

176 - PUBLIC POLICIES AND PHYSICAL EDUCATION: REGULATION OF THE ACTIVITY OF ADVICE

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Introduction

Physical Education stands out in today's environment through scientific research proving its importance for health preventing diseases linked to physical inactivity. The elaboration of didactic materials by government agencies as well as the creation of laws and opinions related to Brazilian education justified and include physical education as a compulsory subject to be imaged in schools.

First we did a survey of laws, opinions and resolutions found on the website of the Ministry of Education related to Physical Education. Then we aim the creation of the Federal and Regional Councils of Physical Education highlighting its functions and purposes. Finally we highlight the importance of the councils and the participation of society in compliance with the laws on the regulation of the profession of physical education teacher.

To understand the physical education as the health and relevant discipline in school levels should be aware of their transformations in society knowing your requirement and legitimacy. Being part of this process, participate in decision-making through the profession of the Councils becomes key to obtaining better working conditions and transmit to society the provision of quality service.

We seek through this article, answer some questions about the history of the legitimacy of the profession and when physical education was actually mentioned in the Laws of Brazil: At what time Physical Education became mandatory in schools? What is the purpose of the Federal Council of Physical Education?

Education policies and their relationship to physical education

This part of the paper we present an analysis of the content built from the Ministry of Education's website regarding the legislation of Brazilian education regarding physical education in basic education. For this analysis we seek to relate the content found on the site and educational materials that have arisen from decrees and laws set by the government.

By accessing the MEC site and seeking basics of the law, we find three Featured items: The National Education Council (CNE), the Law of Guidelines and Bases of National Education (LDBEN) and the National Education Plan (PNE).

The National Education Council (CNE), collegial body member of the Ministry of Education, was established by Law 9,131 of 11/25/95, in order to collaborate in the formulation of the National Policy of Education and exercise regulatory powers, deliberative and advice to the Minister of Education. Its mission is characterized by democratic pursuit of "alternatives and institutional mechanisms that enable, within its sphere of competence, ensure the participation of society in the development, improvement and consolidation of national quality education" (Brazil 2014), accounting, through resolutions and opinions, numerous requests and doubts about the current legislation and educational policies.

Council assignments are normative, deliberative and advice to the Minister of Education in carrying out the functions and powers of the federal government in education, and shall formulate and evaluate the national education policy, ensuring the quality of education, ensuring compliance with education laws and ensure the participation of society in improving Brazilian education. (MEC, 2014).

When accessing the CNE, we find some links as General Council, Events, Disclosures, Meetings Tariff, among others; but in the Normative Acts, Precedents, Opinions and resolutions that we will find the content that will guide us to the pursuit of current legislation with regard to the nuances of Physical Education. It is noteworthy that these acts, opinions and resolutions are supported by major laws governing the Brazilian Educational System and have been described previously: the LDBEN and PNE.

To start the analysis of resolutions, let's first put mentioning the Laws with respect to years prior to 1996 on Physical Education. In 1971 came into force the Law No. 5692 of August 11 that reinforced physical education in the school context, explaining this mandatory for all educational levels, gaining ground as activity area. Their goal was to awaken, develop and improve physical strength, moral, civic, psychological and social student being physical fitness essential reference for planning, control and evaluation of physical education. (Finck, 2011).

This law has caused profound changes in the structure of current teaching favored a quantitative approach and did not consider basic aspects to secure the quality of education, such as the need to review the organization of the school and the conditions for the realization of basic education. The quest for physical fitness is characteristic of a government that favored human capital formation to accelerate the country's economic development, porting, the school adapts to the demands that society. (Shiroma, 2011).

It is from the 80s that physical education is beginning to be discussed with regard to its objectives, contents and methods, starting to be rethought in the context of the pedagogical education. Then arises from significant changes involving educational issues and other studies on the need for a structure of Brazilian education, the Law of Guidelines and Bases of National Education, of No. 9394, of December 20, 1996, which guides and establishes standards for the Brazilian Education.

