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WORKING RELATIONS AND CONDITIONS OF PAULISTA TEACHERS (1995-2018)

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Abstract

In this article, working relations and conditions of the teacher from the São Paulo state school system are analyzed, highlighting the forms of admission, career progression, base salary and working hours during the period from 1995 to 2018. The article presents a synthesis of data obtained through bibliographic research, documentary study based on national and state legislation and analysis of statistical data. It is concluded that the analyzed period was characterized by a policy of devaluation of the teaching work expressed in the large number of teachers hired on a temporary basis, in the fragile criteria of movement in the career, in the base salary below the base level of pay and in the strict noncompliance with the working hours composition expressed in the law (Lei do Piso).

TEACHING PROFESSION • WORK CONDITIONS • SALARY • PROFESSIONAL CAREER

RELAÇÕES E CONDIÇÕES DE TRABALHO DOS PROFESSORES PAULISTAS (1995-2018)

Resumo

Neste artigo são analisadas as relações e condições de trabalho do professor da rede estadual paulista, destacando-se as formas de admissão, a progressão na carreira, o vencimento básico e a jornada de trabalho durante o período de 1995 a 2018. O artigo apresenta uma síntese dos dados obtidos por meio de pesquisa bibliográfica, estudo documental com base na legislação nacional e estadual e análise de dados estatísticos. Conclui-se que o período analisado foi caracterizado por uma política de desvalorização do trabalho docente expresso no grande número de professores contratados em caráter temporário, nos frágeis critérios de movimentação na carreira, no vencimento base abaixo do piso salarial e no descumprimento stricto sensu da composição da jornada expressa na Lei do Piso.

PROFISSÃO DOCENTE • CONDIÇÕES DE TRABALHO • SALÁRIO • CARREIRA PROFISSIONAL

RELACIONES Y CONDICIONES DE TRABAJO DE LOS PROFESORES PAULISTAS (1995-2018)

Resumen

En este artículo son analizadas las relaciones y condiciones de trabajo del profesor de la red estadual paulista, destacándose las formas de admisión, la progresión en la carrera, el vencimiento básico y la jornada de trabajo durante el periodo de 1995 a 2018. El artículo presenta una síntesis de los datos obtenidos por medio de una investigación bibliográfica, estudio documental con base en la legislación nacional, estadual y análisis de datos estadísticos. Se concluye que el periodo analizado fue caracterizado por una política de desvalorización del trabajo docente expreso en el gran número de profesores contratados en carácter temporal, en los frágiles criterios de movilidad en la carrera, en el vencimiento base debajo del piso salarial y en el incumplimiento stricto sensu de la composición de la jornada expresa en la Ley del Piso.

PROFESIÓN DOCENTE • CONDICIONES DE TRABAJO • SALARIO • CARRERA PROFESIONAL

RELATIONS ET CONDITIONS DE TRAVAIL DES ENSEIGNANTS DE SÃO PAULO (1995-2018)

Résumé

Cet article analyse les relations et les conditions de travail des enseignants dans le réseau public de l'État de São Paulo, en particulier les modalités d'admission et de progression dans la carrière, le salaire de base et la durée de la journée de travail, pour la période 1995 à 2018. L'article présente une synthèse des données obtenues à partir de recherches bibliographiques, d'études documentaires basées sur la législation nationale et de l'état de São Paulo et d'une analyse des données statistiques. En conclusion, la période se caractérise par une politique de dévalorisation du travail enseignant, manifeste par le grand nombre d'embauches temporaires, par la fragilité des critères d'avancement professionnel, par le salaire de base qui reste inférieur au minimum et par le non-respect stricto sensu de la réglementation de la journée de travail établie par la Lei do Piso, censée garantir les conditions de travail et l'application du salaire minimum national pour les enseignants.

PROFESSION ENSEIGNANTE • CONDITIONS DE TRAVAIL • SALAIRE • CARRIÈRE PROFESSIONNELLE

THE ACADEMIC PRODUCTION ON TEACHER'S PROFESSIONALIZATION, WORKING RELATIONS AND conditions and analysis of career plans and teacher's remuneration increased in the last three decades. The greatest interest in this research topic is related to the importance of monitoring the extent to which the valorization of education professionals provided for in the Brazilian Constitution (1988) and in the infra-constitutional legislation has effectively produced better working conditions for public basic education teachers (CAMARGO; JACOMINI, 2011).

Among the existing research, we highlight the study of working conditions based on the career plans of states and municipalities, whose results were presented in the book organized by Camargo and Jacomini (2018). Also, there are other studies dedicated to the analysis of teaching remuneration as an element of professional valorization, including the comparison with other professionals from whom equivalent education is required to work (BARBOSA, 2011; JACOMINI; ALVES; CAMARGO, 2016), as well as studies that investigated teacher's salary and remuneration in several states and capitals (CAMARGO; JACOMINI, 2015; BASSI; FERNANDES; ROLIM, 2018). There are also studies that have addressed the configuration of the teaching working hours as an important element in the scenario of working conditions and improvement of the quality of teaching (FERNANDES; BARBOSA, 2014).

In dialogue and as a contribution to the knowledge that has been produced and systematized on the subject of teacher's (de)valuation, we investigated the working relations and conditions of teachers in the São Paulo state school system during the period from 1995 to 2018, highlighting in the analysis the forms of admission of public servants, career progression, basic salary and also the working hours. For this purpose, bibliographic research, study based on national and state legislation on teaching career and analysis of statistical data were carried out, especially those referring to the characterization of the teacher's category and basic salary. The sources of data collection were the official websites of the federal and state governments, also data requested through the Citizen Information System (Sistema de Informação ao Cidadão – SIC) to State Department of Education (Secretaria Estadual de Educação – SEE-SP), not available publicly.¹

Throughout the period considered in the study, many laws were passed, interfering, among other aspects, in teachers' career, salaries and working hours. In this way, within the limits of the study, we try to unravel a tangle of laws that concern the complex and fragmented teacher's category. As an example, the distinction between permanent and non-permanent teachers presented itself as a challenge to understand the difference between workers who carry out the same activities at school, although before the legislation they are considered different, regarding their access and hiring and even the rights guaranteed to them.

Analyzing the documents, it was identified that Statute of the São Paulo State Magisterium, instituted by Complementary Law n. 444 (SÃO PAULO, 1985), constituted an important landmark in the regulation of working relations and conditions of teachers and specialists. After 12 years of approval of this statute, it was instituted the Career, Wage and Salaries Plan for the members of the Teaching staff of State Department of Education, through Complementary Law n. 836 (SÃO PAULO, 1997), during Mário Covas' government, member of the Brazilian Social Democracy Party (Partido da Social Democracia Brasileira - PSDB). This law reformulated several aspects of the 1985 statute,

¹ In 2019 the acronym of Secretaria Estadual de Educação became Seduc-SP. In this text, we chose to keep the acronym used during the study period.

bringing it closer to the educational policies of the period that were related to a new conception of public management imbricated in the reform of the São Paulo state school system (from 1995 to 1998). The conceptions of public management came from the State Reform carried out in the 1990s, led by Bresser-Pereira, in the president Fernando Henrique Cardoso's first term, expressed in the Master Plan for the Reform of the State Apparatus (Plano Diretor da Reforma do Aparelho do Estado – PDRAE) (BRASIL, 1995; BRESSER-PEREIRA, 1998).

The New Public Management (Nova Gestão Pública – NGP) established its bases on neoliberal thinking and public choice theory. From the perspective of an entrepreneurial spirit based on “motivation, creative ambition, taste for risk, striving for excellence, effort, independence, flexibility and personal responsibility” (PAULA, 2005, p. 45), the State reform aimed to establish new working relations and conditions in the public service, anchored in a set of assumptions that is characteristic of the private sector.

