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Inclusive education without a budget: the judicialization of inclusion in the federal network of professional, scientific and technological education and the impossible equation for the public manager.

Inclusive education without a budget: the judicialization of inclusion in the federal network of professional, scientific, and technological education and the impossible equation of the public manager

Inclusive education without presuppositions: the judicialization of inclusion in the federal network of professional, scientific and technological education and the impossible ecuation of the public manager

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ABSTRACT

This article analyzes the structural contradiction between the normative expansion of the right to inclusive education in Brazil and the progressive underfunding of institutions within the Federal Network of Professional, Scientific and Technological Education (RFEPCT), based on an anonymized empirical case of the judicialization of inclusion that occurred in 2026 at a campus of the Federal Institute of the Central-West Region. The study adopts a qualitative methodology of a bibliographic and documentary nature, with analysis of budgetary data, current legislation, judicial decisions, and institutional documents, in full compliance with the provisions of the General Data Protection Law (Law No. 13.709/2018).

LGPD), the Statute of Children and Adolescents (Law No. 8.069/1990 — ECA) and the constitutional principles of comprehensive protection for minors.
It is argued that the growing demand for school support professionals for students with Autism Spectrum Disorder (ASD) and other disabilities, supported by a robust legal framework, contrasts with the budgetary reality of federal institutions, which, since 2016, have operated under chronic underfunding. The judicialization of inclusion, while legitimate as an instrument for defending fundamental rights, falls on local administrators without budgetary autonomy, preventing them from complying with court orders without violating the Constitution and fiscal responsibility laws. It is concluded that the effective implementation of inclusive education requires specific, structured, and sufficient funding, holding accountable the bodies that legislate and allocate resources, and not only those that execute with what is made available to them.
Keywords: Inclusive education. Education funding. Federal Institutes.
Judicialization of education. Autism spectrum disorder. Public policy. Fiscal responsibility.
Data protection.

ABSTRACT

This article analyzes the structural contradiction between the normative expansion of inclusive education rights in Brazil and the progressive underfunding of institutions belonging to the Federal Network of Professional, Scientific and Technological Education (RFEPCT), based on an anonymized empirical case of inclusive education judicialization that occurred in 2026 at a Federal Institute campus in the Central-West Region. The study adopts a qualitative, bibliographic, and documentary methodology, in full compliance with the General Data Protection Law (LGPD), the Child and Adolescent Statute (ECA), and constitutional principles of comprehensive child protection. It argues that the growing demand for school support professionals for students with Autism Spectrum Disorder (ASD), supported by robust legal frameworks, contrasts with the budgetary reality of federal institutions operating under chronic underfunding since 2016. The

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judicialization of inclusion falls on local managers lacking the budgetary autonomy to comply with judicial orders without violating the Constitution and fiscal responsibility laws. It concludes that the realization of inclusive education requires specific, structured, and sufficient funding, and that institutions that legislate and allocate resources be held accountable, rather than only those who implement with what is made available to them.

Keywords: Inclusive education. Education funding. Federal Institutes. Judicialization of education. Autism Spectrum Disorder. Public policy. Tax responsibility. Data protection.

INTRODUCTION

Inclusive education in Brazil has built one of the most robust frameworks over the last three decades.
normative frameworks of the world. From the Federal Constitution of 1988, which enshrines education as a right.
fundamental principle of equal conditions of access and permanence (art. 206, I), passing
by the Law of Guidelines and Bases of National Education (Law No. 9,394/1996), by the Convention
International Convention on the Rights of Persons with Disabilities (Decree No.
6. (949/2009), by the Brazilian Inclusion Law — LBI (Law No. 13.146/2015), by Decree No.
Law 12.773/2025 — which establishes the National Policy for Inclusive Special Education.—, until the new Plan
National Education Law (Law No. 15.388/2026), the legislative trajectory is one of progressive expansion of
institutional rights and responsibilities.

However, this normative trajectory was not accompanied by a corresponding trajectory.
budgetary. While the legal obligations of public educational institutions expand
Continuously, the funding of institutions within the Federal Network of Professional Education,
The Brazilian Ministry of Science, Technology and Innovation (RFEPCT) has suffered systematic compression since the Constitutional Amendment.
No. 95/2016, which established the New Fiscal Regime. The result is a structural contradiction that...
This increasingly materializes in legal disputes: on one side, students with disabilities.
claiming rights guaranteed by law; on the other hand, local managers who, lacking resources...
despite having sufficient budgetary resources, they are compelled by the Judiciary to fulfill financial obligations.
impossible without violating the Constitution itself.

