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ADHD and Brazilian legislation

O TDAH e a legislação brasileira

El TDAH y la legislación brasileña

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Abstract:
This study analyzes Attention-Deficit/Hyperactivity Disorder (ADHD) in the context of public educational policies, considering the guidelines of inclusive education and the Brazilian legal framework. The study aims to understand how the disorder is addressed in the educational field, taking into account the relationships between diagnosis, pedagogical practices, and legal regulations. This is a bibliographic and documentary study based on scientific publications and an analysis of current educational legislation. The findings indicate progress in recognizing ADHD as a neurodevelopmental disorder and in developing public policies related to the educational support provided to these students. However, the implementation of legal guidelines still faces limitations in the school context, particularly regarding teacher training and institutional conditions for pedagogical support. The study concludes that the implementation of inclusive educational practices depends on the coordination of scientific knowledge, educational policies, and pedagogical actions, highlighting the need for continuous reflection on the challenges associated with the schooling of students with ADHD.

Keywords: ADHD; Brazilian legislation; educational policies; inclusive education; pedagogical practices.

Resumo:
O presente estudo analisa o Transtorno de Déficit de Atenção e Hiperatividade (TDAH) no contexto das políticas públicas educacionais, à luz das diretrizes da educação inclusiva. O trabalho tem como objetivo compreender como o transtorno é abordado no campo educacional, considerando a relação entre diagnóstico, práticas pedagógicas e normativas legais. Trata-se de uma pesquisa de caráter bibliográfico e documental, fundamentada em produções científicas e em legislações educacionais vigentes. Os resultados indicam que houve avanços no reconhecimento do TDAH como transtorno do neurodesenvolvimento, bem como na formulação de políticas públicas voltadas à inclusão escolar. Contudo, observa-se que a implementação dessas diretrizes ainda apresenta limitações no contexto escolar, especialmente no que se refere à formação docente e às condições institucionais. Conclui-se que a efetivação da educação inclusiva depende da articulação entre conhecimento científico, políticas educacionais e práticas pedagógicas, evidenciando a necessidade de reflexão contínua sobre os desafios presentes no atendimento a estudantes com TDAH.

Palavras-chave: TDAH; políticas educacionais; educação inclusiva; práticas pedagógicas; diagnóstico.

Resumen:
Este estudio analiza el trastorno por déficit de atención e hiperactividad (TDAH) en el contexto de las políticas públicas educativas, a la luz de las directrices de la educación inclusiva. El

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trabajo tiene como objetivo comprender cómo se aborda el trastorno en el campo educativo, considerando la relación entre diagnóstico, prácticas pedagógicas y normas legales. Se trata de una investigación bibliográfica y documental, fundamentada en publicaciones científicas y en las leyes educativas vigentes. Los resultados indican avances en el reconocimiento del TDAH como trastorno del neurodesarrollo y en la formulación de políticas públicas dirigidas a la inclusión escolar. Sin embargo, se observa que la implementación de estas directrices todavía presenta limitaciones en el contexto escolar, especialmente en relación con la formación docente y las condiciones institucionales. Se concluye que la realización de la educación inclusiva depende de la articulación entre conocimiento científico, políticas educativas y prácticas pedagógicas, lo que evidencia la necesidad de reflexionar continuamente sobre los desafíos de la atención a estudiantes con TDAH.

Palabras clave: TDAH; políticas educativas; educación inclusiva; prácticas pedagógicas; diagnóstico.

1. Introduction

The consolidation of inclusive educational policies in Brazil has revealed significant challenges in coordinating regulatory guidelines and teaching practices, particularly in supporting students with neurodevelopmental disorders such as Attention-Deficit/Hyperactivity Disorder (ADHD). Among these disorders, ADHD stands out as a condition that significantly affects self-regulation, attention, organization, and behavior, directly influencing school performance. Despite its prevalence, many teachers still struggle to identify signs consistent with the disorder, which may lead to misinterpretations and ineffective teaching practices.

