

Legislation Regarding Music Education in Basic Education and the Role of Education Councils in Rio Grande do Sul, Brazil: A Documentary Study

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Abstract

This study investigated the role of education councils in Rio Grande do Sul, Brazil, in implementing legislation on music education in basic education. Using a qualitative approach and documentary research, we examined the legislation, opinions, and normative acts of these councils. Our findings show both the progress and challenges in policy implementation. Content analysis identified patterns and trends within the examined documents, providing a comprehensive understanding of the issued regulations. It transpired that approximately 80% of the municipalities in Rio Grande do Sul, have not yet complied with the requirement to establish supplementary regulations for music education, as mandated by CNE/CEB Resolution No. 2/2016. This study emphasizes the need to strengthen educational legislation and promote collaboration among public agencies for effective policy implementation. The practical implications underscore the importance of increased engagement of education councils in effectively integrating music into the school curriculum to the benefit of educators, students, and the community.

Keywords

Music Education, School Music, Public Policies, Legislation, Regulations

1. Introduction

Music education in Brazil faces many challenges related to the implementation and enforcement of legislation that ensures its inclusion in basic education in schools. Law No. 11,769, enacted in 2008, made music teaching mandatory in basic education. Various regulations and guidelines have been established to facilitate the im-

plementation of this policy. However, its implementation has been inconsistent, with significant variations across different states and municipalities.

Education councils play a crucial role in regulating and enforcing educational policies in Rio Grande do Sul. These bodies issue regulations, opinions, and normative acts to guide educational practices in schools. Despite its importance, the effective implementation of consistent and comprehensive music education across the region remains a challenge.

This study aimed to examine the role of education councils in Rio Grande do Sul in implementing legislation on music tuition in basic education. Official documents issued by these councils were analyzed to understand how national legislation was translated into local regulations and to evaluate the effectiveness of these policies in educational practice.

The study's specific objectives were:

- 1) To analyze the regulations issued by the Municipal Education Councils of Rio Grande do Sul, Brazil, concerning music education.
- 2) To examine how national legislation on music tuition in basic education is reflected in the regulations, opinions, and other normative acts of education councils in Rio Grande do Sul, Brazil.
- 3) To evaluate the effectiveness of these regulations in educational practice and identify challenges and advancements in the implementation of these policies.

This study is highly relevant to the international music education community as it offers insights into the implementation of educational policies in a specific context. Analyzing the challenges and progress in implementing music education policies in Rio Grande do Sul can help develop more effective and adaptable policies in different settings. Moreover, improving current legislation and enhancing the involvement of educational councils can facilitate the better integration of music into school curricula, benefiting educators, students, and the community as a whole.

2. Methodology

This study is grounded in a qualitative approach utilizing documentary research. This approach was chosen to analyze the data in its specific nature, rather than quantify it, with the goal of examining the role of the education councils of Rio Grande do Sul through official documents issued by these institutions.

Denzin and Lincoln (2006) stressed that qualitative research involves a naturalistic and interpretive approach to understanding the world. Studies from this perspective examine research subjects within their environments and seek to interpret phenomena based on the meanings provided by participants. The authors explained that qualitative research includes studying and collecting various empirical materials such as case studies, personal experiences, life histories, interviews, artifacts, texts, and cultural productions.

According to Gil (2010), documentary research involves using existing materials, such as books and articles, to gather information. This includes searching for

information in documents that have not been scientifically studied previously, such as reports, newspaper articles, magazines, letters, films, recordings, and photographs.

The choice to conduct documentary research is justified by the goal of gathering all official materials created by the education council, such as opinions, resolutions, and regulations, to fulfill the purpose of this study.

Data were collected from documents accessed via the Internet. [Silva et al. \(2009\)](#) emphasized the importance of this phase of documentary research by highlighting the need for specific technical procedures and precautions when gathering relevant sources. Official documents were collected from the State Council of Education of Rio Grande do Sul and the education councils of Rio Grande do Sul. Online research facilitated data collection. In addition, collaboration with the National Union of Municipal Education Councils of Rio Grande do Sul improved access to education councils and helped gather data more effectively.

