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RCMOS - M ultidisciplinary S cientific J ournal The K nowledge.
ISSN: 2675-9128. S ão Paulo-SP.

Year V, v .2 2025 | S ubmission: 11/22/2025 | A ccepted: 11/24/2025 | Publication: 1 1/26/2025

Inclusive education a nd the h istorical constitution o f t he r ight to s chooling for p eople with disabilities in B razil.

Inclusive Education a nd the Historical Constitution o f the R ight to Schooling f or Persons w ith Disabilities in B razil

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Summary

This article a nalyzes the h istorical c onstitution o f the right t o education f or people w ith d isabilities i n B razil, highlighting t he political, l egal, and pedagogical t ransformations that u nderpin the c ontemporary u nderstanding o f inclusive education. Using a b ibliographic a nd documentary approach, the s tudy r evisits national a nd i nternational milestones—from the f irst s egregating institutional models to the c onsolidation of rights-based perspectives t hat r ecognize diversity a s t he foundation o f democratic education. Brazilian legal i nstruments are e xamined, such a s t he 1 988 Federal C onstitution, t he L aw of Guidelines a nd Bases o f National Education (1996), the N ational Policy o n Special E ducation from t he Perspective o f I nclusive Education (2008), and the B razilian Law o n the I nclusion of P eople with D isabilities (2015), in c onjunction with i nternational documents such as t he S alamanca Declaration (1994) a nd t he U N C onvention on t he R ights of Persons with D isabilities (2006). The results i ndicate that, although t here h ave been significant n ormative advances, t he implementation o f inclusive e ducation still faces structural c hallenges, a ccessibility b arriers, and l imitations i n t eacher training. I t i s concluded t hat c onsolidating the right to e ducation for p eople w ith disabilities r equires n ot o nly consistent public p olicies, b ut also c ultural and i nstitutional changes that reaffirm i nclusion as a n essential principle o f education.

Keywords: People w ith disabilities. History of e ducation. Educational rights. Public policies. I nclusive education. Schooling.

Abstract

This article examines t he h istorical c onstitution o f the right t o school f or persons w ith d isabilities i n B razil, highlighting t he political, legal, a nd pedagogical t ransformations that s haped contemporary understandings o f inclusive e ducation. Through a b ibliographic and documentary a pproach, the s tudy r evisits key n ational a nd i nternational milestones – r anging from early segregated i nstitutional models to t he emergence of r ights-based f rameworks t hat a ffirm diversity a s a c ornerstone of democratic education. Brazilian legal m arkers such a s t he 1988 F ederal C onstitution, t he Law o f Guidelines a nd B ases of Education (1996), the N ational Policy o n Special E ducation in t he Perspective o f I nclusive Education (2008), and t he B razilian Law for the I nclusion o f Persons with D isabilities (2015) a re analyzed in d ialogue with i nternational documents, including t he Salamanca Statement (1994) a nd the United N ations C onvention o n the R ights of P ersons with D isabilities (2006). The findings reveal that, despite s ignificant l egal progress, t he effective r ealization of inclusive e ducation r emains challenged b y structural inequalities, b arriers to accessibility, and l imitations i n t eacher preparation.

The a rticle concludes that consolidating the r ight t o schooling f or persons w ith d isabilities requires n ot o nly robust p ublic policies b ut a lso cultural and institutional shifts that r ecognize i nclusion as a fundamental e ducational p rinciple.

Keywords: Persons w ith disabilities. History of e ducation. Educational rights. Public policies. Including education. Schooling.

1. Introduction

In r ecent decades, i nclusive education h as established i tself as o ne o f the m ain pillars o f

debate in t he e ducational field, highlighting a p aradigmatic shift in t he way s ociety

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Year V, v .2 2025 | S ubmission: 11/22/2025 | A ccepted: 11/24/2025 | Publication: 11/26/2025

It e ncompasses disability a nd the r ights of people with d isabilities (Mantoan, 2 003). In B razil, this...
The transformation did n ot o ccur in a l inear fashion; o n t he contrary, i t was t he r esult of a h istorical process.
complex, marked b y t ensions between s egregating practices, w elfare initiatives a nd advances
regulations t hat have progressively b roadened t he recognition o f education a s a r ight for all.
(Amaral, 2 004). I n this context, u nderstanding the historical c onstitution of t he right to e ducation of
Including people w ith disabilities becomes f undamental to analyzing t he c urrent scenario and i dentifying the c hallenges.
who s till persist i n making a t ruly inclusive e ducation a r eality.