This article takes as its empirical starting point a case of judicialization of inclusive education.
which took place in 2026 on a campus of a Federal Institute in the Central-West Region of Brazil,
involving a teenage student diagnosed with Autism Spectrum Disorder (ASD)
and the demand for the provision of a school support professional. In accordance with the
provisions of the General Data Protection Law (LGPD — Law No. 13.709/2018),
especially Article 14, which provides enhanced protection for the data of children and adolescents, and with
In accordance with articles 143 and 247 of the Statute of Children and Adolescents (ECA — Law No.
Law 8.069/1990), which prohibits the disclosure of any element that allows the identification of a minor.
age in legal proceedings, all identifying data of the student, the mother, the number

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The entire process and related administrative documents have been suppressed. The case is...
treated through an anonymized case study methodology, a widely used procedure.
Used and recommended for research in education, law, and public policy.
The case itself is not exceptional: it is representative of a national trend. Its relevance to
Academic research resides precisely in its typicality—it is the visible face of a problem.
structural problem affecting dozens of federal campuses and straining the limits of local public management between
Two seemingly irreconcilable constitutional duties: the fundamental right to education.
inclusive and the constitutional prohibition of expenses without prior budgetary allocation.
The research problem guiding this study can be formulated as follows: in a
context of chronic underfunding of RFEPCT institutions, such as the judicialization of
Does inclusive education affect campus management, and what are the legal, budgetary, and other limitations?
pedagogical challenges that this phenomenon imposes on local public administrators, who find themselves held responsible.
individually due to a systemic dysfunction resulting from political and budgetary decisions.
Decisions made at higher levels?

THEORETICAL FRAMEWORK

2.1 The Right to Inclusive Education: From Norm to Reality

Inclusive education in Brazil has its foundational landmark in the Federal Constitution of 1988, which
Article 208, III, establishes specialized educational services for people with disabilities.
preferably within the regular education system. The LDB (Law No. 9.394/1996), in its articles 58 to 60
They regulated this provision, defining the special education modality as transversal to
all levels and stages of education.
The incorporation of the UN Convention on the Rights of Persons with Disabilities (CRPD) into
The 2009 law, with the status of a constitutional norm, represented a qualitative leap: for the first time, the
Brazil has made an international commitment to inclusive education as a system — and not
only as a parallel modality (BRAZIL, 2009). Article 24 of the CRPD obliges States Parties to
to ensure an inclusive education system at all levels, with individualized support,
including the support professional.
The Brazilian Inclusion Law (Law No. 13.146/2015) consolidated this framework by defining, in its article...
28, the obligations of public authorities in matters of education, with emphasis on: guaranteeing
school support professional (item XIII); the adoption of inclusive pedagogical practices (item IV);
and the participation of the person with a disability in the development of their Individualized Education Plan

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— PEI (item XIV). Article 3, XIII, of the LBI defines the school support professional as the one who performs activities related to feeding, hygiene, locomotion, language, communication and social interaction.

In October and December 2025, two successive decrees deepened the obligations. Institutional: Decree No. 12,686/2025 and, in its improved version, Decree No. 12,773/2025. which established the National Policy for Inclusive Special Education (PNEEI) and regulated, by For the first time, the parameters for the performance of the school support professional — a position that, although foreseen in the LBI since 2015, it lacked clear guidelines for selection, training and performance (JEDUCA, 2025). The Decree also officially incorporated the PEI as a central instrument of the practice. inclusive pedagogy and decoupled enrollment in Special Education Services from the requirement of a medical report or certificate.

The new National Education Plan (Law No. 15.388/2026), sanctioned in April 2026, dedicated Goal 9 focuses entirely on inclusive special education, with specific targets and defined deadlines. — reinforcing institutional responsibilities at a time when available resources are scarce. The goals for its fulfillment remain chronically insufficient, as noted in the PEBSP analysis. (2026), the growth of students with ASD was particularly significant: from 5.6% of enrollments Special Education students increased their percentage in 2015 to 44.2% in 2024 — making autism the primary profile. covered by this modality. This data imposes increasing obligations on institutions, without the Financing should follow this trend.

