

Gésio da Silva Barros

Gilcileide Cardoso da Silva

Marcos Magno Ramos da Silva

Ivana Pereira and Pereira

Atanildo de Sousa Mendes

Abstract

This study investigates the historical trajectory and legal foundations that guide Brazilian policies aimed at school inclusion, highlighting both the progress achieved and the obstacles that still exist to ensure access and permanence of students with disabilities in education. Since the 1988 Federal Constitution, inclusion has been recognized as an essential principle of national education, later consolidated by milestones such as the Law of Guidelines and Bases of National Education (LDB), the National Education Plan (PNE), the National Policy on Special Education from the Perspective of Inclusive Education and, more recently, the Brazilian Law on Inclusion (LBI). The analysis, based on a literature review and official documents, demonstrates that, although there have been significant normative advances, challenges related to school infrastructure, teacher training, and attitudinal barriers remain. It is essential to strengthen intersectoral actions, invest in continuous teacher training, and promote pedagogical practices committed to equity and the valuing of human rights.

Keywords: School inclusion. Human rights. Educational policies. Disability. Educational legislation.

Abstract

This study explores the historical development and legal foundations of Brazilian policies on school inclusion, highlighting both the achievements and the ongoing challenges in ensuring access and retention of students with disabilities in education. Since the Federal Constitution of 1988, inclusion has been established as a core principle of national education, further reinforced by key frameworks such as the Law of Guidelines and Bases for National Education (LDB), the National Education Plan (PNE), the National Policy on Special Education from the Perspective of Inclusive Education, and, more recently, the Brazilian Inclusion Law (LBI). Based on a bibliographic review and official documents, the analysis reveals that, despite important normative advances, barriers related to school infrastructure, teacher training, and cultural attitudes remain.

Strengthening intersectoral actions, promoting continuous teacher education, and encouraging pedagogical practices grounded in equity and human rights are essential.

Keywords: School inclusion. Human rights. Educational policies. Disability. Educational legislation.

1. Introduction

The consolidation of inclusive education in Brazil is the result of a historical process marked by... due to tensions, social mobilizations, and significant legislative changes. For centuries, people Children with disabilities have been made invisible in the school environment, often being directed to segregated or private institutions devoid of any form of schooling. The enactment of The 1988 Federal Constitution represented an essential milestone in establishing education as a right. universal, extending to people with disabilities the guarantee of access to and continued enrollment in education.



Year V, v.2 2025 | Submission: 06/11/2025 | Accepted: 08/11/2025 | Publication: 10/11/2025

From this milestone, different public policies were formulated with the objective of

To structure more equitable and inclusive practices. The Law of Guidelines and Bases of National Education.

(LDB), the National Education Plan (PNE) and guiding documents of the National Education Policy

Special Education has contributed to affirming the Brazilian State's commitment to inclusion in

regular classrooms, ensuring accessibility, educational resources, and teacher training.

However, the gap between the legal framework and the reality experienced in schools still persists, where

Physical, pedagogical, and cultural barriers hinder the full participation of students with

deficiency.

This article aims to examine the advances and obstacles faced by education.

inclusive in the country, considering the historical context, the normative apparatus and academic analyses.

available. To this end, a methodology based on bibliographic and documentary review is used.

supported by legislation, scientific research, and reference materials. The intention is to offer a

critical reflection that contributes both to the training of educators and to the formulation of new [ideas/programs].

practices and policies. The relevance of this discussion lies in the commitment to an education that

Recognize diversity as a richness and promote social justice, guaranteeing it for all people.

Learning and development opportunities in inclusive school environments.

Legal and Historical Framework of Inclusion in

Brazil 2.1 Historical Background of Special Education

The history of education for people with disabilities in Brazil reveals an initial trajectory of

Social exclusion and invisibility. During the colonial period and much of the 19th century,

The prevailing perception was one of incapacity, which restricted these individuals to the domestic environment or

to institutions of a welfare nature. The absence of structured public policies was evident.

a society that did not recognize disability from a rights perspective. In the 20th century, the following emerged...

early educational initiatives aimed at this audience, usually conducted by institutions.

Philanthropic organizations, such as the Benjamin Constant Institute and the National Institute for the Education of the Deaf.

Although pioneering, these experiences reinforced a segregationist logic, keeping the student

with disabilities separated from regular education. From the 1970s onwards, with the influence of

social movements and international discussions on human rights began a

A reconfiguration of care, still marked, however, by clinical and medicalized approaches.