Data analysis was conducted using [Moraes \(1999\)](#)' content analysis framework, which comprises five stages: information preparation, unitization or transformation of content into units, categorization or classification of units into categories, descriptions, and interpretations. The data were analyzed from the theoretical perspectives of educational policies ([Bowe et al., 1992](#)) and educational legislation ([Brazil, 2016](#)).

Content analysis enabled the identification of patterns and trends within the reviewed documents, offering a comprehensive understanding of the regulations issued by education councils. Strict verification and triangulation procedures were used to ensure the reliability and validity of the data. The triangulation process included comparing data from multiple sources to highlight similarities and differences. To reduce potential bias, researchers conducted independent reviews of the documents.

Documentary research provides detailed insights into the practices of education councils despite certain drawbacks. One limitation is the potential inability to capture all the nuances of the councils' practices because of a lack of access to unpublished or internal documents. Additionally, content analysis may be subject to subjective interpretation even with rigorous validation measures intended to minimize this risk.

The selection of a qualitative approach and documentary research method was confirmed as appropriate to achieve the objectives of this study. Although this study employs documentary research, future studies could include interviews for triangulation and validation of the documentary interpretations. This approach allowed for a detailed analysis of official documents issued by the education councils of Rio Grande do Sul, providing an in-depth understanding of their roles in implementing legislation regarding music education in basic education.

3. Theoretical Foundation

The theoretical foundation played a crucial role in contextualizing the research,

identifying gaps in the literature, and supporting the investigation. This section explores the educational policies, legislation, and epistemological assumptions in music education.

3.1. Educational Policies: The Policy Cycle Approach

British researchers Stephen Ball and Richard Bowe proposed the policy cycle approach, which characterizes the political process of educational policies (Ball, 1994; Bowe et al., 1992). They aimed to highlight the continuous policy cycle that shapes schools through political recontextualization. School research must consider not only the national curriculum but also other components of educational policy (Bowe et al., 1992). The policy cycle encompasses contexts that simultaneously impact and are affected by various elements, such as the context of influence, policy text, practice, effects, and political strategy.

The context of influence is where policies are initiated, political discourse is constructed, and stakeholders strive to shape their decisions. The second context, political texts, includes representative political documents, such as legal texts, official guiding documents, formal or informal commentaries, speeches, public presentations by politicians and key officials, and official videos (Bowe et al., 1992). Policies are textual interventions that inherently encompass limitations and possibilities. The response to these texts has tangible consequences experienced in the context of practice, where policy is implemented, interpreted, and potentially redefined. Policymakers do not naively confront political texts (Bowe et al., 1992).

Ball expanded this theory by introducing two additional contexts: effects and political strategy. The context of effects focuses on issues of justice, equality, and individual freedom, with policies resulting in general and specific outcomes. Ball suggested that policy analysis should consider these dimensions as well as how the policy interacts with other sectoral policies and the broader policy framework. The political strategy context involves identifying the social and political actions necessary to address the inequalities caused by the policy being studied, which is a vital component of critical social research (Ball, 1994).

Ball argued for the need to separate educational policy theories from state-centric frameworks. Politics is described as an “economy of power,” consisting of various technologies and practices that extend beyond local contexts. Policies tend to be simple and incomplete, whereas practices are intricate, adaptable, complicated, and unpredictable. Political dynamics involve a balance between domination, resistance, and chaos/freedom, as outlined by Ball.

3.2. Educational Legislation

Educational legislation that served as the theoretical framework for this investigation comprised laws issued by various legislative bodies and authorities regarding music education in schools. These laws are currently in effect and include the Federal Constitution of 1988 (Brazil, 1988), LDB No. 9394/1996 (Brazil, 1996), and

CNE/CEB Resolution No. 2 of 2016 (Brazil, 2016).