From the initial years of education reform in São Paulo until the year 2018, more than two decades passed, and in that period successive changes occurred in the public school system that impacted the teaching work. Since the first and striking measures related to the Escola de Cara Nova project, in 1996, through the São Paulo Education Commitment program (Educação Compromisso de São Paulo), which started in 2011, the pedagogical organization and management of schools and the teaching work conditions have been adjusted through legislation to a context marked by managerialism and performativity which, according to Ball (2005, p. 544), are mechanisms of reengineering, “reform” and reconstruction of the public sector, which has come to know new orientations, new power relations and new options for targeting social policies. In this sense, this paper will present some central elements on the working relations and conditions of São Paulo teachers.

PERMANENT, NON-PERMANENT AND TEMPORARY TEACHERS: DIFFERENT FORMS OF ADMISSION AND DIFFERENT RIGHTS

From 1995 to 2018, the teaching staff of the São Paulo state school system was formed by two different classes.² Until 1997, there were three series related to the teaching class, named: Teacher I, who worked in the early years of elementary school and for whom education in normal high school was admitted; Teacher II, who worked in the final years of elementary school and high school and for whom education at a higher level was admitted in short teaching degree courses and, finally, Teacher III, who worked in the final years of elementary school and high school and for whom higher education in full teaching degree courses was required.

Seeking to meet the requirements for teacher's education established by the National Education Guidelines and Bases Law (Lei de Diretrizes e Bases da Educação Nacional) (BRASIL, 1996), Teacher II class was extinguished by the Career, Wage and Salaries Plan for the members of the Teaching Staff (SÃO PAULO, 1997), since then there are only two series within the teaching class in the São Paulo state school system: Basic Education Teacher I (Professor de Educação Básica I – PEB I), who works in the early years of elementary school, and from whom normal high school education is acceptable, and Basic Education Teacher II (Professor de Educação Básica II – PEB II), who works in the final years of elementary school and high school and must have higher education in full teaching degree courses.

The number of PEB I teachers, which corresponded to almost half of the total number of teachers in the school system (94,913 teachers, against 100,616 PEB II teachers in 1998), reduced a lot during the period analyzed, corresponding to only 40,867 (21%), in 2018, the year in which the

2 According to Law n. 444 (SÃO PAULO, 1985), the teaching classes configure the different ways of classifying the positions of teachers existing in the school system. They are differentiated according to the level of teacher's education and the stage of basic education in which they work.

number of PEB II teachers corresponded to 149,529³ (79%). This reduction occurred especially due to the process of municipalization of elementary education carried out since the 1990s in the state of São Paulo, which affected mainly the initial years of elementary education.

Regarding the functional situation, three main forms of contractual bond between the teacher and the public administration were observed: permanent teachers after a probationary period, non-permanent teachers who became stable by law,⁴ and teachers hired on a temporary basis, called Occupants of Activity Function (Ocupantes de Função Atividade – OFA). In relation to the form of provision, it was identified the entry into the career through public servants' examinations, remembering that this is the form of admission of the public servant to a position, constitutionally provided for since 1934 (BRASIL, 1934).

The hiring for a determined time, also provided for in the legislation, but which should have a residual character, considering only the “temporary nature of exceptional public interest” (BRASIL, 1988), according to the constitutional precept, presented a significant participation in the total number of teachers in SEE-SP throughout the analyzed period. Thus, both the statute approved at a time of democratic advancement, and the career plan published in a context of managerial reform, did not alter the condition of temporary hiring of teachers, maintaining in the public school system a legal subterfuge that made it difficult to enhance the teaching career.

In the period analyzed, nine public examinations were held in 1999 (for PEB II), 2004 (for PEB II), 2005 (for PEB II, for hiring physical education teachers), 2005 (for PEB I), 2005 (for PEB II, for hiring philosophy teachers), 2007 (for PEB II), 2011 (for PEB II), 2014 (for PEB II) and 2015 (for PEB I). At first glance, this data seems positive; but, considering that there were editions focused only on PEB I or PEB II, there were few public examinations held by SEE-SP, in addition to being temporally distant from one another, which led to the continued existence of temporary teachers in the school system. The situation was more serious in relation to PEB I teachers, who had only two public examinations held in more than two decades.

Data published by General Human Resources Coordinator of SEE-SP (Coordenadoria Geral de Recursos Humanos da SEE-SP – CGRH/SEE-SP) enabled the construction of a historical series on the number of permanent and non-permanent teachers between 1999 and 2018. A second source of data considered for the elaboration of the series, enabling comparisons, was the Personnel Monitoring Bulletin published by SEE-SP, based on the Monthly Payment report of Data Processing Company of the State of São Paulo (Companhia de Processamento de Dados do Estado de São Paulo – Prodesp). This bulletin, prepared by SEE-SP, was made available until May 2014 for public use, including for entities that studied the education system; but, in the case of the investigation reported here, only the period from 1994 to 1998 was used, in order to complement the data of CGRH. Thus, the data organized in Table 1 allows the visualization of 25 years of distribution of permanent and non-permanent teachers in the state public school system. Although essential to accompany the teaching distribution over a long historical period, the sources cited had different data collection criteria, as well as different time frames, the first from 1999 to 2018, and the second from 1994 to 1998, which required attention for the interpretations made, and, in some situations, for data overlap, mainly in the period from 1998 to 2000.

3 Data provided by SEE-SP via SIC (Protocol SIC-SP n. 444191922700).

4 For example, the 1988 Federal Constitution, the 1989 São Paulo State Constitution and the Complementary Law n. 1,010 (SÃO PAULO, 2007).

TABLE 1
PERMANENT AND NON-PERMANENT BASIC EDUCATION TEACHERS FROM 1994 TO 2018
(REFERENCE: NOVEMBER)

Year	Permanents		Non-permanents		Total
	Number of teachers	%	Number of teachers	%	
1994	82.536	39,96%	124.002	60,04%	206.538
1995	78.418	38,51%	125.200	61,49%	203.618
1996	71.359	35,68%	128.619	64,32%	199.978
1997	65.953	33,52%	130.779	66,48%	196.732
1998	59.323	28,44%	149.247	71,56%	208.570
1999	55.550	27,13%	149.226	72,87%	204.776
2000	81.022	42,54%	109.453	57,46%	190.475
2001	75.874	41,38%	107.504	58,62%	183.378
2002	79.846	39,69%	121.335	60,31%	201.181
2003	83.787	39,51%	128.292	60,49%	212.079
2004	88.731	41,72%	123.971	58,28%	212.702
2005	100.222	46,29%	116.298	53,71%	216.520
2006	119.436	52,92%	106.272	47,08%	225.708
2007	118.434	52,59%	106.785	47,41%	225.219
2008	125.352	56,80%	95.334	43,20%	220.686
2009	120.984	55,41%	97.342	44,59%	218.326
2010	115.987	52,76%	103.844	47,24%	219.831
2011	116.927	52,38%	106.301	47,62%	223.228
2012	117.623	50,53%	115.174	49,47%	232.797
2013	116.122	48,22%	124.718	51,78%	240.840
2014	138.708	55,32%	112.028	44,68%	250.736
2015	129.185	57,90%	93.941	42,10%	223.126
2016	124.202	60,05%	82.633	39,95%	206.835
2017	123.508	61,60%	77.007	38,40%	200.515
2018	121.524	63,82%	68.887	36,18%	190.411

Source: Elaborated by the authors, based on data from the SEE-SP Personnel Monitoring Bulletin (Prodesp), from 1994 to 1998, and data from CGRH/SEE-SP, from 1999 to 2018.

