

RESOLUTIONS OF THE STATE OF SÃO PAULO AND THE INTERLOCUTOR TEACHER: IMPLICATIONS FOR EDUCATION OF THE DEAF¹

RESOLUÇÕES DO ESTADO DE SÃO PAULO E O PROFESSOR INTERLOCUTOR: IMPLICAÇÕES PARA A EDUCAÇÃO DOS SURDOS

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ABSTRACT: Since 2005, the presence of Brazilian Sign Language Translators and Interpreters has become compulsory in school spaces where deaf students are enrolled. However, until now, this post has not been created by the State of São Paulo and this job position has been fulfilled by the so called Interlocutor Teacher (IT). This paper describes a documentary research, whose objective was to analyze the Resolutions of the State Department for Education of São Paulo regarding the education and hiring of this professional. The results allow us to affirm that the state legal provisions demonstrate a lack of knowledge about the complexity involved in the activity of ITs, and, as a consequence, it remains silent to the linguistic, cultural and educational specificities of the deaf students, excluding them from access to education.

KEYWORDS: Interlocutor Teacher. Resolutions of the State Department for Education. State of São Paulo. Education of the deaf. Special Education.

RESUMO: Desde 2005, a presença de Tradutores e Intérpretes de Libras tornou-se obrigatória nos espaços escolares que possuem alunos surdos matriculados. No entanto, até hoje, esse cargo não foi criado pelo estado de São Paulo e essa função tem sido exercida pelo então denominado Professor Interlocutor (PI). Este artigo descreve uma pesquisa documental que teve como objetivo analisar as Resoluções da Secretaria Estadual de Educação de São Paulo relativas à formação e à contratação desse profissional. Os resultados permitem afirmar que os dispositivos legais estaduais demonstram desconhecimento sobre a complexidade que envolve as atividades do PIs e, como consequência, mantêm-se omissa às especificidades linguísticas, culturais e educacionais dos surdos, excluindo-os, dessa forma, do acesso à educação.

PALAVRAS-CHAVE: Professor interlocutor. Resoluções da Secretaria Estadual de Educação. Estado de São Paulo. Educação de surdos. Educação Especial.

1 INTRODUCTION

After 12 years of discussions at the National Congress, with the objective of ratifying its commitment to the United Nations (UN) regarding the creation of public policies aimed at the inclusion of people with disabilities in all social segments, the Federal Government promulgated Law No. 13,146/2015 - Brazilian Law on the Inclusion of People with Disabilities. Chapter IV of this law, when dealing with the Right to Education (Articles 27 to 30), listed guarantees that seek to ensure adequate conditions for an educational process that is equal to all, at different levels of education. With regard to the education of the deaf, it imposes to '[...] the public authorities to ensure, create, develop, implement, encourage, monitor and evaluate' (Lei No. 13.146, 2015, p. 3), the education and provision of Brazilian Sign Language translators and interpreters in the school context.

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However, the obligation of educational institutions to make available to deaf students a Brazilian Sign Language - Portuguese language translator and interpreter (called TILSP in Brazil), in the Federal domain, has already been a reality since December 2005:

From one year after the publication of this Decree, *Federal institutions for the teaching* of basic education and higher education *must include, on their board*, at all levels, stages and modalities, *the Brazilian Sign Language - Portuguese language translator and interpreter*, in order to make feasible access to communication, information and education for deaf students (Decreto No. 5.626, 2005, p. 3, emphasis added).

Regarding the private and public education institutions of the state, municipal and Federal District systems, it is pointed out, in Decree No. 5.626/2005, Article 21, Paragraph 2, that these systems seek to implement the same measures, in order to ensure that deaf students have access to communication, information and education (Decreto No. 5.626, 2005). This mechanism, when it was enunciated in this way, minimized the mandatory character expressed in the caput of the Article in relation to Federal institutions, a fact that led to the adoption of different procedures, by some education systems, as a way of making the presence of the TILSP professional available in school spaces. This was, for example, the case of the State of São Paulo.

Thus, in order to overcome the absence of the TILSP professional position in the state legislation, the State Department for Education of São Paulo (abbreviated SEE-SP) started hiring, through Resolutions, teachers with a qualification in Brazilian Sign Language, to work in the schools of the state education network, in order to promote access for the deaf students to information and curricular knowledge of Elementary and Middle School. Thus, while exercising the same role as the TILSP in school spaces, SEE-SP labeled these new professionals 'Interlocutors Teachers' (ITs), who, even being teachers, are now hired in a differentiated way and establish another relationship with the educational processes of deaf students.