3.3. Federal Constitution

Specific articles from the 1988 Federal Constitution were selected to support this study, including Articles 205, 206, 208, 210, and 214. Article 205 considers education a “right of all and a duty of the State and the family.” It should be “promoted and encouraged with the collaboration of society,” aiming for the full development of the individual, preparation for citizenship, and work qualifications. Article 206 includes the principles of education, stressing the “freedom to learn, teach, research, and disseminate thought, art, and knowledge,” as well as the “pluralism of ideas and pedagogical approaches.” It also emphasizes the coexistence of public and private educational institutions, and guarantees quality standards. Article 208 highlights the State’s responsibility for education, focusing on “access to higher levels of education, research, and artistic creation based on individual capacity.” Article 210 touches on the establishment of minimum content standards for education, ensuring a common foundational curriculum, while respecting national, regional, cultural, and artistic values. Lastly, Article 214 underscores the national education plan by emphasizing the “enhancement of education quality” and the “humanistic, scientific, and technological progress of the country.”

3.4. LDB No. 9394/1996

Law No. 9394/96 establishes the importance of Article 26, which outlines the curricula for early childhood, elementary, and secondary education. In line with Law No. 12,796 of 2013, the curriculum should have a common national foundation with an additional diversified component at each educational institution to reflect regional and local characteristics. This component is necessary to consider society, culture, the economy, and the students themselves. Additionally, Law No. 13,278 of 2016 mandates that the visual arts, dance, music, and theater are essential elements of the curricular components mentioned in Section 2 of the article.

3.5. CNE/CEB Resolution No. 2/2016

This resolution established national guidelines for the implementation of music education in basic education. It outlines the responsibilities of schools, education departments, higher education institutions, the Ministry of Education, and education councils in complying with Law No. 11,769/2008 (Brazil, 2008), which requires the inclusion of music education in school curricula. Paragraph 5 highlights the responsibility of education councils to develop supplementary regulations; oversee State, District, and Municipal Education Plans; and evaluate the implementation of public policies regarding music teaching in basic education.

3.6. Epistemological Assumptions of Music Education

Kraemer (2000) discussed music education as an interdisciplinary field, exploring the dimensions and functions of music pedagogy knowledge and emphasizing its

unique characteristics compared to other disciplines. Music pedagogy focuses on the connections between individuals and music, aligning with the humanities (Kraemer, 2000). This encompasses philosophical, historical, psychological, sociological, musicological, and pedagogical aspects along with other disciplines relevant to music education.

The philosophical aspects involve the aesthetics of music and pedagogical anthropology. Historical aspects emphasize the importance of reconstructing events using available materials and critically analyzing and interpreting them, encompassing both historical research and writing (Kraemer, 2000). In terms of psychological aspects, Kraemer (2000) outlined general music psychology, psychosocial music psychology, differentiated music psychology, and developmental music psychology. Sociological aspects stem from the sociology of music, which explores the effects of music and the associated social conditions and relationships.

Music pedagogy and musicology intersect in shared efforts to understand music. Musicological areas of study include ethnomusicology, acoustics, music theory, and related fields. By contrast, music pedagogy focuses on the interpretation that musical expressions can take on within the educational process (Kraemer, 2000).

Pedagogical aspects stem from pedagogy, which encompasses theories of education and training as well as the premises, conditions, processes, and outcomes of educational and didactic actions. It also addresses social and institutional issues along with challenges related to teaching, learning, and didactics. Kraemer (2000) explored the interdisciplinary nature of music pedagogy and suggested an expanded dimension of the field with broader and more adaptable boundaries.

In Kraemer (2000)'s study, the focus of musical reflections was the appropriation and transmission of music. Pedagogy and music pedagogy are interconnected disciplines that have led to various groupings in the field. These action-oriented disciplines were integrated based on the research objectives. Kraemer (2000) argued that the unique knowledge of music pedagogy is found at the intersection of pedagogical ideas, influenced by the humanities and guided by musical culture and aesthetic-musical concepts. To comprehend musical pedagogical facts and contexts, it is crucial to establish the principles that explain music education practices. These principles play a key role in decision-making, providing guidance, clarification, influence, and optimization of these practices.