In general, there was an oscillation in the total number of teachers, and the periods with the highest number of teachers coincided with the periods in which public examinations were held – 1999, 2004, 2005, 2007, 2011, 2014 and 2015. It is worth noting, however, the decrease of more than 60 thousand teachers, in total, in the last five years of the historical series (2014 to 2018). It was also possible to observe a reversal between the number of permanent and non-permanent teachers in the education system. In 1994, around 40% of the total number of teachers were permanent, and 60%, not permanent; in 2018, it was observed that 63% of teachers were permanent, and 36%, not permanent, an expressive data that could not be characterized as a residual contract legally provided.

The decrease in non-permanent teachers, observed mainly since 2013, when it was higher than 50% of the teachers, can be attributed to the pressures made by the São Paulo teaching staff, mainly via the union, for public examinations. This decrease could be interpreted as an advance; however, the most accurate interpretation of the context in which these numerical changes occurred and also the analysis of the other teaching work conditions discussed in this paper (career, working hours and salaries) indicate that the change in the numerical relationship between the number of permanent and non-permanent teachers meant little in terms of advancement and improvement in working conditions for the teaching category.

The maintenance of temporary hiring in the education system – in no period lower than 30% of the total number of teachers in the system – goes against the recommendation of the Federal Constitution of 1988 in its article 205, item V, which establishes as a principle for the teaching offering the “valorization of school education professionals, guaranteed, by law, career plans, with admission exclusively by public examinations of tests and titles, to public schools”⁵ (BRASIL, 1988, own translation). It is also at odds with the first strategy of goal 18 of PNE, which provides that public basic education systems should have at least 90% of their teachers in permanent positions by 2017 (BRASIL, 2014).

Although the number of non-permanent teachers has reduced in recent years, it must be recognized that the significant presence of this group in the São Paulo state school system shows a precarious policy perpetrated by the public administration of São Paulo state, which is based on the exclusion of a group of teachers from the rights established by the career plan (SANTOS, J. B. S. dos, 2016; QUIBAO NETO, 2015). Furthermore, as Santos and Quibao Neto (2018) argue, the government has adopted strategies to “sub-categorize” the teaching class, and, in addition to reducing spending on education, has changed the functioning of class assignments, so that permanent teachers could only extend their working hours beyond 40 hours per week⁶, as permitted by law, by opening temporary contracts. In other words, the permanent teacher, who had previously been granted the rights provided for in the career plan due to approval in a public examination, also began to be subjected to a precarious contract if he/she extended, with an additional burden, the working hours of 40 hours per week, receiving less per class, since according to this new “contract” the teacher would be at the beginning of the career. Thus, in the state system, the same teacher may act as permanent and as temporary, a situation that may also explain the data presented by CGRH/SEE-SP, which indicates a decrease in the number of non-permanent teachers working in the education system.

Quibao Neto (2015) and Fontana (2019) studies indicated that the existence of non-permanent teachers in the São Paulo state school system is not new, once it has occurred since the second half of the last century. However, after the 2000s, with the deepening of the Brazilian State reform and its managerial administration, the ways of hiring temporary teachers deepened the inequalities within the teaching category. According to Quibao Neto (2015), it was from 2007 onwards, with Complementary Law n. 1,010 (SÃO PAULO, 2007), that the logic of categorizing state public servants was instituted with the creation of subcategories within the network and the same functional situation. J. B. S. dos Santos (2016) presented a synthetic picture of that categorization until the year 2013, which remained until the last year of analysis of this study (2018).

5 In the original: “valorização dos profissionais da educação escolar, garantidos, na forma da lei, planos de carreira, com ingresso exclusivamente por concurso público de provas e títulos, aos das redes públicas”.

6 In the São Paulo state school system, there is the possibility of the teacher assuming up to 64 hours of work per week, as will also be discussed in this paper.

FIGURE 1
TEACHING CATEGORIES, FUNCTIONAL SITUATION AND CURRENT LEGISLATION (SEE-SP)

CATEGORY	NAME	FUNCTIONAL SITUATION	LEGISLATION	CONTRACT CHARACTERISTIC
A	PERMANENT	Job holder	Item II, Art. 37 of the Federal Constitution of 1988 (CF/88)	Permanent and stable
F	NON-PERMANENT	Occupants of Activity Function (OFA)	Law n. 500/74 and Complementary Law n. 1,010/07	Stable
I	TEMPORARY		Law n. 500/74	Temporary
L	OFA L		Law n. 500/74	Temporary
N	CLT - STATUTORY		Art. 19 ADCT CF/88	Stable
O	OFA O		Complementary Law n. 1,093/09	Temporary
P	OFA NON-PERMANENT		Art. 19 ADCT CF/88, Art. 18 ADCT CESP/89 and Complementary Law n. 706/93	Stable
R	CLT - NON-PERMANENT		Art. 18 ADCT CESP/89	Stable
S	TEMPORARY		Law n. 500/74 and State Decree n. 24,948/86	Temporary
V	TEMPORARY		Paragraph "b", Item III, Art. 1º of Complementary Law n. 1,093/09	Temporary

Source: J. B. S. dos Santos (2016, p. 139).

Table 2 shows the number of active teachers in the public system by functional category in the period from 2011 to 2018.⁷ The categories of temporary teachers (I, S and V), who teach for periods of less than 15 days, and of re-adapted teachers (category R) are not included, once SEE-SP stated that it does not have data referring to such professionals.⁸

TABLE 2
ACTIVE TEACHERS BY FUNCTIONAL CATEGORY FROM 2011 TO 2018 (REFERENCE: NOVEMBER)

Category	2011	2012	2013	2014	2015	2016	2017	2018
A	116.266	117.623	116.122	138.708	129.185	124.202	127.171	121.524
P	1.394	958	757	583	373	245	179	115
N	4	2	2	1	1	1	1	1
F	68.426	63.664	60.145	54.346	50.417	46.526	42.088	37.387
L	222	7	2	1	2	0	0	0
O	10.770	50.543	63.812	57.097	43.148	35.861	28.329	31.384
Total	197.082	232.797	240.840	250.736	223.126	206.835	197.768	190.411

Source: Elaborated by the authors, based on data from the SEE-SP via SIC (Protocol SIC-SP n. 550281911304).

The fragmentation of the teaching category into different subcategories, even though they are all teachers from the same education system, exercising the same profession and submitted to the same requirements of work in state schools. The division of the teaching profession caused changes not only in objective terms, considering administrative procedures and labor rights, but

⁷ Although SEE-SP was requested, more than once, data regarding the number of teachers per functional category for the entire research period (from 1995 to 2018), we only obtained the data from 2011 onwards, since SEE-SP stated that it did not have such data available for the previous period.

⁸ The data in Tables 1 and 2 were provided by SEE-SP, however there is a difference in the total number of teachers in the years 2011, 2014 and 2017.

also caused subjective changes with regard to the hierarchical divisions induced in the teachers of the teaching units (SANTOS, F. D., 2016). These two dimensions, objective and subjective, involved in the creation of the categories, imply, as argued by F. D. Santos (2016), in the division of the union demands agenda and in setbacks in the forms of collective teaching organization, in order to reduce its mobilization force and the power of negotiation with the public power, perhaps the non-explicit objective of managerialist educational reforms.

The data in Table 2 also reveals that, in the period from 2011 to 2018, there was an increase in the number of teachers in category A (permanent) and O (temporary) in 5% and 191%, respectively, even with the decrease of 3% in the total number of teachers in the system. Another highlight was the lack of category L after 2015 and the significant decrease in categories P (92%), N (75%) and F (45%), which may indicate the tendency to maintain only category O, with its scarce labor rights, as the main form of hiring temporary teachers.