Historically, t he schooling of t his population has been a ssociated with s pecialized institutions.
guided by m edical p erspectives and the i dea of d isability as an i ndividual l imitation to be o vercome.
Corrected. W ith the a dvancement o f international d iscussions on h uman r ights and with t he strengthening
From social m ovements i n the c ountry, conceptions b ased on t he social m odel gradually e merged, the
which shift t he f ocus f rom individual limitations t o the b arriers imposed by society.
(Angelucci, 2009). T his movement d ecisively influenced the f ormulation of public p olicies.
Brazilians, e specially s ince the 1988 Federal C onstitution, which e stablished e ducation a s
social right, a nd the N ational Education Guidelines and Bases L aw o f 1996, w hich r eaffirmed access
education f or all, i ncluding Specialized Educational S ervices as support.
complementary.

Additionally, international d ocuments s uch as the S alamanca Declaration (1994) and the
The UN C onvention on t he R ights of Persons with D isabilities (2006) contributed to t he
Consolidation of t he inclusion p aradigm, g uiding the f ormulation of educational p olicies and practices.
based on r espect for diversity. In B razil, the N ational Policy for Special Education in
Perspective on I nclusive E ducation (2008) and the B razilian L aw o n the I nclusion of P ersons with D isabilities
(2015) reinforced t he c ommitment t o eliminating a rchitectural, c ommunicational barriers,
pedagogical and attitudinal, h ighlighting t he need to g uarantee equitable conditions o f access,
participation a nd learning.

Despite these a dvances, the e ffective i mplementation of inclusive e ducation s till f aces c hallenges.
significant c hallenges related to t eacher training, curriculum o rganization, and structure
The physical nature o f schools a nd the persistence o f prejudices and exclusionary p ractices. T hus, investigating how t he
The right to e ducation f or people with d isabilities has been h istorically established a nd allows
to understand t he complexity of the p rocess a nd identify the e lements t hat support or h inder it.
Consolidation of d emocratic and inclusive e ducational e nvironments (Montoan, 2 003).

Given t his scenario, t his article aims t o a nalyze the historical constitution o f
The right to e ducation f or people with d isabilities in B razil, considering i ts legal frameworks, i ts
theoretical foundations a nd their contemporary c hallenges. T o this end, a b ibliographical approach i s adopted and
documentary, articulating l egislation, public p olicies and theoretical f rameworks that underpin the

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Year V, v .2 2 025 | S ubmission: 11/22/2025 | Accepted: 1 1/24/2025 | Publication: 1 1/26/2025

Inclusive e ducation. I t is hoped t hat t his w ill contribute to deepening t he s cientific d ebate and to the construction o f educational p ractices that recognize d iversity as a c onstitutive e lement of quality a nd social justice i n education.

2. Theoretical Framework / R esults

2.1 C onceptions of disability t hroughout h istory

Understanding disability h as undergone profound transformations o ver time. reflecting c ultural, social, and p olitical changes. I nitially, t he medical m odel p redominated, in The disability w as perceived a s a n individual p roblem, a ssociated with b iological incapacity. or p sychological state of t he i ndividual, requiring t herapeutic intervention o r correction. T his perspective g uided segregating educational p ractices, aimed a t adapting the i ndividual t o the e nvironment, without to question e xisting s ocial barriers. In t his r egard, Skliar (1994, p . 06) p oints out t hat:

> If the criterion for affirming t he educational uniqueness o f these i ndividuals i s an e xclusionary characterization based o n their disability, t hen we a re n ot talking a bout education, b ut a bout a hermeneutical intervention; if i t is believed that t he disability, in i tself, i s the a xis t hat defines a nd dominates t he entire p ersonal a nd social l ife o f the i ndividuals, t hen a t rue educational p rocess will not be constructed, b ut a vulgar c linical p rocess.