Kraemer (2000) suggested a structural model of music pedagogy that incorporates analysis and application within a discipline. This model includes musicological and pedagogical components. It also outlines the functions of music pedagogy, including understanding, interpreting, describing, elucidating, and raising awareness, to transform music education practices.

4. Results and Discussions

This section presents and discusses the results obtained from the data collection conducted in collaboration with the Education Councils of Rio Grande do Sul,

Brazil, and the National Union of Municipal Education Councils of Rio Grande do Sul. This study focused on the councils' role in defining additional regulations for locally implementing the mandatory inclusion of music tuition in basic education, as outlined in CNE/CEB Resolution No. 2/2016 (Brazil, 2016).

4.1. Overview of the National Union of Municipal Education Councils of Rio Grande do Sul

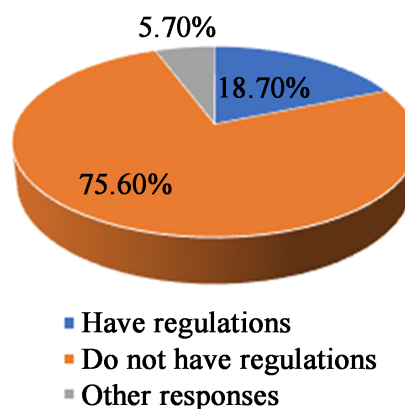
The National Union of Municipal Education Councils is a private, non-profit organization based in the Federal District that serves as the national representative body for the Municipal Education Councils of Brazilian municipalities (National Union of Municipal Education Councils, 2019). The National Union of Municipal Education Councils of Rio Grande do Sul represents the state branch of the National Union of Municipal Education Councils and is responsible for systematically collecting data from the education councils of Rio Grande do Sul.

Rio Grande do Sul has 497 municipalities, each with its own department of education. Some of these departments, known as municipal departments of education, function as independent entities, whereas others are part of larger organizations that include sectors such as culture, sports, and tourism. According to the Law of Guidelines and Bases of Education No. 9394 of 1996 (LDB 9394/1996) (Brazil, 1996), the educational system comprises not only municipal departments of education but also education councils.

4.2. Data Collection

Data were collected by sending electronic forms via email to the education council of Rio Grande do Sul, facilitated by the National Union of Municipal Education Councils of Rio Grande do Sul. Of the 497 municipalities, 401 had established education councils. Responses were received from 401 councils regarding the presence of regulations covering music education as outlined in CNE/CEB Resolution No. 2/2016.

4.3. Research Results



Source: Author (2025).

Figure 1. Existence of regulations in municipal education councils of RS.

The results show that most education councils in the Rio Grande do Sul lack specific regulations related to CNE/CEB Resolution No. 2/2016. Of the responses received, 303 councils (75.6%) stated that they had not drafted regulations to implement music teaching in basic education. In contrast, 75 municipal education councils (18.7%) claimed to have established regulations, whereas 23 councils (5.7%) provided different responses. (Figure 1)

4.4. Discussion of Results

The results reveal a significant gap in the implementation of specific regulations by the municipal education councils of Rio Grande do Sul as required by CNE/CEB Resolution No. 2/2016. These data can be analyzed using the policy cycle approach, which suggests that educational policy goes through various stages, including influence, policy text, practice, effects, and political strategy. The policy is not simply received and implemented; it is open to interpretation and can be reshaped (Bowe et al., 1992). The absence of specific regulations in 75.6% of the councils indicates a failure to translate policy guidelines into effective practices within schools.

Significant differences were observed among the 23 responses of different natures. Seven respondents (1.7%) indicated that the regulation was currently being developed, which may lead to future compliance with CNE/CEB Resolution No. 2/2016. This reflects the context of political strategy, in which social and political activities are crucial for addressing inequalities arising from the policy being studied (Ball, 1994).

