

THE DRAFT LAW AIMING TO INSTITUTE THE PROFESSIONAL BODY OF PEDAGOGIST AND SOCIAL EDUCATORS. WHAT CHANGES FOR THE SCHOOL ENVIRONMENT AND IN THE FIELD OF EDUCATION FOR STUDENTS WITH DISABILITIES

IL DDL PER L'ISTITUZIONE DELL'ORDINE DELLE PROFESSIONI PEDAGOGICHE ED EDUCATIVE AL SENATO. COSA CAMBIA PER IL MONDO DELLA SCUOLA E NEI SERVIZI PER L'INCLUSIONE SCOLASTICA DEGLI ALUNNI CON DISABILITÀ

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ABSTRACT

Last July, the Italian Chamber of Deputies passed a law introducing a new public professional body. The body, called "Ordine delle professioni pedagogiche ed educative" will rule social educators and professional pedagogy practitioners.

Once approved in the Senate, this legislation is going to change the overall structure of educational and social services in Italy. Moreover, the change in the regulatory framework for educational professions will have important repercussions on the world of schooling, particularly in the areas of school inclusion, school guidance, and initial and in-progress teacher training.

Il 5 luglio 2023 è stata approvata alla Camera una proposta di legge finalizzata ad istituire sia l'ordine delle professioni pedagogiche e educative che gli albi degli educatori professionali socio-pedagogici e dei pedagogisti.

Una volta approvata al Senato, tale norma è destinata a modificare l'assetto complessivo dei servizi educativi, sociali e sociosanitari nel loro complesso.

Inoltre, il quadro normativo sulle professioni educative che viene delineandosi produrrà importanti ripercussioni sul mondo della scuola, particolarmente nei settori dell'inclusione scolastica, dell'orientamento scolastico e della formazione iniziale ed in itinere dei docenti.

KEYWORDS

social educators; disability, educators; special needs educators professionali socio-pedagogici; educatori professionali socio-sanitari, disabilità, doppio educatore

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1. ¹The professions of educators and pedagogists in the system and the path of the proposed law on the order of pedagogical and educational professions

Although these are professions that have existed for millennia, the contemporary professional practice of the pedagogue is a relatively recent development (Blezza, 2007). This is in part due to the rise of professional self-awareness among the general public (Saglietti, 2020). They are present in the school environment in a variety of ways, and research on their presence in educational and early childhood contexts has been produced (Prisciandaro et al., 2018; Amendola, 2018; Capó, 2021).

On a normative level, the issue of recognizing the profession of educator accessible through a degree in education has been a problem for decades (Nicodemo, 2015). Legislation that recognised the professions of socio-pedagogical professional educator, educator in childhood education services, and pedagogist has only been implemented by the legislature in recent times (Blezza, 2021; Oggioni, 2014, pp. 52-57; Iori, 2018). Despite this, the perception of professional autonomy remains fragile. Indeed, two distinct measures were approved in 2017 (Nicodemo, 2018): Legislative Decree 65/2017, which governs the educational system from birth to six years of age, and the Budget Law 2018.

Later, additional regulations that mandated the presence of socio-pedagogical professional educators as a social profession in health and social services supplemented these initial two normative sources, although in a fragmentary and episodic manner. These include Law 104/2020 (and the subsequent ministerial decree signed by Minister Speranza on October 30, 2020), which regulated the types of activities that socio-pedagogical professional educators are permitted to perform in health and social-health services, and the 2019 Budget Law (Law 145/2018), which amended Law 205/2017 regarding the areas of activity of the pedagogue and the socio-pedagogical professional educator. Overall, the defining feature of this regulatory process was the addition of a few paragraphs here and there -with a certain amount of extemporaneousness- within *omnibus* measures,

¹ Author of paragraphs: "1. The professions of educators and pedagogists in the system and the path of the proposed law on the order of pedagogical and educational professions" and "2. General articulation of the text approved in the House chamber"

2 Author of paragraphs: "3. Pedagogical professions and schools. What transformations to the school service system flow from the passage of the Law", "4. Reflections of the introduction of school integration legislation" and "5. Conclusion"

resulting in significant system changes but lacking an overall design.

At the end of this process, the service system was being enriched with three new professions of interest to graduates in education and related master's degree classes:

- the profession of social and educational professional educator;
- the profession of educator in educational services for infancy;
- the profession of pedagogue.