In this context, this paper aimed to analyze the Resolutions of State Department for Education of São Paulo regarding the ITs, in order to understand if in these Resolutions an adequate education for the position assumed by them is ensured and if the terms of employment guarantee stability for the continuity of the exercise of these professional's job, a fact that will have positive consequences for the education of the deaf. Due to the recognized advances in issues involving the education of the deaf in the legal sphere, initially we will present a brief history of the Federal laws and public policies that led to the recognition of the profession of Brazilian Sign language-Portuguese language translator and interpreter, in order to put them in dialogue with the official documents of the State Department for Education of São Paulo.

2 FEDERAL LEGISLATIONS AND PUBLIC POLICIES OF PROFESSIONAL RECOGNITION OF THE TILSP

It was from the movements of the deaf, initiated in the 1980s and 1990s, and with the conquest of the rights and the exercise of citizenship of this social group by the legal recognition of Brazilian Sign Language (Lei No. 10.436, 2002), that the TILSP activity became a known/recognized activity. It can be affirmed, therefore, that the participation of the deaf Brazilian communities in the social discussions represented and still represent the key to the professionalization of the Brazilian Sign Language translators and interpreters, inasmuch as the

institutions were obliged to guarantee the accessibility of the deaf through the presence of this professional (Salvador, 2010).

Initially, the accessibility of the deaf person, user of Brazilian Sign Language, in social spaces with the support of TILSP, was provided for by Law No. 10,098/2000. However, the determinations of this document were not practiced effectively, since, at the time of its publication, Brazilian Sign Language was not yet legally recognized as a means of communication and expression of the deaf person, and TILSP was not regulated as a profession.

In 2001, with the intention of regulating the services provided in Chapter V, which deals with Special Education, specifically articles 59 to 60 of the *Lei de Diretrizes e Bases da Educação Nacional* No. 9.394/96 (National Education Guidelines and Framework Law)⁴ (1996), the Resolution CNE/CEB No. 02/2001 was published, by the Basic Education Chamber of the National Education Council, which established national guidelines for Special Education in Basic Education. In Article 12, paragraph 2, the Resolution defines:

It should be ensured, in the educational process of students who present difficulties in communication and signaling to that of other students, the accessibility to the curricular contents, through the use of applicable languages and codes, such as the Braille system and sign language (Resolução No. 2, 2001, p. 40).

This document became a reference for the educational organization of the person with disability (as understood by deaf people under Brazilian law) until the year 2007, when, in January 2008, the Ministry of Education, through the Special Education Department (known as SEESP)⁵, presented the *Política Nacional de Educação Especial na Perspectiva da Educação Inclusiva* (National Policy on Special Education in the Perspective of Inclusive Education) (2008) which was configured as a political, cultural, social and pedagogical action in defense of the right of everyone to education of quality and the organization of an inclusive educational system.

After the legal recognition of the Brazilian Sign Language, through Law No. 10,436/2002, with the purpose of enabling the social participation of members of deaf communities as Brazilian citizens, Decree No. 5,626 / 2005 was published, which, in addition to the guidelines on the specific educational processes of the deaf person, foresaw, for the first time in a legal document, the education of the TILSP, dedicating chapter V, specifically, to this subject. According to Article 17 of the document: ‘The education of the Brazilian Sign Language-Portuguese language translator and interpreter must be effected through a Higher Education course of Translation and Interpretation, with license in Brazilian Sign Language-Portuguese Language’ (Decreto No. 5.626, 2005, p. 29).

In order to regularize the TILSP certification and comply with the provisions of the Decree, the Ministry of Education, together with the National Institute of Educational Studies and Research Anísio Teixeira [INEP], created in 2006, the National Program for Certification of Proficiency in Brazilian Sign Language and for the Certification of Proficiency in Translation

⁴ Note of translation: The translation used here was the same used in the document *World data on Education*, compiled by UNESCO. Retrieved from http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Brazil.pdf.

⁵ SEESP was extinguished in 2011, giving rise to the current Department for Continuing Education, Literacy, Diversity and Inclusion (known as Secadi).

and Interpretation of Brazilian Sign Language/Portuguese Language (labeled Prolibras), which, as mentioned in the Decree, would be carried out until the year 2015. The purpose of this examination was to provide people with intermediate and higher levels of education with the necessary qualification to act as teacher of Brazilian Sign Language and/or Brazilian Sign Language Translator and Interpreters (INEP, 2006).