In analyzing the different admission processes of teachers in the São Paulo state school system and the working conditions to which they were submitted,⁹ Fontana (2019) drew attention to the complexity of the scenario, highlighting that, while the working conditions of temporary teachers (category O) were characterized as the least favorable, the working conditions of the non-permanent teachers (categories P and F) approached the conditions of the permanent teachers, although these were also marked by the precariousness represented by low salaries.

This situation, added to the irregularity in the holding of public examinations, explains a policy of hiring personnel guided by economic criteria, coming from the business sector, and not by didactic and pedagogical criteria. Through the admission of teachers on a temporary basis, for example, it is possible to reduce spending on education, dismissing them when there is a reduction in the number of classes or classrooms, configuring a process of precarious working conditions for teachers.

FORMS OF CAREER PROGRESSION AND SALARIES: MERITOCRACY AND DEVALUATION

Career plans appear in legislation (BRASIL, 1988, 1996, 2014) and in literature (DUTRA JÚNIOR *et al.*, 2000; JACOMINI; PENNA, 2016) as important instruments to enable teacher valorization. Such appreciation would occur mainly by establishing salary standards to which teachers could be entitled as they progressed in their careers. Thus, the way in which the plans provide for the movement of teachers in the career could contribute to making it attractive and encourage teachers to remain in it with a view to achieving higher salary standards. However, it is worth remembering that valorization is not restricted to salary increases, but also involves non-intervention in didactic-pedagogical autonomy and professional commitment satisfaction, among other aspects.

In the case of São Paulo State teachers, the 1985 Statute (SÃO PAULO, 1985) and the 1997 Career Plan (SÃO PAULO, 1997) established different forms of career movement. Although apparently similar, there is an important change in the career conception present in the two laws, with the changes made in the statute being the reason for numerous criticisms from teachers and union entities.

The Statute expressed a conception of career in which the movement, that is, the transition from a lower to a higher salary condition in the vertical or horizontal direction of the salary table occurred by two criteria: 1) working time in the system (seniority) and merit (based on punctuation according to the professional's absences during the year); 2) higher education degrees (undergraduate courses, postgraduate courses at the master's and doctoral level, specialization courses, improvement and cultural extension).

⁹ In this study, the categories of temporary teachers and readapted teachers were not considered, as no data were available, neither were categories N and L, as they are in extinction.

With the approval of Complementary Law n. 836 (SÃO PAULO, 1997), which instituted the Career, Wage and Salaries Plan for members of the Teaching Staff, the movement started to take place through the academic path in five levels (I-V), incorporating some already existing gratifications. PEB I teacher started the career at level I, and was classified at level IV when the teacher acquired a higher education level, undergraduate degree; when pursuing a master's or doctorate, the teacher achieved level V. PEB II teacher began the career at level III, ascended to level IV with a master's degree, and to V with a doctoral degree. This change practically meant the end of the "career" in the sense of progression, since the movement was restricted to the title, disregarding the movement by time of service and merit, as provided for in the 1985 Statute.

In 2009, Complementary Law n. 1.097 (SÃO PAULO, 2009c) was approved, which instituted the promotion system for members of the Teaching Staff, according to this law the promotion would take place with "the transfer of the job holder [...] to the immediately superior classification from which the teacher belongs, upon approval in a theoretical, practical or theoretical and practical evaluation process, of specific knowledge"¹⁰ (SÃO PAULO, 2009c, art. 2, own translation). This process was known in the education system as Proof of Merit, and instituted a new conception for career movement. Thus, to the five existing levels, five classifications were added, ensuring vertical and horizontal movement for career progression.

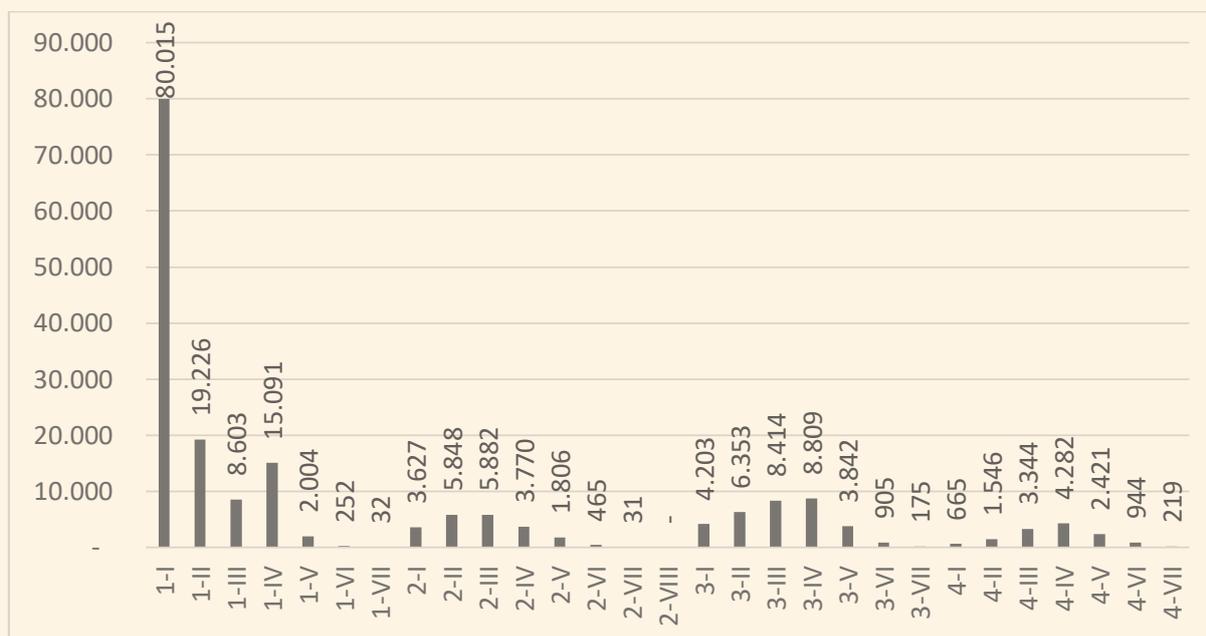
This law instituted the interstices, four years in the initial range, and three years in the subsequent ones in the promotion by merit, in addition to establishing other criteria, such as the need for classification in the teaching or administrative unit at least 80% of the time specified in the interstice and add at least 80% of the points in the frequency table. The law also limited the promotion to only 20% of teachers in each group, a limitation revoked in 2011 by Complementary Law n. 1.143 (SÃO PAULO, 2011), after intense pressure from the category. This procedure also increased the number of classifications from five to eight, reducing the percentages.

Complementary Law n. 1.143 (SÃO PAULO, 2011) added three levels and three classifications to the career. Thus, the career progression of the teaching profession started to be academic and non-academic (levels I to VIII) and, also, through the approval in proof of merit (classifications 1 to 8). Although it may seem that the possibilities for progression have expanded, the requirements for moving from one level to another and from one classification to another have made it difficult to move within the career, as it is almost impossible for the teacher to reach level VIII/classification 8 (last stage of the career) until his/her retirement. In addition, the distribution of teachers by career levels/classifications is quite uneven, as shown in Chart 1, in which data are presented for 2018, the last year of the period considered in this study:

¹⁰ In the original: "a passagem do titular de cargo [...] para a faixa imediatamente superior da que estiver enquadrado, mediante aprovação em processo de avaliação teórica, prática ou teórica e prática, de conhecimentos específicos".