Furthermore, by *Paragraph 596 of Law No. 205 of December 27, 2017*, the term "professional educator" that was previously recognised within the system was amended to "socio-health professional educator" *in the state budget for the fiscal year 2018 and the multi-year budget for the three years 2018–2020*. By *Law No. 3 of January 11, 2018, Delegation to the government on clinical trials of medicines as well as provisions for the reorganisation of health professions and health management in the Ministry of Health*, the socio-health professional educator became a professional body in the order of medical radiology health technicians and technical, rehabilitation, and prevention health professions during the same months. On the contrary, the occupations of pedagogue, socio-pedagogical professional educator, and educator in children's educational services continued to be exempt from regulation.

At the moment, the sphere of professions is a concurrent matter in our system (Cipolloni, 2020); thus, the regions ought to modify their regulations about social services, health services, vocational training, and employment services to align with the provisions outlined in the national norm. For instance, training credentials for activities that overlap with state-regulated professions cannot be included in the repertoire of regional qualifications that are the subject of vocational training activities (a matter delegated to the regions by the Constitution); similarly, the requirements for authorization and accreditation of social and social-health services should have included what is provided for in the state regulations on the subject of professional socio-pedagogical educators and educators in childhood education services.

In this regard, it has been pointed out (Nicodemo, 2021) that this adjustment has occurred in only a minority of cases, both in relation to the professions that can work in social services and in relation to regional professional qualifications.

Within this framework, in July 2023 the bill called "Provisions on the ordering of pedagogical and educational professions and the establishment of related professional registers" was approved in the Chamber of Deputies. This Bill had a particularly fast track and is currently being dealt with in the Senate.

The measure under discussion stems from the joint consideration of four bills, two

of which come from the majority and the same number from the opposition. These are House Bill 596 (first signature of Congresswoman Valentina D'Orso), House Bill 659 (first signature of Congresswoman Carolina Varchi), C. 952 (initiative of Congresswoman Annarita Patriarca and others), and House Bill 991, submitted by Congresswoman Irene Manzi. Of the four texts, a unified text was drafted, which was approved in the House on July 5, 2023, and assigned to the Senate VII committee in red session on July 13 and identified as Senate Act S. 788.

2. General articulation of the text approved in the House chamber

The unified bill under discussion in the Senate consists of 13 articles. The first four are devoted to the definition and requirements for practicing the profession of pedagogist and socio-pedagogical professional educator.

The first article is headed "Definition of the pedagogical profession." The pedagogue is defined as "a specialist in educational processes who, operating with scientific autonomy and deontological responsibility, exercises functions of coordination, consulting and pedagogical supervision for the design, management, verification and evaluation of interventions in the pedagogical, educational and training fields aimed at the person, couple, family, group, social bodies and the community in general." In the second article, the prerequisites for pursuing a career in pedagogy are outlined. After obtaining the previous bachelor's degrees in pedagogy and educational sciences and the master's degrees, which were already delineated in the legislation cited in Law 205/2017, one may enter the profession by registering in the appropriate registry. Additionally, the regulation establishes a protective measure that permits researchers and full and associate university professors who have instructed or are teaching pedagogical disciplines at Italian or foreign universities to continue practicing as pedagogists.

The criteria for entry into the field of socio-pedagogical professional education are defined similarly in the third and fourth articles. Article 3 stipulates that "the socio-pedagogical professional educator is an intermediate-level operational professional who performs planning and consulting functions with scientific autonomy and deontological responsibility." These individuals are responsible for supervising the evaluation, planning, organisation, and implementation of "projects, interventions, and educational and training services in the social-educational field that target people who are in distress or difficulty." Their work experience is limited to the educational aspects of social health services. The requirements for the practice of the profession of socio-educational professional educator are outlined in the fourth article.

The next three articles then turn to the rules establishing and regulating access to the registers. Article 5 establishes the registers of professional socio-pedagogical educators and pedagogists, providing for the option of concurrent registration in the registers of professional socio-pedagogical educators and pedagogists. Article 6 establishes the Order of Pedagogical Professions as a national public body. Article 7 dictates the conditions for registration in the two registers provided for in Article 5: citizenship of Italy or another European Union country; not having had convictions that have become final and resulted in disqualification from practicing the profession; having been licenced; and being a resident of Italy. As an alternative to this last requirement, the bill provides that Italian citizens residing abroad may remain registered in the registers in the event that they are residents abroad and in the service, as pedagogists or professional socio-pedagogical educators, of national entities or companies operating outside the territory of the State.

Article 8 is devoted to the operation of the National Bar Council. The National Bar Council consists of the presidents of the regional and autonomous provincial bars; Article 9 is devoted to procedures for the recognition of degrees awarded by foreign universities, and the tenth article is devoted to the bar establishment process at the level of regions and autonomous provinces. The last three articles are devoted to the registration process for the two registers in the first application (Article 11) and a safeguard rule regarding the regulations of the autonomous provinces of Trento and Bolzano (Article 12). The final article contains a financial invariance clause.

