## HISTORICAL-LEGAL SYNTHESIS OF PUBLIC SCHOOL ADMINISTRATION AND MANAGEMENT IN BRAZIL: FROM THE COLONIAL PERIOD TO LDBEN/1996

# SÍNTESE HISTÓRICO-LEGAL DA ADMINISTRAÇÃO E GESTÃO DA ESCOLA PÚBLICA NO BRASIL: DO PERÍODO COLONIAL À LDBEN/1996

# SÍNTESIS HISTÓRICO-LEGAL DE LA ADMINISTRACIÓN Y GESTIÓN DE LA ESCUELA PÚBLICA EN BRASIL: DEL PERÍODO COLONIAL A LA LDBEN/1996

Sandra Regina Bernardes de Oliveira ROSA<sup>1</sup> Rita SCHANE<sup>2</sup> Sirley Terezinha FILIPAK<sup>3</sup>

**ABSTRACT**: This work is a documentary and bibliographic study, which presents the school and the school management of Brazilian schools as different socio-historical and political constructions, as religious institution to State institution. The history and laws allow to know the organization, administration and management of public schools in Brazil from the colonial period to LDBEN/1996. The text has the purpose to perform a brief retrospective and analysis, from the assumption that the past explains the present and points us to future directions.

**KEYWORDS**: Education. Management. Organization. Educational system.

**RESUMO**: Este trabalho é um estudo documental e bibliográfico, o qual apresenta a escola e a gestão das escolas brasileiras enquanto diferentes construções sócio-históricas e políticas, de instituição religiosa a instituição do Estado. A história e as leis permitem conhecer a organização, administração e gestão da escola pública no Brasil do período colonial à LDBEN/1996. O texto tem a finalidade de realizar breve retrospectiva e análise, a partir do pressuposto de que o passado explica o presente e nos aponta direções futuras.

PALAVRAS-CHAVE: Educação. Gestão. Organização. Sistema educacional.

**RESUMEN**: Este trabajo es un estudio documental y bibliográfico, que presenta la escuela y la gestión de las escuelas brasileñas como diferentes construcciones sociohistóricas y políticas, desde las religiosas hasta las instituciones estatales. La historia y las leyes

<sup>&</sup>lt;sup>1</sup> Pontifical Catholic University of Paraná (PUC-PR), Curitiba – PR – Brazil. Doctoral student in the Postgraduate Program in Education (PPGE). ORCID: https://orcid.org/0000-0001-8451-3441. E-mail: bernardesrosa72@gmail.com

<sup>&</sup>lt;sup>2</sup> Pontifical Catholic University of Paraná (PUC-PR), Curitiba – PR – Brazil. Doctoral student in the Postgraduate Program in Education (PPGE). ORCID: https://orcid.org/0000-0001-6389-5145. E-mail: rischane@gmail.com

<sup>&</sup>lt;sup>3</sup> Pontifical Catholic University of Paraná (PUC-PR), Curitiba – PR – Brazil. Full Professor at the Postgraduate Program in Education (PPGE). Doctorate in Education (PUC-PR). ORCID: https://orcid.org/0000-0003-4264-1626. E-mail: sirley.filipak@pucpr.br

permiten conocer la organización, administración y gestión de la escuela pública en Brasil, del período colonial a la Ley de Directrices y Bases de la Educación Nacional – LDBEN/1996. El texto tiene la finalidad de realizar un breve retrospectivo y un análisis, a partir del presupuesto de que el pasado explica el presente y nos apunta hacia direcciones futuras.

PALABRAS-CLAVE: Educación. Gestión. Organización. Sistema educativo.

## Introduction

In Brazil, school education was initiated by the Jesuits based on severe and rigid discipline. As described by Azevedo (1976), the Jesuit education of the colonial period was oriented towards intellectual uniformity, with dogmatic and abstract teaching, it did not present flexibility to adjust to needs, the methods were authoritarian, and the routine was conservative and controlled. According to the author, this form of education served its time, leaving strong traces in the Brazilian educational process. In this context, teaching in Brazil, in 1549, was catechizing as education.

The teaching devised by the Catholic Church, which maintained a relationship with the government of Portugal, had the catechetical objective of converting the soul of the Brazilian Native to the Christian faith. Improvised schools, built by the natives themselves; however, the classes taught to the colonists' children. Children of Portuguese, descendants of Europeans who also attended the Jesuits' classes, were also treated differently, however, receiving in-depth education, which was not restricted to the propagation of religious education. Differentiating education for this privileged audience was a request made by the colonial elite who lived in Brazil.