The advent of the 1988 Constitution represented a turning point in this scenario, by affirming the

Education as a right for all, and by proposing a model focused on equity and inclusion. This

This conceptual shift opened the door for public policies that began to encompass disability.

from a pedagogical and civic perspective, even though permeated by disputes, resistance, and tensions.

structural.



Year V, v.2 2025 | Submission: 06/11/2025 | Accepted: 08/11/2025 | Publication: 10/11/2025

2.2 Federal Constitution of 1988 and LDBEN/1996

The 1988 Federal Constitution was a watershed moment for inclusive education in Brazil, by establishing principles of equality, diversity, and universal access to school. Article 208, Paragraph III highlighted the importance of ensuring specialized educational services, preferably in regular classes in the mainstream school system. This device guided educational systems to develop... more democratic policies, prioritizing not only enrollment, but also retention and... Academic success of students with disabilities. Complementing this milestone, the Law of Guidelines and The National Education Guidelines and Bases Law (LDBEN), from 1996, regulated the organization of national education, and dedicated specific chapters to special education (articles 58 to 60). The LDBEN reinforced the priority inclusion in the regular school system and determined the provision of educational resources and support services, in addition to emphasize the need for training teachers capable of developing pedagogical practices inclusive.

Both the Constitution and the LDBEN (Brazilian Law of Education) consolidated the legal basis for the construction of a Education committed to the principles of equity and social justice, breaking with the legacy. exclusion that has historically marked the trajectory of people with disabilities in Brazil.

2.3 Convention on the Rights of Persons with Disabilities

Adopted by the UN in 2006 and incorporated into the Brazilian legal system with the status Constitutional Decree No. 6,949/2009, the Convention on the Rights of Persons with Disabilities Disability promoted a paradigm shift in the understanding of disability. The focus It shifts from a biomedical perspective, focused on individual limitations, to a social view, which identifies environmental, communicational, and attitudinal barriers as factors that produce exclusion.

In the field of education, Article 24 of the Convention established the mandatory nature of systems. inclusive at all levels, recognizing the mainstream school as the legitimate space for Full development of all individuals. This reaffirms inclusion as a human right. fundamental and reinforces the commitment of the signatory States to adopt pedagogical practices collaborative and equitable. By giving constitutional force to the Convention, Brazil has assumed commitments ranging from architectural accessibility to curriculum redesign and Ongoing teacher training. The emphasis is on valuing diversity as... an essential component of educational practice, rejecting any exclusionary logic and strengthening the The notion of school as a space for democratic coexistence.



Year V, v.2 2025 | Submission: 06/11/2025 | Accepted: 08/11/2025 | Publication: 10/11/2025

2.4 Brazilian Law for the Inclusion of Persons with Disabilities (LBI)

Enacted in 2015, the Brazilian Inclusion Law (Law No. 13.146) consolidated advances significant in recognizing the rights of people with disabilities. Also known as The Statute of Persons with Disabilities, the LBI (Brazilian Law for the Inclusion of Persons with Disabilities), deepened the principles already foreseen in legislation. previous ones, structuring a robust normative framework that strengthens inclusion in all spheres. social issues, with an emphasis on education. In the educational sphere, the law reaffirms the right to access school. It regulates and establishes guidelines for providing quality inclusive education. Article 28 It highlights the obligation of institutions to eliminate barriers, guarantee pedagogical resources, and promote... Ongoing teacher training. A central point is the prohibition of charging additional fees in Private schools are enrolling students with disabilities, a measure that contributes to reducing Inequalities and combating discriminatory practices.

Another relevant aspect of the LBI is its intersectoral perspective: educational inclusion is understood as part of a network that involves health, social assistance, culture and mobility urban. Therefore, the effectiveness of the law requires coordination between different areas, recognizing that Learning is impacted by multiple social factors. Despite its innovative nature, the The implementation of the Brazilian Law for the Inclusion of People with Disabilities (LBI) still faces obstacles, such as insufficient investment and a lack of... specialized training and resistance from some institutions. Moving forward in this process implies not Not only to comply with the law, but also to promote cultural and pedagogical changes capable of sustaining it. a truly inclusive school.

