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POST-PANDEMIC EDUCATION: AN ANALYSIS FROM EDUCATIONAL INEQUALITY

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Abstract: There is a consensus among thinkers and scholars from different areas that education is the way to solve social problems, so it is pertinent to paraphrase Seneca: *“Education requires the greatest care, because it influences the whole of life”*, said Seneca, philosopher and writer who lived during the Roman Empire (04 – before Christ. – 65). However, several studies highlight the problems that Public-School students were facing before the pandemic. The health crisis and the consequent removal of students from school spaces ended up creating and increasing inequalities, impacting the right to quality education. It is necessary to observe and map the difficulties that “get in the way” of resuming intra-school learning, and at the end of the observation and study, proposals are highlighted to establish healthy and productive relationships in the school environment, thus overcoming the difficulties that COVID-19 ended up causing aggravation. Students away from the school environment did not experience the relationships that school makes possible for individuals. The removal interfered and violated the Principle of Human Dignity. Data collection occurred through bibliographic and documentary research, with on-site analysis and observation. Preliminary results point to difficulties in relationships in the school environment, which occur in the most varied ways. In view of the Principles protected for the individual by the Federal Constitution, we have a study of how the pandemic interfered and still interferes in daily school life.

Keywords: Covid-19 pandemic. Public education. Relationships. Fundamental rights. Human dignity.

INTRODUCTION

The Brazilian Federal Constitution of 1988 in its Article 205 presents Education as a right and a duty, with this responsibility being shared between the State and family for the benefit of all. Being a shared right and duty, that is, State and Society together will assume its effectiveness so that it becomes a social good, becoming a source of citizenship and qualification, let's see:

Article 205: Education, a right of all and a **duty** of the **State and the family**, will be promoted and encouraged with the collaboration of society, aiming at the full development of the person, their preparation for the exercise of citizenship and their qualification for work. (emphasis added)

In this sense, the concern with the conduct of day-to-day life in the school environment is of great relevance in the post-Covid-19 pandemic, justified in the constitutional text that deals with the rights and duties regarding Education. Protecting the constitutional right to Education and even more so, quality Education is extremely important at any time. In the period we are living in (post-Covid-19) it is even more necessary for the State and Society to refer to the text and seek mechanisms to implement changes that bring the effectiveness that the legislator sought to make explicit in the constitutional text (Federal Constitution/1988), according to:

Article 206. Teaching will be provided based on the following principles:

(...) VII – guarantee of quality standards.

The challenges in the educational area in this post-COVID-19 period must only be to accelerate the teaching-learning processes, however, educators and public authorities need to focus on issues involving relationships, affectivity and emotions, understanding that these aspects are important components and present in the school environment and

which significantly influence learning. The contact between all subjects who interact in the school environment has changed in such a way that we have news of professionals who have not yet been able to return to the work environment, being diagnosed with illnesses characteristic of those who experience panic attacks, depression and anxiety.

Going beyond formal, pedagogical and technological issues is extremely important because otherwise we would run the risk of assuming an effect outside the school environment, considering that all subjects who interact within the school are subjects of society and also interact within it.

For Durkheim, (2007) it is within social groups that collective consciousness prevails, that is, the set of beliefs and feelings of the same society that serves to guide the conduct of each one of us. Therefore, individual phenomena can be explained based on the collective.

From this perspective, the individual who interacts within the school is the same subject who reflects in his actions the movement that involves the entire society and its phenomena, thus making it extremely important that the post-pandemic scenario be placed under careful study, from the perspective of the subjects present at school. A health phenomenon occurring on a global scale, affecting countries and societies in large proportions, affects the individual in the same way, causing their behavior, emotions, feelings and relationships to be modified by it. The social subject is the same student-subject and professional-subject, who together, produce learning and build knowledge that contributes to society "(...) aiming at the full development of the person, their preparation for the exercise of citizenship and their qualification to the work." (Article 205 - Federal Constitution).

Still regarding the subjects active in the school environment, we must not devote

greater attention to this or that group, but rather, follow/observe them and seek references in specific literature with special dedication. Such research work must be dedicated to understanding the responses that each group is giving as feedback to the global Covid-19 pandemic phenomenon and the characteristics of the responses, if it is not carried out this way, there is a risk of jettisoning the study and focus on just one aspect of the whole.