Within Brazilian public educational policies, the inclusion of students with specific needs forms part of regulatory guidelines seeking to ensure the right to equitable, quality education. Documents such as the National Common Curricular Base (BNCC), the National Policy on Special Education from the Perspective of Inclusive Education, and current educational legislation assign schools and education systems responsibility for promoting inclusive teaching practices suited to individual student differences.

In this context, it is important to emphasize that ADHD is characterized by persistent patterns of inattention, hyperactivity, and impulsivity that impair children's social, emotional, and academic functioning. According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision (DSM-5-TR), published by the American Psychiatric Association (2022), it is a neurodevelopmental disorder whose symptoms must emerge before age 12 and manifest in at least two settings, such as school and home. Although diagnosis is

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clinical and performed by specialists, schools play a fundamental role in observing children's behavior and providing relevant information to assist professional assessment.

However, implementing these policies in everyday school life still presents significant challenges, particularly regarding teacher training, the availability of teaching resources, and coordination between legal guidelines and educational practice. Despite advances in regulation, gaps persist in implementing public inclusion policies, directly affecting schools' ability to meet the needs of students with ADHD.

Furthermore, one of the central aspects of ADHD concerns difficulties in executive functions, which are responsible for processes such as planning, inhibitory control, behavioral self-regulation, and attention management. These deficits therefore have direct educational implications, requiring teaching strategies that account for such characteristics in the teaching and learning process.

It is thus necessary to understand ADHD not only from a clinical perspective but also as an issue within educational policy, considering the role of the State, schools, and education professionals in ensuring adequate learning and inclusion conditions. This approach makes it possible to analyze how far public educational policies have contributed to identifying, supporting, and developing students with ADHD in schools.

Understanding ADHD from the current scientific perspective is therefore essential for teachers to distinguish behavior resulting from executive function deficits from intentional behavior. This research accordingly aims to analyze Attention-Deficit/Hyperactivity Disorder (ADHD) within public educational policies through a bibliographic and documentary approach, considering the main legislation and guidelines on inclusive education. It starts from the understanding that inclusive education is a contested field in which different conceptions of teaching, learning, and the organization of pedagogical work interact.

The study thus seeks to examine how educational policies address ADHD and how these regulations guide the development of inclusive teaching practices, revealing advances, limitations, and contradictions. It also reflects on the implications of these policies for organizing the educational process, considering the relationships among scientific knowledge, institutional guidelines, and fulfillment of the right to education.

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2. Attention-Deficit/Hyperactivity Disorder

2.1. The concept of ADHD

Attention-Deficit/Hyperactivity Disorder is currently understood as a neurodevelopmental disorder of multifactorial origin affecting executive functions, sustained attention, behavioral self-regulation, and the organization of everyday activities. This updated definition is based on the DSM-5-TR, which establishes ADHD as a persistent condition beginning in childhood and characterized by continuous patterns of inattention and/or hyperactivity and impulsivity (American Psychiatric Association, 2022).

Beyond this definition, it is important to consider that, unlike older conceptions associating the disorder with “minimal lesions” or mere behavioral problems, contemporary literature emphasizes its neurobiological basis and direct relationship with brain systems responsible for inhibitory control, motivation, and planning (Barkley, 2015). Recent studies show strong involvement of genetic factors in its manifestation, although environmental influences also play a significant role in developing executive abilities.

Similarly, Mattos (2015) explains that ADHD involves persistent difficulty regulating attention, behavior, and motivation, emphasizing that many difficulties experienced by people with the disorder stem from limitations in executive functioning. This understanding extends beyond visible behavioral symptoms, incorporating cognitive and neuropsychological aspects that directly affect learning.

Furthermore, researchers such as Willcutt (2012) note that ADHD is heterogeneous and may display different patterns of functioning according to clinical profile, school environment, cognitive demands, and family history. Recognizing this heterogeneity means acknowledging that students with ADHD do not form a homogeneous group, requiring diversified and context-sensitive teaching approaches.