In Article 26, the elementary and high school curricula should have a common base and a diversified base, demanded by regional and local characteristics of the society, culture, economy and customer base. Many years later, in 2013, at this writing is added, the elementary and high school curricula, early childhood education and the term "customer" replaced by the word "students".

Regarding Physical Education, in its 3rd paragraph, this law says that "integrated into the pedagogical proposal of the school's curricular component of basic education, adjusting to the age and conditions of the school population, is optional in the courses night"(MEC, 2014).

However, this paragraph is reformulated in 2001 by Law 10,328, thus adding the word "required" after "curricular

component.»

Since the date of its formulation, LDBEN 1996, has undergone changes in the theoretical foundation of your articles and paragraphs. It changes seeking to meet the needs of our society and the needs of the Brazilian education agents. It is worth mentioning the creation of Law 9696 of 1 September 1998 provides for the regulation of the profession of Physical Education and creates its Federal Council and Regional Councils of Physical Education.

In 2003, in that LDBEN quoted above, it is added to the 3rd article, Educational optional Physics to the following students: that comply with working hours less than six hours, with more than 30 years, who are in military service or in a similar situation forced the practice of physical education, which are supported by Decree Law 1044 of 1969 by requiring exceptional treatment (or similar physical disability certificates), and have offspring. It is an evolution of the discipline that is no longer optional in evening classes going to be offered must, however, be optional in exceptional cases of students who choose not to do it.

We can see the clear presence of physical education as a compulsory curriculum content of basic education, which is discussed and reworked over the years. Carrying a more thorough analysis regarding the enforcement of laws is necessary, as well as in the professional practice of physical education in schools.

When we accessed the National Board of Education, the first item that appears on the MEC legislation the page and quoted at the beginning of this text are the Normative Acts, Precedents, opinions and resolutions which contains the decisions that will be taken informed on the laws that govern education: LDB 1996 and the National Education Plan.

The creation of the Education National Curriculum Standards in 1997 arises from a focus given initially by the LDB, which reinforces the need to provide all a common basic education, which requires the formulation of a set of guidelines able to guide the curricula and their minimum content. (BRAZIL, 1997). This need to create parameters in order to put in the same bracket the quality of Brazilian education, left a strong pressure from the international mechanisms that have established targets for the efficiency and effectiveness of education, in order to raise the country's economy.

PCNs are instruments that define the orientation that each discipline should follow to form the citizen that society craves. Notebooks are separated by area that determine the content, objectives and evaluation each curriculum subject must take as a reference for quality education. In the contract regarding the discipline of Physical Education we find a statement regarding the teaching and learning in the first cycle:

It is up to the school to work with the local cultural repertoire, from experiences but also ensuring access to experiences that would not be out of school. This diversity of experience to be considered by the teacher when organizing activities, makes decisions about individual and collective referrals and evaluates seeking to adjust their practice to reias learning needs of students. (BRAZIL, 2001, p. 59).

Concomitantly were adopted new Guidelines National Curriculum for Elementary School by the CEB (Council of Basic Education) in 1998 in its 3rd article cites that schools set as guiding their pedagogical actions: the ethical principles of autonomy, responsibility, solidarity and respect for the common good; the principles of the Citizens' Rights and Duties, the exercise of criticality and respect for democratic order; the aesthetic principles of sensibility, creativity and diversity of artistic and cultural events. (CEB, 1998).

Moreover, when defining their educational proposals, schools should make explicit recognition of the personal identity of students, teachers and other professionals and the identity of each school and their education systems. Shall recognize that learning is formed by the interaction of knowledge processes with language and the affective, as a result of the relationships between the different identities of the various participants educated context; the different life experiences of students, teachers and other participants in the school environment, expressed through various forms of dialogue should contribute to the establishment of affirmative identities, persistent and able to star in autonomous and cooperative actions in relation to knowledge and values indispensable to civic life. (CEB, 1998).