## School education in Brazil in the Jesuit period

In 1599, the *Ratio Studiorum* was elaborated and promulgated, a reference document of the Jesuit Order, which contained the pedagogical norms of Jesuit education to be followed by all schools of the Society of Jesus, even though there was a difference between the teachings passed on to the natives and the children of the colonists. Jesuit education tried to follow this curricular guideline: the *Ratio Studiorum*, based on the content planned by the Church, which also included the teaching of middle grammar, higher grammar, humanities, rhetoric, philosophy and theology. From the teaching of letters, a hierarchical organization of society began to be formed in the country by access to reading and writing. Literate education in

colonial Brazil was directed only to men, women did not have access to schools and were educated only for domestic and religious life.

The Brazilian colonial period, based on large property and slave labor, contributed with educational proposals for teaching innovation, as cited by Romanelli (1993, p. 42, our translation), which were not carried out:

it lacked for its execution, in addition to an institutional infrastructure that could ensure its implementation, the political support of the elites, who saw in these ideas a dangerous threat to the formation of youth, whose education had, until then, been based on values and standards of the old aristocraticrural mentality.

By order of the Catholic Church, around 1750 the Jesuits were expelled, commanded by the then Prime Minister of Portugal, Marquês do Pombal, which meant a remodeling of the Brazilian education system and an attempt to put religion aside in the curricula.

Influenced by Enlightenment ideals, Pombal was convinced that it was necessary to change education in Portugal and Brazil. And this formally takes place in 1772, with the so-called Pombaline reform. After the introduction of these changes, Brazil takes its first steps in the creation of public education. The destructuring of the Jesuit school, however, caused the natives to lose space in the education system, on the other hand, the reorganization made the teacher a historical need in the country.

## First Brazilian law dealing with education

One of the most important moments in the history of education in Brazil occurs with the arrival of the royal family in Brazil, in 1808, fleeing Europe due to the invasion of Portugal. On one of the ships coming from Europe, about 60,000 books landed in Rio de Janeiro, giving rise to the National Library. The presence of the Portuguese crown boosted some investments in education, which culminated in the creation of the first higher education schools, with the objective of academically preparing the children of the Portuguese nobility and the Brazilian aristocracy. Although the country became independent in 1822, education during the Imperial period did not account for many practical advances.

The free education, established by determination of the Portuguese court, did not represent, in fact, investments in the construction of schools with adequate physical spaces, much less hiring well-formed teachers or the use of in-depth teaching methods and materials. Those most affected by the lack of priority in investment in education were the popular classes in the country, with the children of the richest families having easier access to college and courses at universities in Portugal.

In 1827, the first Brazilian law that dealt exclusively with education was enacted. This law was the beginning of a new way of organizing Brazilian education. Its text, in article 1, stated that "in all cities, towns and more populous places, there will be the necessary first letters schools" (BRASIL, 1827, our translation).

The new rule was a milestone for girls (women), as they were allowed to be present, with boys, in schools of letters in the state.

In article 6, the law dealt with the subjects that teachers should teach in the classroom. The text of the law included the teaching of reading, writing and mathematics, Christian moral principles of the Catholic religion, in addition to the history of Brazil. In the same text, there was a forecast that teachers considered unqualified to teach should complement their formation individually, the State would not pay for teacher qualification. At this point, the government exempted itself from investing in and directing the formation of teaching professionals, and the former teachers resulting from the Pombaline reform of the 18th century still predominated.

In 1834, the monarchic government inaugurated the first teacher formation school, the Normal School of Niterói. During the first 50 years of operation, normal schools were attended, almost exclusively, by men. During the regency period, there was a reform in the Constitution, an additional act instituted by the government, in which it was defined that elementary, secondary and teacher formation would be the responsibility of the provinces, and higher education would be under the central power, strengthening the decentralization of teaching and the organization of education in the country (BRASIL, 1934).

#### Duality of the Brazilian school system

From historical landmarks such as the Enlightenment, the French Revolution, Liberalism and the Industrial Revolution, school became a matter of the State, with measures such as the nationalization of schools and the creation of state education systems. Thus, traditional education was maintained during this period as a consequence of the socioeconomic model itself, which had not changed with the advent of the Republic. According to Azevedo (1976, p. 134, our translation):

From a cultural and pedagogical point of view, the Republic was a revolution that aborted and that, content with the change of regime, did not

have the thought or decision to carry out a radical transformation in the education system to provoke an intellectual renewal of the cultural and political elites, needed to the new democratic institutions.

