

LEGALITY OF SCHOOL PHYSICAL EDUCATION IN BAHIA: DRAFT BILL

LEGALIDADE DA EDUCAÇÃO FÍSICA ESCOLAR NA BAHIA: MINUTA DE PROJETO DE LEI

LEGALIDAD DE LA EDUCACIÓN FÍSICA ESCOLAR EN BAHIA: PROYECTO DE LEY

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Abstract

Considering that School Physical Education (EFE) is a mandatory curricular component of basic education, legally guaranteed in the Law of Guidelines and Bases of Education (Brasil, 2003), currently, despite the legal determination, it finds difficulties to be legitimized and taught by (a) licensed teacher a) in Physical Education in Early Childhood Education (EI) and in the Early Years of Elementary Education (AIEF). In this context, the main objective of this work was to present a draft of the Bill to the Municipal Councils of Education and/or members of the Legislative of the municipalities of Bahia, in order to ensure EFE in EI and AIEF, taught by a teacher licensed in the area. For that, a study was carried out with 7 municipal Education Managers who participated in the field research, semi-structured interview. The locus of the study were the 26 municipalities of the Território Litoral Sul da Bahia, but only 23 municipalities informed the number of teachers licensed in PE and the number of municipal EI and AIEF schools. The results point to a scenario marked by insecurities and uncertainties in relation to the offer of EFE classes at EI and AIEF, requiring a proposed regulation through a bill that mitigates such issues.

Keywords: School Physical Education; Legality; Legitimacy; Bahia.

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Resumo

Considerando que a Educação Física Escolar (EFE) é um componente curricular obrigatório da educação básica, legalmente garantido na Lei de Diretrizes e Bases da Educação (Brasil, 2003), atualmente, apesar da determinação legal, encontra dificuldades para ser legitimada e ministrada pelos(as) professores(as) licenciados(as) em Educação Física na Educação Infantil (EI) e nos Anos Iniciais do Ensino Fundamental (AIEF). Nesse contexto, o objetivo precípua deste trabalho foi apresentar uma Minuta de Projeto de Lei aos Conselhos Municipais de Educação e/ou membros do Legislativo dos municípios da Bahia, a fim de assegurar a EFE na EI e no AIEF, ministrada por professores(as) licenciados(as) na área. Para tanto, realizou-se um estudo com 7 gestores municipais de educação que participaram da pesquisa de campo e responderam à entrevista semiestruturada. O lócus do estudo foram os 26 municípios do Território Litoral Sul da Bahia, mas somente 23 deles informaram o quadro de professores licenciados em EF e a quantidade de escolas municipais de EI e AIEF. Os resultados apontaram um cenário marcado por inseguranças e incertezas em relação à oferta das aulas de EFE na EI e AIEF, necessitando de uma regulamentação proposta por meio de um projeto de Lei que atenuar tais questões.

Palavras-chave: Educação Física Escolar; Legalidade; Legitimidade; Bahia.

Resumen

Considerando que la Educación Física Escolar (EFE) es un componente curricular obligatorio de la educación básica, legalmente garantizado en la Ley de Directrices y Bases de la Educación (Brasil, 2003), actualmente, a pesar de la determinación legal, encuentra dificultades para ser legitimada e impartida por a) Profesor licenciado a) en Educación Física en Educación Infantil (EI) y en los Primeros Años de Educación Primaria (AIEF). En este contexto, el objetivo principal de este trabajo fue presentar un proyecto de ley a los Consejos Municipales de Educación y/o miembros del Legislativo de los municipios de Bahia, con el fin de garantizar la EFE en EI y AIEF, impartido por un Profesor licenciado en el área. Para ello, se realizó un estudio con 7 Gestores de Educación municipales que participaron de la investigación de campo, entrevista semiestruturada. El lugar del estudio fueron los 26 municipios del Territorio Litoral Sul da Bahia, pero sólo 23 municipios informaron el número de docentes licenciados en Educación Física y el número de escuelas municipales EI y AIEF. Los resultados apuntan a un escenario marcado por inseguridades e incertidumbres en relación a la oferta de clases EFE en EI y AIEF, requiriendo una propuesta de regulación a través de un proyecto de ley que mitigue dichas cuestiones.