To carry out the proficiency examination in translation and interpretation, the candidate was required to have completed High School and/or Higher Education up to the date of the examination and also to be fluent in Brazilian Sign Language. However, it was necessary to have undertaken a specific TILSP training course. Thus, the candidate who learned Brazilian Sign Language through social interaction with deaf people, in courses carried out by civil society or in courses of extension and/or improvement, could receive Prolibras certification, which enabled him/her to act professionally as TILSP in any social segment, including the educational environment. However, Prolibras was an emergency measure to fill the gap of unlicensed professionals and its certificate served only to 'prove' the fluency of TILSP in Brazilian Sign Language, as well as to evaluate his/her practice in translation and interpretation services.

When recognizing that this certification could not be understood as formative and following the determinations of Decree No. 5,626/2005, the Federal University of Santa Catarina, with the support of the Ministry of Education, created two new courses in Brazil at that moment in history: the Teaching Degree in Language/Brazilian Sign Language, which was aimed at the education of teachers of Brazilian Sign Language, preferably the deaf, in the year 2006; and the Bachelor's Degree in Language/ Brazilian Sign Language focused on the formation of TILSP in 2008, in order to comply with Article 17 of Decree 5,626/2005. The Teaching Degree in Language/Brazilian Sign Language was thought to be of national scope and, therefore, was initially offered in the distance learning modality, involving nine centers distributed throughout Brazil. In the second offering of the Teaching Degree Course, in 2008, the number of centers was increased and, for the first time, the Bachelor's Degree in Language/ Brazilian Sign Language was jointly offered.

Parallel to the Prolibras certification exams and the Bachelor's Degree in Language/ Brazilian Sign Language Course, there were discussions at the National Congress regarding the process of professional regulation of TILSP. After six years of discussions at the Congress, the Law No. 12,319/2010 was published, which regulated the profession of the translator and interpreter of the Brazilian Sign Language (Lei No. 12.319, 2010). With these regulations, the TILSP profession began to appear in the Brazilian Classification of Occupations (BCO) of the Ministry of Labor and Employment. This classification was established by Ministerial Order No. 397, on October 9, 2002, and aims to identify occupations in the labor market, for classification purposes at the administrative and domicile records (Portaria Ministerial No. 397, 2002). The Brazilian Sign Language Translator and Interpreter is in the list of occupations established by the Ministry of Labor and Employment, under registration number 2614-25, in the family of 'Philologists, Translators, Interpreters and the like'. Its title is 'sign language interpreter' and its summary description is 'Guide-interpreter, Brazilian Sign Language Interpreter, Educational Interpreter, Brazilian Sign Language Translator, Brazilian

Sign Language Translator-Interpreter⁶. The TILSP, with the regulated profession, was legally protected, which gave it status as a worker/professional, being able to act in all realms of activity, including school.

It was noticed, however, in the documentary analysis carried out, that the advances that have occurred in the Federal scope, have not had repercussions in the State of São Paulo, as it can be seen in the following section, dedicated to the presentation and the discussions on the ways in which the TILSP have been understood and hired by the State Department for Education of São Paulo.

3 STATE RESOLUTIONS CONCERNING THE EDUCATION OF THE INTERLOCUTOR TEACHER

Although it was recommended in 2005, the presence of Brazilian Sign Language-Portuguese Language translators and interpreters in the educational environment, in all the educational spheres, until today, there is not, in the board of professionals of the state education network of the State of São Paulo, the position of TILSP, and the professional hired to perform this job is called Interlocutor Teacher (IT). This denomination was given by Resolution No. 38/2009 and remains in the current Resolution No. 08/2016, which *'[...] provides for the job position of teachers with license/qualification in the Brazilian Sign Language [known as LIBRAS], in schools of the state education network and gives related actions'* (Resolução No. 8, 2016, emphasis added).

The State Teaching Directories, to fill vacancies for the temporary job of teachers in several areas, carry out an emergency registration of classes, which is the way of entry of the IT. This practice is backed by the Federal Constitution of 1988, by the State Constitution of 1989, and by State Complementary Law No. 1,093, of July 16, 2009, which *'[...] provides hiring for a fixed period referred to in Subsection X of Article 115 of the State Constitution'* (Lei Complementar No. 1.093, 2009, emphasis added), and exempts professionals from the need to participate in exams for access to the public service.