2.2 The Chronic Underfunding of RFEPCT: A Decade of Compression

The trajectory of funding for the Federal Network is marked by a structural dissociation between the Institutional expansion and budgetary availability. Studies by Dutra and Brisolla (2020), Published in FINEDUCA — Journal of Education Financing, demonstrate that, between 2012 In 2017, enrollments in RFEPCT grew by 44.4%, while funding resources increased. only 21.9% in the same period — a difference of more than 20 percentage points that highlights The beginning of a structural crisis.

The situation worsened with Constitutional Amendment No. 95/2016, which instituted a new regime. fiscal policy, by limiting, for 20 years, the growth of primary public spending to the annual variation of IPCA. Mariano (2017) analyzes EC 95/2016 as an instrument that "suspends the constituent project from 1988 and removes autonomy over the budget from future governments, preventing expansion of public services "unless it is accompanied by cuts in other areas". The research of Oliveira (2024), published in Revista Cocar, quantifies this impact: during the period of validity of the EC According to Law No. 95/2016 (2017–2023), resources allocated to education were reduced by 7.45% in terms of

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reais; in the specific case of the Federal Network of Professional Education, the drop was 6.49%.
Santos Filho and Chaves (2021), in an analysis published in RTPS — Revista Trabalho, Política e
Society, they emphasize that the cuts were concentrated precisely during the period of expansion of
institutes, which conditioned the hiring of personnel, as well as the maintenance and operation.
of these institutions. CONIF, in its Official Note of December 23, 2025, systematized the
The budget cuts imposed by the National Congress in the 2026 Budget Law totaled more than R$ 186.8 million.
millions directly to the institutions of the Federal Network, an amount corresponding to double what was
cut in 2025, leading the Network to operate with a budget equivalent to that of 2014, despite the
Significant growth in campuses and enrollments over the last decade.
The contradiction deepens with the cyclical pattern of emergency cuts and restructuring.
The Ministry of Education supplemented the budget of federal institutions by R$ 1.7 billion in
2023, R$ 734.2 million in 2024 and R$ 400 million in 2025 (MEC, 2026). In January 2026, the
The federal government published Ordinance GM/MPO No. 12/2026, restoring R$ 977 million to the Federal Institutions of Higher Education (IFES).
of which R$ 156 million was allocated to the Federal Network of Professional and Technological Education. Although the restructuring
Even if the integral is positive, the annual repetition of this cycle reveals a structural instability that renders it unviable.
long-term planning by institutions — including student assistance policies
and inclusion.

Even though the total budget of the Federal Network grew by 56.2% between 2022 and 2026 — passing
From R$17.1 billion to R$26.7 billion (MEC, 2026) — this nominal growth does not translate
in proportional growth in discretionary operating expenses, which are precisely those that
They fund student assistance and inclusion support services. As the analysis of
CartaCapital (2026), the logic of the New Fiscal Regime "transforms areas such as Education into areas
competitors for scarce resources, shifting the debate from the necessary level of investment to the
"need for cuts".

2.3 The Judicialization of Inclusive Education and the Limits of Local Accountability

The phenomenon of the judicialization of education is not new. Cury and Ferreira (2010, p. 81) define it as...
such as the situation in which "aspects related to the right to education become the subject of analysis
and judgment by the Judiciary." In the field of special education, Silveira and Prieto (2012)
They mapped, as early as the beginning of the 2000s, judicial decisions on accessibility and service.
specialized. In the following years, judicialization intensified with the approval of the LBI and the
growth in enrollments of students with ASD.