In educational policy, understanding ADHD as a neurodevelopmental disorder has direct implications for organizing education systems, since it requires the State to formulate guidelines ensuring inclusive teaching practices and support for students' specific needs. How the disorder is conceptualized therefore influences the development of public policies on inclusive education, teacher training, and equity in the educational process (Mantoan, 2003).

Understanding ADHD through the lens of neurodevelopment is thus essential to avoiding reductionist interpretations that attribute it to a lack of boundaries or inappropriate

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behavioral choices. This understanding must also be coordinated with public educational policy guidelines that orient schools toward inclusive practices and recognition of diversity. The concept of ADHD therefore extends beyond the clinical field into educational debate, directly influencing the formulation and implementation of policies for inclusion and equity in education.

3. Legislation on ADHD

Although supported by various laws, resolutions, and guidelines, the obligations of states and public and private educational institutions remain far from the intended inclusive education.

> The right of people with disabilities to inclusive, quality education at all educational levels has been guaranteed since 2015 by the Brazilian Inclusion Law (LBI), Law 13,146, which draws on the Convention on the Rights of Persons with Disabilities (2007) and seeks to ensure conditions for access, continued attendance, participation, and learning by eliminating barriers (Caixeta et al., p. 6, 2024).

This robust body of legislation recalls the main guidelines for inclusive education, yet even with this legal framework and all the changes throughout history, inclusion remains a major challenge. Santos (2006) states that building an inclusive society requires legal frameworks promoting equality and recognizing differences. Inclusive education rests on the principle of equity, which seeks to guarantee each person the support needed for genuine, fair access to the same learning opportunities.

3.1 International standards

• Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities resulted from years of global coordination to ensure the rights of people with disabilities. According to Piovesan (2020), it reaffirms their human dignity and equal rights. Beginning in the 1970s, the United Nations opened discussion of disability from a human rights perspective rather than a welfare-based approach. The Convention document was formally signed in New York on March 30, 2007.

The Convention establishes that people with disabilities must be guaranteed full enjoyment of all human rights and fundamental freedoms without discrimination, promoting their full and effective participation in society (Brasil, 2009). In Brazil, the Convention on the Rights of Persons with Disabilities was incorporated into domestic law with constitutional

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status through Legislative Decree No. 186/2008 and promulgated by Decree No. 6,949/2009, constituting the first international human rights treaty (Brasil, 2009).

3.2 Federal Constitution

The Federal Constitution (1988) is Brazil's supreme law. It organizes the powers of the states and defines their competencies, acting in the political and social contexts to guarantee citizens' rights and duties. Through it, many inclusive education rights have been secured, seeking to overcome the segregation faced by people with disabilities amid a chaotic process of social exclusion. The Federal Constitution (1988) itself states:

> Brazil is a country where social problems have been reshaped through programs encouraging public policies of inclusion and reparation for human rights violations… Human rights can change this reality, and education is the principal path toward this transformation through human dignity (Brasil, 2013, p. 44).

It also ensures that people with special needs have the right to support in mainstream education, elevating education to the status of a social right and establishing fundamental principles for the education system:

> Article 5: All persons are equal before the law, without distinction of any kind…
>
> Article 205: Education, a right of everyone and a duty of the State and the family…
>
> Article 206, item I: equal conditions for access to and continued attendance at school;
>
> Article 208, item III: specialized educational support for persons with disabilities, preferably in mainstream education (Brasil, 1988, pp. 13, 73, 74).

In accordance with these provisions of the Federal Constitution (1988), Souza, Malavasi, Navarro, and Costa (2024) contribute to the theory by stating that schooling must ensure not only access but also continued attendance and functional socialization, so that education fulfills its universal and inclusive character.

Article 1 of the Federal Constitution, on its fundamental principles, determines that the Federative Republic of Brazil, formed by the indissoluble union of the States and Municipalities and the Federal District, constitutes a democratic state under the rule of law and is founded on:

I – Sovereignty;

II – Citizenship;

III – Human dignity;

IV – The social values of labor and free enterprise;

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V – Political pluralism (Brasil, 1988).