Skliar (1994) c riticizes t he historical t endency t o associate t he e ducation of people with d isabilities. only to t heir individual l imitations, w arning that this p erspective r educes the educational p rocess to an intervention o f a p urely clinical o r c orrective n ature. According to t he author, w hen c onsidering the Disability i s presented as t he c entral axis that defines t he s ubject's uniqueness, i gnoring the c omplexity of t heir... social, c ultural, and emotional l ife, t ransforming the s chool i nto a s pace of " interpretation" or c orrection. The focus i s on disability, not o n learning, p articipation, a nd holistic development. T his view r einforces the The medical m odel o f disability, centered on t he individual's l imitations, c ontributes to school e xclusion. because i t treats the s tudent a s a n object of i ntervention, and n ot as a s ubject of r ights a nd experiences. educational.

In t he c ontext of i nclusive education, S kliar's (1994) r eflection highlights t he n eed for Shifting t he focus f rom d isability t o diversity and t he social participation o f students. A true The educational p rocess should consider i ndividuals in t heir entirety, p romoting learning. Significant autonomy and i nclusion, regardless o f individual l imitations. To challenge t he r eductionist view o f disability, t he author t heoretically grounds t he social model. that guides inclusive p edagogical practices and e ducational policies t hat value d ifference as an enriching element o f the s chool, and n ot a f actor that restricts a ccess o r defines t he identity o f student.

Botur a nd Manzoli (2007) t ackled t he challenge f aced b y p eople with d isabilities. being labeled as i ll, w hich manifested itself through discrimination, prejudice and

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Exclusion. According t o t he authors:

> People with d isabilities a re understood as i ll people w ho need m edical care and h ave the right to appropriate physical r ehabilitation p rocedures. In this w ay, medicine b egins to gain significant ground, a nd people w ith disabilities c ome t o be s een as objects a nd clients of study, w ith the m edical model b eing used for a better u nderstanding o f disabilities (Botur; Manzoli, 2 007, p . 67).

The a forementioned authors describe t he medical m odel of d isability, w hich historically He characterized p eople w ith disabilities as s ick individuals w hose condition r equired intervention. medical a nd physical rehabilitation. I n t his p aradigm, disability is seen a s a n intrinsic p roblem to t he i ndividual. The f ocus is o n the s ubject's body o r mind, centering o n the " correction" or a daptation o f the i ndividual t o limitations. that possesses. A s a result, t he person w ith a disability c omes to b e understood p rimarily as object o f s tudy and clientele of h ealth s ervices, instead o f s ubject of s ocial and educational r ights, with medicine b eing t he central a xis f or its understanding a nd "treatment".

In a n e ducational context, this p erspective has negative i mplications f or inclusion. When disability i s the d efining criterion o f a n individual, the s chool tends t o r eproduce p ractices. segregating and therapeutic, i nstead o f p romoting meaningful learning, full p articipation a nd Valuing diversity.

The m edical model r estricts educational potential t o a ddressing physical l imitations or cognitive, disregarding social, c ultural, and p edagogical factors t hat influence t he experience. school. Therefore, authors such a s Mantoan (2003) a nd Sassaki (2007) a dvocate the t ransition to t he model. A social a pproach to d isability, i n which e ducation is designed to o vercome s ocial barriers a nd guarantee r ights. recognizing t he person w ith a disability as a n active and p articipating subject in s chool life and community.

Starting in 1940, w hat b ecame known a s t he integration p aradigm b egan. services emerged i n the e arly 1940s w ith the c reation o f p ublic services aimed at Physical and v ocational rehabilitation. I nfluenced b y the U niversal D eclaration of H uman R ights. (1948), associations with a welfare f ocus also e merged. According to S assaki (2012), this The m odel is c haracterized by t he p rovision of s pecialized services a nd by acting i n defense o f i nclusion. partial, s eeking to p revent the t otal segregation o f people w ith s pecial needs, o ften mediated b y t he participation o f p arents a nd family m embers.

In t his w ay, the i ntegration o f people w ith d isabilities began to b e promoted: a fter They w ere receiving t raining, qualification, o r r ehabilitation in specialized institutions. referred to r egular schools w ith t he g oal of participating i n mainstream e ducation. I n t his s ense, It can b e said t hat:

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RCMOS – Multidisciplinary Scientific J ournal The K nowledge.
ISSN: 2675-9128. S ão Paulo-SP.

Year V , v.2 2025 | S ubmission: 1 1/22/2025 | Accepted: 1 1/24/2025 | Publication: 11/26/2025

> [...] there i s a process o f educating/teaching s o-called "normal" c hildren a longside children "with d isabilities," i n which s tudents with d isabilities m ust a dapt to t he reality o f schools, while t hese s chools remain with t heir conditions u nchanged to a ccommodate them. to those c hildren (MARTINS *et al.* 2007, p .110).