In order to guide this study, it will be necessary to appropriate the research of theorists who have focused on social phenomena, educational thinkers and related legislation. The aim is not to exhaust the topic, it would be impossible, however, it is dedicated to opening up discussion and calling on current Education scholars to become more engaged in actions that seek to help the institution School, realizing that this is of special importance in the construction of society, in the most diverse sectors.

THE BRAZILIAN EDUCATION CRISIS

Education is present in all societies, whether formally or informally. From birth, the individual is exposed to education, we live within society and it educates itself. In this sense, whether informal or academic, education is influenced and influences society. It is impossible to study Education in an isolated way, separated from the social historical moment.

It is essential that academic education occurs, so that society can develop. The evolution of a society is essentially linked to the evolution of learning processes and the special attention given to phenomena that occur in the school environment. *According to Gadotti (1999), the practice of education is much earlier than pedagogical thinking, which arises with reflection on practice, due to the*

need to systematize and organize it, according to certain objectives. Pedagogical thinking, at this moment, occupies a special role, since it is necessary to make use of all the elements that can guide reflection, in order to seek answers to overcome the challenges of the post-pandemic moment.

For Paulo Freire (1993), education as an intervention inspires radical changes in society, the economy, human relations and the search for rights, that is, a society without education does not evolve.

In the last three decades, Brazilian education has undergone major changes. The Constitution, the so-called Citizen Constitution, promulgated on October 5, 1988, brought guarantees and duties in its text. The constitutional text “takes care of education and teaching in a special way with reference to rights, duties, purposes and guiding principles” (SANTOS, 1999, p.31).

Among the main changes in the educational sphere, Aranha (1996, p.223) highlights:

- Free public education in official establishments;
- Compulsory and free primary education;
- Care in daycare centers and preschools for children aged zero to six;
- Valuing teaching professionals, with career plans for public teaching.

After the constitutional text, there was also the elaboration of other legal provisions that were intended to deal more specifically with issues involving education. It is cited:

- National Education Guidelines and Bases Law, Law No. 9,394, enacted on December 20, 1996;
- In 1996, the Federal Government developed the National Curricular Parameters;

- The National Education Development Fund (FNDE/1968) maintains programs that aim to give schools more autonomy, resolve needs and provide better conditions for students to access and remain at school. Some of them: Direct Money at School Program (PDDE); National School Feeding Program (PNAE); National School Library Program (PNBE); National Textbook Program (PNLD); National Textbook Program for Secondary Education (PNLEM); National Textbook Program for Youth and Adult Literacy (PNLA); and National School Transport Program (PNTE), among others.

- In 2005, Law No. 11,096 was approved, establishing the University for All Program (PROUNI);

- Fundeb, enacted in 2007.

- PDE, in March 2007, the Education Development Program was launched.

All the legal provisions listed above and others that are intended for more specific situations, are dedicated to bringing a broad legal support, aiming to make effective the guarantees and rights that the 1988 constitutional text brought, in its text on Education.

Therefore, it would not be convenient to write about the absence of protection or legal provisions for the school environment and its agents, but rather, we must seek the understanding that the moment requires effectiveness in executing and making all the protection that the legal apparatus aims to guarantee happen.

Due to the Covid-19 Pandemic, the speeches concerned, in addition to the health issue, also the School, its closure, educators and the impact suffered on the development of young people and adults, but especially concerned the development of children who

were starting the Elementary School I cycle. However, we cannot believe that the problems in Brazilian Education began as a result of the problems caused by the Covid-19 pandemic. Before the pandemic period, education in the world was already experiencing a major crisis. Brazilian public education showed that the world scenario was not a distant reality, and yes, Brazil was also in crisis in the educational sphere.

The World Bank survey (2020) revealed that schools in Brazil are not open to all Brazilians of school age, as recommended by the constitutional text, and, for those who manage to access it, the problems were not resolved, there was a low quality of education. education offered. The instruments used to assess the development of Basic Education students are: SAEB (Basic Education Assessment System) and Prova Brasil, which assess Portuguese Language and Mathematics, instruments developed to “photograph” teaching, whose data are alarming. The focus of the assessments is reading/interpretation and problem solving. These instruments reveal that students have serious difficulties in reading and understanding a story appropriate for their age and are unable to perform the four operations.