Palabras clave: Educación Física Escolar; Legalidad; Legitimidad; Bahía.

Introduction

According to Article 6 of the 1988 Federal Constitution, education is a fundamental right for everyone, constitutionally guaranteed (Brasil, 1988). Likewise, the National Guidelines and Bases Law (LDBN) No. 9,394 appears with the aim of reinforcing the guarantee of the right to quality education that serves the entire population (Brasil, 1996).

In this context, it is expected that the quality of Brazilian education will provide the training of people whose learning consists of experiences beyond skills and competencies. This is because education is a vast field that serves various social groups, from birth to new generations. Therefore, one must be committed to the formation of the human being in its entirety, considering the social and economic contexts of the school and the students. Given youth protagonism, the educational process must seek to develop all their potential (Cruz; Medeiros, 2020).

Therefore, it is pertinent to highlight the importance of the entire course of formal education for the construction of citizenship. This makes it a more effective way to resolve social inequalities, granting space for the individual to play a leading role in society in which it is inserted, being able to understand the social context belonging to it, promoting a democratic learning space for everyone, encouraging and establishing relationships based on the fundamental rights of every citizen. This is the social model of education responsibility, with equal opportunities for all (Rodrigues, 2001; Amparo; Miranda; Santana, 2019).

In a complementary way, School Physical Education (EFE) must present itself as a curricular component of basic education, alongside other curricular components, contributing to the human formation of the subject, taking upon itself the responsibility for systematizing, in a critical, coherent way and competently, the elements of body culture⁶ in its various manifestations. This is because EFE goes beyond the development of physical and motor skills in the school space, it permeates the cognitive, socio-affective, ethical and educational aspects that will permeate the subjects' entire lives (Oliveira, 2006; Bego; Anjos, 2020).

EFE, as a mandatory curricular component in basic education (Brasil, 2003), still encounters barriers to guarantee recognition and promote the collective organization of the area, thus ensuring its legality (Souza Júnior; Darido, 2009). Furthermore, even given its recognition by current legislation⁷, according to Bertini Júnior and Tassoni

⁶ Sports, Dance, Games and Play, Fighting and Gymnastics.

⁷ Legislation – (Lat. *legislacione*.) N.f. Set of laws; science of laws; legal system of a State (Santos, 2001, p. 144).

(2013, p. 467), the EFE curricular component is still “without prestige or meaning at school”. Only after the amendment of the LBDN, through Law No. 10,793/2003, which added the mandatory⁸ term, the subject become a curricular component of all basic education, but, by virtue of the same Law, its practice remains optional in some cases described in items I to VI⁹ of Article 26, §3º, of the LDBN (Brasil, 2003).

Therefore, Souza Júnior and Darido (2009) point out that even after Therefore, Souza Júnior and Darido (2009) point out that even after EFE was given the status of a curricular component, it is not equivalent to the other components, due to the provision of the Law that still allows its practice. It is important to highlight that, in some states in Brazil, state and municipal laws and resolutions were drawn up and applied ensuring that EFE classes are taught by licensed teachers and offered to all basic education. For example: Foz do Iguaçu – Paraná, Law no. 2869/2003; São Paulo, Law No. 11361/2003; Ponta Grossa, Law No. 8011/2005; Goiás, Resolution no. 04/2006; Manaus, Law No. 332/2012; between others. According to Bahia, Nascimento and Farias (2016), even in the face of these constitutional and social advances, there is a need to expand scientific studies and discussions regarding the changes highlighted in the LDBN regarding Physical Education classes.

Thus, faced with a scenario of legal uncertainty regarding the guarantee of EFE in Early Childhood Education (EI) and Elementary Education (EF), this study aimed to create guidelines for the preparation of a Draft Bill for Municipal Councils of Education and/or members of the Legislature of the municipalities of Bahia, in order to guarantee EFE in EI and in the initial years of Elementary Education (AIEF), taught by a licensed teacher in the area.

