

Overview of public policies for homebound pedagogical care in Brazil

Panorama das políticas públicas para o atendimento pedagógico domiciliar no Brasil

Panorama de las políticas públicas de atención pedagógica domiciliar en Brasil

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ABSTRACT

The main objective of this text is to outline an overview of public policies present in the legislation of the Brazilian states regarding Homebound Pedagogical Care. From the methodological point of view, the work is based on the qualitative research approach. To this end, we carried out an exploratory study, in the form of documentary research, using information available on the websites of the Education Departments of the Brazilian states, the State Education Councils and the Legislative Chambers. Electronic research was used in data collection, and the technique for analyzing the data was document analysis. As results, we found the normative documents related to APD: absence of normative documents referring to APD in Alagoas, Amazonas, Rondônia, Distrito Federal, Mato Grosso, Paraíba and Amapá; resolutions of the State Council of Education in the states of Maranhão, Ceará, Piauí, Sergipe, Rio Grande do Sul, Goiás, Pará, Acre, Minas Gerais, Tocantins and Roraima; resolutions of the Secretaries of Education in Paraná and São Paulo; Decree of the Governor in Pernambuco; Ordinance of the Secretary of Education in Bahia; mention in the Law referring to Special Education in Santa Catarina; laws referring to the provision of APD only in the states of Rio de Janeiro and Rio Grande do Norte. We conclude that there is an urgent need for a public educational policy in the context of APD,

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in all governmental levels, organized and systematized in State actions in a permanent way and not just a governmental plan.

Keywords: Education. Schooling Offer. Regulation of Home Pedagogical Assistance. Public policy.

RESUMO

O objetivo axial deste texto é traçar um panorama das políticas públicas presentes na legislação dos estados brasileiros referentes ao Atendimento Pedagógico Domiciliar. Do ponto de vista metodológico, o trabalho pauta-se na abordagem de pesquisa qualitativa. Para tal, realizamos um estudo exploratório, na forma de pesquisa documental, utilizando informações disponibilizadas nos *sites* das Secretarias de Educação dos estados brasileiros, dos Conselhos Estaduais de Educação e das Câmeras Legislativas. Na recolha de dados foi usada a pesquisa eletrônica e a técnica de análise dos dados foi a análise documental. Como resultados, encontramos os documentos normativos relacionadas ao APD: ausência de documentos normativos referentes ao APD em Alagoas, Amazonas, Rondônia, Distrito Federal, Mato Grosso, Paraíba e Amapá; resoluções do Conselho Estadual de Educação nos estados do Maranhão, Ceará, Piauí, Sergipe, Rio Grande do Sul, Goiás, Pará, Acre, Minas Gerais, Tocantins e Roraima; resoluções dos secretários de educação no Paraná e São Paulo; Decreto do Governador em Pernambuco; Portaria do secretário de Educação na Bahia; menção na Lei referente à Educação Especial em Santa Catarina; leis referentes à oferta do APD apenas nos estados do Rio de Janeiro e o Rio Grande do Norte. Concluímos que urge a necessidade de uma política pública educacional no contexto do APD, em todas as esferas governamentais, organizada e sistemática nas ações de Estado de forma permanente e não apenas um plano de governo.

Palavras-chave: Educação. Oferta de Escolarização. Regulamentação do Atendimento Pedagógico Domiciliar. Política pública.

RESUMEN

El objetivo principal de este texto es delinear las políticas públicas presentes en la legislación de los estados brasileños en relación con la Atención Domiciliar Pedagógica. Desde un punto de vista metodológico, el trabajo se basa en un enfoque de investigación cualitativo. Para ello, realizamos un estudio exploratorio, en forma de investigación documental, utilizando información disponible en los sitios web de los Ministerios de Educación de los estados brasileños, de los Consejos Estatales de Educación y de las Cámaras Legislativas. Se utilizó la investigación electrónica para la recopilación de datos y la técnica de análisis de datos fue el análisis de documentos. Como resultado, encontramos los documentos normativos relacionados con la AOD: ausencia de documentos normativos referentes a la AOD en Alagoas, Amazonas, Rondônia, Distrito Federal, Mato Grosso, Paraíba y Amapá; resoluciones del Consejo Estatal de Educación de los estados de Maranhão, Ceará, Piau, Sergipe, Rio Grande do Sul, Goiás, Pará, Acre, Minas Gerais, Tocantins, Roraima; resoluciones de los secretarios de educación de Paraná y São Paulo; Decreto del Gobernador de Pernambuco; Ordenanza de la Secretaría de Educación de Bahía; mención en la Ley referente a la Educación Especial en Santa Catarina; leyes relativas a la oferta de AOD sólo en los estados de Rio de Janeiro y Rio Grande do Norte. Concluimos que urge una política educativa pública en el contexto de la APD, en todos los ámbitos de gobierno,

organizada y sistematizada en acciones de Estado de manera permanente y no simplemente en un plan de gobierno.

Palabras clave: Educación. Oferta Escolar. Reglamento de Asistencia Pedagógica Domiciliaria. Política pública.

Introduction

This study is part of a doctoral research in which a mapping regarding the offer of Homebound Pedagogical Care (APD) in the Federal District (DF), Brazil, was done. In this article we intend to analyze public policies present in the legislation of the Brazilian states regarding the APD. The teaching modality is based on the understanding of the need for continuity in the schooling of individuals who cannot physically attend school due to their health condition.

The teaching modality should be offered, preferably, on a transitional basis, i.e., it ceases when the conditions are favorable, either by improving the health conditions of the subjects or when there are adjustments in the physical structure of the school to receive them. Thus, the teaching and learning actions to be carried out by the teacher are in dialogue with the Inclusive Education perspective, aiming not only to propose educational contexts at home, but also interactions with the school community.

Brazilian public educational policies aim to provide schooling for all. They are planned and voted on in laws, first at the national level. From there, the Legislative Chambers of the states and municipalities vote and adjust them, preparing regional laws to regulate the offer, orientation and access to schooling.

The Ministry of Education (MEC) is the federal agency responsible for organizing and guiding the education departments of all states and municipalities. But the challenge is to put into practice the intentionality of offering schooling to everyone, because laws, norms, and resolutions do not always reverberate into effect. An example of this is the lack of supply of the APD educational modality in Brazil.