Martins *et al.*(2007) h ighlight a central aspect o f i nclusive education t raditionally In p ractice, the inclusion of s tudents with d isabilities in m ainstream schools is often conceived as a unilateral adaptation p rocess. In t his model, c hildren w ith disabilities are e xpected to... They adapt t o the norms, routines, a nd m ethods a lready established by the school, w ithout a ny changes o ccurring. significant in pedagogical p ractices, in the o rganization of p hysical space, o r in school culture. This This approach reflects t he historical logic of t he medical model of d isability, in w hich the problem is v iewed as belonging t o t he individual, reinforcing t he idea that t he school does n ot need to t ransform itself to to accommodate d iversity.

Furthermore, it i s evident that i nclusion, in t his context, i s often superficial and It is limited because it d oes n ot effectively promote t he full participation o f students w ith disabilities. By m aintaining With school conditions u nchanged, the e ducation system r eproduces a ttitudinal and s tructural barriers. which compromise the learning and d evelopment of t hese students. A s a result, the The educational p rocess ceases t o b e truly inclusive a nd d emocratic, transforming itself into a mere... The student's a daptation t o the institution, r ather t han the school's c ommitment to d iversity and t o... The right to e ducation f or all.

From a critical a nd t heoretical perspective, this model reinforces the need t o move f orward to approaches centered on the social a nd biopsychosocial model of d isability, i n which inclusion requires Pedagogical, curricular, and c ultural transformations in s chools. In t his sense, true e ducation Inclusive education is not limited t o placing s tudents with d isabilities in r egular classrooms; i t involves r ethinking teaching practices, t eaching strategies, a nd t he school organization itself, e nsuring t hat diversity that it b e v alued and t hat a ll students c an learn and p articipate fully. Thus, t he reflection of Martins et a l. (2007) warns o f the difference b etween physical presence a nd e ffective participation, r einforcing the There is an u rgent need f or policies a nd p ractices that e ffectively t ransform schools into inclusive s paces.

According to S assaki (1997), t he concept o f s ocial integration i s still based on a model Disability m edicine, in which i ndividuals with d isabilities are viewed a s needing treatment and rehabilitation s o they can f ully participate i n society. In t his context, t he Integration emerged as a reaction to t he exclusion p aradigm, in w hich people with d isabilities... They were s ubjected to s egregation processes. H owever, the great challenge o f t his model is t hat it w as u p to... It is up to t he individual t o adapt t o t he new s chool reality, being i ncluded in regular classes w ithout that t here be preparation or training f or e ducation professionals t o welcome h im and g uide his The learning process s hould be c arried out appropriately. In t his sense

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ISSN: 2675-9128. S ão Paulo-SP.

Year V , v.2 2025 | S ubmission: 11/22/2025 | Accepted: 11/24/2025 | Publication: 11/26/2025

> In school integration s ituations, not a ll students w ith disabilities fit i nto r egular classes, as t here is a prior s election of those w ho are s uitable for i nclusion. For these c ases, individualization of school p rograms, adapted c urricula, and reduction o f educational objectives a re indicated t o compensate for learning d ifficulties. In s hort: t he school does not change as a w hole, but t he students have t o change to adapt t o its d emands (Mantoan, 2006, p18).

Mantoan (2006) highlights a n important limitation o f the traditional i ntegration m odel.
school. A lthough t he discourse of i nclusion emphasizes the p articipation of a ll, i n practice, t here i s a selection process.
of students with disabilities c onsidered "fit" t o a ttend regular c lasses. This demonstrates
that the school c ontinues to be s tructured according t o conventional p atterns, without r ethinking i ts organization o r
Pedagogical m ethods t o address d iversity. By i ndicating individualized adaptations, c urricula
With d ifferentiated approaches and r educed objectives, t he school transfers t he responsibility of a dapting to t he student.
reinforcing t he idea that disability is a n individual problem, n ot a systemic c hallenge.
educational.