⁸ Art. 26, §3, of Law 9394/1996 “Physical education, integrated into the school’s pedagogical proposal, is a mandatory curricular component of basic education”. (As amended by Law No. 10,793, of 12/1/2003).

⁹ Its practice is optional for the student (Text given by Law No. 10,793, of 12/1/2003):

I – who works a shift equal to or greater than six hours;

II – over thirty years of age;

III – who is performing initial military service or who, in a similar situation, is required to practice physical education;

IV – covered by Decree-Law No. 1,044, of October 21, 1969;

V – (VETOED);

VI – who has children.

Given the formative role that School Physical Education plays in school and in the lives of students, the creation of a Draft Bill aimed at the institution of Physical Education Policy in the Municipal Education Network emerges as a fundamental step to guarantee the quality and scope of this subject in schools.

This paper seeks to provide solid didactic guidelines for the construction of a Draft Bill that aims to establish the Physical Education Policy in the Municipal Education Network. Therefore, the main objective is to present a clear and comprehensive roadmap that can be used as a reference by legislators, educators and professionals involved in the development of educational policies.

By exploring various aspects related to physical education in schools (such as the importance of an adequate curriculum, teacher training and training, the necessary infrastructure and the integration of inclusive practices), we intend to offer clear and grounded guidelines for creating a draft that reflects the specific needs and challenges of the network in question. Through the analysis of successful experiences, academic studies and existing guidelines, a practical and grounded guide will be made available to assist in the formulation of effective educational policies in this vital area of education.

To this end, based on the excerpt from the Master's thesis entitled “Educação Física Escolar: da legalidade à legitimidade na Educação Infantil e Anos Iniciais do Ensino Fundamental no Litoral Sul da Bahia”, defended in the Professional Master's Program in Education, at the State University of Santa Cruz (2023), an educational product was prepared in the form of a draft law. In the following topic, the methodology used during the study will be presented.

Methodology

Initially, to understand educational legislation, the following official documents were examined: National Education Guidelines and Bases Law - LDBEN, no. 9,394/1996; Law No. 10,793/2003 which amends Article 26, §3, of LDBEN/1996; CNE/CEB National Council Resolution No. 7/2010; National Curricular Reference for Early Childhood Education, 1998; National Curricular Parameters – PCN: elementary education – Physical Education, 1997; National Common Curricular Base – BNCC, Law no. 13,415/2017; CNE/CP

Resolution No. 2, of December 22, 2017, which establishes and guides the implementation of the National Common Curricular Base. Document analysis made it possible to complement the investigative work with new data, the manipulation of various types of documents with the purpose of studying and analyzing factual information relating to questions of interest to the researcher (Lüdke; André, 2018).

In the second part of the research, the municipalities that were part of the study were mapped, considering issues such as: the current scenario in which the EFE discipline is found in these locations; how classes are being organized in EI and AIEF schools and who they are being taught by. According to Gil (2010) and Minayo and Sanches (1993), the exploratory phase is the moment in which the researcher organizes ideas and research intentions as a way of preparing to enter the field.

The third stage of the research, fieldwork, aimed to identify the limits and possibilities of EFE taught by graduates, based on the perceptions of the municipal Education Secretaries of the South Coast of Bahia. This phase was carried out based on semi-structured interviews with the Education Secretaries of the municipalities. This allowed participants to respond to questions about the researched object, with authorization from CEP/UESC, Consubstantiated Opinion no. 5,479,331, and the Certificate of Presentation of Ethical Appreciation (CAAE) no. Research (CEP) at the State University of Santa Cruz (UESC). With these authorizations, the field research process began, allowing immersion in the research universe.

Of the 26 cities surveyed, only 23 reported the number of teachers licensed in PE and the number of municipal EI and AIEF schools. However, only seven managers participated in the field research and responded to the semi-structured interview.