CHART 1

DISTRIBUTION OF TEACHERS BY THE CAREER CLASSIFICATION/LEVEL ON NOVEMBER 30, 2018



Source: Elaborated by the authors, based on data from the SEE-SP via SIC (Protocol SIC-SP n. 550281911304).

Chart 1 shows that the vast majority of teachers in the state public system are in the early stages of their careers, and that the most advanced point in their career that was possible to reach was classification 4, level VII, with no teachers in the last career stage. With regard to academic and non-academic progression, the difficulty of progressing at all levels is highlighted, respecting the time gaps stipulated by law. Regarding progression by merit, considering the fact that it is a form of progression established more recently (in 2009), and considering all the prerequisites required for progression through this route, the maximum classification a teacher could have achieved by the end of 2018 would be classification 4. Thus, the same legislation that seemed to expand the possibilities of movement in the career, established limitations that made it practically unattainable for teachers to reach the top of their career, being, therefore, an illusory valorization that can only be unveiled with accurate analysis of the elements that compose it.

Figure 2 shows the variation in the initial (VI) and final (VF) value on teachers' salaries between 1995 and 2018. It was considered the value on salaries based on a 40-hour workweek, including for the period between 1998 and 2009 when there were only work hours of 30 and 24 hours per week for teachers. In these cases, we took the value established for the 30-hour workweek, calculating, for comparison purposes, the value referent to 40-hour workweek. Finally, we considered the current positions in the education system: PEB I and PEB II, leaving aside the position of Teacher II in extinction in the system.

FIGURE 2

INITIAL AND FINAL TEACHERS' SALARIES FOR A 40-HOUR WORKWEEK FROM 1995 TO 2018 (IN REAIS, NOMINAL VALUE AND ADJUSTED BY INPC, REFERENCE MONTH: DECEMBER)

Legislation	Year	PEB I				PEB II			
		VI nominal	VI adjusted	VF nominal	VF adjusted	VI nominal	VI adjusted	VF nominal	VF adjusted
LC 795 18/07/1995	1995	222,00	1.010,50	376,30	1.589,12	269,84	1.139,54	457,39	1.931,56
LC 798 07/11/1995	1996	339,43	1.296,59	566,29	2.163,18	406,09	1.551,23	688,33	2.629,36
	1997	339,43	1.245,63	566,29	2.078,16	406,09	1.490,26	688,33	2.526,02
LC 836 30/12/1997	1998	813,33	2.907,96	988,60	3.534,61	1.016,67	3.634,97	1.235,76	4.418,30
	1999	813,33	2.690,41	988,60	3.270,19	1.016,67	3.363,04	1.235,76	4.087,77
	2000	813,33	2.550,86	988,60	3.100,56	1.016,67	3.188,60	1.235,76	3.875,73
	2001	813,33	2.335,20	988,60	2.838,42	1.016,67	2.919,02	1.235,76	3.548,06
LC 923 02/07/2002	2002	854,00	2.178,55	1.038,03	2.648,01	1.067,49	2.723,16	1.297,55	3.310,05
	2003	854,00	1.932,10	1.038,03	2.348,46	1.067,49	2.415,11	1.297,55	2.935,60
LC 958 13/09/2004	2004	968,25	2.070,57	1.176,91	2.516,78	1.120,87	2.396,94	1.362,41	2.913,46
LC 975 06/10/2005	2005	1.113,49	2.256,41	1.353,45	2.742,67	1.289,00	2.612,07	1.566,79	3.174,99
	2006	1.113,49	2.199,47	1.353,45	2.673,46	1.289,00	2.546,15	1.566,79	3.094,87
LC 1.018 15/10/2007	2007	1.166,83	2.199,45	1.418,28	2.673,43	1.350,73	2.546,10	1.641,83	3.094,82
LC 1.053 04/07/2008	2008	1.309,17	2.301,94	1.591,29	2.798,00	1.515,52	2.664,77	1.842,12	3.239,04
	2009	1.309,17	2.209,88	1.591,29	2.686,10	1.515,52	2.558,20	1.842,12	3.109,51
LC 1.107 23/04/2010	2010	1.368,75	2.177,95	3.327,44	5.294,60	1.584,49	2.521,23	3.851,91	6.129,13
LC 1.143 11/07/2011	2011	1.636,21	2.452,11	4.631,27	6.940,67	1.894,12	2.838,63	5.361,28	8.034,70
	2012	1.803,92	2.551,50	5.105,97	7.221,98	2.088,27	2.953,69	5.910,81	8.360,37
LC 1.204 01/07/2013	2013	1.950,40	2.612,80	5.520,57	7.395,47	2.257,84	3.024,65	6.390,77	8.561,21
	2014	2.086,92	2.629,15	5.907,01	7.441,80	2.415,88	3.043,59	6.838,13	8.614,85
	2015	2.086,92	2.369,30	5.907,01	6.706,29	2.415,88	2.742,78	6.838,13	7.763,41
	2016	2.086,92	2.206,28	5.907,01	6.244,87	2.415,88	2.554,06	6.838,13	7.229,25
LC 1317 21/03/2018	2017	2.086,92	2.164,20	5.907,01	6.125,74	2.415,88	2.505,34	6.838,13	7.091,34
	2018	2.233,02	2.233,02	6.320,52	6.320,52	2.585,01	2.585,01	7.316,80	7.316,80

Source: Elaborated by the authors, based on the legislation listed (SÃO PAULO, 1995a, 1995b, 1997, 2002, 2004, 2005, 2007, 2008a, 2010, 2011, 2013, 2018).

*Complementary Law.

A superficial reading that took into account only the values of VI and VF, disregarding changes occurred in relation to the constitution of salaries, such as the incorporation of gratuities and the dispersion in career levels/classifications, may lead to the mistaken conclusion that the teaching career in the São Paulo state school system has become more attractive over the years. In the case of PEB I, for example, the salary at the end of the career, in 1995, was 169% higher than the salary at the beginning of the career, while in 2018, the final salary was 283% higher than the initial salary. This would denote, in principle, that the professional who remained in the career would be better rewarded in 2018 than the professional who reached the end of the career in 1996. The difference between VI and VF became greater in the time interval between 2008 and 2011 due to the changes promoted by Complementary Laws n. 1,097 (SÃO PAULO, 2009b) and n. 1,143 (SÃO PAULO, 2011), which created other career classifications and levels. However, as already pointed out, the way in which career progression was established hindered functional evolution, and, thus, most active teachers remain in the early stages of their careers, therefore, receiving the lowest salaries.

As for salaries, a brief look that disregards specificities and education requirements for teaching, can lead to the impression that the salaries of teachers from São Paulo are satisfactory in relation to the average of Brazilian workers. However, if considering the higher education requirement and the established by national legislation, the salaries of the São Paulo state teachers are low. In 2008, Law n. 11,738 was approved, which created the National Professional Base Salary (Piso Salarial Profissional Nacional – PSPN), since then the base salary has been adjusted annually, and the salaries of the teachers from São Paulo have not been adjusted in the same proportion.

In the period between 2009 and 2018, PSPN increased 158%, while the initial salary of PEB I teacher in São Paulo increased 71%. As a result, in 2009, the first year of the base salary law, the value of PEB I teacher's salary working 40 hours per week in São Paulo was 37.8% higher than the nationally established salary. In 2018, the PEB I teacher's salary was 9% below that established by this law. In other words, although São Paulo is the richest state in the federation, it is not complying with the base salary law regarding the salaries of the teacher who works in the early years of elementary school.