Public policies, including educational policies, need to look beyond the laws. The complexity is based on the contexts and obstacles present in society itself. Thus, studies that encompass other dimensions are appropriate. According to Reis (2017, p. 52),

Public policies involve several actors and levels of decision, and for this reason should not be considered only as a result of normative definitions, laws, and rules restricted to the political/administrative field. They are made up of dynamic and complex processes of interactions between actors, ideas, practices, intentions, omissions, decisions, and resources involved that are not revealed in cast analysis

That said, it should be noted that the general objective of this article is to analyze public policies present in the legislation of the Brazilian states regarding APD. Given that public policies aimed at offering and providing access to this type of education

are complex, not only because of the target audience (bedridden or convalescent individuals), but also because of the need for dialogues and the construction of collective knowledge among different social actors belonging to the family, the school, health professionals, and social workers, among others.

All those involved in APD need to relate their actions and reflections aiming at school inclusion. Therefore, changes in the educational systems are required, whether they concern structural aspects such as laws and regulations, teacher training, and curricular.

Public Educational Policy

Public education policy is part of social public policies. The State's action should provide the means for citizens to appropriate the knowledge that has been built up. Decisions on the subject are also related to who, when, and for what should be learned and developed. At the same time, they aim to supply agendas or demands, be them internal or external, that impact and are affected by other sectors such as the productive sector, the world of work, health, among others.

For Santos (2016), educational public policies can be short or long term, depending on the way in which the agenda or demand is constituted. The former, as they are government policies, fit the plans of a particular ruler, thus being transitory. But the latter are State policies, being part of the educational structure on a permanent basis.

According to Bittencourt (2009), the educational public policies need to be based on State policies and not Government policies, constituting a solid plan independent of the changes in the government.

Public educational policy is presented as the right to education in Article 26 of the Universal Declaration of Human Rights: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory [...]" (UNU, 1948, n/p). There is also a provision for access to other goods and services, such as health, work, housing, and security, among others. Brazil is one of the signatory countries of this international document and, because of the commitment it signed, the country instituted as an educational policy in the 1988 Federal Constitution, schooling for all Brazilians. Its regulation, that is, the way it should happen, is in the Law of Directives and Bases of Education - LDB, Law No. 9.394, of December 20, 1996 (BRASIL, 1996).

Public educational policies, as well as the others, carry in their core a dimension, a purpose, an intentionality, aiming at the common good. In this sense, the LDB explains the dimensions or amplitude of formal education, clarifying that "education comprises the formative processes that take place in family life, in human coexistence, at work, in teaching and research institutions, in social movements and civil society organizations, and in cultural manifestations" (BRASIL, 1996, n/p).

Later, it points out the inspiration “[...] in the principles of freedom and the ideals of human solidarity” (BRASIL, 1996, n/p). It also clarifies the following purpose: “it aims at the full development of the student, his preparation for the exercise of citizenship and his qualification for work” (BRASIL, 1996, n/p). In the following 13 paragraphs, it explains the basic and guiding principles, the first of which relates to “equal conditions for access to and permanence in school” (BRASIL, 1996, n/p).

For Vigotsky (2018), development and learning are enabled in the experience, in the experience, in social life in various spaces. For the author, school and family are some of the institutions that can enable the appropriation of culture and place the subject included in his society. The intentionality of Brazilian education is interconnected to the productive and social life of everyone. Thus, regarding public educational policies, it is necessary to reflect on the theme, related to access, to improvements in the services offered, to the training of professionals, among others. For this, besides the laws, we have the construction of several other instruments, among which we can mention: the development of research on the theme, the international and local action plans, the declarations of intent, the norms, the guidelines and the opinions, among others.

PD public policy

The public educational policy for the APD is part of State actions related to the schooling of all, including subjects that are bedridden or convalescing and cannot physically attend school. In this way, providing access to this type of education is based on the search for equity, in the sense of making available a schooling in which Special Educational Needs (SEN) are attended to, from the perspective of Inclusive Education. To this end, “equity aims to contribute so that laws and rules become fairer in relation to the right of each one, making adaptations to real situations and considering criteria of justice and equality, valuing individuality” (MAITO, 2018, p. 85)

The public educational policy for APD is based on the right established in the Federal Constitution of 1988 and is regulated in the LDB, by advocating, in Law n°. 13.716, of December 24, 2018:

Art. 4-A. It is ensured educational care, during the period of hospitalization, to the student of basic education hospitalized for health treatment in a hospital or home regime for an extended period of time, as provided by the Public Power in regulation, in the sphere of its federative competence (BRASIL, 2018, n/p).

The right, supply and access to education are not effective in all settings in Brazil. Although they are part of the challenges to be met in the National Education Plan (PNE), approved on June 25, 2014, “[...] bring the prospects of advancement for Brazilian education, in the dimensions of universalization and expansion of access, quality and equity at all levels and stages of basic education and in the light of guidelines such as

overcoming inequalities [...]” (BRASIL, 2014, p. 23). This state policy, to be developed between 2014-2024, however, has been ignored by governments.

This is an action of the State in favor of an alignment of the effectiveness of public educational policies, present in the Federal Constitution of 1988, which advocates in Article 02 the “universalization of school attendance” (BRASIL, 1988; 2014). Regarding the fulfillment of the goals, the PNE 2014/2024 determines in Article 7 that: “It will be up to federal, state, municipal and Federal District managers to adopt the necessary governmental measures to achieve the goals set forth in this PNE” (BRASIL, 2014, p. 45).

Public policy for the provision of APD education is almost nonexistent in Brazil. This neglect involves various levels of government, Federal, State and Municipal, and agencies such as the Education and Health Secretariats. Moreover, “[...] these educational services are still unknown to most Brazilians, especially those who need to enjoy this right to education” (PAULA; ZAIAS; SILVA, 2015, p. 55).