Considering the educational context in 1988, Brazil was experiencing what is called redemocratization and access to rights guaranteed by the Federal Constitution. Special education had already followed a long path of exclusion; debates defending school inclusion during the 1980s can therefore be seen as a milestone in changing this exclusionary past (Barbosa, 2020).

3.3 Law of Guidelines and Bases of National Education (Law No. 9,394/1996)

The LDB was enacted on December 20, 1998, to establish national educational guidelines and bases (Brasil, 2013) and organize the Brazilian education system. Article 1 states that education encompasses formative processes developed within family life, human coexistence, work, educational and research institutions, social movements and civil society organizations, and cultural expressions (Brasil, 2013). The main LDB articles addressing school inclusion are:

> Article 58 (p. 42) defines special education and the educational modality, preferably in mainstream education;
>
> Article 59 (p. 43) addresses curricula, methods, and resources to support students with disabilities, pervasive developmental disorders, and high abilities/giftedness;
> Article 60 (p. 44) complements these provisions, ensuring unobstructed access for students with disabilities to educational levels (Brasil, 2013).

3.4 Brazilian Inclusion Law (Law No. 13,146/2015)

The Brazilian Inclusion Law was enacted on July 6, 2015, as the Brazilian regulatory framework guaranteeing the rights of people with disabilities. Its opening text, Article 1, states that the Brazilian Law for the Inclusion of Persons with Disabilities (Statute of Persons with Disabilities) is hereby established. Brazil has advanced public inclusion policies through specific legislation, teacher training courses, and research. More recently, the Brazilian Law for the Inclusion of Persons with Disabilities (Statute of Persons with Disabilities, Law 13,146/2015), aimed at ensuring and promoting equal exercise of the rights and fundamental freedoms of people with disabilities for their social inclusion, consolidated important rights by requiring physical, curricular, and pedagogical adaptations to guarantee effective inclusion (Brasil, 2015).

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In this perspective, Xavier and Grecco (2025) state that, although the Statute has received unfavorable comments, perceptions of people with disabilities have changed: they are no longer seen mainly as disadvantaged because of their disability, but through recognition of differences. Neves (2025), however, offers an important warning: enactment of Law No. 13,146/2015 represented significant progress in protecting rights and promoting inclusion, but it is essential to understand how effectively this legislation has been applied and the main obstacles and advances in its implementation.

These advances and obstacles appear in various articles, including Articles 4 and 5 on equality and all forms of protection. In Neves's view (2025), these were developed to ensure that the fundamental rights of people with disabilities are guaranteed on an equal basis with others. Articles 53 to 62 address accessibility across different sectors, and Article 55 states: Accessibility is a right guaranteeing people with disabilities or reduced mobility independent living and the exercise of citizenship and social participation rights (Brasil, 2015). Articles 27 to 30 address inclusive education, particularly Article 28, which requires public authorities to ensure, create, develop, implement, encourage, monitor, and evaluate (Brasil, 2015).

It is important to emphasize that many laws still encounter obstacles to practical implementation. Law No. 13,146/2015 is no exception: Articles 3, item IV, and 55 to 57 reveal the various barriers faced in implementation, particularly item IV, which states:

> IV - barriers: any impediment, obstacle, attitude, or behavior that limits or prevents a person's social participation, as well as the enjoyment and exercise of their rights to accessibility, freedom of movement and expression, communication, access to information, understanding, and safe mobility, among others, classified as:
>
> a) urban barriers: those existing on roads and in public and private spaces open to the public or intended for collective use;
>
> b) architectural barriers: those existing in public and private buildings;
>
> c) transport barriers: those existing in transport systems and means of transport;
>
> d) communication and information barriers: any impediment, obstacle, attitude, or behavior that hinders or prevents expression or receipt of messages and information through communication and information technology systems;
>
> e) attitudinal barriers: attitudes or behaviors that prevent or impair the social participation of people with disabilities on equal terms and opportunities with others;
>
> f) technological barriers: those that hinder or prevent access by people with disabilities to technologies (Brasil, 2015).