Finally, in the pre-pandemic period, in terms of Education, Brazil no longer showed the best scenario, it presented learning deficits and high dropout rates. The difficulties already made the school scenario extremely challenging for those involved, the Covid-19 pandemic worsened the scenario and could make the impacts alarming.

In this entire context, the difficulties in the situation of schools gained a new challenging element: the mental/emotional health of students and educators. This element cannot be ignored, as constitutional guarantees, especially those described in Article 5, ensure freedom, security, life, among others.

Federal Constitution - Artº 5. **All** are equal before the law, without distinction of any kind, guaranteeing Brazilians and foreigners residing in the country the inviolability of the **Right to life**, freedom, equality, **the security** and property[...].” (emphasis added).

In view of the above, it is urgent that the constituted powers, society, Education scholars and professionals who work in the system, look into the difficulties and find mechanisms to guide the way out of the crisis in which Brazilian public education finds itself.

BRIEF ANALYSIS OF THE PRINCIPLES OF BRAZILIAN LAW

What is principle? A brief reflection and the beginning of something comes to mind, what comes before, the cause, the beginning and, a little more elaborate, we can arrive at the concept of precepts guiding the conduct of human beings and society.

A simple search, whether on the world wide web or in a physical dictionary, it is possible to find a concept of the word *principle*, this meaning being a guide to begin the brief analysis of the guiding principles of Brazilian Law. Its meaning brings, in general, principles, as a set of norms or standards of conduct, to be followed by a person or institution. The origin of the term is found in the Latin *principium*, being a proximate cause, origin or beginning. These are initial points to consider. To better understand and explain the depth of the term, we will bring two quotes to support the bias that the text intends to develop on this topic.

In the understanding of Luís Roberto Barroso:

(...) are the set of norms that mirror the ideology of the Constitution, with its basic postulates and its purposes. Briefly stated, constitutional principles are the norms chosen by the constituent as essential foundations or qualifications of the legal order it establishes. (BARROSO, Luís

Roberto. **Interpretation and application of the Constitution: foundations of a transformative constitutional dogmatic.** São Paulo, Saraiva, 1999, page: 147).

According to Miguel Reale:

“Principles are, therefore, fundamental truths or judgments, which serve as a foundation or guarantee of certainty for a set of judgments, ordered in a system of concepts relating to a given portion of reality. Sometimes certain propositions are also called principles, which despite not being evident or resulting from evidence, are assumed to be the foundations of the validity of a particular system of knowledge, as its necessary assumptions”. (REALE, Miguel. **Philosophy of law.** 11° ed. São Paulo: Saraiva, 1986. p 60).

In this sense, it is right to say that the principles are implicit or explicit values in the Constitutional Charter of Brazil, and that it is even more true to say that these principles guide the application of law as a whole, being these applied in all areas of law.

When we look at constitutional principles, the question almost inherently arises as to which are the most important and where they are applicable in Brazilian Law. A detailed in-depth and broad philosophical/conceptual foundation would be necessary to anchor a more appropriate study on the topic.

Briefly, we will mention some that are directly or indirectly related to our object of study.

The constitutional principles applied to Constitutional Law present in article 1 are: sovereignty, citizenship, human dignity, social values of work and free initiative and political pluralism.

The constitutional principles applied to Administrative Law, provided for in Article 37 of the Federal Constitution, they are: legality, impersonality, morality, publicity, efficiency.

1. <https://lfg.jusbrasil.com.br/noticias/2053178/o-que-se-entende-por-principios-sensiveis-na-constituicao-federal-rodrigo-marques-de-oliveira#:~:text=Princ%C3%ADpios%20sens%C3%ADveis%20s%C3%A3o%20aqueles%20que,a%20a%20e%2C%20da%20Constitui%C3%A7%C3%A3o%20Federal>. (Accessed 11/20/2022).

The principles applicable to Procedural Law, the principles applicable to Tax Law, Criminal Law and Social Security are also present in the constitutional text.