In its fourth paragraph, the guidelines explain that in all schools should be guaranteed equal access for students to a common national basis in order to legitimize the unity and quality of pedagogical action in national diversity. The common national base and its diversified part should be integrated around the curricular paradigm, aimed at several of its aspects as health, sexuality, family and social life, the environment, labor, science and technology, culture and languages, and physical education as one of the knowledge areas. (CEB, 1998).

Another important document is the NEP (National Education Plan) which is also part of the legislation of the Ministry of Education and is found along with the LDB and the National Council of Education web page. Was the National Congress, through the Draft Law No. 8035-B, 2010 which approved the NAP and other measures setting goals and strategies for the Brazilian education in the next 10 years. However, it is known that their review and approval in the House, as reported in the media, took place on 06/03/2014 and was sanctioned by President Dilma without vetoes on 25/06/2014. (Opne, 2014).

Law 13005 of June 25, 2014 sets out the guidelines of the National Education Plan:

Art. 2nd St. guidelines PNE: I - eradication of illiteracy; II - universalization of school assistance; III - overcoming educational inequalities, emphasizing the promotion of citizenship and the eradication of all forms of discrimination; IV - improving the quality of education; V - Training for work and citizenship, with emphasis on moral and ethical values on which is based the society; VI - promoting the principle of democratic management of public education; VII - humanistic, scientific, cultural and technological developments in the country; VIII - Application goal of establishing public resources on education as a proportion of Gross Domestic Product - GDP, which ensures meeting the expansion needs, with quality standards and equity; IX - valuation of (the) education professionals; X - promoting the principles of respect for human rights, diversity and environmental sustainability. (PNE, 2015)

And in 2008 the NCEA by Opinion 04/08, adopted on 20/02/08, mentions that teachers' initial three years, with minimal training mid-level course in normal mode, but preferably graduates in Education or Vocational Normal Superior, must work inter- and multidisciplinary way, assuming carry specific degree course only for Physical Education, Arts and Modern Foreign Language.

Has then a breakthrough with regard to the performance of a physical education teacher: he, supported by law, shall be carried forward for more levels of education, opening their field and contributing to the integral formation of the student. Note the appreciation of the specific professional area, which may act and contribute to student learning in the early years of elementary school.

We highlight the trajectory of a discipline that has been consolidated in the educational sphere from laws that determine their compulsory in schools. As Education has its National Council has deliberative functions, regulatory and advice to the Ministry of Education, the Federal Council of Physical Education comes with power delegated by the Union to "regulate, guide, discipline and supervise the performance of activities own of the Physical Education Professionals "(CONFEE, 2015).

The Federal Council of Physical Education

The story of the creation of the Federal Council of Physical Education (CONFEE) began in 1940 when APEF teachers (Physical Education Teachers Association) got together and founded the Brazilian Federation of Physical Education Teacher Associations - FBAPEF in 1946. In order to create an order or advice such as doctors and lawyers have already had, faculty members of this federation began to spread this idea in Congress and seminars in the area of physical education across the country. (CONFEE, 2015).

The history of regulation of the profession of Physical Education in Brazil, can be divided into three phases: the first related to the professionals who expressed and / or wrote about this need, without develop action accordingly; the second in the 80's when has handled the bill on the regulation being vetoed by the President. And the third linked to the regulatory process approved by Congress and promulgated by the President on 01/09/98, published in the Official Gazette of 02.09.98. (CONFEE, 2015).

The third phase, set in the 1990s, is related to several actions taken by government officials and representatives of the School of Physical Education, which debated and reworked the document to be presented and approved in the House of Representatives.