After the proclamation of the Republic, the education minister, Benjamin Constant, was reformed in 1890, with a focus on higher education. Basic schools were not priorities of the first republican governments, only a few quality schools were maintained by the federal government exclusively for the elites. There were leftovers for the less favored, the schools of the state system, which were places without structure and with teachers with little formation. Teachers accumulated management and teaching functions, being subject to compliance with the directives issued by the State, which was responsible for administering and supervising public schools.

The confused political situation at the beginning of the republican decade, the dissatisfaction of the people, the discontent of political sectors, led the federal government not to take immediate measures aimed at organizing a government plan. And the delay in taking actions in the educational field led to discontent among those educators who participated in the reforms in the 1920s, who signed, in 1932, the Manifesto of the Pioneers of New Education.

From the Escola Nova movement there was an attempt to change this reality. The educational environment was strengthened with state reforms inspired by the New School (*Escola Nova*) ideals of educators such as Anísio Teixeira, who emerged as leaders of the movement. New School, in Brazil, was marked by the attempt to make education more inclusive and adopt a more modern teaching model, focused on practical education of life, based on the ideas of the American philosopher John Dewey and also of European educators, like Decroly, Montessori and others. Also in this period, even if with a private character, a concern with early childhood education began.

Founded in the 1920s, the Brazilian Association of Education (ABE), created by Heitor Lira, which promoted the first major debates on education in our country. Even with efforts to try to advance in the implementation of a consistent educational system, illiteracy among youth and adults persisted. According to the IBGE, the illiteracy rate in the 1920s, for people aged 15 and over, was 65%. The percentage dropped to half of the population only in the 1940s when it dropped to 40%, which represented about 15 million people.

In 1930, the dictatorial government of Getúlio Vargas, despite the ideological control in the classrooms, started a movement towards an organized education system with the creation of the Ministry of Education, whose Minister was Francisco Campos in higher education, the turn of the reform of secondary education and state departments of Education. But these reforms are small and, still, there is a lack of more comprehensive measures, continuing education detached from the historical context and being seen as a determining factor in social change, causing many conflicts between the dominant class groups.

Throughout this period, it is Catholic conservative thought that impedes the innovations proposed by the Pioneers of New School and that are linked to the rising bourgeoisie, while the conservatives represent the rural aristocracy. Regarding the nonquestioning of dependent capitalism, the participation of the State in education and the importance of education in national reconstruction, the pedagogical proposals of the Catholic wing, in some aspects, converge with those of the New School.

Lay teaching undoubtedly represents the first step towards the realization of state control over education, a circumstance that could only be carried out considering the organizational dimensions of the educational process, that is, through the implementation of a new organizational type, materialized in the public school. From this moment on, the State starts to control education. Centralized administration would remain one of the most characteristic features of public administration and education administration, through accountability for public schools and oversight of private schools.

The 1934 Constitution was the first to dedicate a chapter on education in its text. As a result of the strong national centralization that marked the period of the Vargas Era, the educational system followed the guidelines and determinations of the federal government and the autonomy of the States was limited and regulated. In 1942, industrial education was regulated, and the Social Service for Industry (SENAI) schools were created, aimed especially at the poorest layers of the population.

In this sense, it is important to recall that democratic management as a constitutional principle of public education arises from historical struggles. Although in the 1930s (AZEVEDO, 1976), the Manifesto of the Pioneers of New Education pointed out the need for democratization of education, even though other conceptions about this concept were present in the document, such content was not addressed in the 1934 Constitution, which inaugurates, in the legislation, the need to "draw the guidelines of National Education" (Art. 5, item XIV) (BRASIL, 1934).

However, education appeared in the Constitution as "a right for all" only after the Vargas government. At the end of the 1940s, secondary schools had a strong expansion and, little by little, they lost their elitist character, although access was not yet universal. According to data from the Statistics Service of the Ministry of Education and Culture, in 1940, there

were 155,000 people attending this stage of school. Ten years later, the number rises to 365,000. In vocational education, the number of students also increases.

In the 60s, Paulo Freire's ideas gained national repercussion, especially his methods of literacy and education for the needy population. In 1961, the first Law of Guidelines and Bases of Education (LDBEN) was enacted, a historical document that institutes a core of disciplines common to all branches.

In this period, with Laws 5540/68 and 5692/71, the participation of women in public education increases, the division between the sexes is almost half to half and in 1971, the completion of primary level fixed at eight years is mandatory, and begin to be used the terms 1st and 2nd degrees, this second school phase, with a more technical character, following the new development model associated with international capital and which aimed to promote Brazilian development.