In effect, field research is a type of study procedure that allows the researcher to know and understand the universe of research, favoring greater depth on the issues that permeate a given group. Furthermore, it is one of the possibilities for the researcher to interact with the study participants to find information relating to the object studied, being necessary to be close to their field of research (Gonsalves, 2001; Gil, 2010).

For the treatment of the empirical and documentary material collected, the interpretations of the information and possible answers to the object studied, the procedure used was the Content Analysis (CA) method of Bardin (2011), developed in three phases: a) pre- analysis and organization of data collected; b) exploration of the material, classification and decoding of data; c) treatment of results, inferences and interpretations to validate and give meaning to the data.

After analyzing documents and data provided by the education departments, semi-structured interviews were carried out with 7 municipal education secretaries. Then, the tabulation of information began with the organization, review and analysis of data based on the criteria used for Bardin's CA (2011).

Finally, after completing the analyses, didactic guidelines were prepared for the creation of a Draft Bill to establish the Physical Education Policy in the Municipal Network. In the next topic, the scenario found during the study will be discussed.

The Scenario Found

CNE/CEB National Council Resolution No. 7/2010 is a regulation that contributes to weakening the legitimacy of this component in school spaces, more specifically, when it opens loopholes by allowing EFE classes to be taught by the class's reference teacher. from the 1st to the 5th year, even when LDBN no. 9,394/1996 defines it as a mandatory curricular component of basic education, a change given by Law no. 10,793/2003 (Brasil, 1996; 2003; 2010b). But who is the class's reference teacher? In accordance with what is described in Article 31 of National Council Resolution No. 7/2010, the reference teacher is "[...] the one with whom the students spend most of the school period [...]", which generally coincides with the teacher having a degree in pedagogy or other specific training.

Regarding this issue, as presented in Table 1, the data reveal a high number of schools given the insufficient number of teachers licensed in EFE, thus highlighting the existing demand and the scenario of vulnerability regarding the legitimacy of the licensed teacher to teach the PE classes at EI in the cities of the South Coast of Bahia.

Table 1 – EFE Teachers in EI and AIEF Schools

BASIC EDUCATION STEPS	CATEGORIES	QUANTITY
EFE TEACHER IN EARLY EDUCATION	Early Childhood Education Schools	282
	Licensed Physical Education Teacher	33
EFE TEACHER IN THE EARLY YEARS	Elementary Schools	376
	Licensed Physical Education Teacher	76

Source: Prepared by the authors (2023), data extracted from field research.

As it can be seen, part of the population of the municipalities analyzed is being deprived of the right to access the EFE curricular component. This is due to the lack of adequate professionals in school spaces whose presence is essential to effectively contribute to the child's comprehensive education.

In view of the above, the construction of a free, democratic and quality public education in which EFE is included does not depend exclusively on a described legal norm, but on concrete government actions that can guarantee its effectiveness in EI spaces intended for classes of EF (Ayoub, 2001).

Thus, Gava et al. (2010) highlight the need to offer EFE in EI, since PE will allow the expansion of a rich motor repertoire full of possibilities. Additionally, it is important to take into account that, currently, there is a lack of spaces for children to play. Furthermore, in some cases, due to adversities arising from a context of social inequalities, some are even more deprived than others of access to this type of initiative.

Regarding the provision of EFE in EI, the data collected in this study portray a scenario similar to that currently found in Brazil. Analysis of the information found reveals that of the 23 municipalities surveyed, 82% (19) offer EI, but only 34% (8) have EFE teachers in EI and 39% (9) use the class's reference teacher as also responsible for EF curricular component, and the rest did not signal. Therefore, the fact that most of the class's reference teachers are responsible for teaching PE classes in schools in the municipalities researched indicates that there is a weakening and precariousness of the conditions for PE teachers to stay in these school spaces. This scenario has provoked some reflections about the weaknesses related to the field of PE, which may be caused by the absence or omission of public policies that guarantee the provision of the curricular component or by a lack of teachers licensed to work with PE.