For the employment of the IT professional, Resolution No. 38/2009, in Article 2, provides the following education requirements:

Paragraph 2. Candidates must hold a full teaching degree in order to work in the final grades of Elementary and Secondary Education, or a mid-level course with Technical teaching license [known as *Magistério*], to work in the initial grades of Elementary School, and present at least one of the following titles:

- 1 - diploma or certificate of undergraduate or postgraduate courses in Language-Brazilian Sign Language;
- 2 - certificate of proficiency in Brazilian Sign Language, issued by the Ministry of Education;
- 3 - certificate of completion of Brazilian Sign Language course of at least 120 (one hundred and twenty) hours.
- 4 - license or specialization in Auditory Disability/Audio Communication with Brazilian Sign Language workload (Resolução No. 38, 2009b).

It can be seen, therefore, in this Resolution, that, although it tries to contemplate the provisions of Federal laws, especially in Decree No. 5,626/2005, the only document that had been published at the time of that Resolution, presents some contradictions. The first concerns vocational education, since for the State Department for Education of São Paulo (the SEE-SP),

⁶ Source: <http://www.mtecbo.gov.br/cbosite/pages/home.jsf>

the prerequisite for performing the job of IT is to have education in the area, plus at least one of the certificates described in the Article mentioned above. However, some considerations are necessary in respect of each of the required qualifications, inasmuch as the SEE-SP is not aware of the national reality regarding the expected education for the professional at the time of the publication of the first Resolution.

a) Undergraduate in Language-Brazilian Sign Language: the first Bachelor's Degree in Language/Brazilian Sign Language, responsible for the education of TILSP, began in 2008; therefore, there were no graduates with this degree when this Resolution was published, considering that the graduation ceremony of the first class occurred in the year of 2011.

b) Graduate in Language-Brazilian Sign Language: the courses named so were (and still are) of undergraduation, because they are courses in Language; therefore, it is not possible to have a professional with this degree.

c) Prolibras Certificate: as previously stated, Prolibras is a certification of proficiency in the use and teaching of Brazilian Sign Language and/or proficiency in Brazilian Sign Language-Portuguese language translation and interpretation, thus having no characteristics of a formative qualification such as a degree. Although required by many Federal publications, in this case, there should be the specification of this certificate to act under Brazilian Sign Language-Portuguese language translation and interpretation. As explained in the Resolution, people with Prolibras certification for language teaching could then be hired, without paying attention to the fact that these are two very different processes.

d) Certificate of at least 120 hours of Brazilian Sign Language course: it is considered impossible to become fluent in a language within this timeframe. It is questioned, when applying for this certificate, whether, for the SEE-SP, Brazilian Sign Language is actually a language. In addition, the State Department for Education of São Paulo demonstrates, with this request, a lack of knowledge about the complexity involved in the translation and interpretative act, assuming that only knowing the basics of the language is enough for the interlocutor to act as translator and interpreter.

e) License in Auditory Disability/Audio communication: the license in Education of the people with Audio communication disability (known in Brazil as *Edac*), offered in the Courses of Pedagogy, had its first offer in the state of São Paulo in the year of 1973. During this period, it was believed that the education of the pedagogue should focus on the oralization of the deaf, and, therefore, all the disciplines offered were related, directly or indirectly, to this practice. This license, as well as other existing ones, was abolished in 2006, through Resolution CNE/CP No. 1/2006, which established new National Curricular Guidelines for Undergraduate Courses in Pedagogy (Resolução No. 1, 2006). Thus, at the time that the license in *Edac* was offered, Brazilian Sign Language was not an object of education in the Higher Education courses, either because, for much of that period, the Brazilian Sign Language was not known and therefore recognized as a language; or because it was only from December 2006 that its teaching became compulsory in teacher education courses. Thus, teachers qualified in *Edac* would not have had the necessary teaching hours of Brazilian Sign Language in their course, as presupposed in Resolution SE No. 38/2009. It was also observed that the number of teaching hours that Brazilian Sign Language courses require for the work of qualified professionals before the extinction of *Edac* is not provided (even in courses held in other spaces to those of the license), so they are able to act as ITs.

f) Specialization Course in Auditory Disability: when considering that a specialization course has a teaching time ranging from 360 to 400 hours, and consists of disciplines that discuss issues related to deafness, history of deaf education, didactics, methodology and teaching of Brazilian Sign Language (as is the case in most researched courses), it is assumed that the hours allocated to the discipline of Brazilian Sign Language are also greatly reduced in these courses, which refers to the discussion carried out in item d.