Thus, Brazil suffered a military coup in 1964, causing great repression, curtailing the voice of Brazilians and Brazilian women, instituting silence and even death (ROMANELLI, 1993).

After the dictatorship, until the mid-80s of the 20th century, democratic thinking and the population's desire for participation in the country's plans, including in the educational field, resurfaced. With the collapse of the dictatorship, there was society's involvement, the management model in the school opened space for the community and expanded the ways of appointing school directors.

A new political panorama began that allowed citizens to participate in society, enabling voice and vote in political decisions and in the choice of representatives.

In this way, Brazilians witness a new historical moment: the country's redemocratization.

Movements in society are organized like those of workers, students and political parties, all with the desire to ignore the institutional decrees and acts of the military government and create a new Brazilian Constitution.

After the strong clashes, the constituents representing the people, in this scenario of disputes, elaborate and promulgate the Brazilian Constitution on 5 of October of 1988, for many, as the one in Brazilian history that best meets the popular desires. The people, through the aforementioned Constitution, started to choose the president of the republic. Brazil changes from military power to neoliberal power.

With LDBEN in 1996, the denomination of Elementary and High School came into effect. The change that took place included both periods as stages of basic education, and officially integrated early childhood education, which gained more relevance in the educational scenario. This structure remains today (BRASIL, 1996).

With such legislation, the concepts of plurality of pedagogical conceptions, democratic management and autonomy of curricular organization are emphasized, guiding the elaboration and implementation of new curricular proposals for educational networks. Therefore, new possibilities for curriculum organization, based on the reflection and deconstruction of historically internalized concepts.

The organization of current school time has as its regulatory matrix the LDBEN 9394/1996 which determines in its article 24, item I that "the minimum annual workload will be eight hundred hours, distributed over a minimum of two hundred days of effective school work, excluding the time set aside for final exams, if any" (our translation).

Although the Brazilian educational construction has a trajectory of almost 500 years, the country still faces challenges in the area, illiteracy being one of them. The National Education Plan (PNE), for example, establishes that the problem must be eradicated by 2025. Figures from the Brazilian Institute of Geography and Statistics (IBGE), however, are discouraging. In 2017, 12 million illiterates were counted, representing 7.2% of the adult population.

Although Elementary School is practically universal in Brazil, access to education for children between 4 and 5, which has become mandatory, is 90%. The data is even lower in the age groups between 15 and 17 years old, whose schooling rate is 87.2%.

The appreciation of teaching and the structural conditions of schools are examples of the necessary advances.

The duality continues with very precarious schools across the country. The appreciation of the teacher is a centuries-old problem in Brazil, which makes the quality of teaching, from early childhood onwards, our biggest challenge.

# School Administration and Management in Brazil, socio-historical and political constructions

School administration in Brazil adopts the principles of administration considered in the capitalist system, as we live in a capitalist society.

At school, these principles were adopted with the aim of making education achieve greater efficiency, productivity and success.

Administration must be understood as the result of a long process of historical transformation, which bears the marks of social contradictions and political interests at stake in society.

The contextualization of Brazilian education, based on the theoretical framework, makes it possible to understand how it was constituted and transformed throughout the history of education, as a function of the transformations caused in society in each historical period. That is, instead of starting from an abstract and general concept of administration, it should be understood as an abstract expression of relations that are "historically determined by economic, political and social relations, which take place under the capitalist mode of production [...]" (PARO, 1999, p. 18, our translation).

It is the understanding of this transformation process that makes it possible to understand how the organization and transformation of the Brazilian educational system took place, the way in which schools were constituted, the regulations, norms and laws created to better organize their functioning, the philosophical and pedagogical conceptions that, in each period, guided the countless proposals for educational reforms; the management model in Brazilian schools was a process driven by historical and political factors.

A context allied to globalization and educational models from other countries shows that schools are not responsible for the State, mischaracterizing itself and the democratic principle, with management being correlated to financial aspects, being motivated by profits, following the global trend.

This synthesis shows the different educational policies that made the educational management model in Brazil.

This path, focusing on issues of teaching, administration and management of schools, allows us to conclude that public education has been given increasing importance, either because of the fundamental impact it has on the technological and economic advancement of the country, or because it represents a vehicle of ideological imposition, thus becoming an instrument of power.