Teacher training is a crucial element for the quality of education, especially in the initial stages of teaching, such as Early Childhood Education (EI) and the Initial Years of Elementary Education (IYEE). According to data presented by Bahia (2021), of the 23,952 teachers who work in Early Childhood Education, 74.4% have completed higher education, 17.8% have normal secondary education/teaching, 1.8% have only a bachelor's degree, and 5.9% have a secondary education or less. These numbers suggest that the majority of Early Childhood Education teachers have adequate training, with a large proportion having completed higher education. However, there is still a significant portion of teachers with normal secondary/teaching training, which, traditionally acceptable, may indicate the need for greater encouragement of higher education. The presence of 5.9% of teachers with secondary education or less is worrying, as it can negatively impact the quality of education offered.

In the Early Years of Elementary School, the situation is similar, but with some variations. Of the 51,174 teachers, 74% have completed higher education, 16.2% have normal secondary/teaching training, and 9.8% have secondary education or lower. These data show that, although the majority of teachers also have higher education, the percentage of those with secondary or lower education is higher compared to Early Childhood Education. This highlights the need for continuous training and professional development policies to ensure that all teachers have the necessary qualifications to offer quality education.

Furthermore, a study carried out in Brazil, in 2022, highlighted that cities in the Northeast Region recorded 61.3% adequacy in teacher training in Early Childhood Education and 64.1% in the Initial Years of Elementary Education. These rates are below the national average, with other regions of Brazil showing adequacy rates that exceed 70%. Regional disparity is a critical factor that needs to be addressed through targeted public policies. The development of continuing training programs and specific incentives for regions with lower rates can help balance the quality of education across the country.

In conclusion, the data show that, although there is a significant proportion of teachers with higher education in both Early Childhood Education and the Early Years of

Elementary School, there are still important challenges to be faced. The presence of teachers with secondary education or less and the regional disparity in the adequacy of teacher training are issues that need to be addressed. Investments in ongoing training, specific regional public policies and constant monitoring and evaluation systems are essential to guarantee the progressive improvement of teacher training and, consequently, the quality of education in Brazil.

Fonseca, Colares and Costa (2019) point out another issue that needs to be considered regarding teacher training and which goes beyond the title. In more detail, the authors refer to the apex of the adequacy of the training of professionals who will work with children, so that they come to have an attitude that allows them to reflect on the diversities and realities of the context in which they are inserted, specific to their field of knowledge.

Other studies also reveal that the Northeast and North Regions, despite showing growth at a faster pace of training adequacy, reducing inter-regional disparities, still have low adequacy rates, revealing a marked deficit in the training of EI teachers and AIEF in the city network (Brasil, 2022).

Cavalaro and Muller (2009), in research carried out at the State University of Maringá/PR, pointed out that the Curriculum and Pedagogical Plan of Pedagogy and Physical Education courses, despite offering training for professionals to work in basic education, propose different objectives. Through document analysis, the authors found that training in pedagogy does not include subjects that deal with specific themes such as Body Language or Culture of Movements or Playfulness, specificities linked to the content of the National Curricular Reference for Early Childhood Education (RCNEI) (Brasil, 1998). This document, in turn, does not include the PE curricular component, but there is reference to the object of study “Body” and “Movement”, and this content is not offered in the pedagogy course.

Given the above, how can an area of study, with a specific object of knowledge, responsible for the training and development of the child, be developed by the reference teacher of the class who is not licensed in PE in a generalized way?

EFE linked to the school's pedagogical proposal as a mandatory curricular component of basic education in EI school spaces, committed to adequate and harmonious child development, favors the construction of knowledge essential for the child's integral education (Freire; Scaglia, 2009).

Academic studies focused on the EFE literature for EI present discussions confirming that the motor capacity of children aged 0 to 6 years is not innate. This means that for the child to obtain a broad and quality motor repertoire, diverse motor experiences are necessary, allowing for more elaborate learning (Ferraz; Macedo, 2001). In this way, through PE pedagogical practices in EI, it is possible to promote motor development capable of allowing the children to know themselves and the world around them and, therefore, the school must be attentive to the entire body (Kunz, 2001; Freire; Scaglia, 2009).