Furthermore, this p erspective reveals a central contradiction: i nclusion i s promoted, b ut
It is n ot fully effective. B y requiring t he student t o conform to t he institution's demands, t he school
It maintains structural b arriers t hat limit learning a nd participation. The f ocus is on p iecemeal a djustments.
For t he student, instead of s ystemic c hanges, it prevents e ducation f rom t ruly becoming...
democratic a nd accessible to a ll. Thus, M antoan's (2006) c ritical approach r eminds us t hat the
Inclusion is not limited t o the student's p hysical presence in t he classroom, b ut depends on t ransformations.
profound c hanges in c urricula, p edagogical practices, and t he training of education p rofessionals.

In school integration c ontexts, n ot all s tudents with disabilities are a ble to b e
included in r egular classes, as there i s u sually a prior s election of those c onsidered c apable.
to keep u p with conventional t eaching. In these c ases, i ndividualized adaptation o f the
programs, curriculum m odifications, a nd reductions in l earning o bjectives to compensate
the difficulties faced. T herefore, the responsibility o f adapting t o the demands of t he school.
The b urden f alls on the student, w hile the institution remains v irtually u nchanged (Mantoan, 2 006, p.18).

Following the integration p aradigm, t he inclusion paradigm or s ocial model of i nclusion emerged.
disability, which s hifts the f ocus from t he individual to society, h ighlighting that l imitations are
These are m ainly c onfigured a s a function of s tructural, a ttitudinal, and pedagogical b arriers. This model
It underpins contemporary i nclusive education b y considering diversity as a n atural element.
and enriching t he school, a nd recognizing t he need to adapt t he environment and practices
Educational p rinciples to g uarantee access a nd full p articipation f or all s tudents. Being based o n
Important for t he new biopsychosocial dimension, it h as i ntegrated aspects of the medical a nd social m odels.
recognizing t he interaction between biological, p sychological, and s ocial factors i n t he experience of
disability, consolidating a broader and m ore complex a pproach to p olicy formulation a nd
inclusive educational practices.

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Year V , v.2 2 025 | S ubmission: 1 1/22/2025 | Accepted: 1 1/24/2025 | P ublication: 11/26/2025

According to Matos a nd Mendes (2014), the inclusion movement o riginated i n the United S tates. United, based o n reflections on how p eople w ith d isabilities were c ared for, aiming t o To p romote an educational s ystem t hat would g uarantee quality e ducation f or all.

Starting in 1994, i n Spain, more t han 3 00 representatives from 8 8 governments a nd 25 o rganizations... International groups met to draft the " Salamanca Declaration," a document that e stablished... principles, policies and p ractices for s pecial education (CARVALHO, 2007). T hrough this In that statement, t he c oncept of special educational needs w as b roadened, advocating f or i nclusion. of all children i n regular s chools and offering g uidance for t he implementation of policies inclusive.

> A f undamental principle o f inclusive e ducation is t hat all c hildren should learn t ogether, whenever possible, r egardless o f any d ifficulties or d ifferences they may h ave. Inclusive schools must recognize a nd r espond to the d iverse needs of t heir students, accommodating b oth l earning s tyles and p aces and e nsuring quality education for a ll through an appropriate curriculum, organizational a rrangements, t eaching strategies, resource use, and p artnerships w ith c ommunities. I n fact, there s hould be a continuum of services a nd support p roportional to t he continuum o f special needs f ound w ithin the school (BRAZIL, 1994, p . 5).

The aforementioned considerations highlight the e ssence of inclusive e ducation: to promote Joint learning f or a ll children, r egardless o f their differences or d ifficulties. This principle c hallenges t he traditional t eaching model, w hich often separates s tudents with... special n eeds, and e mphasizes that diversity should b e welcomed a s part of the p rocess. Educational. The proposal f or i nclusive schools is n ot limited t o the physical p resence of s tudents in classrooms. regular, b ut it involves adapting c urricula, t eaching strategies, r esources, a nd arrangements. organizational structures, i n order t o cater t o different learning s tyles and paces.

The importance o f continuous s upport, proportionate t o the students' n eeds, i s highlighted. indicating that effective inclusion d epends o n an articulated s ystem o f services and r esources within the school. Inclusive education, t herefore, goes beyond s imple i ntegration; i t requires planning and t raining. Teacher training, c ommunity p artnerships, and p edagogical flexibility e nsure that a ll students... have access to a quality e ducation. This approach h ighlights a paradigm s hift: The school should adapt to differences, n ot t he other w ay a round.