Public Policies and Guidelines for Inclusive Education 3.1 National Policy on Special Education from the Perspective of Inclusive Education (2008)

The publication of the National Policy on Special Education from an Educational Perspective The inclusive law, enacted in 2008 by the Ministry of Education, represented a significant turning point in the conception... special education in the country. In opposition to the segregationist logic, the policy reaffirmed that everyone Students have the right to attend regular classes in the mainstream education system, and it is up to them to... specialized educational services (AEE) should assume a complementary and articulated role, never substitute.

This guideline is based on principles such as equity and recognition of diversity. Human rights and the guarantee of educational opportunities. It starts from the premise that every student can... to learn and develop their potential, provided that adequate conditions are offered. accessibility, differentiated teaching resources, assistive technologies, and trained teachers for dealing with varying learning paces and styles.

Among the policy outcomes, the creation and expansion of Resource Rooms stands out. Multifunctional, structured for Special Educational Needs and equipped with specific materials and technologies,



Year V, v.2 2025 | Submission: 06/11/2025 | Accepted: 08/11/2025 | Publication: 10/11/2025

working in partnership with regular classes. These classrooms, usually held outside of regular school hours, have with the aim of supporting the development of specific skills and promoting learning.

Another relevant point concerns investment in continuing education programs, encompassing teachers, managers, and educational technicians, seeking to consolidate practices. Inclusive pedagogical approaches in daily school life. Despite the progress, challenges persist, especially regarding... Insufficient human and material resources hinder the effective universalization of the proposal. The 2008 National Policy has established itself as an essential regulatory framework, offering guidelines so that educational systems can organize themselves with a view to building an inclusive school, which Recognize and value the uniqueness of each student.

3.2 National Education Plan (PNE 2014–2024)

The National Education Plan (2014–2024), established by Law No. 13.005/2014, constitutes- if it is to be seen as the main instrument for medium-term planning in Brazilian educational policy. Among its goals, Goal 4 is dedicated to the universalization of basic education and service. Specialized educational support (AEE) for students aged 4 to 17 with disabilities and global developmental disorders. of development and high abilities/giftedness, preferably in regular schools.

This goal reinforces the State's responsibility to guarantee access, permanence, and learning for these students, establishing strategies that involve expanding enrollments in regular classrooms, the expansion of Multifunctional Resource Rooms, initial training and continued teacher training, and curricular and methodological adaptation. The presence of indicators and Monitoring mechanisms strengthen the evaluative nature of the plan, allowing for adjustments over time. of its validity.

The National Education Plan (PNE) also highlights the need for intersectoral coordination, recognizing that... Inclusion transcends school boundaries. Joint actions with health, social assistance, and transportation. Schooling becomes fundamental, especially in peripheral or rural regions, where barriers Structural issues are still significant.

Despite regulatory progress, its implementation faces obstacles: lack of funding. sufficient, lack of up-to-date statistical data, difficulties in teacher qualification and The persistence of cultural and institutional barriers. Thus, although the National Education Plan (PNE) represents a reference... This is an important regulation, but its effectiveness depends on cooperation between the federal government, states, and municipalities, as well as... such as the participation of civil society and the strengthening of social control mechanisms.

Advances and Challenges in School Practice

4.1 Normative and Institutional Advances

The trajectory of inclusive education in Brazil reveals a process of gradual transformation and



Year V, v.2 2025 | Submission: 06/11/2025 | Accepted: 08/11/2025 | Publication: 10/11/2025

significant, especially in recent decades. The number of student enrollments with

The deficiency in regular classes has increased consistently, reflecting both the strengthening of public policies regarding the incorporation of school inclusion in the main legal frameworks of education. This movement signals not only a quantitative change, but also a qualitative one.

since the presence of these students in regular classes represents a collective effort to guarantee

The right to learn in environments that value diversity.

Among the most significant advancements, the expansion of Resource Rooms stands out.

Multifunctional spaces, which have become established as fundamental areas of pedagogical support within the scope of Specialized Educational Services (AEE). In these environments, students have access to resources.

Adapted teaching methods, differentiated materials, assistive technologies, and coordinated support.

A common curriculum, which promotes the development of their potential.

Another central axis of this process is the strengthening of teacher training. Programs of

Ongoing professional development has enabled teachers to improve pedagogical practices aimed at...

diversity, while undergraduate courses have begun to include the topic of diversity in their curricula.

Inclusive education, preparing future educators to deal with different paces and learning styles.

Learning and specific needs of students.

These achievements are also reflected in the institutional sphere. Schools have become more

charges related to physical, communicational, and pedagogical accessibility, ensuring that all

students actively participate in school activities. Furthermore, many political projects...