Agrelos, Carvalho and Nozu (2021) identify that, when there is omission or irregular compliance in

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provision of Special Education services by the Public Authorities, students who make up the target audience of special education students — represented by their legal guardians or the Public Prosecutor's Office — have filed lawsuits, transferring the resolution of conflicts of political origin to the Judiciary. budgetary. This transfer produces a perverse effect: it makes the weakest link responsible. The institutional chain fails to reach those responsible for allocation decisions. The analysis published on Jusbrasil (2024) indicates that the judicialization of demands involving Neurodivergent students "reveal a structural problem: the State's failure to guarantee the "The realization of rights that, in theory, are enshrined in laws and constitutional principles." This This interpretation, while politically valid, is inaccurate in generalizing "the State" as an agent. unitary — which obscures the fact that the problem is not the omission of an undifferentiated State, but a A systemic dysfunction in which those who legislate and those who budget are not legally responsible. The Court of Auditors of the State of São Paulo (TCE-SP, 2023) considers that the implementation of education Inclusive education is not just the responsibility of a single sector or federative entity, but requires a... "A comprehensive and collaborative approach, involving different governmental areas and social actors, with coordination between the different spheres." It is precisely this collaboration—and its absence in procedural dynamics — which the judicialization of local managers fails to take into account.

METHODOLOGICAL PROCEDURES

This article adopts a qualitative approach, of a bibliographic and documentary nature, guided by... critical epistemology in educational policies. According to Cellard (2012), documentary research It allows for the analysis of the production of meaning in official documents, identifying contradictions. Silences and asymmetries revealed by primary sources. The study articulates case analysis. anonymized with the analysis of the budgetary situation, a suitable methodology for problems which simultaneously involve the micro-institutional and macro-structural levels of policy. public.

3.1 Data Protection, Anonymization and Legal Compliance Procedures

The empirical research that underpins this article involves data from judicial proceedings and administrative proceeding in which a minor adolescent diagnosed with [disease/condition] is a party Autism Spectrum Disorder. This condition imposes a set of obligations on the researcher. legal and ethical principles, as explained here, in accordance with the guidelines of methodological transparency. required by scientific journals in the field of education.

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The General Data Protection Law (LGPD — Law No. 13.709/2018) establishes, in its article...
14, enhanced protection for the processing of personal data of children and adolescents, requiring that the treatment should be carried out in their best interest. Article 11, II, 'c', of the same law authorizes the use of sensitive data in scientific research of clear public interest, provided that, whenever
If possible, the anonymization of sensitive personal data must be guaranteed — a condition that is entirely essential. observed in this article.

The Statute of Children and Adolescents (ECA — Law No. 8.069/1990) establishes, in its articles 143
Articles 144 and 144 prohibit the disclosure of judicial, police, and administrative acts concerning children. and adolescents, explicitly prohibiting identification by name, initials, nickname, parentage, kinship or residence. Article 247 of the same Statute classifies as an administrative offense the disclosure, "in whole or in part, without due authorization, by any means of communication, name, act or document of police, administrative or judicial procedure relating to the child or "adolescent," subjecting the offender to a fine. CNJ Resolution No. 363/2021 reinforces these obligations. within the scope of the Judiciary, guiding the adaptation of courts to the provisions of the LGPD (Brazilian General Data Protection Law).

In accordance with this regulatory framework, the following procedures are adopted:
Anonymization in this article:

- (a) Full anonymization of the student: all data that allow direct identification or Indirect information regarding the minor has been omitted — full name, initials, mother's name and any other identifying element;
- (b) Suppression of the judicial process number: the complete process number is omitted, being the case referenced only as 'judicial process of 2026' before the '2nd Federal Court of the Region'. "Central-West," with only the court and year indicated — insufficient information for individual tracking;
- (c) Geographical generalization: although the campus is identifiable by the researcher as belonging to IFMT, its identification in the article is restricted to the expression 'campus of the Federal Institute'. of the Central-West Region', preserving the analytical context without allowing the crossing of Information that identifies the student;
- (d) Maintenance of institutional and budgetary data: budgetary data, the number of equivalent students, the number of support staff, and the amounts of student assistance. They are kept because they constitute public information of an institutional nature, which cannot be altered. Individual identification of the student is essential for scientific analysis.

The primary sources analyzed include: a decision granting urgent protective measures in a judicial process. anonymized (2026); official letter from the Federal Attorney's Office of the institution; technical documentation from the team multidisciplinary campus structure; budget data for the 2026 fiscal year; and the CONIF Official Note.

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December 23, 2025. Secondary sources include relevant legislation; publications.
Indexed academic studies on education funding and the judicialization of inclusion; data from
School Census 2025; and federal government budget reports.