2.2 Special education a nd inclusive e ducation: distinctions and c onvergences

Historically, s pecial education developed from a s egregating l ogic, in that students with d isabilities w ere served i n specific, often i solated, institutions. from t he regular education system. T his approach h ad as i ts main o bjectives the enabling or student r ehabilitation, p reparation for w ork, and s ocial assistance, reflecting a conception limited s chooling and social participation (Mantoan, 2 003).

Inclusive education, in turn, r epresents a paradigmatic a dvance, aimed a t... Full integration o f all students in c ommon educational e nvironments. Its premise is t hat the school

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Year V , v.2 2025 | Submission: 11/22/2025 | Accepted: 1 1/24/2025 | Publication: 11/26/2025

It must adapt t o the needs o f e ach s tudent, promoting a ccessibility a nd a flexible curriculum. Differentiated p edagogical strategies and v aluing diversity. A uthors such as M antoan (2003), Michels (2006) a nd Sassaki (2007) e mphasize that i nclusion is n ot just a policy or a t echnique. It is n ot just e ducational, but a human r ight that r equires a change i n attitudes and s pecific teacher training. and i nstitutional commitment.

Michels (2017) points o ut the fragility of the teacher t raining p rocess aimed at inclusion, pointing to t he logic that h as involved t he educational system throughout history a nd in contemporary times. I t is important to h ighlight t he fragility of teacher t raining p olicies, w hich in most c ases... Sometimes they f ocus o nly o n specialized s paces, which hinders t he effectiveness of p ractices. inclusive pedagogical approaches.

Even w ith all t he setbacks t hat may a rise in the inclusion p rocess, especially with r egard t o g uaranteeing the right to i nclusion for s tudents with d isabilities. Thus, Even with t hese differences, i t is p ossible to i dentify [the d ifferences] in the teacher t raining p rocess. convergences between t he two models, mainly i n the recognition that c ertain students They m ay require s pecialized s upport.

Thus, even i n the face o f the changes taking p lace w ithin the paradigms o f i nclusive e ducation... (integration and i nclusion), t here are common p oints t hat remain, such a s the need for c are. specialized f or some s tudents, w hich is s ignificant f or the student's development w ith deficiency. It should be n oted, however, that the c entral difference between t he t wo paradigms m entioned l ies in the c ontext. Regarding c are: while t raditional special e ducation i solated the student, t he inclusive perspective... seeks to g uarantee their full p articipation in the common s chool c ontext, strengthening s ocial justice a nd right to education.

2.3 Historical and l egal milestones i n t he education of p eople with disabilities i n Brazil

The establishment o f t he right to e ducation for p eople with d isabilities i n Brazil is... directly linked to legal a nd historical m ilestones that r eflect c ultural and s ocial changes. Initially, schooling w as l imited to p hilanthropic and s pecial institutions, f ocused on assistance and p rofessional training.

Since the 1988 Federal C onstitution, education has b een recognized as a r ight. of everyone, i ncluding p eople with d isabilities. T he Law o f G uidelines and B ases of National E ducation (LDB/1996) consolidated s pecialized e ducational services, a lbeit in a complementary way, guaranteeing pedagogical s upport within t he regular s chool.

International documents, such as t he Salamanca Declaration (1994) and t he Convention The U N C onvention o n the Rights of P ersons with D isabilities (2006) s trongly influenced p olicies. national i nitiatives, promoting t he adoption of i nclusive e ducational practices and t he elimination of b arriers. physical, pedagogical, and a ttitudinal.

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ISSN: 2675-9128. S ão Paulo-SP.

Year V , v.2 2 025 | S ubmission: 11/22/2025 | A ccepted: 11/24/2025 | P ublication: 11/26/2025

Subsequently, t he N ational Policy o n S pecial E ducation from an E ducational P erspective
Inclusive (2008) a nd the B razilian L aw f or the I nclusion o f P ersons with D isabilities (2015) r einforced the
The State's commitment to e nsuring access, r etention, a nd quality l earning for a ll.
students, consolidating inclusion as a structuring p rinciple o f Brazilian e ducation.

This h istorical overview demonstrates t hat school i nclusion is not j ust a goal.
not o nly p edagogical, but a lso a social, l egal, and political r ight, t he realization o f which d emands coordination b etween
Public policies, p edagogical p ractices, and cultural transformations in t he s chool e nvironment.