The research by Paula, Zaira and Silva (2015) on the Federal level APD bills shows the fragility of the system. The mentioned work points out that public policies for access to schooling for bedridden subjects, state and municipal levels, are few in Brazil. Besides, they usually happen driven by the action and struggle of the organized society. About this context, the mentioned authors state:

We note that some states have sought to articulate politically to demand effective public policies and the right to education for all, which means a great advance in our country. However, some states considered economically expressive have vetoed the projects with flimsy arguments (PAULA; ZAIAS; SILVA, 2015, p. 66)

Fonseca (2018, p. 1), the first researcher in the area of Hospital Education in Brazil, states that “the right to education does not exclude the sick person. This is present in several legal documents, as well as has been made possible in several health treatment institutions and in the homes of this population in the Brazilian context [...]”.

The Brazilian State instituted the universalization of Education in the Brazilian Constitution of 1988. Thus, individuals who are bedridden or convalescing have the right to schooling guaranteed. However, access and effectiveness are built on a daily basis, as are other public policies. For example, in the National Guidelines for Special Education in Basic Education, Art. 13 of Resolution CNE/CEB n°. 2, of September 11, 2001, APD is present in:

§ 1º. The hospital classes and home care services must provide continuity to the development and learning process of students enrolled in Basic Education schools, contributing to their return and reintegration into the school group, and develop a flexible curriculum with children, youth, and adults not enrolled in the local educational system, facilitating their subsequent access to regular school.

Therefore, the effectiveness of APD as a public educational policy goes through social struggles towards the construction of a society project based on human rights and emancipation, being part of the actions towards life paths in which the ruptures caused by illness can be minimized.

The right to APD cannot be reduced to regulatory norms. The work for its realization should be accompanied by proposals that contemplate contexts of reflection and actions to meet SEN, breaking barriers present in the discourses of exclusion, segregation and integration. According to Carbonari (2007, p. 14), “it is not too much to remember that education is, at the same time, a human right and a historical, institutional, and subjective mediation for the realization of all human rights”.

There is a certain neglect in regulating and offering APD in Brazil. At the Federal level, Law Nº 13.716/2018, which amended the Law of Directives and Bases (LDB), delegated to the states and municipalities the implementation of this public policy, by stating that it should be “[...] as provided by the Public Authorities in regulation, in the sphere of its federative competence” (BRASIL, 2018, s/p). That is, it is up to each state and municipality to organize and offer the APD, but there are no specifics on aspects such as organization, teacher training.

Methodological Procedure

The present study was based on the qualitative and exploratory research approach, through documentary research, following LaFrance’s (1987) proposal.

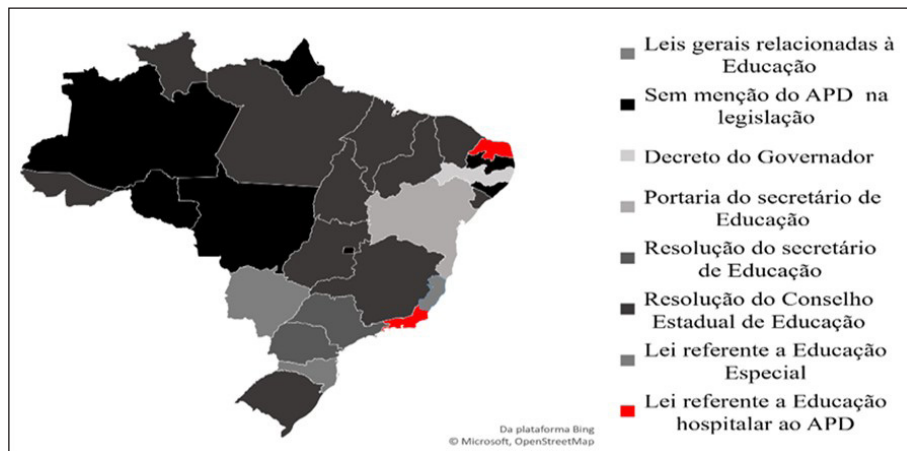
Contemplating specificities of this study, we propose: 1) regarding the choice of the phenomenon, to analyze public policies present in the legislation of the Brazilian states regarding the APD; 2) regarding the means of communication, we used the documents made available on the websites: of the Education Departments of the Brazilian states; of the State Education Councils and of the legislative Chambers; 3) we searched for data on the legislation of the Brazilian states related to APD; 4) as for the sampling strategy, we analyzed mainly the data present in the documents, among them, the information about APD; the organization of the APD offer and, the scope of the normatives; 5) we selected the text seeking to know which public policies regarding APD were adopted in the Brazilian states; 6) we organized the data in a map to represent the type of public policies regarding APD that were adopted in the Brazilian states and, finally, we performed the data analysis and discussion, seeking to find policies for APD implemented for the schooling of bedridden subjects who cannot physically attend school.

Results and Discussion

The Federation units have different legislations regarding Hospital Education, either in the Hospital Class (inside the hospitals) or in the APD (in the students’ homes). The

LBD points out the APD offer “as provided by the Public Authorities in regulation, in the sphere of its federative competence” (BRASIL, 1996). As we can see in Figure 1, the Brazilian states have adopted different public policies regarding the APD.

FIGURA 1 - OVERVIEW OF THE LEGISLATION REGARDING THE HOMEBOUND PEDAGOGICAL CARE (APD)



FONTE: Elaborada pelos autores com base na Plataforma Bing (2023).

In the states of Espírito Santo and Mato Grosso do Sul, the reference to APD is in general laws related to education, the teaching modality appears in the laws that regulate the entire education system of these units of the Federation. Thus, it only determines the offer of schooling to bedridden students who cannot physically attend school for health reasons.

In Mato Grosso do Sul, Law N° 2.787, of 24 December 2003, in Article 84, determines that specialized support services must be offered in order to attend the students' SEN, among them the APD, but states that it must happen “[...] in function of the students' specific, transitory or permanent conditions, when their integration in regular education classes is not possible” (MATO GROSSO DO SUL, 2003, p. 20). However, it does not point out details such as the organization, the training of teachers, the labor actions of APD teachers, as well as leaving undefined the body responsible for its regulation.