RESULTS AND DISCUSSION

4.1 The Anonymized Empirical Case: Anatomy of a Structural Contradiction

The case that forms the basis of this article — treated using a case study methodology.
anonymized, in accordance with the legal obligations described in the methodological section —
It involves a teenage girl diagnosed with Autism Spectrum Disorder, enrolled in the 1st grade.
from a high school at a campus of the Federal Institute of the Central-West Region. The student,
represented by her legal guardian, administratively requested the provision of
professional school support and, not receiving assistance due to budgetary constraints of
campus, filed a lawsuit before the competent Federal Court.
The court decision granting the preliminary injunction is technically and legally sound.
Consistent: the judge invokes the minimum subsistence level, the irreversibility of the damage to development.
of a teenage girl with ASD at this formative stage, and the unavailability of rights
fundamental rights of people with disabilities. The assertion that the legal system does not confer
The public administrator has the power to choose whether or not to guarantee fundamental rights of individuals.
with a disability — imposing on them the duty to do so — is constitutionally correct and aligned with

Consolidated case law from the Superior Court of Justice (STJ) and the Supreme Federal Court (STF) on the subject.

The problem is not with the court decision itself. It's what the decision fails to address: the origin of...
The financial impossibility that motivated the local manager's response. As the data demonstrates.
Based on the analyzed campus budget, the Federal Institute receives funds for all Assistance expenses.
Student aid for the fiscal year 2026, the amount of R$ 3,408,276.00 (sum of Sources 2994 and
21IH). Their expenses already committed to this same axis total at least R$ 4,395,749.64,
including: 1,200 daily meals for students; 7 outsourced caregiver positions; 6 positions of
Sign language interpreters; life insurance for students; and aid and a childcare center. The result is a deficit.
A minimum of R$ 987,473.64 is required before any additional contracts are signed.

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Table 1 — Campus budget statement: allocation versus commitment — 2026

Item	Annual Value (R$)	Source
AVAILABLE BUDGET		
General cost (Source 2994)	3,171,857.00	LOA 2026
Item	Annual Value (R$)	Source
Food support (Source 21IH)	236,419.00	LOA 2026
AVAILABLE SUBTOTAL	3,408,276.00	
EXPENSES ALREADY COMMITTED		
Meals (1,200/day × 20 days × 10 months × R$ 3,441,600.00 11.95)		DAP/Campus
Professional caregivers — 7 positions	360,098.76	DAP/Campus
Sign Language Interpreters — 6 positions	448,130.88	DAP/Campus
Student life insurance		DAP/Campus
Assistance and Caregiving (estimate)	25.920,00 ÿ 120,000.00	DAP/Campus
SUBTOTAL COMPROMISED	4,395,749.64	
MINIMUM DEFICIT	(987,473.64)	

Source: Prepared by the authors based on data from the Department of Pedagogical Support and Campus Budget (2026) and the 2026 Budget Law.

These data reveal that the campus already spends considerably more than it receives in assistance.
student support—and this is before any additional hiring of academic support professionals. A
The request for a new position therefore represents an additional expense in an already existing budget.
structurally deficient.

4.2 The Impossible Equation: Between Law and Budget

The local manager is faced with what, in this article, we call an impossible equation: to
To comply with the court order, it would be necessary to incur expenses without budgetary allocation—which would violate the
Article 167, II, of the Federal Constitution (prohibition of expenses that exceed budgetary appropriations)
and Article 60 of Law No. 4,320/1964 (prohibition of expenditure without prior commitment). To comply with the law
budgetary constraints prevent compliance with the court decision. TCU Resolution — Ruling No. 423/2021
— Plenary — notes: it is illegal to authorize expenditure without issuing a prior commitment.

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contrary to article 60 of Law No. 4,320/1964.

This constitutional tension is not unprecedented in administrative law doctrine. The New Bidding Law (Law
Law No. 14,133/2021) enhances this understanding by requiring, in its article 18, that contracts be
They should align with the annual hiring plan and budget laws. Hiring outside of these guidelines is prohibited.
This is not merely an administrative irregularity; it may constitute an act of impropriety.
administrative and generate personal accountability for the manager.
There is, therefore, a structural legal trap: the manager who complies with the court decision without sufficient funds.
It violates the Constitution and fiscal responsibility laws; the manager who fails to comply is held accountable.
Non-compliance. None of the solutions are legally sound, and none of them solves the problem.
Background: the lack of specific funding for inclusion in federal educational institutions.