To this day, this situation has not changed, as the current Resolution SE No. 8/2016 maintained the same titles, in the area of Education, required by Resolution SE No. 38/2009,

adding to them education in bachelor's degree courses or higher education technologist, without, however, discriminating the area of education in these courses. With regard to the complementary documents, in proving the licensing or qualification required, it is again observed that there are some misunderstandings, in addition to those discussed previously. It is worth mentioning, in Article 3, paragraph 1, first line, the requirement of '[...] diploma or certificate of teaching degree in "Language-Brazilian Sign Language"' (Resolução No. 8, 2016, p. 2) or '[...] diploma of teaching degree, with a minimum of 120 (one hundred and twenty) hours of Brazilian Sign Language in the course record' (Resolução No. 8, 2016, p. 2).

Regarding the first certificate, although the Teaching Degree course is consistent with the titles previously required, Language/Brazilian Sign Language refers to the education of teachers for the teaching of Brazilian Sign Language, an unexpected practice for the performance of an IT, who will be hired to interpret the contents expressed by the teacher from Portuguese to Brazilian Sign Language, in order to enable the deaf students to learn, as well as the speeches of deaf and hearing students (in Brazilian Sign Language and Portuguese) as a way to guarantee the participation in equity of all students. With regard to the second certificate, it is suggested, with this provision, that at least the state universities of São Paulo, which respond directly to the State government, offer the discipline 'Brazilian Sign Language', with a number of 120 hours for the Teaching Degree and Pedagogy courses. However, in a research carried out on the number of hours of the Brazilian Sign Language discipline in these courses offered at the three public universities of the State of São Paulo⁷, it was verified that, of the thirty-two existing disciplines, only one, taught in the distance teaching modality, has 120 hours; the vast majority of disciplines have a 60 hour course load.

In paragraph 3 of Article 3 of Resolution SE No. 8/2016, it is also provided that, in the absence of teachers with the desired qualification, '[...] the qualifications for the Specialized Pedagogical Assistance – SPA must be observed, in compliance with the provisions of the Resolution concerning the annual process of class assignment' (Resolução No. 8, 2016, p. 2). The qualifications referred to in this paragraph are found in Article 8 of Resolution SE No. 75/2013, and although qualifications similar to those contained in Resolutions Nos. 38/2009 and 8/2016 are observed, which deal with the employment of the Interlocutor Teacher, there were also some unknowns on the part of the State Department for Education of São Paulo in relation to the required education:

- a) Full Teaching Degree in Pedagogy with license in the respective area of Special Education: extinguished in 2006, without having in the curricular matrices of Edac the discipline of Brazilian Sign Language.
- b) *Stricto-sensu* graduate course, therefore, an education not consistent with that of an Interlocutor Teacher, insofar as the objective of the *stricto-sensu* graduate course is the education of professors for Higher Education and researchers, therefore, there are no

⁷ Retrieved on March 20, 2018, from: <https://uspdigital.usp.br/jupiterweb/jupDisciplinaBusca?tipo=D;https://www.dac.unicamp.br/sistemas/catalogos/grad/catalogo2018/cursos.html>; <https://sistemas.unesp.br/arex/publico/selecaoCursos.buscaCurso.action>

practical activities in the translation and interpretation and learning of Brazilian Sign Language.

- c) Specialization courses with a minimum of 120 hours, in an area of special need, therefore, not for Brazilian Sign Language - Portuguese language translation and interpretation.

It is also observed in paragraph 3 of Article 3 of Resolution No. 8/2016 that similar education for both professions are provided (teacher for the SPA and IT) and, due to the lack of clarity observed in the writing of this paragraph, the interpretation could be that, in the case of lack of licensed/qualified teachers to assume the job of IT, the displacement of a hired professional to act as teacher of the SPA would be allowed for this task.

In such cases, it is questioned whether there is no deviation of duties by allowing the SPA teacher to act as an Interlocutor Teacher. According to Cassel, Ruzzarin, Rodrigues, & Joel (n.d., p. 9), '[...] it is in deviation from duty that a public server, without specific education or licensing of a technical nature (or without specific public examination), carries out complex tasks'. This means that the professional performs duties/assignments of a higher complexity and technical requirement than their education. That is, in the case in question, skills in the practice of translation and interpretation by teachers, whose employment requirement does not include knowledge of Brazilian Sign Language. It is also necessary to consider, for this reflection, the different activities provided for in Article 9 of the Resolution SE No. 61/2014, for teachers to work in the specialized pedagogical classrooms:

- II - Participate in the preparation of the pedagogical proposal of the school;
- III - To carry out the initial pedagogical evaluation of the students, the target population of Special Education, which will determine the nature and type of assistance indicated, in addition to the time necessary for its feasibility;
- IV - Prepare a descriptive report of the initial pedagogical evaluation;
- V - Elaborate and develop the Individualized Assistance Plan;
- VI - Integrate Class councils/Cycle/ Grade/Series/Term;
- VII - Offer technical-pedagogical support to the classroom teacher/regular teaching classes, indicating pedagogical and accessibility resources, as well as methodological strategies;
- VIII - Participate in actions of continuous education actions;
- IX - Maintain updated records of all services performed, according to instructions established for each area;
- X - Guide parents/guardians as well as the community regarding social, cultural, labor and health procedures and referrals;
- XI - Participate in other pedagogical activities programmed by the school (Resolução No. 61, 2014).

It should be noted that, in the duties foreseen for SPA teachers, teaching practices are compatible and consistent with the activities that would be expected from a specialized pedagogical service and, therefore, knowledge in Brazilian Sign Language and on translation and interpretation practices are not required, because these are not expected for the performance of this professional. With regard to paragraph 4 of Article 3, which deals with the employment of the interlocutor teacher, it is provided that, if there is no licensed professional in the two foreseen assignments (IT and SPA teacher), teachers with '[...] a diploma of intermediate

level with certificate of training course or refresher course, with a minimum of 30 hours in Brazilian Sign Language, on an exceptional basis, until the presence of a licensed or qualified teacher' may be employed (Resolução No. 75, 2013). If, as discussed above, it was already surprising that the State Department for Education of São Paulo considers the knowledge of Brazilian Sign Language acquired in 120-hour courses sufficient, this reduction, to 30 hours, corroborates the previous reading that, for this Department, Brazilian Sign Language does not constitute a language, nor is it known its importance to deaf students and the complexity involved in translational and interpretive acts.

The Resolutions of the State Department for Education of São Paulo, as presented here, demonstrate a lack of clarity about what would be expected from the IT, because when comparing the legal documents of the Federal sphere to the Resolutions, the contradictions regarding the education and to the performance of this professional are known, especially in relation to the social meaning of his/her activity, in view of what the Department for Education implicitly give to the IT teaching condition.

This contradictory situation has induced managers, teachers and other professionals of education to think that the IT, with the least knowledge of Brazilian Sign Language, is effectively able to participate in the process of education of the deaf student, as interpreter. Added to this are the implications of the erroneous readings found in the Resolutions of the State Department for Education of São Paulo for work relations in the school environment, which become more and more complex due to the aspects that involve the hiring of this professional. For this reason, a specific section will be dedicated to this discussion.

4 STATE RESOLUTIONS CONCERNING THE EMPLOYMENT OF THE INTERLOCUTOR TEACHER

The State Complementary Law No. 1,093 / 2009 provides employment terms for a fixed period of time, without a public exam for recruiting. Through this Law, the employment is regulated for the performance of duties, regardless of the nature of the activity, as long as it is indispensable in meeting temporary needs of exceptional public interest, as is the case of education.

The IT professionals who work in the regular education network of the State of São Paulo are, since the first Resolution of the Department for Education, employed as temporary agents of the public administration, for a fixed time period. For the employment of this professional, Resolution No. 38/2009 determined that it was the responsibility of the Teaching Boards in their jurisdiction to identify, in each school unit, the demand of deaf students or of hearing disability to employ the professional. For purposes of remuneration parameters, paragraph 3 of Article 2 stipulated:

The interlocutor teacher will be admitted as Basic Education Teacher I – BET I, to be remunerated based on the amount established in Band 1 Salary Scale - Teaching Class (EC-CD), in Level IV, if holder of a full teaching degree diploma, or in Level I, when holding a high school diploma (Resolução No. 38, 2009).

It is important to clarify that, at the time, this Resolution provided only the criteria of education and performance of teachers with a qualification in Brazilian Sign Language;

it did not deal with contractual labor issues. These issues were initially discussed in the Normative Instruction of the Department for Education/Interior Teaching Coordination (known as SE/CEI) of September 18, 2009, which ‘*provides assignments and classes in the state education network and the admission of teachers for a certain and determined period*’ (Instrução Conjunta CEI/Cenp/Cogsp/DRHU, 2009, emphasis added), from which two guidelines were withdrawn and presented below in order to be able to discuss the contracting of IT:

1 – Complementary Law No. 1,093, published on July 17, 2009, which provides for the employment of temporary public servers, prevents new employment of the same person, with the same legal basis, before 200 (two hundred) days after the end of the contract.

[...]