In Espírito Santo, Law N° 2.277 of 30 January 1967 states: “In special cases, the education of the exceptional may take place at home or in a hospital” (ESPÍRITO SANTO, 1967, p. 26). And, in Article 134, it addresses the offer of “education of the exceptional” (sic) and clarifies that, in special cases, it may take place at home, with the norms for the offer to be determined by the State Council of Education.

We analyzed the CEE/ES resolutions in search of any that would regulate APD in the unit of the Federation. Resolution CEE/ES N° 2.152, of January 7, 2010, provides for the Special Education system in the state and states, in Article 5, that “Specialized educational care in hospital or home environment will be offered to students by the respective school system, in a complementary or supplementary way, when their health conditions so require” (ESPÍRITO SANTO, 2010, p. 3).

The 2015/2025 State Education Plan (SEP) of Espírito Santo, goal 4 in item 4.1, proposes as an action to be developed “to ensure the care of public school students who need home and hospital care, providing for intersectoral policy between education, health, and social development” (ESPÍRITO SANTO, 2015, p. 11).

According to Furlei *et al.* (2021, p. 12), in Espírito Santo, APD is offered as a teaching modality of Special Education and, in this modality, “the AEE teacher does not attend only in the resource room. He can also attend the APD student [...]”. The authors point out the need for the strengthening of public policies and legal alternatives aimed at providing schooling. APD students are not only subjects with disabilities and Autistic Spectrum Disorder (ASD). By disregarding the offer of schooling to all who need it, the State Department of Education of Espírito Santo (SEDU/ES) shows that this State policy has stagnated.

In the other units of the Federation there are regulations referring to government policy (decrees and ordinances) and not state policy (laws), that is, the programmed actions are not long-term, they depend on the public policies implemented by the governors every four years, at the change of elections. For example, in Pernambuco there are no laws referring to APD, but a 2006 decree, Decree N° 29.914, of November 27, regulates the offer (PERNAMBUCO, 2006). However, the Pernambuco State Education Plan 2015-2025 (PEE/PE) makes no mention of the APD education modality (PERNAMBUCO, 2015). In the state of Bahia, Ordinance N° 7.569, dated September 6, 2018, regulates the offer. In the state of São Paulo, APD is offered by virtue of a resolution.

In Paraná, the SEED Resolution N° 2.527, May 25, 2007, a public government policy institutes the Service of Attendance to Hospital Schooling Network (SAREH). It is worth noting that the provision of APD in this unit of the Federation is organized and effective. Several sectors of society, among them research groups, have been contributing to think about actions in favor of providing schooling to bedridden people who cannot physically attend school. However, unfortunately, we observe the absence of the Legislative Branch acting in favor of the plea in this unit of the Federation, which does not have the guarantee of a State public policy in the form of law.

Souza and Meneses (2017) mention that in Paraná there are partnerships developed between education, health, and society. In this unit of the Federation, the SAREH network offers schooling in Hospital Classrooms and also the APD to bedridden and/or convalescent students with different pathologies. The authors go deeper into the discussion and point out that the APD offer in the state of Paraná is not only based on

the offer, but on a network of several professionals and institutions, which guarantees the right of students in APD situation.

In the states of Maranhão (Resolução Estadual nº 291, de 12 de dezembro de 2002), Ceará (*Resolução nº 456*, de 1 de julho de 2016), Piauí (Resolução CEE/PI nº 072/2003, de 1 de dezembro de 2003), Rio Grande do Sul (Resolução nº 230, de 16 de julho de 1997), Pará (Resolução nº 001, de 5 de janeiro de 2010), Acre (*Resolução CEE/AC nº 277*, de 1 de dezembro de 2017), Minas Gerais (Resolução CEE nº 460, de 12 de dezembro de 2013), Tocantins (Resolução nº 1, de 14 de janeiro de 2010), Roraima (Resolução nº 07.2009, de 14 de abril de 2009), Sergipe (Resolução nº 7, de 6 de novembro de 2014) e Goiás (Resolução CEE nº 07, de 15 de dezembro de 2006) it is the resolutions and deliberations of the State Education Councils (CEE) that define the public policies related to APD, generally for students with disabilities and not for everyone. In other words, the Legislative Councils of these states have not proposed public policies related to APD.

The decisions made by the CEE do not always reverberate into effective governmental actions, such as, for example, the fact that the CEE of Minas Gerais published, in 2013, Resolution Nº 460 (MINAS GERAIS, 2013), which provided in its guidelines the provision of APD. However, the document of the Secretary of State for Education of Minas Gerais (SEE/MG), SEE Resolution Nº 4.256, January 9, 2020, which establishes the Guidelines for the standardization and organization of Special Education in the state school system of Minas Gerais made no mention of the schooling of bedridden people (MINAS GERAIS, 2020).

On the other hand, in the state of Santa Catarina, APD is within the laws regarding Special Education, so there is no specific law for its offer. The mention of this teaching modality is in Law Nº 17.134, dated May 8, 2017, which intends to create the “Pedagogical Program” referring to the Special Education Policy, that is, it delimits as target audience the following students: people with disabilities, Autism Spectrum Disorder (ASD), and overgifted. Among the actions proposed for this public, the APD is offered if the students present a certificate, determining the impossibility of physically attending school, for a period equal to or longer than fifty days. It is worth mentioning that not all students in APD situation are people with disabilities, but among these subjects some fit these physical characteristics.

The law Nº 17.134/2017 covers only the target audience of Special Education, i.e., other students who may need APD are not covered. At the same time, it refrains from addressing aspects related to the organization, physical space, and agreements between the Education and Health Secretariats and other agencies, when necessary (SANTA CATARINA, 2017).

The Federal District (Lei nº 6.199, de 31 de julho de 2018) and the states of Mato Grosso (Lei nº 10.111, de 06 de junho de 2014) and Amapá (Lei nº 708, de 12 de julho de 2002) have instituted that the educational care for bedridden people happens only

during hospitalization, that is, only the Hospital Class is contemplated. In denying the APD, they disregard the existence of home hospitalization for their students, instituted in Law N° 10,424, of April 15, 2002 (BRASIL, 2002), which establishes the public policy of de-hospitalization. This health care model opens the possibility for convalescent patients to receive the care they need at home.