3. Pedagogical professions and schools. What transformations to the school service system flow from the passage of the Law.

The legislation that the Senate is about to approve will have an impact on several aspects of the educational system. The following section will emphasise those that are bound to impact the school world.

The first aspect of importance to schools is the impact that the establishment of the order and registers will have on scientific reflection on the unique characteristics of the professions of socio-educational professional educators and pedagogues.

The legislator followed the same path that was established for other professions, including psychiatric rehabilitation technicians, social workers, and socio-

professional educators. This also applied to the pedagogue and socio-professional educator. Among all of these three cases, the legislature acquired into the order legislation two professions that were already present as professions not organised into Orders and Colleges in the State system. Currently, professions not organised in Orders and Colleges cannot, by their own founding statutes (Article 1, c. 2 of Law No. 4 of January 14, 2013, Provisions on professions not organised in Orders and Colleges), cover the "activities reserved by law to subjects registered in registers or lists pursuant to Article 2229 of the Civil Code, health professions and related activities typical or reserved by law and craft, commercial and public practice activities and trades regulated by specific regulations."

Therefore, until the entry into force of a law establishing their professional order and register, the socio-pedagogical professional educator and the pedagogue come within a sphere of "residual" professional activities. In our system, the activities that are legally reserved for the ordained professions are identified first. Once the reserved activities are defined, we proceed by exclusion by defining the areas that remain from these activities. Those professions that lack organisation in Orders and Colleges come to find themselves in these residual areas.

The establishment of a professional order will necessitate the (legal) delineation of the pedagogical space of activity in relation to two orders of "boundaries": firstly, the demarcation between educational activities that are part of the professional reserve and those that are not, and secondly, the delineation of boundaries with the other ordained professions. The first type includes the definition of what is pedagogical versus what is psychological (in relation to the relationship with the profession of psychology), the distinction between what is educational and what is rehabilitative ("boundary" with the health professions), and the definition of what distinguishes pedagogical counselling from social service counselling. Equally important will be the distinction between what is educational and subject to professional reservation, and what is educational but not subject to professional reservation. The normative function entails the responsibility of professional orders to establish these boundaries.

This legal requirement associated with the normative function that our system's orders are entrusted with is closely related to a comparable supporting scientific function. One could argue that the establishment of a hierarchy of pedagogical professions necessitates scientific-professional reflection to define pedagogy, including but not limited to the aforementioned boundaries. This notion is not only plausible but also desirable. Such scientific reflection is bound to have an impact on all areas of pedagogical and educational professional activity, and it is possible that

the professions will emerge from it with a stronger identity in relation to the scope of application of pedagogical science in their own unique areas.

Similarly, another area of repercussions on schools connected with the introduction of the Order and Registers concerns school guidance. In this regard, the bill currently being approved by the Senate provides that pedagogues may carry out "in public administrations and in public and private services, [...] school and career guidance activities" (Art. 1, c. 2 of the bill S.788). The introduction of school and career guidance activities among the activities that pedagogues "may perform" opens up the issue of who, in contrast, "may not perform" these activities, due to the principle referred to earlier, according to which downstream from the definition of what is ordained professional reserve come the activities that may be performed by others.

The figure of the orientation teacher has recently emerged in the school system. This individual, alternatively referred to as the "guidance counsellor," serves a marginal guidance role in regards to the teacher's service hours. It is possible that this will not be considered to overlap with the pedagogue's duties, as the aforementioned bill specifies, although a future renaming of the responsibility may be necessary. Instead, if a specific investment in external school guidance assignments is desired, this should be delegated to a professional figure in our system, such as a pedagogue or another ordained profession.

A very important change that will affect the school is connected with the evaluation made above regarding the evolution of pedagogical disciplines that comes to be connected with the establishment of the order. The text currently under discussion in the Senate stipulates that the pedagogue shall "also carry out teaching, experimentation and research activities in the specific professional field" (art. 1, c. 3 of the text approved in the House). Direct formulation of this definition is the fact that teaching and scientific research in pedagogy would be placed within the pedagogue's professional reserve. Similar to what is already the case for Mpsi scientific-disciplinary fields, in fact, to access teaching and research in Mped will be required to be registered in the professional register.

This appears to be especially significant given that teacher training includes a significant portion of pedagogical and didactic disciplines, which are currently free to teach but will be placed in the professional reserve if this text becomes law. Furthermore, this professional reserve would encompass all pedagogical teaching areas, and the university would be required to adjust all related contract teaching and new research activities by awarding all pedagogical area training and research

contracts to those who met the registration requirement in the professional register of pedagogists.