3 – It also established the mandatory application of a Knowledge Test, prior to the process of assigning classes, requiring that the candidate obtain the approval to be temporarily employed (Instrução Conjunta CEI/Cenp/Cogsp/DRHU, 2009).

Thus, by means of this Normative Instruction, to the temporary teachers, through the realization of a test of knowledge, the classes available in the state education network would be attributed, since the period of two hundred days was respected, commonly known as ‘*duzentena*’, a period in which the recruited should wait to sign a new contract with the state, even if there was the need for continuance of the service, to ensure permanence in the job position.

It was also observed that the same Instruction did not provide detailed guidelines on the selective process for employing teachers for a fixed period of time. These guidelines were defined in the Normative Instruction of the Central Human Resources Unit (known as UCRH) No. 2, which established the simplified selection process, and governed by a specific publication, ‘Item I - [...] comprising, preferably, exams and provided the curriculum vitae analysis’ (Instrução Normativa SGP/UCRH No. 2, 2009). Added to this is the fact that in temporary contracts for the teaching practice, under the terms of the Complementary Law No. 1,093/2009, the ITs were classified as category ‘O’, a contract that does not guarantee the professionals employment stability, registration in the Work Permit and no payment of the Employment Time Guarantee Fund.

As of 2011, through other complementary laws, there were several changes in Complementary Law No. 1,093/2009 regarding the employment process of temporary teachers and the conditions of employment contracts. The purpose of this Law and its amendments was to overcome, on a temporary basis, the shortage of professionals for the time when no positions were created or filled by public examination. In this way, temporary employment was guaranteed, in order to ensure fulfillment of the needs of public interest, and to avoid the provision of services being interrupted.

It is understood that, due to an economic issue, the State of São Paulo began to hire a professional for a term of one year, without having to maintain a teacher with an effective position, preventing him/her from remaining in the network if he/she did not have an assigned class (even if his/her contract was still in force) or to sign a new contract before fulfilling the two hundred days grace. The lack of interest of the State in not maintaining any employment relationship with these professionals is even more evident when observing, in paragraph 2 of

Law No. 1,093/2009, that the amendments should revert its effects from July 17, 2009, one day after its publication, because until that moment there had been no guidance on contractual work issues, thus removing any possibility of professionals hired at that time to claim for their labor rights.

The contractual imposition of the fulfillment of the two hundred days grace period added to the maximum term of one year of work contract led to the discontinuity of the position of temporary teachers already employed in the state education network, the reason being, through Complementary Law No. 1,163/2012, whereby the grace period was reduced to forty days (known as ‘quarantine’) to the temporary teacher approved by a simplified selection process of class assignment for the academic year of 2012, provided that he/she had previously been employed under the terms of Complementary Law No. 1,093/2009, and this reduction could only be extended to the 2013 school year.

However, due to the need to regulate the hiring of temporary teachers, for the academic years from 2014 to 2016, there was the third amendment, which was given through Complementary Law No. 1,215/2013. Through this Law, the selection process became flexible in the form of the candidate’s admission to class assignments, qualified only by certain hypotheses, among them the ITs (Lei Complementar No. 1.215, 2013). Another important issue was to impose conditions for the use of the ‘quarantine’, namely, the teacher already contracted under the terms of Complementary Law No. 1,093/2009, when terminating his/her contract for a fixed time (known as CTD), will be able to benefit from the 40-day grace period to have a new contract, just once, and, after its completion, he/she must meet the 200 days grace period to have a new contract, situations that were not clear when the Complementary Law No. 1,163/2012 was published. According to the text of this Law, there was only information about the grace period of 40 days, counted from the deadline previously observed. The reading of that text led many professionals to think that the ‘*duzentena*’ (two hundred day grace) had been extinguished.

After the publication of Complementary Law No. 1,215/2013, Resolution No. SE 75/2013 was published, which provides for the annual process of assigning classes to the teaching staff of the Teaching Board; but this does not address the labor issues of the CTD. It should be noted that this Resolution is generalist in the sense of covering the procedures for assigning all fields of action, that is, permanent and non-permanent teachers, being necessary to create specific resolutions for each field.

On December 22, 2015, Complementary Law No. 1,277 amended the grace period to 180 days of termination of the contract, as well as the term of the agreement to exercise the temporary teaching position for three years, which could be extended until the last school day of the year in which the term of agreement would expire, also stating that ‘[...] the rights and obligations arising from the employment for teaching duties shall be suspended whenever no classes are awarded to the employee’ (Lei Complementar No. 1.277, 2015).