Santos (2020) makes a compilation of laws regarding education in the state of Paraíba entitled Paraíba Educational Legislation. In the document there is no reference to the APD education modality or to a public policy, nor are there any laws referring to the schooling of bedridden subjects. When we researched the theme on the websites of the Education Departments and Education Councils of the states of Alagoas, Amazonas, Rondônia, and Roraima, we did not find any mention of legislation related to the schooling of bedridden individuals.

The research of Lima and Prado (2020), on the APD and Hospital Class on the website of the government of Alagoas, found the absence of any mention of these teaching modalities. In this research, the authors denounce the negligence of the Public Power when they mention that:

[...] it is noticeable that hospital education does not appear in any of the official state websites. Such absence may be motivated by the non-existence of this type of care in hospitals in Alagoas or, if it exists, it is not disclosed by government agencies. The non-existence means the violation of a fundamental right of the child, which is the right to education (LIMA; PRADO, 2020, p. 11-12).

Only the states of Rio Grande do Norte and Rio de Janeiro have laws regarding the provision of schooling in both modalities. In the former, in 2018, Law N° 10.320, dated January 5, 2018, was enacted, establishing the Hospital and Home Educational Care Program. This regulation is available on the websites of the State Secretariat of Education, Culture, Sports, and Leisure of Rio Grande do Norte (SEEC/RN) and the Legislative Chamber of the State of Rio Grande do Norte (ALRN).

The latter, Rio de Janeiro, has two laws, Law N° 8.166, of November 22, 2018, which created the Hospital Pedagogical Program aimed at hospitalized children and adolescents, in the scope of the state of Rio de Janeiro and, three years later, Law N° 9.221, of March 23, 2021. Despite having two laws referring to the schooling of bedridden subjects on the website of the State Secretariat of Education of Rio de Janeiro (SEEDUC/RJ), there are no mention of APD, we found the referred legislations, only on the website of the Legislative Assembly of Rio de Janeiro (ALERJ).

We observed that, despite the laws referring to APD, the states of Rio Grande do Norte and Rio de Janeiro have different presences of the offer of this teaching modality in their respective websites of the Secretaries of Education, which certainly can cause different effectiveness of the offer of this State public policy. It is worth emphasizing the need for a more in-depth study of how these legislations are being applied in each of these units of the Federation.

Conclusion

When we analyze the public policies present in the legislation of the Brazilian states regarding Homebound Pedagogical Care (APD), we find a panorama that shows different realities, in most of them there is negligence, silencing and invisibilization of the students who need the APD offer.

The legislations in the 26 states of the Union and the Federal District point to the following configuration in the regulations related to APD: absence of normative documents referring to APD in the states of Alagoas, Amazonas, Rondônia, Mato Grosso, Paraíba, Amapá and the Federal District; resolutions of the CEE in the states of Maranhão, Ceará, Piauí, Sergipe, Rio Grande do Sul, Goiás, Pará, Acre, Minas Gerais, Tocantins and Roraima; resolutions of the Secretaries of Education in the states of Paraná and São Paulo; decree of the Governor in the state of Pernambuco; ordinance of the Secretary of Education in the state of Bahia; mention in the law referring to Special Education in the state of Santa Catarina; laws referring to the provision of APD only in the states of Rio de Janeiro and Rio Grande do Norte.

There is an urgent need, in relation to APD, for state actions carried out with public policies designed beyond governments, as happens in the units of the Federation in which this education modality has the force of law. However, if there is a lack of a public educational policy in the context of APD, it is not a matter of agenda or demand. After all, universal access to schooling has already been established.

We already have vast contributions regarding the elaboration and discussion of possible solutions, with successful actions. According to Silva and Passeggi (2020), for example, Rio Grande do Norte stands out in the Northeast Region as one of the few units of the Federation in which the APD happens in an organized way, with daily and synchronous actions between the Health and Education Secretariats and other social actors such as the university.

In all governmental levels, it is urgent the constitution of a public educational policy in the context of APD, organized and systematized in State actions in a permanent way and not just a government plan. Given the context of health care and life preservation, the formulation, implementation, execution, monitoring, and evaluation need to consider the contributions of various social sectors, such as education, health, social welfare, organized society, and the family.

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REFERENCES

ACRE. Conselho Estadual de Educação. *Resolução CEE/AC n° 277*, de 1 de dezembro de 2017. Altera no que couber a Resolução CEE/AC no 166/2013 que estabelece normas para a Educação Especial, no tocante ao atendimento de pessoa com deficiência ou altas habilidades nas Escolas de Educação Básica do Estado do Acre. Rio Branco, AC, dez. 2017. Available at: <https://drive.google.com/file/d/1GtQ-kbZfGNBBIO4cRTC0eVpiY63G0n4v/view>. Access on: 1 jan. 2021.

AMAPÁ. Ministério Público do Estado do Amapá. *Lei n° 708*, de 12 de julho de 2002. Cria, no âmbito do Estado do Amapá, o Programa “Educação no Hospital” e dá outras providências. Macapá, 2002. Available at: <https://www.mpap.mp.br/promotorias/civeis/1-civel?view=article&id=6718:lei-ap-708-2002&catid=16>. Access on: 1 jan. 2021.

BAHIA. Secretaria da Educação. *Portaria n° 7.569*, de 6 de setembro de 2018. Institui o Serviço de Atendimento à Rede em Ambiências Hospitalares e Domiciliares - SARAHO. Diário Oficial da Bahia (DOEBA), Salvador: BA, Ano CIII - N° 22.496, 7 set. 2018. Available at: <https://www.escavador.com/diarios/709207/DOEBA/executivo/2018-09-07?page=19>. Access on: 7 ago. 2020.

BITTENCOURT, Evaldo de Souza. *Políticas públicas para a educação básica no Brasil, descentralização e controle social: limites e perspectivas*. Dissertação (Mestrado em Políticas Públicas e Formação Humana) – Universidade do Estado do Rio de Janeiro (UERJ), Rio de Janeiro, RJ. 2009. Available at: http://www.ppfh.com.br/wp-content/uploads/2014/01/D_politicaspublicas.pdf. Access on: 28 dez. 2020.