Created from the Law 9696 of 1 September 1998, the respective Federal and Regional Councils of Physical Education Council appear to regulate the profession and is responsible for overseeing public and private agencies working in the area of Physical Education. For Costa (2014, p.20) the law "was generated to protect the society of damage from bad service in the provision of health services" On November 8, 1998 were elected by the Association of Fitness Professionals, the first members of the Federal Council of Physical Education (CONFEE) who took office on 1 January 1999. This plays independent public service and has in its charter regulations to be performed by it and by the Regional Councils. We can cite the 2nd, 3rd and 4th paragraphs of Article 1 which says:

§ 2 has the CONFEE / CREF power delegated by the Union system to regulate, guide, discipline and supervise the exercise of their activities of the Physical Education Professionals and corporations, whose basic purpose is the provision of services in the areas of physical activity, sports and the like

§ 3 - The CONFEE System / CREF records the Physical Education Professionals and corporations providing services in the area of physical activity and sports and the like.

§ 4 - The CONFEE / CREF system governs, regulates, oversees and guides professional practice, and defend the interests of society in relation to the services provided by the Professional Physical Education and by companies in the areas of physical activity, sports and similar . (CONFEE, 2015).

In Article 5 of the Statute, the CONFEE (2015) states its purpose:

Art. 5 - The CONFEE aims to defend society, ensuring the quality of professional services in the area of physical activities, sports and the like, as well as the harmony of loved the CONFEE / CREF system, plus: I - exercise regulatory powers higher in System CONFEE / CREF; II - to decide on professional practice, adopting measures necessary to achieve the institutional objectives; III - to monitor the administrative and financial controls of CREF; IV - download acts necessary for the development of the loved CONFEE / CREF system; V - to disseminate Physical Education, Professional and CONFEE / CREF system; VI - to stimulate the exaction in professional practice, ensuring the prestige and good name of the exercise; VII - to establish the guidelines of the professional inspection throughout the national territory; VIII - to establish professional specialties to be recognized under CONFEE System / CREF; IX - encourage, support and promote the improvement, specialization and update of the Physical Education Professionals; X - to prepare, print, promoting and disseminating publications of interest to the profession, the Professional and loved the CONFEE / CREF system; XI - to decide on providing corporate services in the areas of physical activity, sports and the like.

For the area of Physical Education regulation of the profession was an important milestone, which aims to seek improvement in the service to the population. Understanding Fitness as health with regard to disease prevention and consequently, improvement in quality of life of the population leads to a smaller public expenditure in treating individuals with disorders related to the lack of physical activity.

Councils are characterized as a democratic action with the participation of the population interested in regulating the profession. Many years ago the creation of the councils was being debated by Physical Education professionals seeking to advance the legitimacy of the profession. However, its role is of the utmost responsibility to the community promoting its relationship with the Union to Lima (2009, p 485.):

Importantly, the advice is a legitimate channel of participation and, as such, has its limitations. However, it should be occupied by people who conceive themselves as historical subjects, which are able to change and build a board that ensures the participation, democracy, autonomy in a more critical sense, more political, so, hence, these build their social legitimacy to confront the impositive, authoritarian and conservative attitudes.

The CONFEE has its own statutes assigning different responsibilities for the presidency, which is chosen by election, and the board members. Any qualified professional in the area of Physical Education (Degree and Bachelor) must carry their registration and professional portfolio that is issued by the Council of its region. Chapter II of the Statute emphasizes the skills of physical education professionals as well as the need for it to be registered in CREF in your region in order to exercise their

functions both in public and private environments. However, the inscription on the CREF is not always done by professionals who consider this medium a capitalist collection system where not always the supervision occurs in certain parts of the country or do not see a real benefit that this can have him.

The Federal Council of Physical Education has numerous tools of action and oversees the legalization of the profession as well as participates in the discussions on the decisions made by our leaders. Being registered gives possibilities to support demonstrations, participation in council elections and knowledge of the issues being addressed by our leaders on the field of Physical Education.

Final considerations

The area of Physical Education became prominent on the world stage from scientific studies that prove the importance of physical activity for humans. Therefore, it is mandatory curricular component in schools across the country and also is a segment that grows considerably in disease prevention by providing services to the population.

Your obligation and legitimacy had evidence in the 1940s when industry professionals have sought the creation of a council to represent the profession in the government's larger resorts and promote the training of professionals through higher education quality. However, it only became reality with Law 9696 of 1 September 1998.