An interesting and pertinent topic is the Sensitive Principles, which are those that are violated and result in the most serious sanction that can be imposed on a Member State of the Federation: intervention, removing its organizational autonomy, which characterizes the federative structure. They are listed in Article 34, item VII, paragraphs “a” to “e”, of the Federal Constitution.¹

Article 34: The Union will not intervene in the States or the Federal District, except for:

(...)

VII - ensure compliance with the following constitutional principles:

a) republican form, representative system and democratic regime;

b) rights of the human person;

c) municipal autonomy;

d) accountability of public administration, direct and indirect;

e) application of the minimum required revenue resulting from state taxes, including that arising from transfers, in the maintenance and development of education and public health actions and services. (emphasis added).

In short, the principles protect values considered essential not only for life in society but also for society itself, and they must radiate throughout all legal norms. Therefore, we must observe what Manzato says about the principles.

Regarding the principles (...) “they embrace values and have a radiating action on the

constitutional system, as the foundation of the rules and as a connecting element of the system's components. We can say that the principles have an open texture, capable of absorbing the most cherished values existing in society and, therefore, chosen to be preserved and disseminated throughout the legal system, starting with the constitutional system itself, the natural *habitat* of the principles." (MANZATO, Maria Cristina Biazão. The constitution as a system of principles and rules. ``Revista de Direito Constitucional'', vol. 52, p. 149, Jul./2005).

Given the exposed conceptual framework, it is of great importance to accept the argument that the right to Education is a social right for everyone described in Article 6 of the Federal Constitution, this being not only the exercise of the activity, but its offering of public form and in its most important aspect, be carried out with quality.

So far, we have been working on this item regarding the constitutional principles that reflect, protect and encompass Brazilian Law. These are rules that, although not written, serve as commandments that inform and support the law, using them as a founding piece and basis for the creation and integration of legal norms, supported by the ideal of justice.

So, the reader may be wondering about the principles of law itself. Are they:

- Principle of Due Process;
- Principle of Right to Action;
- Principle of Contradictory and Broad Defense; It is
- **Principle of the Dignity of the Human Person**

Let us note that the principle that concerns the individual is present in the Constitutional Charter and in Brazilian Law implicitly and explicitly. The issue of human dignity permeates every discussion we raise about public education post-Covid-19 pandemic and the return of in-person classes. Recognizing the dignity of the human person

implies taking the individual as the most socially important thing and not treating him as a mere element of a context.

PRINCIPLE OF HUMAN DIGNITY

The principle of human dignity is a concept anchored in philosophy that has abstraction and that determines the intrinsic value of morality, spirituality and honor of every individual. The human being is protected in its value regardless of its own condition in the face of the circumstantial situation.

With the support of another science that has relevant value in human knowledge, History, we will understand the bases of the Enlightenment to later understand the influence of this movement on the principle that we are now dedicated to discussing.

The Enlightenment was an intellectual, philosophical and cultural movement that emerged during the 17th and 18th centuries in Europe. This movement preached greater economic and political freedom, defended the use of reason in opposition to the old regime, Absolutism. This regime centered on the figure of the king, where he was supported by the luxury paid by taxes from lower classes. The name Enlightenment comes from the fact that its defenders, philosophers and economists called themselves propagators of light and knowledge. The ideas that spread across Europe during this period promoted changes in the political, economic and social fields.

To bring the light of reason was the main motivation for Enlightenment thinkers who wanted to separate themselves from the power of the Catholic Church and the absolutist monarchy, using science and reason as instruments, as well as practicing economics and politics with greater freedom. In Enlightenment thought, the way to reach God was reason, thus, although they questioned the religious domain, they were not atheists.

Main characteristics of the Enlightenment:

- Reason was considered the primordial and legitimate factor for achieving truth and knowledge;
- Advancement of science;
- Ignored any religious belief that was contrary to scientific evidence;
- Opposition to Mercantilism, Absolutism, the advantages of the Catholic church and the nobility;
- Defense of greater political and economic freedom (without State interference);
- Some scientists believed that nature was capable of explaining society's behavior;
- Predominance of the bourgeoisie;
- God is present in nature and in man himself;
- Questioning things and truths were valued, it was also essential to carry out research with the aim of expanding knowledge about politics, economics and society.