4.3 The Asymmetry of Accountability

Reading the anonymized case reveals an asymmetry in accountability which, in turn, is a
A political and institutional phenomenon worthy of analysis. The defendant in the lawsuit is...
Federal Institution — represented, in practice, by its local Director-General. Absent from the process:
The National Congress, which approved the 2026 Budget Law with a cut of R$ 186.8 million in the Federal Network.
(CONIF, 2025); the institution's Rectorate, which internally distributes the available budget among
the campuses; and the Ministry of Education, which proposes and executes the federal budget.
This asymmetry results from the procedural logic that directs the claim to the entity closest to the injury.
— the school where the student is enrolled — but it does not reach the actors who hold the power to
decision regarding resources. The local manager, who holds the least budgetary decision-making power in
The federal chain of vocational education concentrates all legal responsibility. Nobody
was the National Congress notified, prosecuted, or held responsible for the budget cut that
This generated the structural deficit that led to the impossibility alleged in the lawsuit.
The contrast is inevitable: while Congress approved a new National Education Plan with goals in 2026...
ambitious inclusion goals, and the Federal Government published Decree No. 12,773/2025, regulating
The school support professional, the same institutional actors, reduced the available resources.
so that institutions could implement these same policies. CONIF (2025) summarizes this
contradiction: "It seems contradictory to us that, in a year of such important approvals of the
Parliament, like the National Education Plan and the National Education System, will take place.
"A cut of this magnitude in the Annual Budget Law of the institutions of the Federal Network of Professional and Technological Education."

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4.4 Real Inclusion Practiced Under Real Restriction

Far from being a negligent campus, the Federal Institute analyzed maintains, with the resources
available, a significant set of inclusive education actions for approximately 10,000
Equivalent student enrollment: seven positions for professional caregivers; six positions for interpreters.
of Libras (Brazilian Sign Language); a Childcare Center — intended for the sons and daughters of students and staff; and a Professor of
Special Education staff responsible for providing specialized educational services.
In the empirical case analyzed, the campus had already implemented the process prior to the legal action.
Reception by the multidisciplinary team; the development and implementation of the Teaching Plan.
Individualized Education Plan (IEP); adaptations to assessments, with extended time and materials provided.
adapted; individualized pedagogical guidance for the class teachers; and follow-up.
Continuous support from the Student Assistance and Inclusion Coordination. The education technician himself.
The special campus staff acknowledges, however, that "service in resource rooms is configured
as a supplement or complement, not replacing regular education": the presence of the professional
Support in the regular classroom is a necessity that cannot be replaced by strategies.
intermediate measures adopted.
The student's attendance record — below the legal minimum required and with difficulties in
classroom understanding —, identified by the teaching staff, proves that the measures
The measures adopted are insufficient in the absence of a school support professional. This gap between what the law...
What determines what pedagogy recommends and what the budget allows is the core of the problem.
The structural issue that this article analyzes.

4.5 Judicialization as a Symptom and its Limits as a Systemic Solution

The preliminary injunction granted by the competent court fulfills its immediate and legitimate function: to protect.
The student's right to the necessary support for her continued studies and learning. This is a role
The irreplaceable role of the Judiciary in protecting fundamental rights. The problem identified.
This article does not focus on the judicial decision itself, but on the structural trend it represents:
Judicialization as the main — and often only — mechanism for making education effective.
inclusive in federal institutions.
As identified by Cury and Ferreira (2010), the transfer of educational conflict to the Judiciary
It is a symptom of the inability of the political-administrative system to guarantee, in a preventive manner, the
proclaimed rights. The research of Silveira and Prieto (2012) and the studies of Agrelos, Carvalho and

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Nozu (2021) confirm that judicialization produces individual results, but does not solve the problem.
Collective problem: for every student who obtains a court ruling, dozens wait without...
Access to the Judiciary.

In the case analyzed, there are two other students from the same campus with similar needs, without
Legal action is underway. The court decision does not create additional budgetary resources to address it.
them: it merely redistributes, at best, already existing scarce resources — in a way
fragmented, reactive and uneven, instead of systemic, preventive and universalizing.