2. M aterials and M ethods

This a rticle i s characterized as bibliographic and documentary r esearch, of a nature...
qualitative, based on t he a nalysis o f theoretical, legal, a nd normative sources r elated to education.
inclusiveness and the r ight t o education for p eople with d isabilities. The bibliographic research allowed
to systematize t he k nowledge produced b y specialized authors, while d ocumentary r esearch
made i t p ossible to e xamine legislation, p ublic p olicies, a nd international documents that underpin
Educational inclusion i n B razil.

Data collection was carried o ut t hrough bibliographic research and document analysis.
In the l iterature review, b ooks, scientific a rticles, dissertations, a nd theses were s elected.
National a nd international publications, published b etween 1 990 and 2 023, addressing i nclusive e ducation and policies.
Educational i ssues, the r ights of p eople with disabilities, a nd the h istory o f schooling. To e nsure
For comprehensiveness and r elevance, the s ources were o btained from r ecognized databases, s uch as SciELO,
Google S cholar, C APES Journals, a nd ERIC.

In p arallel, the d ocumentary r esearch focused o n legislation a nd official documents.
National a nd international guidelines for i nclusive e ducation. Among the n ational d ocuments,
Key examples include the 1 988 Federal C onstitution a nd the L aw o f Guidelines a nd Bases of N ational Education.
(LDB/1996), t he N ational Policy o n S pecial E ducation from the P erspective o f Inclusive Educa(2008)
and the B razilian Law f or t he I nclusion o f P ersons with Disabilities (2015). As f or i nternational documents...
The analyses i nclude the S alamanca Declaration (1994), the U N Convention o n t he R ights of Children
People w ith Disabilities (2006) a nd the U niversal D eclaration of H uman Rights (1948).

The data analysis w as conducted i n a qualitative manner, e mploying critical r eading,
Interpretation and systematization o f t he i nformation obtained. The t exts and documents w ere organized.
in t hematic categories, including c onceptions o f disability, e volution of s pecial education f or
Inclusive education, n ational and international l egal frameworks, and contemporary c hallenges. This
The organization made i t p ossible t o u nderstand the h istorical constitution of p eople's right t o education.
with disabilities, h ighlighting paradigm shifts, l egislative a dvances, a nd gaps i n implementation.
inclusive education.

Machine Translated by Google
RCMOS - Multidisciplinary Scientific J ournal The K nowledge.
ISSN: 2675-9128. S ão Paulo-SP.

Year V, v .2 2025 | Submission: 1 1/22/2025 | A ccepted: 11/24/2025 | Publication: 1 1/26/2025

The choice of this m ethodological procedure i s justified b y the need t o analyze the
The historical, legal, a nd c onceptual dimension o f inclusive e ducation based on s econdary e vidence.
reliable, a llowing t he articulation o f legal n orms, international d ocuments, a nd s cientific production f or
to support reflections on e ducational policies a nd inclusive p edagogical p ractices.

3. R esults and D iscussion

Bibliographical and d ocumentary analysis r evealed t hat the h istorical constitution o f the r ight to
The education of p eople with d isabilities i n Brazil i s marked by a p aradigmatic transition t hat
This r eflects t he theoretical d ebate on d isability, inclusion, a nd s ocial justice.

3.1 C onceptions of disability a nd i mplications for e ducation

Historically, t he schooling o f people w ith d isabilities w as a nchored in t he model
medical, i n w hich disability was u nderstood a s an i ndividual limitation t o be " corrected" o r
“enabled” (Mantoan, 2 003). This m odel g uided s egregating educational p ractices, such a s
care provided i n specialized institutions, w hich reinforced social and e ducational exclusion.
The documents analyzed s how that this a pproach p ersisted u ntil the 1990s, h ighlighting t he
The n ormalization of social and a ttitudinal b arriers in t he school context.

Based on t he influence of the s ocial model of disability, c onsolidated i n debates
internationally and within t he human rights movement, t he perspective o n i nclusion has shifted t o
to r ecognize that e xclusion results f rom b arriers i mposed by society and t he school environment, a nd n ot
only of individual c haracteristics (Sassaki, 2 007).

This t heoretical shift f inds s upport in Brazilian l egal f rameworks, s uch a s the
The 1988 F ederal Constitution, w hich establishes education a s a r ight for all, a nd the LDB/1996, which
It f oresees Specialized E ducational Assistance a s complementary s upport. Thus, t he analysis r eveals
that t he advancement of inclusion i n Brazil i s directly a ssociated with t he incorporation o f concepts from t he m odel
social changes t hat redefine the r ole o f the school a nd the e ducator.