Created the Federal and Regional Councils, the professional of Physical Education had to register and gradually public and private agencies began to demand this record to work in the area.

There are still many disagreements about the professional record. Some teachers still did not make the record or refuse to pay for the annuity claimed not to know the real benefits of this before their professional lives. The simple fact of being registered numerically guarantees of fundamental importance in the fight for the rights of Physical Education Teachers and the search for better working conditions, reflecting on quality of service to society.

Thus, the work of skilled professionals for the job, with proper training and ethical and professional responsibility is one of the goals of the Federal and Regional Councils of Physical Education. Be registered on the board ensures the participation in decision-making and representation of the profession in government sectors to ensure our rights as professionals and, above all providing the population with quality service and committed to health maintenance and disease prevention.

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PUBLIC POLICIES AND PHYSICAL EDUCATION: REGULATION OF THE ACTIVITY OF ADVICE

ABSTRACT

Physical Education stands out in today's environment through scientific research proving its importance for health preventing diseases linked to physical inactivity. The elaboration of didactic materials by government agencies as well as the creation of laws and opinions related to Brazilian education justified and include physical education as a compulsory subject to be imaged in schools. To understand the physical education as the health and relevant discipline in school levels should be aware of their transformations in society knowing your requirement and legitimacy. This article aims to analyze content found on the Ministry of Education website referring to the Brazilian education legislation with regard to the discipline of Physical Education in Basic Education and describe the function of the Federal Council of Physical Education (CONFEEF) relating to the exercise of profession in Frederick / RS and region. Were taken into account, opinions and resolutions issued by the National Board of Education between the periods 1996-2013, as well as the Laws and Guidelines found in that site, CONFEEF status and articles on public policy. According to the documentation examined, the role of CONFEEF and the relationship with acting in the region, we observed a deficiency with regard to monitoring the performance of qualified professionals for the work to be carried out in public school environments and little collection by the managers with regard to the quality of the professionals work. Finally, we highlight the importance of people's participation in discussions on matters which are decided by our leaders in seeking to meet the needs and peculiarities of the profession.

KEYWORDS: Public Policy. Physical Education. School.

POLITIQUES PUBLIQUES ET L'ÉDUCATION PHYSIQUE: RÈGLEMENT DU ACTIVITE DE CONSEIL

RÉSUMÉ

L'éducation physique se distingue dans l'environnement d'aujourd'hui par la recherche scientifique prouvant son importance pour les maladies de santé liés à la prévention de l'inactivité physique. L'élaboration de matériels didactiques par des organismes gouvernementaux ainsi que la création de lois et opinions liés à l'éducation brésilienne justifiées et comprennent l'éducation physique comme une matière obligatoire à imager dans les écoles. Pour comprendre l'éducation physique comme la santé et la discipline pertinente dans les niveaux scolaires doivent être conscients de leurs transformations dans la société en

sachant que votre exigence et la légitimité. Cet article vise à analyser le contenu trouvé sur le ministère de l'Éducation site web se référant à la législation de l'éducation au Brésil à l'égard de la discipline de l'éducation physique dans l'éducation de base et décrit la fonction du Conseil fédéral de l'éducation physique (CONFEP) relative à l'exercice de profession dans Frederick / RS et de la région. Ont été pris en compte, les opinions et les résolutions émises par le Conseil national de l'éducation entre les périodes 1996-2013, ainsi que les lois et les Lignes directrices se trouvent dans ce site, le statut CONFEP et articles sur la politique publique. Selon la documentation examinée, le rôle de CONFEP et la relation avec agissant dans la région, nous avons observé une carence en ce qui concerne le suivi de la performance des professionnels qualifiés pour le travail à effectuer dans des environnements scolaires publics et par la petite collection les gestionnaires à l'égard de la qualité du travail des professionnels. Enfin, nous soulignons l'importance de la participation de la population dans les discussions sur les questions qui sont décidées par nos dirigeants en cherchant à répondre aux besoins et aux particularités de la profession.

