, in response to contemporary needs, promoting an education that respects and values cultural diversity, especially in such a plural Brazil.

The Federal Constitution and the LDB seek to generate guarantees for inclusion, so that all people have access to education, that they remain in school, that they develop in an integral way, that they appropriate technologies, that they are stimulated with different methodologies and that they become critical citizens and protagonists of their own history.

With a more focused look at the states and municipalities, in order to be able to carry out what the Constitution and the LDB bring us, it is important to build their own curriculum guidelines, focused on their sociocultural, regional and economic context. Thus, determining goals and objectives to be pursued for the integral development of local individuals, with a look at where they are inserted. Assigning to the curricular parameters that establish rules divided into disciplines, they indicate guidelines and curricular references.

## **PUBLIC EDUCATION POLICIES IN SANTA CATARINA**

Education in the state of Santa Catarina has been built year after year, with good initiatives, but also with great challenges. The state has been striving to improve the quality of basic education, focusing on areas such as teacher training, school infrastructure, and digital inclusion. It is always aligned with the Laws that guide education, in the organization of its education system. This is built collaboratively, observing, listening to the different segments, establishing its own public policies with the objective of meeting local demands and needs. The state always publicizes its schools and encourages them to participate and adhere to programs offered and developed by the MEC, different public policies, for different audiences, but with the same objective that aims to transform the country's education and increasingly strengthening the teaching environment.

Santa Catarina has advanced in the construction of a more inclusive and quality educational policy, but there is still much to be done. So that the guiding documents prepared by the public policy are effective and developed in order to execute the proposed actions. Always having the involvement of the community, families and the public authorities is essential for the established goals to be achieved. This is strengthened in Ball, the context of practice is where politics is subject to interpretation and recreation and where

politics produces effects and consequences that can represent significant changes and transformations in the original policy (Mainardes, 2006, p. 53).

With the process of political redemocratization in Brazil, a movement of educational discussion began in relation to curricular issues, provoking a rethinking in the conceptions of Brazilian education. This movement was marked by the link between education and politics, and the education of the popular strata. From this movement, the Curricular Proposal of Santa Catarina is elaborated. Whoever decides the human being they want to form, chooses what to teach, as well as the way to understand and provoke the relationship of the human being with the environment in which they live, being part of history.

The publications of the Curricular Proposal of Santa Catarina are the result of a collective construction of educators, whose process began in 1988, with its first publication in 1991. "The Curricular Proposal constitutes an important milestone in the history of Public Education in Santa Catarina, insofar as it consolidates a political-pedagogical option for the school curriculum, based on a theoretical framework and a well-determined methodological guideline" (SANTA CATARINA, 2005, p.9).

From the first version of the curriculum proposal of Santa Catarina, to the present day, other curricular proposals have been published, arising from discussions and a participatory public policy, which aim to guarantee the quality of education, offering a framework for the construction of curricula in schools. In addition to the curricular proposal, Santa Catarina has several policy publications that meet the needs of a regulation for greater effectiveness of pedagogical work. Where they address aspects such as learning objectives, content to be worked on and the importance of inclusion.

For teachers, these policies and guidelines are fundamental, as they guide pedagogical practice, promoting a more cohesive education aligned with the needs of students. In addition, they encourage continuous training, helping educators to update and implement innovative strategies in the classroom.

Public policies and curricular guidelines are in line with the Teaching Law No. 668 of December 28, 2015, which reinforces the importance of continuing education for educators and the appreciation of the profession. The law establishes that teaching must be exercised by qualified professionals, and the guidelines offer a reference for teachers to develop their skills and abilities, promoting the integral formation of students.

In this way, public policy is strengthened in Ball, where "politics in use" refers to the discourses and institutional practices that emerge from the process of policy implementation by professionals who work at the practice level (Mainardes, 2006, p. 49).

## SANTA CATARINA TEACHING LAW

With a public policy that allows the participation of social groups, it seeks to involve the formal and informal in the discussions, being a collaborative construction, which benefits the interests of a group, without generating losses. In this path of construction, the Teaching Law of Santa Catarina establishes norms for the valorization of education professionals, defining criteria for the training, hiring, attributions and remuneration of teachers. She emphasizes the importance of continuing education, ensuring that educators have access to training opportunities. In addition, the law seeks to ensure better working conditions, promoting a more dignified and valued career for teachers in the state.

In the public policy of 1991, where the first curricular proposal was published, it presents the constitution of the professional staff of Santa Catarina, among them the teachers and specialists in education (school administrator, school supervisor and school counselor), as well as their attributions and the contents to be worked on in the different stages of education.

By Law No. 1,139 of October 28, 1992, in Article 1, the State Public Teaching Staff is created, which make up the Teaching group, as a teacher, specialist in educational affairs, educational consultant, education assistant and Technical Pedagogical Assistant (ATP). In the sole paragraph of this law, these positions of an effective nature are classified into levels and references and have the respective attributions and professional qualifications established in the complementary law.