BRASIL. *Constituição da República Federativa do Brasil*. Brasília, DF: Senado Federal, 1988.

BRASIL. Ministério da Educação. *Lei Federal n° 9.394*, de 20 de dezembro de 1996. Estabelece as diretrizes e bases da educação nacional. Brasília, DF: MEC, 1996. Available at: http://www.planalto.gov.br/CCIVIL_03/leis/L9394.htm. Access on: 7 ago. 2020.

BRASIL. Ministério da Educação. *Lei n° 10.424*, de 15 de abril de 2002. Acrescenta capítulo e artigo à Lei n° 8.080, de 19 de setembro de 1990, que dispõe sobre as condições para a promoção, proteção e recuperação da saúde, a organização e o funcionamento de serviços correspondentes e dá outras providências, regulamentando a assistência domiciliar no Sistema Único de Saúde. Brasília, DF: MEC, 2007. Available at: https://www.planalto.gov.br/ccivil_03/leis/2002/110424.htm. Access on: 28 dez. 2020.

BRASIL. Ministério da Educação. *Lei n° 13.716*, de 24 setembro de 2018. Altera a Lei n° 9.394, de 20 de dezembro de 1996 (Lei de Diretrizes e Bases da Educação Nacional), para assegurar atendimento educacional ao aluno da educação básica internado para tratamento de saúde em regime hospitalar ou domiciliar por tempo prolongado. Brasília, DF: MEC, 2018. Available at: http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2018/lei/L13716.htm. Access on: 28 dez. 2020.

BRASIL. Câmara dos Deputados. *Lei nº 13.005*, de 25 de junho de 2014, que aprova o Plano Nacional de Educação (PNE) e dá outras providências. Brasília, DF: Câmara dos Deputados, Edições Câmara, 2014. Available at: <http://www.proec.ufpr.br/download/extensao/2016/creditacao/PNE%202014-2024.pdf>. Access on: 28 dez. 2020.

BRASIL. Ministério da Educação. *Resolução CNE/CEB nº 2*, de 11 de setembro de 2001. Institui as Diretrizes Nacionais para a Educação Especial na Educação Básica. Secretaria de Educação Especial. Brasília, DF: MEC/SEESP, 2001. Available at: <http://portal.mec.gov.br/seesp/arquivos/pdf/diretrizes.pdf>. Access on: 28 dez. 2020.

CARBONARI, Paulo Cesar. Sujeito de direitos humanos: questões abertas em construção. In: SILVEIRA, Rosa Maria Godoy; DIAS, Adelaide Alves; FERREIRA, Lúcia de Fátima Guerra; FEITOSA, Maria Luíza Pereira de Alencar Mayer; ZENAIDE, Maria de Nazaré Tavares (orgs.). *Educação em Direitos Humanos: Fundamentos teórico-metodológicos*. João Pessoa, Editora Universitária, 2007. p. 120-129.

CEARÁ. Secretaria de Educação do Estado. *Resolução nº 456*, de 1 de julho de 2016. Fixa normas para a Educação Especial e para o Atendimento Educacional Especializado (AEE) dos alunos com deficiência, Transtornos Globais do Desenvolvimento (TGD), altas habilidades/superdotação, no âmbito do Sistema de Ensino do Estado do Ceará. Fortaleza, CE: Secretaria de Educação do Estado, 2016. Available at: <https://www.cee.ce.gov.br>. Access on: 31 dez. 2020.

DISTRITO FEDERAL. *Lei nº 6.199*, de 31 de julho de 2018. Altera a Lei nº 2.809, de 29 de outubro de 2001, que dispõe sobre a garantia do direito da criança e do adolescente ao atendimento pedagógico e escolar na atenção hospitalar no Distrito Federal. Brasília, DF: SEEDF, 2018. Available at: https://www.sinj.df.gov.br/sinj/Norma/803d3b6438954551bfb44b25bfa6fc7/Lei_6199.html. Access on: 31 dez. 2020.

ESPÍRITO SANTO. Secretaria do Estado da Educação. *Resolução CEE/ES nº 2.152*, de 7 de janeiro de 2010. Dispõe sobre a Educação Especial no Sistema Estadual de Ensino do Estado do Espírito Santo. Vitória, ES: CEE/SEES, 2010. Available at: <https://cee.es.gov.br/Media/cee/Importacao/Arquivos/resolucoes/res.2152.pdf>. Access on: 24 nov. 2021.

ESPÍRITO SANTO. *Lei nº 2.277*, de 30 de janeiro de 1967. Dos fins da Educação. Vitória, ES: SIJES, 1967. Available at: <https://www3.al.es.gov.br/Arquivo/Documents/legislacao/html/LO%20N%C2%BA%202277.html>. Access on: 24 nov. 2021.

ESPÍRITO SANTO. *Lei nº 10.382*, de 25 de junho de 2015. Aprova o Plano Estadual de Educação do Espírito Santo - PEE/ES, período 2015/2025. Vitória, ES: Secretaria de Educação do Estado do Espírito Santo, 2015. Available at: <https://leismunicipais.com.br/pdf/Lei-ordinaria-10382-2015-Espirito-santo-ES.pdf>. Access on: 24 nov. 2021.

FONSECA, Eneida Simões. Prefácio. In: MENESES, Cinthya Vernizi Adachi de; NASCIMENTO, Diviane Danieli; LOZZA, Sivia (orgs.). *Direito à Educação: hospitalar e domiciliar*. Maringá, PR: Ed. Publiher, 2018. p. 1.

FURLEY, Ana Karyne Loureiro *et al.* Classe Hospitalar e Atendimento Pedagógico Domiciliar: Espaços de práticas curriculares inclusivas. *Ensino em Perspectivas*, v. 2, n. 2, p. 1-21, 2021. Available at: <https://revistas.uece.br/index.php/ensinoem perspectiv as/article/view/4971>. Access on: 28 dez. 2020.

GOIÁS. *Resolução CEE n° 07*, de 15 de dezembro de 2006. Estabelece normas e parâmetros para a Educação Inclusiva E Educação Especial no Sistema Educativo de Goiás e dá outras providências. Goiânia, GO: CEE-GO, 2006. Available at: <http://www.sgc.goias.gov.br>. Access on: 1 jan. 2021.