The Church and its agents were very important in the transmission of culture and knowledge until the clerical monopoly of public education was interrupted and the secularization of teaching began, with the State assuming a decisive role in the attempt to create a progressively democratic and egalitarian educational system. However, effectively, the political and organizational model of the school was, for decades, devoid of any democratic and participatory structures, the principal functioning as a representative of the central power, a delegate of political confidence to each school.

The progressive ideals of education are reassumed in the 1946 Constitution, in the attribution of the discussion around the "guidelines and bases of national education" by a commission made up of educators of different tendencies (SAVIANI, 2002). However, it is after the political party reorganization started at the end of the 1970s, that democratic management became the legal principle of public education, in the Federal Constitution of 1988, art. 215, item VI (BRASIL, 1988).

Also with Law n. 9,394/96, of Guidelines and Bases of National Education-LDBEN in its art. 3, item VII, echoes the constitutional principle of democratic management of public education, establishing that this should take place in the form of the LDBEN and "the legislation of education systems" (BRASIL, 1996).

In art. 14, items I and II, it is provided that the democratic management rules of education systems shall ensure as principles: the "participation of education professionals in the preparation of the school's pedagogical project" and "of the school and local community in school councils or equivalents" (our translation).

The reflection on this participation should be based on the character of our Constitution: "All power emanates from the people, who exercise it through elected representatives or directly" (art. 1, sole paragraph, our translation) (BRASIL, 1988).

In this way, it explains that representative democracy is not enough; it needs improvement with direct participation mechanisms, with expansion of citizenship.

Following the legal system, the National Education Plan (PNE) 2001-2011, approved through Law n. 10,172/2001 (BRASIL, 2001), in addition to reaffirming the constitutional content, presented, among the principles of teacher formation and appreciation of teaching, the experience of forms of democratic management.

In the Financing and Management axis, it defines that each system should implement them in the form of Education Councils, within the scope of the system; in the form of school councils with representation of the educational community, within the schools. The choice of directors is defined by guaranteeing competence and commitment to the proposal defined by the school boards. The need for social control of resources through the Education Councils is also insistent. In the document, there is content aimed at the need for standardization of democratic management, representative forms of participation and control of financial resources.

With the approval of the PNE (2014-2024), democratic management gained emphasis. Law n. 13,005/2014 (BRASIL, 2014) presents it as a principle (art. 2, VI) and as a method of construction of ten-year education plans (art. 8, § 2) and defines a period of two years for federal entities to approve their laws regulating it. In addition, the PNE has a goal (Goal 19) and eight strategies specifically related to democratic management, referring to: constitution, formation and maintenance of collegiate bodies (councils, forums, unions); participation of families and education professionals; social control and inspection of public resources and choice of directors, based on merit, performance and public consultation.

In this sense, such participation mechanisms start with the choice of the manager, via direct elections, which enable the integration of the school community and its participation in the development of didactic-pedagogical and technical-administrative actions, and in their evaluation. The election of the principal, the authority shared with the collegiate management, school councils, with all segments of the school community: parents, students, teachers, management and other employees, are steps towards democratic management and, like any process of change, carries challenges and overcomings of practice.

To receive the resources, the school had to constitute itself as a collegiate administration, with community participation in school decisions, parents, students, and school professionals, the school director as a participative manager to make decisions regarding the pedagogical aspects, financial and administrative; the school council was created, a collegiate body responsible for the management of the school.

The National Education Plan (PNE 2014/2024), also in its goal 19, prescribes to ensure conditions for the effective democratic management of education, associated with technical criteria of merit and performance and public consultation with the school community, within the scope of public schools, providing resources and technical support from the Union for this (BRASIL, 2014).

## **Final considerations**

Democratic management in education implies knowledge, mediation of conflicts, listening, the possibility of dealing with the community, daily dealing with the dilemmas arising from a process amidst different societal concepts and projects.

From laws to effectiveness, a huge gap, as it was through historical struggles that democratic management came to terms with the rules, the disputes arising from this process permeate the progressive continuity of this trajectory.

Brazil went from an agrarian-commercial-export economy to an economy based on industrialization and technological development, not prioritizing education in its politicalsocial investments and the educational structure remained unchanged. It is necessary to know the history developments until our days, so that one can build from it, the results of the works that have been developed up to the present and future educational proposals for the citizens.

Society changes permanently. We are agents of this transformation, we learn from history, articulating the school institution as an instrument for building a just society. This is the challenge that is imposed on every citizen, however, with greater responsibility to those who work professionally in the educational area and, among these, school administrators.

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