In this sense, when the child experiences activities such as playing, playing, imitating, creating rhythms and movements, there is an appropriation, expansion and immersion in the repertoire of the body culture that they are part of. Therefore, it is the duty of educational institutions to provide a physical and social environment capable of promoting stimuli so that children feel safe when experiencing new challenges. It is worth noting that the greater the diversity of challenging motor stimuli, the greater the promotion and expansion of the perception of the creation of one's universe (Neira, 2003).

Draft Bill: establish the Physical Education Policy in the City Education Network

Despite the legislation considering Physical Education (PE) as a mandatory curricular component in basic education in Bahia, the state delegitimizes the presence of licensed professionals in schools, specifically in Early Childhood Education and the Initial Years of Elementary Education. This occurs when a policy that guarantees this component in these school spaces is not established, resulting in a reduction in the workload of licensed teachers and contributing to the precariousness of teaching.

Therefore, public educational policies linked to EFE, as they are being constituted, are inserted in a critical scenario, of uncertainty regarding the permanence of the mandatory component in basic education and the professional future of those who have specific training, thus contributing to losses in school spaces and professional evaluation.

Therefore, the construction of this Draft Bill is justified by realizing the legal uncertainty of the current norm, Law of Guidelines and Bases of National Education (LDBN) no. 9,394/1996, Art. 26, §3º, to establish Physical Education as a mandatory curricular component of basic education, equating the subject with other curricular components present in the school curriculum.

It is noteworthy that, despite the existence of this Law, the legal provision has not been legitimized by municipal public schools for Early Childhood Education and Early Years of Elementary Education in the municipalities that are part of the South Coast of Bahia, to the detriment of the lack of hiring of licensed teachers and the non-offer of the component in these teaching stages.

In view of the above, this Draft Bill aims to establish a physical education policy in the municipal education network, as an urgent need to guarantee this mandatory curricular component in all basic education.

The document focuses on valuing professionals licensed in Physical Education and the importance of ensuring the provision of classes in the initial stages of basic education (Early Childhood Education and Early Years). The Minute seeks to define the issues that ensure the legality of School Physical Education in these stages, taught by licensed teachers in the municipalities of Bahia. Since there is a primary need to comply with the current Legal Standard that establishes PE as a mandatory curricular component of basic education.

During the study, it was possible to notice that one of the limits found by municipal education managers, which corroborates the commitment to legitimize EFE in these spaces, involves the lack of teachers licensed in PE to meet the demand due to the small number of teachers hired. of PE, due to the burden on the municipality's payroll and lack of adequate physical structure to carry out these classes. Therefore,

there is an urgency to implement a Public Education Policy that includes the hiring of licensed teachers and investments in the infrastructure of educational institutions, which can effectively guarantee EFE classes taught by licensed teachers in EI and AIEF municipal schools, in the cities of Bahia.

Therefore, the Draft Bill was prepared and divided into three sections:

The first consists of: the EPIGRAPH; the name of the Law that is intended to be created, which, after being received by the Legislature, will be identified by a number and the year of the Project; THE AUTHORSHIP, full name of whoever created the Law; THE COURSE PROGRAM, a summary specifying the subject of the Project; THE PREAMBLE, indication of the body that proposes the Law, in this case, the City Council; and, finally, the OBJECT STATEMENT, which refers to the first article of the proposed Bill, specifying the scope of application of the legal norm and its validity (Câmara dos Deputados, 2023).

The second section, called the NORMATIVE PART, is made up of the body of the text in which the ideas that are intended to be contemplated from the Project are exposed. This part will be organized into articles that can be subdivided into paragraphs, sections, subparagraphs, if a better understanding of the legal norm is necessary for the reader. It is important to highlight that when preparing the normative text, the resolutions of the problems raised for the construction of the standard should be considered, and it is ideal to direct an article to deal with a single subject. In this way, a consistent project can bring a solution to a new problem or present a solution to an old problem through a new aspect (Câmara dos Deputados, 2023).