LAFRANCE, Marianne. Dados de observação e de arquivo. In: SELTZ, Claire; JAHODA, Marie; DEUTSCH, Morton; COOK, Stuart W. (orgs.). *Métodos de pesquisa nas relações sociais*. Trad. Maria Martha Hubner de Oliveira. 2. ed. São Paulo: EPU, 1987. p. 33-56.

LIMA, Renata Souza; PRADO, Edna Cristina. Classes Hospitalares: entre a legislação e a efetivação das políticas de educação especial na Região Nordeste do Brasil. VI CONGRESSO NACIONAL DE EDUCAÇÃO – CONEDU, 2020. Available at: https://www.editorarealize.com.br/editora/anais/conedu/2019/TRABALHO_EV127_MD1_SA11_ID10648_12082019151216.pdf. Access on: 29 dez. 2020.

MAITO, Viviane Pereira. Equidade no atendimento educacional hospitalar e domiciliar. In: MENESES, Cinthya Vernizi Adachi de; NASCIMENTO, Diviane Danieli; LOZZA, Sivia (orgs.). *Direito à Educação: hospitalar e domiciliar*. Maringá, PR: Ed. Publicher, 2018. p. 42-62.

MARANHÃO. *Resolução n° 291*, de 12 de dezembro de 2002. Estabelece normas para a Educação Especial na Educação Básica no Sistema de Ensino do Estado do Maranhão e dá outras providências. São Luís, MA: CEE/MA, 2002. Available at: <http://stc.ma.gov.br/legisla-documento/?id=1370>. Access on: 31 dez. 2020.

MATO GROSSO. *Lei n° 10.111*, de 6 de junho de 2014. Dispõe sobre a revisão e alteração do Plano Estadual de Educação, instituído pela Lei n° 8.806, de 10 de janeiro de 2008. Diário Oficial do Estado do Mato Grosso, n° 26307, 2014. Available at: <https://leismunicipais.com.br/pdf/Lei-ordinaria-10111-2014-Mato-grosso-MT.pdf>. Access on: 31 dez. 2020.

MATO GROSSO DO SUL. *Lei n° 2.787*, de 24 de dezembro de 2003. Dispõe sobre o Sistema Estadual de Ensino de Mato Grosso do Sul e dá outras providências. Diário Oficial do Estado do Mato Grosso do Sul, Campo Grande, MS, ano 25, n. 6153, p. 1, 29 dez. 2003. Available at: <https://leismunicipais.com.br>. Access on: 31 dez. 2020.

MINAS GERAIS. *Resolução CEE n° 460*, de 12 de dezembro de 2013. Consolida normas sobre a Educação Especial na Educação Básica, no Sistema Estadual de Ensino de Minas Gerais, e dá outras providências. Belo Horizonte, MG: CEE/MG, 2013. Available at: <http://files.cursosociacaodeescolas.webnode>. Access on: 2 jan. 2021.

MINAS GERAIS. *Resolução SEE n° 4.256*, 9 de janeiro de 2020. Institui as Diretrizes para normatização e organização da Educação Especial na rede estadual de Ensino de Minas Gerais. Belo Horizonte, MG: SEE/MG, 2020. Available at: <https://lappecf.fae.ufmg.br/resolucao-see-no-4-256-2020-de-9-de-janeiro-de-2020/>. Access on: 1 jan. 2021.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS (ONU). *Declaração Universal dos Direitos Humanos*. Adotada e proclamada pela resolução 217 A (III) da Assembleia Geral das Nações Unidas em 10 de dezembro de 1948. Available at: <https://www.unicef.org/brazil/declaracao-universal-dos-direitos-humanos>. Access on: 8 mai. 2023.

PARÁ. *Resolução nº 001*, de 5 de janeiro de 2010. Dispõe sobre a regulamentação e a consolidação das normas estaduais e nacionais aplicáveis à Educação Básica no Sistema Estadual de Ensino do Pará. Belém, PA: CEE/PA, 2010. Available at: <http://www.cee.pa.gov.br>. Access on: 1 jan. 2021.

PARANÁ. *Resolução SEED nº 2527*, 25 de maio de 2007. Institui o Serviço de Atendimento à Rede de Escolarização Hospitalar - SAREH, no Estado do Paraná. Curitiba, PR: SEED/PR, 2007. Available at: https://educacao.mppr.mp.br/arquivos/File/informativos/2016/resolucao_secretarial_n_2527_2007_seed_pr.pdf. Access on: 2 jan. 2021.

PAULA, Ercília Maria Angeli Teixeira de; ZAIAS, Elismara; SILVA, Celeste Ramos. Políticas públicas em defesa do direito à educação: análise dos projetos de lei para expansão das classes hospitalares e atendimentos pedagógicos domiciliares no Brasil. *Revista Educação e Políticas em Debate*, v. 4, n. 1, 2015. Available at: <https://seer.ufu.br/index.php/revistaeducaopoliticas/article/view/31312/17044>. Access on: 31 dez. 2020.

PERNAMBUCO. Secretaria de Educação, Cultura e Esportes. Decreto nº 29.914, de 27 de novembro de 2006. Cria os serviços de Educação Especial que indica, no âmbito da Secretaria de Educação, Cultura e Esportes, e dá outras providências. *Diário Oficial do Estado de Pernambuco*, nº 222, Recife, PE, de 28 nov. 2006. Available at: <http://webdisk.diariooficial.rn.gov.br/Jornal/12019-02-27.pdf>. Access on: 31 dez. 2020.

PERNAMBUCO. *Lei nº 15.533*, de 23 de junho de 2015. Aprova o Plano Estadual de Educação de Pernambuco-PEE. Recife, PE: SECE/PE, 2015. Available at: <https://cpisp.org.br/lei-no-15-533-de-23-de-outubro-de-2015/>. Access on: 31 dez. 2020.

PIAUÍ, Conselho Estadual de Educação. *Resolução CEE/PI nº 072*, de 1 de dezembro de 2003. Fixa normas para a Educação Especial no Sistema de Ensino do Estado do Piauí e revoga a Resolução CEE/PI nº 003/2000. Teresina, PI: CEE/PI, 2003. Available at: <http://www.ceeipi.pro.br>. Access on: 2 jan. 2020.