In view of everything that was discussed on the method of employing the IT, we note that all the changes made to Complementary Law No. 1,093/2009 aimed at maintaining the precarious condition of these professionals’ contracts, thus avoiding the creation of a labor

bond. The guidelines on their duties were regulated by Resolution No. 8/2016 and, currently, for class assignments:

- a) ITs must be submitted to a qualifying process for selection, remembering that the category 'O' is in last place in the list of classifications;
- b) the term of permanence in the public service is of three years, and can be extended until the last day of the school year in which the contract will be terminated, when the contract is automatically extinguished;
- c) a return to the job position can only occur after the expiry period of 180 days of the termination of the contract; and
- d) if the IT employee does not have a class assigned, he/she cannot use the contractual benefits, such as, for example, receiving remuneration, since during this period the rights and obligations of the employee are suspended.

This situation occurs because teachers labeled as 'O' category are employed according to demand. In addition, he/she does not have a minimum assigned workload and it will depend on the availability to work, as it is the responsibility of the manager/principal to communicate to the competent Education Office the demand of deaf students regularly enrolled, requesting the need to employ the IT to ensure assistance to this student.

From the year 2016 onwards, the hired ITs started having the right to paid annual leave, plus the payment of a third of the salary, after twelve months of effective exercise of the job position. The legislations are silent on the right to indemnification when the contract is terminated. The discounts provided by law are levied on wages, such as the payment of the social security contribution to the General Social Security System (known as RGPS); the medical assistance of this professional is provided by the Unified Health System (known as SUS), with no discount for hospital medical care on the salary of temporary employees. These actions clearly demonstrate, from the financial point of view, a significant cut in the payroll of education professionals, thus generating savings to the State coffers.

Thus, when focusing on the concepts of employing temporary professionals in the education network of São Paulo, where the IT is placed, the constant clashes of this working class with the state is justified, where they claim for labor rights and professional valorization, especially those classified as category 'O'. It is observed that the professionals who work in this category are extremely devalued and invisible to the state, represented in this context by the State Department for Education.

5 CONCLUSION

The analysis of the legal provisions of the State Department for Education of São Paulo, regarding the education of the deaf, indicate that this Department has been absent in relation to the linguistic and cultural specificities of these students, showing little knowledge about the importance of the Interlocutor Teachers for the educational processes of deaf students. Although, in these legal provisions, pedagogical education is assumed as the first

prerequisite for the performance of the IT, when requiring a very limited number of study hours of the Brazilian Sign Language, they disregard the need for the professional to master the language and its enunciative specificities, knowledge of cultural issues intrinsic to the languages involved, as well as having an education compatible with the job position, whose practice involves knowledge of strategies and techniques of translation and interpretation. Added to this are the conditions of contract and, therefore, the work of the IT professionals, because they are hired as 'teachers', they are subject to the same duties and obligations of a teacher with a permanent job position. However, the ITs receive lower wages, they do not have the right to bonuses, career plan, work permit registration, employment time guarantee fund payment and professional stability.

The lack of consideration of these aspects by the State Department for Education of São Paulo has corroborated the low quality of education of deaf students, the lack of professionals in several schools, especially in towns in the hinterland of the state, and for a large turnover of ITs in those schools that guarantee presence of these professionals. This gives the impression that, through the measures taken by the determinations of the legal documents of the state of São Paulo that deal with the work of the IT, only the implementation of strategies of assistance to the deaf student are sought as a form of compliance with the determinations of federal legislation: a professional is made available in order to, potentially, monitor the student during his/her educational process, but, even if the student does not achieve a good school result and/or does not adapt to the methodologies in a similar manner to those who can hear, the conception that the best has been done is firmly established. In turn, they ignore the precarious educational conditions offered to the deaf, exempting managers and other professionals who constitute the school's collective responsibility for the education of these students.

The discussions carried out in this text allow us to affirm that educational decisions in the state sphere of São Paulo, when disregarding the linguistic and sociocultural peculiarities of the deaf student, have not respected the theoretical-practical foundations implied in their education. A change of this reality can only be implemented when the conceptions that support the education of the deaf in the state become effective in terms of public policies, especially in regard to: a) the provisions of Federal Decree No. 5.625/2005, which ensures a solid education of the IT professional regarding the domain of Brazilian Sign Language and translation and interpretation practices, in the same way as it is currently expected from TILSP and carried out; b) the discussion about the role of this professional in school spaces; and c) the creation of a permanent job position for interlocutors, through a public examination, which will also imply valorization of this professional.

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