Educational approaches have begun to consider inclusion as a structuring principle, recognizing that

Diversity as an essential part of the educational experience.

Although regional inequalities are observed in the implementation of these measures, it is possible

to assert that legislation and public policies have laid a solid foundation for building a model

A fairer and more democratic education system. However, its implementation depends on continuous investment.

in infrastructure, human resources and monitoring mechanisms that ensure effectiveness

of the actions. More than a technical or administrative challenge, school inclusion requires commitment.

The ethical and political task of transforming the school into a truly welcoming space, capable of promoting

The development and participation of all students.

4.2 Persistent challenges

Even with the progress, obstacles persist that compromise the effectiveness of inclusion.

Schooling in Brazil. One of the biggest problems is the lack of accessible infrastructure: many schools

They still lack ramps, accessible restrooms, tactile signage, or communication resources.

accessible. In addition to physical barriers, there are attitudinal and pedagogical obstacles. The lack of

The lack of preparedness of teachers and administrators, coupled with prejudices still present in the school environment, limits the



Year V, v.2 2025 | Submission: 06/11/2025 | Accepted: 08/11/2025 | Publication: 10/11/2025

Full student participation. In many cases, teachers report feeling insecure about the specific needs, which can reinforce exclusionary practices.

Another critical point concerns the scarcity of human and material resources. Although there are Multifunctional Resource Rooms do not always have qualified professionals to work in Special Education Services, and When they exist, they are often overburdened or unevenly distributed among schools.

The lack of integration between educational policies and health and social assistance services. This exacerbates the situation, especially in vulnerable contexts, where the school alone cannot... responding to the multiple demands of students. Finally, the transformation of school culture is One of the biggest challenges. Beyond legislation, it is necessary to rethink curricula and practices. Historically exclusionary assessment and pedagogical approaches. Building an inclusive school. It requires time, critical reflection and, above all, a collective commitment to human rights.

5. Final Considerations

Inclusive education is a social and political achievement of great importance, but its Implementation requires more than well-structured legislation: it demands a profound cultural shift. within the school and in society. Recognizing differences as a constitutive part of human life and Not seeing these limitations as limitations is an essential condition for consolidating a pedagogy focused on equity. In Brazil, there is a robust body of regulations that supports inclusion, but its implementation is still a long way off. It is unequal. For it to become a reality, it is necessary to ensure consistent financial investments. Adequate infrastructure, assistive technologies, and accessible teaching materials.

The continuing education of education professionals plays a central role in this process. enabling them to develop innovative and responsive pedagogical strategies to meet the needs of students. In addition, the active participation of the school community: families, administrators, students and Civil society is essential, as inclusion is only strengthened when it is put into practice. collective. It is, therefore, a movement in constant construction, which requires monitoring. Dialogue and renewal of practices. More than an ideal, inclusion must become part of the routine of... Brazilian schools, ensuring that all students, with or without disabilities, have access to a Quality education in environments that respect their dignity and potential.

References

ARANHA, Maria Lúcia de Arruda. *History of Education and Pedagogy: General and Brazil*. São Paulo: Moderna, 2006.

BRAZIL. Constitution of the Federative Republic of Brazil of 1988. Available at: https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Accessed on: July 25, 2025.

Year V, v.2 2025 | Submission: 06/11/2025 | Accepted: 08/11/2025 | Publication: 10/11/2025

BRAZIL. Law No. 9,394, of December 20, 1996. *Establishes the guidelines and bases of national education*. Available at: http://www.planalto.gov.br/ccivil_03/leis/l9394.htm. Accessed on: July 25, 2025.

BRAZIL. Law No. 13.146, of July 6, 2015. *Brazilian Law for the Inclusion of Persons with Disabilities (Statute of Persons with Disabilities)* https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13146.htm (with Disability). Available at: https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/l13146.htm. Accessed on: July 25, 2025.

BRAZIL. Ministry of Education. *National Policy on Special Education from the Perspective of Inclusive Education*. Brasília: MEC, 2008.

BRAZIL. National Education Plan 2014–2024. Law No. 13.005/2014. Available at: <https://www.gov.br/mec/pt-br/assuntos/pne>. Accessed on: July 25, 2025.

UN. *Convention on the Rights of Persons with Disabilities*. New York: United Nations, 2006. Decree No. 6,949/2009. Available at: http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/decreto/d6949.htm. Accessed on: July 25, 2025.