REIS, Livia Cristina Ribeiro. Agentes de implementação: uma maneira de analisar políticas públicas na educação brasileira. In: GODOY, Miriam Adalgisa Bedim; POLON, Sandra Aparecida Machado (orgs.). *Políticas públicas na educação brasileira*. Ponta Grossa, PR: Atena Editora, 2017. p. 49-63.

RIO DE JANEIRO. *Lei nº 8.166*, de 22 de novembro de 2018. Cria o Programa de Pedagogia Hospitalar destinado às crianças e adolescentes hospitalizados, no âmbito do Estado do Rio de Janeiro. Rio de Janeiro: SEE/RJ, 2018. Available at: <https://leiestaduais.com.br/rj/lei-ordinaria-n-8166-2018-rio-de-janeiro-cria-o-programa-pedagogico-hospitalar-destinado-as-criancas-e-adolescentes-hospitalizados-no-ambito-do-estado-do-rio-de-janeiro>. Access on: 2 jan. 2021.

RIO DE JANEIRO. *Lei nº 9.221*, 23 março 2021. Altera a lei estadual nº 8.166, de 22 de novembro de 2018, que “cria o Programa Pedagógico Hospitalar destinado às crianças e adolescentes hospitalizados”, no âmbito do Estado do Rio de Janeiro. Available at: <https://gov-rj.jusbrasil.com.br/legislacao/1184137561/lei-9221-23-marco-2021-rio-de-janeiro-rj>. Access on: 2 jan. 2021.

RIO GRANDE DO NORTE. *Lei nº 10.320*, de 5 de janeiro de 2018. Dispõe sobre a criação do Programa de Atendimento Educacional Hospitalar e Domiciliar nas unidades da Rede Estadual de Saúde e dá outras providências. Natal, RN: SEEC, 2018. Available at: <https://leismunicipais.com.br>. Access on: 31 dez. 2020.

RIO GRANDE DO SUL. *Resolução nº 230*, de 16 de julho de 1997. Regula, para o Sistema Estadual de Ensino, os estudos domiciliares aplicáveis a alunos incapacitados de presença às aulas. Porto Alegre, RS: CEE/RS, 20 jan. 1997. Available at: <https://www.ceed.rs.gov.br>. Access on: 2 jan. 2021.

RORAIMA. *Resolução CEE/RR nº 07/09*, de 14 de abril de 2009. Dispõe sobre diretrizes para Educação Especial no sistema Educacional do Estado de educação de Roraima e dá outras providências. Boa Vista, RR: SECE; CEE/RR, 2009. Available at: <http://www.cee.rr.gov.br/index.php/videos/send/38-resolucoes-2009/941-resolucao-n-07-2009>. Access on: 31 dez. 2020.

SANTA CATARINA. *Lei nº 17.134*, de 8 de maio de 2017. Dispõe sobre o Programa Pedagógico, no âmbito da Política de Educação Especial, no Estado de Santa Catarina. Florianópolis, SC: SEE/SC, 2017. Available at: <https://leismunicipais.com.br>. Access on: 31 dez. 2020.

SANTOS, Pablo Silva Machado Bispo. *Guia prático da política educacional no Brasil: ações, planos, programas, impactos*. 2. ed. rev. e ampl. São Paulo: Cengage Learning, 2016.

SANTOS, Cassio Cabral (org.). *Legislação Educacional da Paraíba*. 5. ed. João Pessoa, PB: EducaSimples, 2020.

SÃO PAULO. *Resolução SE 25*, de 1 de abril de 2016. Dispõe sobre atendimento escolar domiciliar a alunos impossibilitados de frequentar as aulas em razão de tratamento de saúde que implique permanência prolongada em ambiente domiciliar, e dá providências correlatas. São Paulo: SEE/SP, 2016. Available at: <https://midiasstoragesec.blob.core.windows>. Access on: 1 jan. 2021.

SERGIPE. *Resolução nº 7*, de 6 de novembro de 2014. Institui Diretrizes Operacionais para a Educação Especial na Educação Básica, nas instituições educacionais integrantes do Sistema de Ensino do Estado de Sergipe e dá providências correlatas. Aracaju, SE: CEE/SE, 2014. Available at: <https://normativasconselhos.ifal.edu.br>. Access on: 31 dez. 2020.

SILVA, Andréia Gomes; PASSEGGI, Maria da Conceição. Atendimento educacional hospitalar e domiciliar: análise das normativas legais nos estados do nordeste. In: IV SEMINÁRIO REGIONAL SOBRE ATENDIMENTO EDUCACIONAL HOSPITALAR, Natal, 2020. *Anais [...]*. Natal, RN: Edufrn, 2020. Available at: <https://repositorio.ufrn.br/>

bitstream/123456789/32858/1/Anais-IV-SAEH_final_25_06_2021.pdf. Access on: 1 jan. 2021.

SOUZA, Tainara Subtil de; MENEZES, Cinthya Vernizi Adachi de. Atendimento Pedagógico Domiciliar: A garantia do direito no Estado do Paraná. *Caderno PAIC*, v. 18, n. 1, p. 525-541, 2017. Available at: <https://cadernopaic.fae.edu/cadernopaic/article/download/279/227>. Access on: 2 dez. 2021.

TOCANTINS, Secretaria de Educação e Cultura; Conselho Estadual de Educação. *Resolução nº 1*, de 14 de janeiro de 2010. Dispõe sobre o Atendimento Educacional Especializado - AEE, no Sistema Estadual de Ensino do Tocantins. Palmas, TO: SEC; CEE/TO, 2010. Available at: <https://central3.to.gov.br/arquivo/528537/>. Access on: 1 jan. 2021.

VIGOTSKI, Lev Semionovich. *Sete aulas de L. S. Vigotski sobre os fundamentos da pedagogia*. Zoia Prestes, Elizabeth Tunes. Trad. Cláudia da Costa Guimarães Santana. Rio de Janeiro: EPapers, 2018.

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