The objective precariousness, in this case expressed by one of its aspects, which is remuneration, can be seen from the salary reduction of the São Paulo state teachers. This situation became even more serious when it was observed that São Paulo was also one of the states with the highest cost of living in the country. In this sense, it is interesting to compare the value of the teachers' initial salaries (since, as we have seen, most teachers are in the early stages of their careers) with the minimum wage necessary calculated by the Inter-Union Department of Statistics and Economic Studies (Departamento Intersindical de Estatísticas e Estudos Econômicos – Dieese). At the beginning of the period considered in this study, January 1995, the minimum wage was R\$ 723,82, and the initial teacher's salary in the early years of elementary school in the state was R\$ 222,00, therefore 69% lower than what Dieese established as the minimum necessary. In December 2018, the minimum wage required was R \$ 3,960.57, while the basic salary of the PEB I teacher was R\$ 2,233.02, or 43.6% lower than what was considered necessary. Therefore, since the minimum wage necessary reflects the consumption power of a worker with a 44-hour workweek, there was a decrease in the purchasing power of teachers in São Paulo during this period.

PNE 2014, in the goal 17, foresees “Valorizing professionals of the public basic education systems in order to match their average income to that of other professionals with equivalent schooling, by the end of the sixth year of validity of this PNE”¹¹ (BRASIL, 2014, own translation). According to *Relatório do 2º ciclo de monitoramento das Metas do Plano Nacional de Educação – 2018*, published by Instituto Nacional de Estudos e Pesquisas Educacionais “Anísio Teixeira” – Inep (BRASIL, 2018), the average salary of non-teachers in Brazil in 2017 (last year considered in the document) was R\$ 4,678.26, and the average salary of non-teachers in the state of São Paulo in the same year was R\$ 4,937.49, while the initial salary of PEB II teachers (from whom higher education is required) was R\$ 2,415.88, showing how far the state of São Paulo is from meeting goal 17 of the PNE. A study by Jacomini, Alves and Camargo (2016), based on data from the National Household Sample Survey (Pesquisa Nacional por Amostra de Domicílios – Pnad) of 2013, had already indicated that the average income of teachers was below the average for professionals with the same level of schooling.

The effects of the low teacher's remuneration was the object of a study developed by Barbosa (2011), which indicated that low salaries affect the attractiveness of teaching career, besides causing abandonment of teaching, teacher pauperization, feeling of dissatisfaction with the work and extension of working hours, which, in turn, contributes to the increase of turnover and itinerancy of teachers in schools, in addition to leading to the emergence of health problems, the increase in absenteeism, the compromise of time allocated to extra-class activities and difficulties for investment in professional improvement.

¹¹ In the original: “Valorizar os(as) profissionais do magistério das redes públicas de educação básica de forma a equiparar seu rendimento médio ao dos(as) demais profissionais com escolaridade equivalente, até o final do sexto ano de vigência deste PNE”.

Barbosa and Fernandes (2016), when analyzing the relationship between teacher's salaries and the base salary law, also emphasized that the wage gap observed in the state of São Paulo contributed to the devaluation of these professionals, reducing the attractiveness of teaching and contributing to the abandonment of teaching. In this sense, it is worth emphasizing that in the last four years of the period considered in this study, there was a reduction of more than 60 thousand teachers, about 25% of the total number in the education system.

The study carried out by Pagani (2019) on teaching resignation¹² in the São Paulo state school system also pointed out that the precariousness of objective work conditions has led to the expansion of temporary leave that precedes the definitive leave from the system. It should also be noted that the investigation indicated that the subjects abandoned the state education system, but not the teaching career, seeking better working conditions in other education systems.

Considering the numbers of resignation referring to permanent teachers, we will see that these numbers are also significant and have remained reasonably constant in recent years.

TABLE 3
NUMBER OF PERMANENT TEACHERS RESIGNATION PER YEAR FROM 1997 TO 2018¹³

Year	Resignations
1997	548
1998	521
1999	423
2000	1.999
2001	1.072
2002	1.090
2003	862
2004	934
2005	2.300
2006	2.249
2007	1.962
2008	4.100
2009	3.082
2010	2.615
2011	2.078
2012	2.969
2013	2.788
2014	3.111
2015	2.840
2016	2.610
2017	2.659
2018	2.461
TOTAL	44.677

Source: Elaborated by the authors, based on data from the SEE-SP via SIC (Protocol SIC-SP n. 579761916084).

¹² The resignation corresponds to the voluntary leaving of the public servant when he/she does not wish to continue exercising the activities related to the position or public function.

¹³ In response to our request (Protocol SIC-SP n. 579761916084), SEE-SP stated that it does not have data on resignations for 1995 and 1996.

The frequent resignations mean that the public education system in São Paulo has a large number of beginning teachers. Table 4 below shows the number of teachers per five-year career in the state's teaching profession in the last year of the period considered in this study. The distribution of teachers per five-year period is quite uneven, but there is a greater concentration at the beginning of teaching career: 32% of teachers active in the system in November 2018 had not completed any five years, that is, they had less than five uninterrupted years of teaching in the state public education system.

TABLE 4
DISTRIBUTION OF TEACHERS PER FIVE-YEAR PERIOD (NOVEMBER 2018)

Five-year period	Teachers	%
0	61.806	32,46%
1	22.499	11,82%
2	33.797	17,75%
3	24.182	12,70%
4	25.747	13,52%
5	18.219	9,57%
6	3.707	1,95%
7	347	0,18%
8	92	0,05%
9	15	0,01%
Total	190.411	100,00%

Source: Elaborated by the authors, based on data from the SEE-SP via SIC (Protocol SIC-SP n. 444191922700).

In this scenario of precarious salaries, which frequently leads to the abandonment of teaching, since 2001 the state of São Paulo has adopted a performance-based payment system called Merit Bonus. Created by Complementary Law n. 909 (SÃO PAULO, 2001), the bonus consists of an amount paid to the teaching staff once a year, being calculated according to the performance of students in the School Performance Evaluation System of the State of São Paulo (Sistema de Avaliação do Rendimento Escolar do Estado de São Paulo – Saresp), the data of approval, disapproval and evasion of the school and, also, based on the attendance of the server. With the approval of Complementary Law n. 1,078 (SÃO PAULO, 2008b), the Merit Bonus was reformulated and became linked to the São Paulo State Education Development Index (Índice de Desenvolvimento da Educação do Estado de São Paulo – Idesp) and to the goals established by State Department of Education for each school in the system.

Despite its continuity over the last 17 years, there are studies that point to the centrality of the bonus in the daily actions of schools and to the modest or null effect of this policy to improve the quality of education in the education system (CUNHA; BARBOSA; FERNANDES, 2015; BARBOSA; FERNANDES, 2013). The Merit Bonus is not incorporated into teachers' salaries; however, in a scenario of precarious work, it ends up having a strong appeal in schools, mainly due to low salaries, but also due to restrictions imposed by a predominantly meritocratic policy – disrespect for didactic-pedagogical autonomy, non-democratic management, among other aspects that cause professional dissatisfaction.

In addition, since 2012, first Public Management Department (Secretaria de Gestão Pública), and then Planning and Management Department (Secretaria de Planejamento e Gestão) has issued technical notes by the Results Bonus Support Service or by the Technical Group of Indicators and Evaluation of Public Policies with suggestions for improving the performance payment system. Through the analysis of these notes, it is possible to highlight recurrent criticism regarding this system, and, recently, the questioning of the effectiveness of this policy for improving student's performance, once (and studies also indicate this) it has not led to valorization of teaching work, but rather to recurrent forms of intervention in the didactic-pedagogical autonomy of schools and in the satisfaction of teachers in the face of professional commitment.