The main thinkers who influenced the Enlightenment were:

- John Locke (1632-1704)
- Voltaire (1694-1778)
- Jean-Jacques Rousseau (1712-1778)
- Montesquieu (1689-1755)
- Denis Diderot (1713-1784)
- Adam Smith (1723-1790)

In Brazil, Enlightenment ideals arrived in the 18th century. Brazilian students from the highest classes of society, studying at European universities, came into contact with the emerging thinking of the thinkers and returned to Brazil, after their studies, bringing the influence of the thinkers in their academic

baggage. The dissemination of these thoughts occurred especially in urban centers.

The movement in which the influence of Enlightenment thinkers can be most noted in Brazil was the ``Inconfidência Mineira`` (1789), one of the most important movements with the most resounding repercussions in Brazilian political history. The fight for freedom focused on the oppression of the Portuguese government during the colonial period. The Enlightenment and its ideals reached the rebels through students who went to an effervescent Europe, with the influence of the thoughts of philosophers and thinkers.

Although the participants of ``Inconfidência Mineira`` were not successful in their attempt, the Enlightenment ideals gained greater dissemination among the layers of Brazilian society.

This way, we were able to complete the historical link to affirm that Enlightenment ideals were of fundamental importance for the political formation of Brazil.

Let us return to the theme of the Principle of Human Dignity. Given the social context in Europe, the characteristics, the thinkers, the nascent movement in Brazil and the propagation of the ideas of the Age of Enlightenment, there is no doubt in stating that this principle is strongly influenced by the Enlightenment thought of the 17th and 18th centuries.

The debate around this principle is constant and makes it a controversial topic. If, on the one hand, we have its historical birth and its well-defined bases in time, on the other hand, its philosophical bias is the subject of constant debate. Abstraction and philosophy end up emptying their practical and material application. In law, this principle has the status of being the most important in the Brazilian legal system, permeating its entire application, making it the object of extensive discussions.

In the Federal Constitution, the principle

of human dignity is found in article 1, in section III:

Article 1 The Federative Republic of Brazil, formed by the indissoluble union of States and Municipalities and the Federal District, constitutes a Democratic State of Law and has as its foundations:

I – sovereignty;

II – citizenship;

III – the dignity of the human person;

IV – the social values of work and free enterprise;

V – political pluralism. (emphasis added)

In these terms, it is important to consider that if this principle is included in the constitutional text at the beginning, it means that all other legislation will necessarily have to consider the dignity of the human person for its implementation.

Exemplifying the alignment of other legislation with the Constitution, we describe here Article 8 of the Code of Civil Procedure (2015):

Article 8 When applying the legal system, the judge will meet social purposes and the requirements of the common good, protecting and **promoting the dignity of the human person** and observing proportionality, reasonableness, legality, publicity and efficiency. (emphasis added).

This way, it is possible to observe that the principle of human dignity has great importance in the legal system and holds within it social defense in addition to the defense of human beings, being the foundation of the Democratic State of Law (article 1, III,) and guarantees of vital needs for the individual.

In the words of MORAES (2011, p.60), “dignity is a spiritual and moral value inherent to the person, which manifests itself singularly in the conscious and responsible

self-determination of one’s own life and which brings with it the claim to respect for other people.”

The dignity of the human person, present in our Constitution, goes beyond the concept of principle, thus being a constitutional foundation, serving as a guide for the legal system.

BRIEF ANALYSIS OF PRACTICAL STUDIES WITH POSSIBLE SOLUTION

To corroborate the arguments presented in this work, which was outlined in a bibliographical form and through observation, we will dedicate ourselves to understanding the scenario under study and the results of the bibliographical research. Data collection occurred in two phases, namely, in specific bibliography and through on-site observation. The results point to difficulties in relationships in the school environment, which occur in the most varied ways. Professionals who work in the classroom report bouts of anxiety, anguish, uncertainty about the future, discouragement with the resumption of face-to-face classes and high levels of stress, which compromises the quality of their profession. Schools needed to adapt to distance learning, educators lived through two distinct and extremely dependent moments. If, on the one hand, the educator needed to stimulate the student’s learning at a distance, on the other, he had to entrust part of the protagonism of the new situation to the parents, who in turn, felt uncomfortable with the new mission, which would require them to have knowledge and strategies. pedagogical techniques that were unfamiliar to them. We must remember that when the school units closed, we were starting the 2020 school year, we only had two weeks of classes, students were adapting, families and school professionals were entering the school routine. Students from the 1st to the 5th year (Elementary 1)