MOTS-CLÉS: politique publique. L'éducation physique. Ecole.

POLÍTICAS PÚBLICAS Y LA EDUCACIÓN FÍSICA: REGLAMENTO DE LA ACTIVIDAD DE LOS CONSEJOS

RESUMEN

Educación Física se destaca en el entorno actual a través de la investigación científica que demuestra su importancia para las enfermedades de salud vinculados a la prevención de la inactividad física. La elaboración de materiales didácticos por los organismos gubernamentales, así como la creación de leyes y opiniones relacionadas con la educación brasileña justificadas e incluyen la educación física como materia obligatoria para obtener imágenes en las escuelas. Para entender la educación física como la salud y la disciplina relevante en los niveles escolares deben ser conscientes de sus transformaciones en la sociedad saber sus necesidades y legitimidad. Este artículo tiene como objetivo analizar el contenido que se encuentra en el Ministerio de Educación sitio web de referencia a la legislación educativa de Brasil con respecto a la disciplina de Educación Física en la Educación Básica y describir la función del Consejo Federal de Educación Física (CONFEP) en relación con el ejercicio de profesión en Frederick / RS y región. Se tuvieron en cuenta, dictámenes y resoluciones emitidas por el Consejo Nacional de Educación entre los períodos 1996-2013, así como a las leyes y directrices que se encuentran en ese sitio, el estado CONFEP y artículos sobre política pública. De acuerdo con la documentación examinada, el papel de CONFEP y la relación con que actúa en la región, se observó una deficiencia con respecto al seguimiento de la actuación de los profesionales cualificados para el trabajo que se llevará a cabo en entornos escolares públicos y pequeña colección de la directivos con respecto a la calidad del trabajo de los profesionales. Por último, destacamos la importancia de la participación popular en los debates sobre las cuestiones que se deciden por nuestros líderes en la búsqueda de satisfacer las necesidades y peculiaridades de la profesión.

PALABRAS CLAVE: Políticas Públicas. Educación Física. School.

POLÍTICAS PÚBLICAS E EDUCAÇÃO FÍSICA: DA REGULAMENTAÇÃO À ATUAÇÃO DOS CONSELHOS

RESUMO

A Educação Física se destaca no cenário atual mediante pesquisas científicas que comprovam a sua importância para a saúde prevenindo doenças ligadas à inatividade física. As elaborações de materiais didáticos pelos órgãos governamentais bem como a criação de Leis e Pareceres ligados à educação brasileira justificam e incluem a Educação Física como disciplina obrigatória a ser trabalhada nas escolas. Para entender a Educação Física enquanto área da saúde e disciplina relevante nos níveis escolares devemos estar a par das suas transformações na sociedade conhecendo a sua obrigatoriedade e legitimação. O presente artigo tem como objetivo analisar conteúdos encontrados no site do Ministério da Educação referente à legislação da educação brasileira no que diz respeito à disciplina de Educação Física na Educação Básica e descrever a função do Conselho Federal de Educação Física (CONFEP) relacionando ao exercício da profissão em Frederico Westphalen/RS e região. Levaram-se em conta, pareceres e resoluções publicados pelo Conselho Nacional de Educação entre os períodos 1996 a 2013, bem como as Leis e Diretrizes encontradas no referido site, estatuto do CONFEP e artigos sobre políticas públicas. De acordo com a documentação analisada, o papel do CONFEP e a relação com a atuação na região, observamos uma carência no que diz respeito à fiscalização da atuação de profissionais qualificados para o trabalho a ser exercido em ambientes escolares públicos e pouca cobrança por parte dos gestores com relação à qualidade do trabalho dos profissionais da área. Ao final, destacamos a importância da participação da população nos debates em torno dos temas que são decididos por nossos governantes na busca de atender as necessidades e peculiaridades da profissão.

PALAVRAS-CHAVE: Políticas Públicas. Educação Física. Escola.