Four responses recorded that actions were taken before CNE/CEB Resolution No. 2/2016, which aligned with Law No. 11,769/2008 (Brazil, 2008), thereby increasing the number of councils with some regulations by 0.9%. These responses show the continuity of educational policies even before the implementation of CNE/CEB Resolution No. 2/2016, demonstrating how previous policy documents continue to impact current practices.

Five responses conveyed that music education was conducted in schools in various ways, such as through music workshop projects, extracurricular classes, or integration into the early years, without specific council regulations. The data suggest an existing practice that has not been formalized. This can be interpreted from Kraemer (2000)'s perspective, which discusses the importance of appropriating and transmitting music as an integral part of music education even in the absence of formal regulations.

Three responses indicated that music was integrated into the school curriculum or political and pedagogical projects, suggesting a more optimistic outlook on the presence of music in schools. Two councils mentioned their compliance with CNE/CEB Resolution No. 2/2016 and the Gaúcho Curriculum Framework (Rio Grande do Sul, 2018), whereas the other two highlighted the inclusion of music in municipal guiding documents aligned with the National Common Curricular Base (Brazil, 2017). These responses demonstrate the growing recognition of the significance of music education and the deliberate move to formally include music

in the school curriculum.

4.5. Implications of the Results

The results show a clear need for municipal education councils to increase their efforts to develop and implement specific regulations to ensure the effective inclusion of music in school curricula as required by CNE/CEB Resolution No. 2/2016. The lack of official regulations may have led to the discontinuation of music programs in schools, particularly during financial crises or other challenges, highlighting the importance of the practice context and its impact, as advocated by Ball (1994).

Considering the educational differences between Brazilian states and other countries with similar structures, it is important to assess how these findings can be applied in other contexts. The incorporation of music into municipal guidelines, school regulations, and political and pedagogical projects demonstrates the growing recognition of the significance of music education. However, formalizing these practices into official regulations is essential to guarantee their sustainability and legitimacy, as Kraemer (2000) noted in his argument for explanation and guidance in music education practices.

5. Conclusion

Reflections on the collected data revealed the effects of public policies on music education. As per CNE/CEB Resolution No. 2/2016, Article 1, Paragraph 5, Item I, education councils have the authority to “establish supplementary regulations to these guidelines, addressing the necessary local regulation of the mandatory inclusion of music education in Basic Education” (Brazil, 2016: p. 2). Despite being passed seven years ago, approximately 80% of the municipalities in Rio Grande do Sul have not complied with this requirement, indicating a significant gap between the legislation and its actual implementation.

Furthermore, Article 1, § 5, item II of the same resolution requires education councils to oversee the evaluation of public policies related to music education in basic education within State, District, and Municipal Education Plans. The widespread lack of adherence to these legal requirements accentuates the challenges in incorporating music into schools.

The data collected and analyzed in this investigation revealed persistent challenges in implementing music education in schools. Since 2016, CNE/CEB Resolution No. 2/2016 has mandated immediate adherence to guidelines; however, its implementation has been slow and inadequate. This scenario supports the policy cycle approach of *Bowe et al. (1992)*, who argued that policies are textual interventions subject to interpretations and limitations within the context of practice. Educational policies are often reinterpreted within the contested arena of schools and education departments, which may partially justify the absence of regulations issued by education councils.

Furthermore, the absence of education councils in 96 of the 497 municipalities in Rio Grande do Sul obstructs the implementation of the educational policies reg-

ulated by LDB No. 9,394/1996. The lack of such councils hinders the effective establishment of educational systems at the municipal level.

Numerous challenges must be overcome to comply with CNE/CEB Resolution No. 2/2016. The enactment of laws on music education in Brazilian schools is commendable. It is equally important for municipal education councils to provide continuous and meticulous monitoring to ensure compliance with current legislation.

This study draws attention to the critical importance of strengthening the existing legislation on music education at the state and municipal levels through education councils. It also emphasizes the need for coordinated efforts among public agencies to guarantee policy implementation. The research findings aim to reinforce existing legislation, promote the development of new laws, and underscore the significance of education councils adhering to CNE/CEB Resolution No. 2/2016. This adherence is crucial for the effective integration of music into schools.

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Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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