And, finally, the FINAL PART, composed of complementary information essential to implement the legal standard; EFFECTIVE TERM, when it will begin to be fulfilled; and REPEAL CLAUSE, when it is proposed to amend an existing law, removing some part of that law. In this section, the JUSTIFICATION was presented, which explains the reasons and arguments to justify the reasons that led to the proposal of the Project presented. And, at the end, the FECHO brings the conclusion of the document, indicating the place and date on which the proposed Law will be presented (Câmara dos Deputados, 2023).

DRAFT FOR MUNICIPAL BILL PROVIDES ABOUT INSTITUTING PHYSICAL
EDUCATION POLICY IN THE MUNICIPAL EDUCATION NETWORK

BILL NUMBER ____ of 202X.
(Authors)

Provides for the Institution of Public Policy for School Physical Education in the City Education Network and provides other measures.

The City Council of state of Bahia, approved, and I, City Mayor, sanction the following Law:

Art. 1 - This Law provides for the municipal Public Education Policy to make School Physical Education mandatory throughout the education network in the Early Childhood Education and Initial Years of Elementary Education curricula of Basic Education, in line with the established principles and guidelines by the Law of Guidelines and Bases of National Education no. 9,394, of December 20, 1996, in its Article 26 §3º, with the wording given by Law no. with this Law, with the following objectives:

I- Ensure compliance with current legislation.

II- Offer the Physical Education Curricular Component at all stages of basic education.

Art. 2 - To comply with this Public Policy, schools belonging to the Municipal Education Network must offer, at least, two weekly Physical Education classes for each Early Childhood Education and Initial Years of Elementary School class.

§ 1. Teaching and/or practical guidelines for this curricular component in the school space are reserved exclusively for teachers with a degree in Physical Education.

§ 2. It is the exclusive responsibility of the licensed Physical Education professional to participate in the activities of carrying out pedagogical work, with effective participation in the construction of the Pedagogical Political Project, in addition to participation in continuing education courses offered by the municipality or partner institutions.

Art. 3 - The Head of the Executive Branch, through the Municipal Department of Education, will regulate this Law within thirty days, counting from the date of its publication.

Art. 4 - This Law will come into force on the date of its publication.

Future perspectives

As we conclude this study on the construction of a Draft Bill to establish the Physical Education Policy in the Municipal Education Networks of Bahia, the importance and impact that this initiative can have on the Bahian educational system becomes evident. By developing a draft bill based on these guidelines, legislators will have the opportunity to effectively improve the quality of Education and Physical Education in the city education network.

It is crucial to emphasize that the implementation of any policy requires collaboration and continuous efforts from everyone involved to minimize the consequences of non-compliance with current law. Although CNE/CEB resolution number 7 of 2010 establishes a mandatory curricular component, there is an interpretation that this can be taught by a teacher not licensed in PE. This may contribute to the low presence of EFE in the initial stages of basic education.

This aspect may be being granted by the opening found in the text of Resolution CNE/CEB number 7 of 2010, which, despite recognizing PE as a discipline that contributes to the integral formation of the child, together with the other components, does not ensure the provision of the subject by the PE teacher. Therefore, EFE needs to guarantee its space within the school, seeking to present the pedagogical bases that give its identity as a discipline that contributes to boosting the formation of the subject in its entirety. In this sense, it is necessary to engage all professionals who, together with the school community, seek quality education. They must request that School Physical Education be recognized as legitimate, revoking art. 31 of Decree Law CNE/CEB nº 7 of 2010.

Having made these observations, it is important to highlight that the discussion proposed in this work does not end here. On the contrary, it is essential to reiterate the relevance of debates and reflections being carried out both in the academic sphere, in scientific research, and together with licensed teachers who seek an emancipatory EFE, as an area of knowledge and mediation of Body Culture for the process of human development.

Periodic monitoring and evaluation will be essential to ensure that the Physical Education Policy is properly implemented and its impacts are monitored over time. It is hoped that this work will be a starting point for future discussions and actions, enabling educators, policymakers and communities to work together towards inclusive and excellent physical education.

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