were starting the school year, the professionals were still dedicated to organizing the spaces. The health crisis abruptly closed the units, requiring a new organization, a new approach, a different planning with a view to overcoming the new challenges. It was necessary to raise awareness among parents and explain to them that the moment required a new attitude from everyone.

The following two years, 2020 and 2021, were spent away from the school environment. In the public education system, students were being guided remotely by teachers, with the valuable assistance of parents. A new list of content was listed, leaner, a list that suited the moment and the new context, handouts were created, internet classes were recorded, and others were transmitted online.

The uncertainty of the moment became constant insecurity, worsened by the difficult health situation that the world was witnessing. The school units found themselves extremely fragile and without a previous parameter that would support the present time. After the most serious period of the pandemic, with the arrival of vaccines and the constant, and even frantic, contribution of science to finding paths and solutions to the crisis, people began to consider and plan an in-person return to school units. At that time, the scenario was constantly changing. Students reported the need for the school environment. The emotional state already so shaken by the prolonged and difficult scenario would return to living together.

The return took place gradually, every other week, with families initially being offered the option of remaining online, if they did not feel safe sharing the environment with other individuals who did not belong to their own family bubble.

The school was fully prepared, professionals received safety equipment and guidance on personal and environmental hygiene

procedures, respiratory etiquette, crowds, etc. There were many procedures to ensure safety for everyone who shared the school space, however, there was another element that everyone had to deal with, the emotional one. Affection, so present in teaching from 1st to 5th year, could no longer be expressed spontaneously as before, they returned to the face-to-face system, but there was no safety in hugging, talking close, welcoming in a warm way. Children and education professionals began to suffer with the close distance, it was a new thing to do, a new way of teaching classes, a new way of learning. We must remember that interaction between peers is fundamental to getting to know oneself and others, and this is a space for building affection and creating bonds. Conflicts became present, relationships were impacted, difficulty concentrating, anxiety and anguish are common reports among students and educators, all impacted by isolation and the loss of family and friends. The United Nations Children's Fund (UNICEF) states that children, adolescents and young people may feel the impact of Covid-19 on their mental health and well-being for many years to come.

In view of what was observed and the studies researched, it is coherent to conclude that there is a need to discuss the subject in all spheres of education, whether in the administrative, pedagogical, social and especially, with regard to the emotional aspects of all individuals involved in the school environment.

Recalling the Principles protected for the individual by the Federal Constitution, Human Dignity has in origin, in one of its aspects, the integral health of the human being, therefore, the emotional needs a healthy environment so that it can favor exchange and individual growth and collective. Continuous dialogue, getting closer to students, encouraging them to share their feelings, concerns and thoughts, are actions that will allow reception and

guidance to re-establish an environment of trust, enabling learning through exchange, the individual-individual relationship and individual-environment is a factor of growth and not of anguish and suffering.

FINAL CONSIDERATIONS

The COVID-19 Pandemic that has significantly changed people's lives around the world. Education was not immune to the effects of the health crisis. It was possible to detect more clearly the abyss that separates students from less favored classes, from students who have better purchasing power. What was already known, that is, the need to reduce differences, became a case of extreme urgency in discussing and implementing actions so that the effects of the health crisis were minimized in the school environment.

The Citizen Constitution protects the individual and specific laws protect the most fragile in society and fill the gaps in the greater law.

The recovery work is long and arduous. In-depth studies will be essential so that the effects of the pandemic are minimized over the coming years. Public schools need to be better equipped, educators need support and security to develop their work with quality in all aspects inherent to the human being and the professional.

The moment brought great difficulties and demanded much more than what was available in order to solve the difficulties that arose and still present themselves today, but an effort from the various segments that make up education can find ways to help students and educators.

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