In Complementary Law No. 288 of March 10, 2005, it transforms positions provided for in Law No. 1,139 of 1992 and establishes other provisions. In Article 1, 3,500 (three thousand and five hundred) teaching positions are transformed into the position of Pedagogical Technical Assistant and transposed from the number of positions provided for in Annex IX to Annex XII of Law No. 1,139, of October 28, 1992. In Article 2 of Complementary Law 288 of 2005, at the discretion of the public administration, the ATP may be allocated to state public schools. And in Article 3, the description of the position of Pedagogical Technical Assistant referred to in Annex IV of Law 1,139 of 1992, is now in force with the wording in the sole Annex of this Complementary Law.

In this way, public policies and curriculum guidelines, together with the LDB and the Teaching Law, establish an essential framework for the strengthening of education in Santa Catarina. By ensuring the continuous training and appreciation of education professionals, these regulations not only promote quality in teaching, but also ensure that the school environment is more inclusive and motivating for educators and students.

The aforementioned legislations contribute to the development of a more equitable, safe and effective education, capable of forming critical citizens who are prepared for contemporary challenges. In this way, public policies and curricular guidelines go hand in hand, ensuring the construction of an educational system that values both educators and students.

## **FINAL CONSIDERATIONS**

The study on public policies demonstrates that the understanding of this area goes far beyond its association with political parties. Public policies are fundamental for the implementation of actions that benefit society in the long term. They shape our daily lives, directly influencing the public services and resources we use, whether they are the result of participatory or informal decisions. Despite this, many people are unaware of its impact and importance, which limits their involvement.

In the educational context, the public policies discussed throughout this article are not only specific to a historical and regulatory framework, but are also essential for the construction of quality education. They ensure the guidance of education professionals, promoting the appreciation of these agents and ensuring their continuing education, fundamental aspects for improving the quality of education.

This study on the public policies of the State of Santa Catarina and the regulation of the Pedagogical Technical Assistant (ATP) load highlights the importance of a solid educational structure, based on clear regulations and policies that value both students and educators.

The analysis of the function of the ATP and its regulation in the State highlights the relevance of these professionals, created to strengthen and streamline the pedagogical process. The legislation, from the creation of the position by State Complementary Law No. 1,139 of 1992 to the subsequent amendments, reflects a continuous effort to structure quality and effective education in educational practices.

It is essential that the ATP works together with managers and teachers, integrating a holistic view of education. This collaboration ensures that technical support and management are strengthened in the school routine, making it possible to overcome the challenges of contemporary education.

Finally, continuous reflection and improvement of public policies that regulate the role of ATP are imperative to ensure the evolution of education in Santa Catarina. Investing in this role is essential for the future of education, promoting a more robust and effective education system.

## REFERENCES

1. Brasil. (1988). Constituição da República Federativa do Brasil, 05 de outubro de 1988. Disponível em: <http://www.planalto.gov.br/legislacao>. Acesso em: 05 ago. 2024.
2. Brasil. (1996). Lei nº 9.394, de 20 de dezembro de 1996. Estabelece as diretrizes e bases da educação nacional. Disponível em: <http://www.planalto.gov.br/legislacao>. Acesso em: 10 ago. 2024.
3. Brasil. (2015). Lei Complementar nº 688, de dezembro de 2015. Quadro de Pessoal do Magistério Público Estadual. Disponível em: [http://leis.alesc.sc.gov.br/html/2015/668\\_2015\\_lei\\_complementar.html](http://leis.alesc.sc.gov.br/html/2015/668_2015_lei_complementar.html). Acesso em: 09 set. 2024.
4. Brasil. (2005). Lei Complementar nº 288, de 10 de março de 2005. Transforma cargos previstos na Lei nº 1.139 de 1992. Disponível em: [http://leis.alesc.sc.gov.br/html/2005/288\\_2005\\_lei\\_complementar.html](http://leis.alesc.sc.gov.br/html/2005/288_2005_lei_complementar.html). Acesso em: 09 set. 2024.
5. Brasil. (1992). Lei Complementar nº 1.139, de 28 de outubro de 1992. Cria o Quadro de Pessoal do Magistério Público Estadual. Disponível em: [http://leis.alesc.sc.gov.br/html/1992/1139\\_1992\\_Lei.html](http://leis.alesc.sc.gov.br/html/1992/1139_1992_Lei.html). Acesso em: 09 set. 2024.
6. Mainardes, J. (2024). Abordagem do ciclo de políticas: Uma contribuição para a análise de políticas educacionais. Disponível em: <https://www.scielo.br/j/es/a/NGFTXWntTvxYtCQHCJFyhsJ/?format=pdf&lang=p>. Acesso em: 26 set. 2024.
7. Riboli, C. (2021). Desafios do direito à saúde. São Paulo, SP: Editora Dialética.
8. Souza, C. (2006). Introdução às políticas públicas: Uma revisão da literatura. Sociologias, 8(16), 20-45. Porto Alegre.
9. Santa Catarina. (2015). Plano Estadual de Educação - 2015/2024. Disponível em: <http://antigo.sed.sc.gov.br/secretaria/plano-estadual-de-educacaosc-2015-2024>. Acesso em: 28 set. 2024.
10. Santa Catarina. (1991). Secretaria de Estado da Educação. Proposta curricular - uma contribuição para a escola pública. Florianópolis.