One area of activity where something would be moving with the approval of the rolls and order concerns the educational system from birth to 6 years old. The 0-6 years system was regulated by one of the legislative decrees implementing the “Buona Scuola” law Legislative Decree 65/2017.

Another area of consequence concerns Legislative Decree 65/2017. In establishing the 0–6 year system, it establishes what is destined to become one of the centrepieces of the system, namely territorial pedagogical coordination. It has the task of promoting continuity between the nursery and preschool, promoting joint planning, coordination, and training, and promoting the quality of educational provision. Although there is no clear provision in the regulation for the entry training of personnel in charge of the territorial pedagogical coordination service and the coordination of children's services, Paragraph 3a of Legislative Decree 65/2017 provides for an amnesty for access: "In order to achieve cost savings, the qualifications obtained by the date of entry into force of this decree shall also continue to be valid for access to the posts of educational facility coordinator." Thus, provision was made for the amnesty without explicitly providing for the access title; this was evidently because, as the nursery is a mono-professional team, it is naturally coordinated by the related apical profession. In fact, the coordinator of a nursing service within a hospital ward, in a social service or psychological service, is always a professional belonging to that particular profession (professional nurse, social worker, psychologist). The approval of the rule, therefore, while not changing the requirements of the standard, will amplify its effective application in the regulations of regional accreditations, an application that has been, as highlighted above, very partial.

On the social and educational professional educator side, it seems useful to point out that this profession is already a substantial part of the schooling world, at least in relation to three specific professional areas. Educators, in fact:

- are present as educators in childhood education services within the system from birth to six years, including Spring Sections. This profession is entered with an L19 degree in education with a childhood field of study. The normative source of childhood education services is Legislative Decree No. 65 of April 13, 2017, "Establishment of the integrated system of education and education from birth to six years, in accordance with Article 1, paragraphs 180 and 181 (e) of Law No. 107 of July 13, 2015";

- are present as educational staff in boarding schools and educandates. The duties of the educational staff in boarding schools and educandati are regulated by an old contractual provision (the National Supplementary School Collective Agreement), which stipulates that the educational - school staff are endowed (Art. 127 of the CCNI Scuola 2006–2009) with "psycho-pedagogical, methodological, and organisational-relational skills, interrelated and integrated with each other, which are developed through the maturation of educational experience and study and research activities." Their educational function takes place within the framework of boarding schools and "is carried out in an articulated series of activities that include the educational activity proper, activities functional to it, and additional activities." They are entrusted, according to Article 129 of the same Supplementary National Collective Bargaining Agreement, with activities alongside the children in their studies and in recreational, sports, and cultural activities, with the relationship with families and teachers, as well as oversee the reception and supervision of boarding school students upon their arrival and departure from the boarding school;
- are present in school inclusion services. The normative source in this regard is Law 104/92, in the third paragraph of Article 13, which provides for support teachers in schools of all levels, "notwithstanding [...] the obligation of local authorities to provide assistance for personal autonomy and communication for pupils with physical or sensory disabilities." The autonomy and communication assistance service has been reorganised over time in various ways, but it has certainly taken on an educational connotation.

Currently, in order to enter the profession of daycare educator, it is necessary to have obtained a degree in education in addition to the childhood major, while to practice in all other services, it is not necessary to have the major. As for the activity related to school inclusion, it has been variously regulated by the Regions (Nicodemo, 2021), which has not uniformly brought it back to its natural place under the profession of professional socio-pedagogical educator, which is plausible to happen once the Law is passed and the Order is established.

The functions of educational staff in boarding schools are accessed through a plurality of different formations, and it is plausible to imagine that a fairly immediate consequence of the passage of the bill currently being debated in the Senate would be that the profile of educational staff would be traced back to the functions of educators or to the same related professional registration.

This *reductio ad unum* of the many educators present in the professions of legislation and working in schools could have important developments. On the one hand, it would have the merit of making educational functions more interchangeable with different users, allowing operators working in one service to work (perhaps for the same cooperative) on another service, and ensuring the completion of schedules. The prevalence of forced part-time may be one of the causes of the huge turnover of educators, making them "unobtainable" in the labour market. On the side of the educator working in school inclusion, moving from training with a regional qualification provided in many regions (300 to 600 hours) to a degree in educational science (whose training load is 4500 hours) would constitute a blatant raising of the quality of service to children and youth with disabilities, who are its final recipients. On the other hand, it is curious that a bachelor's degree is required (rightly so) to work in early childhood, but with children and youth with disabilities, who have at least the same level of service complexity as those needed with younger children, a bachelor's degree is not required everywhere.