TEACHING WORKING HOURS

Another important aspect when analyzing policies of alleged teacher valorization was to verify if during the study period there was the establishment of working hours appropriate to the specificity of the profession, both in terms of duration (number of hours per week) and composition (percentage intended for activities interaction with students and the one reserved for teaching support activities). The nature and specificity of the teaching work refer to a complex professional activity and they are not limited to the space and time of classroom activities. Even with working hours that would allow satisfactory dedication to teaching activities, it would still be difficult to define it, as it goes beyond the limits of the school, according to studies by Jacomini, Gil and Castro (2018, 2019).

It is also necessary to highlight that, in the state public system, there is a distinction between “working hours” and “workload”. The working hours, fixed by law, concern only the permanent teachers, who can choose one of the working hours configurations in force in the system. Non-permanent teachers cannot opt for working hours and are paid according to the workload performed in a certain period of the year. In 2018, non-permanent teachers were guaranteed a workload of at least 24 hours per week. This caveat is important, because, as the period considered in this study is extensive, its analysis will be based on the legislation that established the different configurations of the teaching working hours, which means that, regarding the working hours, we will deal almost exclusively with permanent teachers.¹⁴

The Statute of the São Paulo State Magisterium (SÃO PAULO, 1985) established three different teaching working hours: the Full Time with 40 hours per week, the Full Time with 30 hours per week and the Part Time with 20 hours per week. Although the Statute established a percentage of 20% to 33% of the time for the activities aimed at supporting teaching, in practice the percentage was closer to 20% than 33%. The three working hours possibilities were in force until Complementary Law n. 836 (SÃO PAULO, 1997) was approved. This law reduced working hours to two possibilities, one of 30 hours per week, consisting of 25 hours in activities with students and five hours of pedagogical work (two hours at school in collective activities and three hours in a place of free choice) and one of 24 hours per week, consisting of 20 hours in activities with students and four hours of pedagogical work (two hours in collective activities at school and two hours in a place of free choice).

It was also established that “The working hour will last 60 (sixty) minutes, of which 50 (fifty) minutes will be dedicated to the task of teaching classes”¹⁵ (SÃO PAULO, 1997, own translation). In addition, it was defined that the teacher would have “at least 15 (fifteen) consecutive minutes of rest, per teaching period”¹⁶ (SÃO PAULO, 1997, own translation). The 1997 Career Plan did not advance in the perspective of increasing the number of hours devoted to teaching support activities; on the contrary, it fixed percentages below 20%, leading to a worse situation than that experienced previously.

Regarding the length of the working hours, Resolution n. 2 of Basic Education Chamber of the National Education Council (Câmara de Educação Básica do Conselho Nacional de Educação) (BRASIL, 2009) proposes that the teaching working hours has to be full time, with a maximum duration of 40 hours, and recommends the extension of hours for extra-class work. The resolution aimed to establish the national guidelines for the Career and Compensation Plans for Public School

¹⁴ SEE was asked (SIC-SP Protocol n. 550281911304) to provide data on the workload of non-permanent teachers and, once again, SEE declared that it did not have the data.

¹⁵ In the original: “A hora de trabalho terá a duração de 60 (sessenta) minutos, dentre os quais 50 (cinquenta) minutos serão dedicados à tarefa de ministrar aula”.

¹⁶ In the original: “no mínimo, 15 (quinze) minutos consecutivos de descanso, por período letivo”.

Teachers, in accordance with Law n. 11,738, which instituted the PSPN and established that at least one third of the teaching working hours should be allocated to extra-class work (BRASIL, 2008). However, this law was the target of a Direct Action of Unconstitutionality (Ação Direta de Inconstitucionalidade – ADIN), and it was only considered constitutional by the Federal Supreme Court (Supremo Tribunal Federal – STF) in April 2011, which demanded the need to adjust the working hours in the São Paulo education system, done only in 2012.

In 2009, through Complementary Law n. 1,094 (SÃO PAULO, 2009a), there was a change in the Law of the 1997 Career Plan, aiming at adapting it to the national legislation, and two more working hours were created: the Full Time with 40 hours per week and the Reduced Time with 12 hours per week. Decree n. 55,078 (SÃO PAULO, 2009a) dealt with the working hours of the Teaching Staff, establishing the four working hours possibilities (presented in hours per week) that exist until the present days in the state education system: Full Time (40 hours), Basic Time (30 hours), Initial Time (24 hours) and Reduced Time (12 hours).

It is worth mentioning that, at the time, although Resolution n. 2 of the National Education Council (Conselho Nacional de Educação) (BRASIL, 2009) and Law n. 11,738 (BRASIL, 2008) were already in effect, both dealing with the length and composition of the working hours, the changes made did not respect the minimum composition presented in the PSPN law, which established one third for teaching support activities.

The changes made in São Paulo by Complementary Law n. 1,094 with regard to the length of the working hours also did not bring advances in relation to what was proposed in Resolution n. 2 of CNE/CEB, once new working hours compositions were created, but the time spent by the teacher in the classroom was not reduced, with possibilities to extend the time for preparation, planning and study. The 12-hour workday, for example, given the low remuneration of teachers and the reduced weekly working time to be allocated to the state education system, suggests that teachers with reduced working hours should work in another education system, or even in a job other than teaching, a situation that may favor the little involvement of teachers with the school's project and the expansion of itinerancy.

In 2011, given the decision of the Supreme Court that considered the PSPN law constitutional, the pressure of the teaching staff to comply with this law regarding the composition of the working hours, and the determination of justice so that Collective Security Mandate n. 0044040-25.2011.8.28.0053, impetrated by the Union of the Official Education Teachers of the State of São Paulo (Sindicato dos Professores do Ensino Oficial do Estado de São Paulo – Apeoesp), would be obeyed, the São Paulo government published Resolution n. 8 (SÃO PAULO, 2012), with a new composition of the working hours, stating that it was fulfilling the requirement of one third for activities to support teaching.

The fulfillment of the working hours in 60 minutes, and no longer in 50-minute class, occurred at a time when teachers envisioned a more balanced working day between effective hours of interaction with students in the classroom and the hours for teaching support activities, in order to comply with the PSPN law. Resolution n. 8/2012 frustrated the category's desire, since there was no favorable change to the composition of the working hours in a way more appropriate to the nature and specificity of the teaching work. The expectation of teachers with the PSPN law was that, for a 40-hour class day, in which 33 classes of 50 minutes were spent in the classroom, this time would be reduced to 27 hours, leaving 13 hours (one third of 40) for teaching support activities. Analysis carried out by Fernandes and Barbosa (2014) corroborates the assessment that this change was a “maneuver” adopted by the government to adapt to national legislation without making substantial changes in the composition of the teaching working hours, as can be seen in Table 5 below.

TABLE 5
COMPOSITION OF THE TEACHING WORKING HOURS IN THE STATE SYSTEM, BEFORE AND AFTER
RESOLUTION N. 8 (SÃO PAULO, 2012)

Previous working hours for 40-hour week					
	Hours	Minutes	Classes (50 min)	%	
Total	40,0	2.400	48	100	
Classroom	27,5	1.650	33	68,7	
Extra-class	12,5	750	15	31,3	
Previous working hours for 40-hour week (day period)					
	Hours	Minutes	Classes (50 min)	%	
Total	40,0	2.400	48	100	1/1
Classroom	26,6	1.600	32	66,6	2/3
Extra-class	13,3	800	16	33,3	1/3

Source: Fernandes and Barbosa (2014), based on data from <http://www.educacao.sp.gov.br/noticias/secretaria-daeducacao-institui-jornada-de-trabalho-de-dois-tercos-em-sala-de-aulapara-professores-2>. Access on: Jun. 21, 2014.