FINAL CONSIDERATIONS

This article demonstrated the contradiction between the normative expansion of the right to education.
Inclusiveness and the chronic underfunding of RFEPCT institutions is not an accidental phenomenon.
but structural. It results from deliberate political choices: the physical network was expanded and they broadened-
Regarding the legal responsibilities of institutions, the demand for [the institution] has grown exponentially.
specialized support for students with ASD and other disabilities; and, at the same time,
Funding was contained — first through Constitutional Amendment 95/2016, then through successive cuts in the Budget Law.
necessary to honor these responsibilities.
The anonymized empirical case analyzed demonstrates that the judicialization of inclusive education,
Although legitimate as an instrument for the individual defense of rights, it is an insufficient solution for
It's a structural problem. She blames the weakest link in the institutional chain—the local manager.
—, without reaching the actors who hold the power to decide on funding. The legal trap.
The result puts the manager in a position to choose between disobeying a court decision and violating the law.
Fiscal Constitution — and none of these options are acceptable from the State's point of view.
Democratic Rule of Law.

As concluding propositions and original contributions of this research, this article argues for three
Complementary measures to overcome the identified structural problem:
First: the creation of a specific budget line item linked to the funding of professionals in
school support in RFEPCT institutions, calculated proportionally to the demand identified in
School Census and Higher Education Census, decoupling this funding from the budget.
general discretionary funding — which is already structurally insufficient.
Second: the expansion of the passive pole in lawsuits related to inclusive education, including,
Whenever applicable, the University Rector and the Federal Government, represented by the Ministry of Education,
who are the actors with effective budgetary decision-making power — and not just the local manager who
He makes do with what is available to him.

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Third: the creation of an emergency transfer mechanism from the Ministry of Education to the campuses that receive...
legal claims for inclusion without corresponding budget allocation, in order to prevent the
compliance with the court decision implies a violation of fiscal responsibility and the consequent
The manager's personal accountability.

Finally, it should be noted that the choice to completely anonymize the data of the underage student...
The term "age" in this article is not merely a legal formality, but an affirmation of values. The research in
Education must be rigorous and contribute to the improvement of public policies — and it must do so without
Never exploit, expose, or identify vulnerable individuals for the sake of an argument.
scientific. The public interest in understanding the structural problem of funding for
Inclusive education does not, under any circumstances, authorize the violation of fundamental rights.
Protection of the identity, privacy, and dignity of a teenage girl.

Education for all is a constitutional principle. Inclusive education without a budget is a
a promise that the State proclaims in law and then withdraws from the budget — and that local managers, on their own,
They have no way of complying.

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ETHICAL COMPLIANCE AND DATA PROTECTION NOTICE

This article adopts anonymization procedures and provides full protection for personal data.
involved in the empirical case, in accordance with: (i) Article 14 of Law No. 13.709/2018 (LGPD), which
(i) provides enhanced protection for the processing of personal data of children and adolescents; (ii) articles
Articles 143, 144, 206 and 247 of Law No. 8.069/1990 (ECA), which prohibit the disclosure of judicial and police acts.
and administrative documents that identify a child or adolescent, including by name, initials, nickname,
affiliation, kinship or residence; (iii) Article 11, II, 'c', of the LGPD, which authorizes the use of data
sensitive issues in scientific research of public interest, provided that, whenever possible, it is guaranteed
anonymization; (iv) CNJ Resolution No. 363/2021, which guides the adaptation of courts to
provisions of the LGPD; and (v) Article 227, caput, of the Federal Constitution, which enshrines the principle of
comprehensive protection of children and adolescents. Due to these provisions, all data that
can identify, directly or indirectly, the underage student involved in the case —
including full name, initials, court case number, mother's identification and
Any other identifying elements have been removed and replaced with references.
Generic anonymized data. Institutional and budgetary data, of a public nature and of interest.
Collective information is retained because it does not allow for the student's identification and is essential for the analysis.
The scientific proposal is presented. The authors declare no conflict of interest. The research does not...
It involved the direct collection of data from identifiable human beings, and was based on documents.
Institutional documents of a public nature and, when anonymized, of public scientific interest.

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