Article 28 concerns the difficulties education professionals face in inclusive education. Despite clear progress, obstacles remain evident, especially the lack of material resources. Thus,

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the Brazilian Law for the Inclusion of Persons with Disabilities (Statute of Persons with Disabilities) is intended to ensure and promote, on equal terms, the exercise of the rights and fundamental freedoms of persons with disabilities, aiming at their social inclusion and citizenship (Brasil, 2015).

3.5 Specific law on ADHD and dyslexia (Law No. 14,254/2021)

The specific law on ADHD and dyslexia, enacted on November 30, 2021, provides for comprehensive support for students with dyslexia, Attention-Deficit/Hyperactivity Disorder (ADHD), or other learning disorders and points to the importance of identification in the early grades, pedagogical monitoring, and appropriate assistance (Brasil, 2021). In relation to its provisions, however, Carvalho (2000) emphasizes that effective inclusion of individuals with disabilities and pervasive developmental disorders requires flexible, student-centered teaching practices. Pletsch (2014) adds that public policies for inclusive education are fundamental to reducing educational inequalities and guaranteeing learning and full participation for students with specific needs.

Brazil lacks comprehensive ADHD regulation comparable to that for other disorders or disabilities. Pires (2025) states, however, that implementing Law No. 14,254/2021 still faces significant challenges in the Brazilian education system, particularly in supporting students with ADHD. Borges (2023), in turn, argues that the law strengthens the principle of inclusive education by providing curricular adaptations for students with learning difficulties, as established in Article 5.

3.6 Educational guidelines and policies

• National Guidelines for Special Education

The National Guidelines for Special Education, established on February 17, 2001, went beyond regulatory instructions designed to support students with disabilities and guide teachers' pedagogical work. They redefined mainstream schools' role, assigning them responsibility for educating all students with support from specialized services (Mendes, 2010). From this premise, Brazilian special education policies reflect tensions between segregating models and inclusive proposals, showing legal progress but challenges in school practice (Bueno, 2008).

Article 1 of the National Guidelines for Special Education presents the central idea, stating that this Resolution establishes the National Curricular Guidelines for Special Education

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in Basic Education at all its stages and modalities (Brasil, 2001). Schools therefore need not only to enroll students but also to understand and learn about inclusion, since special education is a cross-cutting modality spanning every educational level and stage (Prieto, 2006). These Guidelines are therefore official provisions proposed to promote school inclusion, guiding the entire education system in ensuring inclusion. According to Saviani (2008), educational guidelines express the intentions of public policies, orienting the organization of education systems and teaching practice.

4. Final considerations

This study sought to analyze Attention-Deficit/Hyperactivity Disorder within legislation in light of inclusive education guidelines. The discussion reveals important advances both in recognizing the disorder as a neurodevelopmental condition and in building legal frameworks for educational inclusion.

These advances nevertheless raise questions. To what extent has scientific recognition of ADHD actually translated into effective teaching practices in everyday school life? Likewise, how far can public educational policies keep pace with the actual needs of educational institutions and professionals working directly with these students?

Although a substantial body of legislation and guidelines promotes inclusion, implementation remains uneven, raising doubts about these policies' practical effectiveness. This suggests that progress in regulation is not always accompanied by concrete changes in teaching and learning conditions.

Regarding diagnosis, its expansion and greater visibility have helped recognize the needs of students with ADHD. However, it is also necessary to reflect on how this process occurs at school: are professionals prepared to identify early signs? Is there sufficient institutional support for appropriate referrals? Or is diagnosis used in a limited way, without coordination with effective teaching practices?

These questions show that discussing ADHD in education extends beyond clinical understanding of the disorder to issues concerning public policies, teacher training, and schools' structural conditions.

As a theoretical study of limited scope, the analysis presented here does not exhaust the topic, indicating the need for further investigation of these questions, particularly through empirical studies in schools.

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Thus, beyond presenting definitive answers, this study seeks to broaden the debate, highlighting the importance of continual reflection on the advances, limitations, and challenges of inclusive education in supporting students with ADHD.

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