4. Reflections of the introduction of school integration legislation.

As mentioned in the previous paragraph, school integration services have their source in the primary norm, the third paragraph of Article 13 of the Law reforming the complex of services on disability number 104/92. Law 104, however, far from identifying a profession—at the time it provided for a teacher in charge of support in schools of all levels—had intended to place a task in the hands of local authorities, that of providing activities to provide assistance for autonomy and communication. In establishing that task, however, it defined neither the professional content of this service nor the requirements for access to that profession or the types of related skills.

Over time, this system of institutional co-participation in the problem of the education of pupils with disabilities has grown stronger and is probably the most interesting aspect of the way in which the service has come to be defined.

Today, in fact, all levels of the Republic are involved in these services and in the drafting of the individual project, which serves as its framework: the Ministry, with regulatory and school service delivery functions; the Regions, with governance and regulatory functions; the local authorities with service delivery functions; and the Asl (Local Health Authority) with their own services on disability.

At the time the service was established by Law 104/92, the typical activities of autonomy and communication assistance were not defined, let alone the training

of professionals. For this reason, each region and autonomous province regulated the activities and training of operators differently (Nicodemo 2021). The plurality of the system resulted in an uneven level of service quality nationwide, based on how much and how that service was regulated and financed.

The opportunity for a unification of profiles was contained within Legislative Decree 96/2019 (the so-called *inclusion decree*), which amended and supplemented Legislative Decree 66/2017. This decree stipulated that within 120 days of the measure's entry into force, a Unified Conference agreement should have been finalised with the task of defining "the implementation modalities of the interventions and services referred to in letters a), b), and c) of paragraph 5, including the modalities and venues for the identification and indication, within the limits of available resources, of the need for services, facilities, and professional resources, as well as the quality standards related to the aforementioned letters." This provision has never been implemented; therefore, a plurality of training access and descriptions of autonomy and communication assistance activities remain in our system.

In 2017, the professional qualification of a socio-pedagogical professional educator, which is the only figure with educational functions in social services in the state system, was introduced into our system. This has not really happened, as the regions have not adapted their regulations or have done so in an extremely partial way.

That, however, the autonomy assistance service was an educational service is explicitly stated by the Ministry of Education itself, which in the guidelines for drafting the Individualised Educational Plan (Ministerial Decree 153 of August 01, 2023) for school-age children and young people with disabilities declares that "specialised assistance for autonomy and/or communication is characterised by actions clearly oriented towards educational intervention."

Although the definition of state order has not efficiently standardised the figure across the country, despite the delegation mentioned in Legislative Decree 66 and Legislative Decree 96/2019, the implementation of an order and a register can potentially serve as a catalyst for effectively regulating this type of service.

The consolidation of the 21 entry requirements into a single professional order will certainly be a step forward in simplifying a framework that suffers from an excessive amount of compartmentalization. There is, however, an even more interesting aspect to the process of establishing a professional order and register, which is concerned with the definition of the profiles and tasks of personnel

engaged in autonomy and communication assistance services. The current issue stems from differences in care levels across the country, which are caused by the fact that these professionals perform very different activities from region to region, area social plan to area social plan, and even school to school.

5. Conclusions

The passage of the bill currently being debated in the Senate will have several repercussions for the world of education.

A first sphere of repercussions is connected with the scientific-disciplinary and cultural reflections that the activation of the order and the definition of areas of professional reserve solicit from the scientific community. The scientific reflection on the "boundaries" (between pedagogical and psychological, between educational and rehabilitative, between professional education and common education, between pedagogical counselling and social service counselling) will have the consequence of producing a scientific reflection on pedagogy with important reflections in the professional practice that comes to be articulated in society, consequently modifying how much and how professional pedagogy comes to be articulated in schools.

Second, the establishment of the order will have an organisational impact on some services that require the presence of educators in the school community. The aforementioned *reductio ad unum* of the different educational functions to a single activity of professional socio-pedagogical educators engaged in different activities, from infancy to adult disability to autonomy and communication assistance services, stands as the premise of using the same operator on different services. A more rational use could be the premise of a more functional use of staff and a reduction in the turnover that currently characterises autonomy and communication assistance services, improving their quality levels.

Finally, a third area of fallout will be the redefinition of qualifications. The educator in educational services for infancy will no longer be required to obtain a specific address for childhood in order to operate. Furthermore, the establishment of the order is likely to make the obligation to provide autonomy and communication assistance through graduate personnel, which is currently not legally enforceable in the services, thereby significantly raising the level of service quality.

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