Thus, unlike the traditional organization of the state public system, of 40 classes of 50 minutes, Resolution n. 8 (SÃO PAULO, 2012) rescued the provisions of the 1997 Career Plan, to affirm that the workload would be calculated in hours. This subterfuge has brought about considerable practical changes, since the full 40-hour workday, for example, would be equivalent to 48 classes of 50 minutes. Disregarding the importance of a reduced workday and the pedagogical impacts of such a measure on the quality of teaching activity, SEE-SP chose to adapt to the law based on financial issues, avoiding new hiring that the adequate compliance with the legislation would entail.

Analyzing the legislation published from 1995 to 2018, we observe the following changes in the composition of the teaching working hours in the São Paulo education system:

FIGURE 3
CHANGES IN THE COMPOSITION OF THE TEACHING WORKING HOURS 1995 TO 2018

Period	Legislation	Working hours	Total of hours	Working hours composition	
1995 to 1997	Complementary Law n. 444/1985 e Decree n. 24,632/1986	Full time	40	32h activities with students	
				8h pedagogical work	
		Full time	30	24h activities with students	
				6h pedagogical work	
		Part time	20	16h activities with students	
				4h pedagogical work	
1998 to 2009	Complementary Law n. 835/1997 e Decree n. 42,965/1998	Basic time	30	25h activities with students	
				5h pedagogical work	2h at school
					3h place of free choice
		Initial time	24	20h activities with students	
				4h pedagogical work	2h at school
					2h place of free choice
2010 to 2011	Complementary Law n. 1,094/09 e Decree n. 55,078/09	Full time	40	33h activities with students	
				7h pedagogical work	3h at school
					4h place of free choice
		Basic time	30	25h activities with students	
				5h pedagogical work	2h at school
					3h place of free choice
		Initial time	24	20h activities with students	
				4h pedagogical work	2h at school
					2h place of free choice
		Reduced time	12	10h activities with students	
				2h pedagogical work at school	
		2012 to 2018	Complementary Law n. 1,094/09, Decree n. 55,078/09 e Resolution SE n. 8/2012	Full time	40h or 48 classes of 50 minutes
16 classes (50 minutes) pedagogical work	3 classes (50 minutes) at school				
	13 classes (50 minutes) place of free choice				
Basic time	30h or 36 classes of 50 minutes			24 classes (50 minutes) activities with students	
				12 classes (50 minutes) pedagogical work	2 classes (50 minutes) at school
					10 classes (50 minutes) place of free choice
Initial time	24h or 28 classes of 50 minutes			19 classes (50 minutes) activities with students	
				9 classes (50 minutes) pedagogical work	2 classes (50 minutes) at school
					7 classes (50 minutes) place of free choice
Reduced time	12h or 14 classes of 50 minutes			9 classes (50 minutes) activities with students	
				5 classes (50 minutes) pedagogical work	2 classes (50 minutes) at school
					3 classes (50 minutes) place of free choice

Source: Elaborated by the authors, based on the legislation listed (SÃO PAULO, 1985, 1986, 1997, 1998, 2009a, 2009b, 2012).

Another data to be considered in relation to the teaching working hours is the possibility of accumulating positions in the state education system or in other public education systems, or even of working concurrently in the private system. According to Complementary Law n. 836 (SÃO PAULO, 1997) it is possible to accumulate two teaching positions, or one teaching support position (direction or supervision) with one teaching position in the state education system, as long as the workload does not exceed 64 hours per week. In a 40-hour workday there is already a great deal of fatigue on the part of the teacher due to the demands arising from the specificity of the work, including from an emotional point of view. Thus, when considering the possibility of teachers working for up to 64 hours, at the limit, the State recognized the precariousness of the work, and besides not improving the objective conditions, it increased the physical and mental exhaustion.

SEE was also requested, via SIC, the data of accumulation of teaching positions. The department only provided such data for the period from 2014 to 2018, claiming that it did not have a historical series to provide information on all the years involved in the study, in addition to stating that there was no way to guarantee that all teachers with accumulation are included in this data, since the teacher can indicate the accumulation in the other system in which he/she works. In addition to the expected accumulation between different public systems, there is the situation of teachers who work in private systems for which there is no legal requirement for communication and approval for the accumulation of positions. The data obtained shows that the number of teachers with accumulation of positions in the state system corresponded to 19,867 in 2014, and decreased until reaching 13,029 in 2018.

Although the number of permanent teachers with accumulation of positions in the system is decreasing, this is not a fact that can be neglected in the study of the teaching working hours, as it indicates a significant expansion in the number of hours actually worked by teachers in the public system which, in these cases, frequently exceeds the 44 hours per week provided for in the Federal Constitution of 1988. It can be seen that SEE-SP, even before the flexibilization of labor laws and making use of statutory loopholes, did not respect the maximum hours that should be worked by the teachers.

FINAL CONSIDERATIONS

When analyzing the working relations and conditions of teachers in the São Paulo state school system over an extensive period (1995 to 2018), it was observed that successive governments have not been complying with national legislation post-Constitution of 1988 and the approval of the National and State Education Plans regarding the teacher valorization. It was essential to unravel the legislation and analyze it based on the specific literature of the area, the broad set of data obtained via SIC, which extrapolated those made public on the official pages of the State Department of Education. The organization, articulation and deepening of data analysis, still little known, was fundamental to establish an overview of teaching policies in the São Paulo state school system.

In spite of the specificities and gaps exposed in the text, it can be said that the period is characterized by a policy of teacher devaluation, which was expressed in the permanence of a large number of teachers hired on a precarious basis, in the criteria of career movement that do not favor teachers to reach the top and receive better remuneration, on the base salary below the national base salary (in the case of PEB I) since 2016, in the strict non-compliance with the composition of the working hours expressed in the PSPN law, among other aspects. In general, it was observed that teachers are working more, both in the classroom and outside it, with lower salaries and in more fragile conditions in view of the complex demands of their professional performance. Even the increase in the number of permanent teachers, which could represent an advance in the valorization of teachers, needs to be reframed, because, in the face of a scenario in which

salaries are low, workload is elevated, and rights are reduced, it may be financially viable to the Managerial and performative state to hire teachers through public examinations, considering that in recent times, they may be dismissed after the probationary period or due to the inability of the government to maintain the hiring.

In view of the above, it is evident that there was a change in the concept of teaching career compared to that presented in the Statute of the São Paulo State Magisterium of 1985, especially with regard to merit as a factor of functional progression. In addition, the requirements hinder this progression, which is evidenced by the fact that the majority of teachers are in the early career levels. Added to this is the fact that the initial salaries are very low, especially when compared to what is determined by the PSPN law and the minimum wage calculated by Dieese, and to the earnings of other professions for which higher education is required. All these conditions have contributed to the devaluation of teachers and made it difficult for them to remain in the public system, expressed in the increase in the number of resigned permanent teachers and, also, in the significant number of teachers with few five-year periods.

A teaching staff policy in line with the management principles introduced by the New Public Management is observed, which produces a process of competitiveness and individualism stimulated by meritocratic measures that do not contribute to a good professional exercise, especially in a work that is essentially collective, since the education of students results from the teaching activity of a group of teachers and may have better results when developed collectively and collaboratively (DALTON; McINTOSH; CHEVALIER, 2003).

In this context, it is worth emphasizing that the autonomy of the school and the teacher for the organization of pedagogical work is a fundamental element for the valorization of education professionals, together with the working conditions related to hiring, career progression, remuneration and working hours analyzed here.

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