The biopsychosocial m odel offers a more i ntegrated perspective, allowing f or a b etter u nderstanding.
The interaction b etween individual, social, a nd e ducational factors in t he experience of disability.

When analyzing international d ocuments, s uch a s the UN C onvention (2006), i t becomes clear t hat
This a pproach h as guided policies and p ractices that v alue diversity, r einforcing t hat...
Inclusion is both a right a nd a necessary p edagogical practice f or building s chools.
democratic.

4.2. S pecial e ducation and i nclusive education: a c ritical analysis

The theoretical f ramework h ighlighted the d istinction between special education and i nclusive e ducation.
pointing out that t he first i s characterized b y segregation and l imited support within t he school context,

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Year V , v .2 2025 | Submission: 1 1/22/2025 | A ccepted: 11/24/2025 | P ublication: 11/26/2025

while t he second seeks full p articipation in c ommon educational e nvironments (Michels, 2006; 2017; Mantoan,2 003).

The d ocuments analyzed c onfirm this transition: p olicies such as t he National Policy of Special Education from t he Perspective of Inclusive Education (2008) a nd the Brazilian I nclusion Law (2015) They r epresent a n attempt t o operationalize t he inclusive paradigm, promoting s upport. Individualized pedagogical s upport without s eparating t he s tudent f rom the r egular school c ontext.

However, c ritical analysis s hows t hat t his conceptual transformation still faces c hallenges. Practical b arriers: teacher t raining often r emains i nadequate, the s chool curriculum i s not fully adapted, y et the physical i nfrastructure of the schools still l imits effective access. This s uggests t hat, Although t he legislation is a ligned with the social m odel of disability, t he implementation o f inclusion It still d epends o n a c ultural and i nstitutional change (Sassaki, 2 007; Mantoan, 2003).

4.3 Legal f rameworks and c ontemporary challenges

The d ocumentary study reinforces t hat legal frameworks c onstitute normative references. These are f undamental, but do not, by themselves, g uarantee the realization o f inclusion. Critical a nalysis demonstrates that Advances such as t he LDB/1996, t he Salamanca Declaration (1994) a nd t he UN Convention (2006) They e stablished principles o f equality, accessibility, a nd participation, but b arriers persist. Attitudinal, pedagogical, a nd s tructural f actors highlight t he gap b etween theory a nd practice.

The discussion, i n light of t he theoretical f ramework, shows t hat t he consolidation o f the right to The e ducation of people with d isabilities requires c oordination between legislation, p ublic policies, a nd... Pedagogical practices, i n addition t o adequate teacher training and c ultural changes. W ithout these... Under these c onditions, the inclusive p aradigm risks r emaining merely f ormally envisioned, but insufficiently implemented, p erpetuating elements o f the old segregating m odel.

The analysis, integrating t he theoretical c oncepts a nd t he documents analyzed, allows u s to c onclude... that the transition f rom t he medical model to the social a nd biopsychosocial model is c entral to understanding The evolution o f inclusive e ducation in Brazil.

The r esults show t hat, although national a nd international l egislation provides a Despite a s olid normative basis, p ractical implementation s till faces s tructural, pedagogical, and other o bstacles. cultural factors t hat c ompromise t he full realization of the right t o education for p eople with deficiency.

Effective inclusion, therefore, i s not limited to the e xistence of rules, b ut requires t ransformations. institutional and pedagogical c hanges, as w ell a s c ultural changes that e nsure full p articipation and equitable f or all s tudents.

Therefore, i nclusive e ducation should be u nderstood as a human r ight and a an o ngoing process, whose s uccess d epends on the permanent d ialogue between theory, p ublic policies and concrete school p ractices, articulating l egal principles, theoretical f oundations a nd experiences.

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Year V , v.2 2 025 | Submission: 1 1/22/2025 | Accepted: 1 1/24/2025 | Publication: 11/26/2025

Final C onsiderations

This s tudy analyzed the h istorical c onstitution of t he right t o e ducation f or people. with disabilities i n Brazil, h ighlighting the trajectory o f c onceptual, legal a nd pedagogical p rinciples t hat underpin contemporary i nclusive e ducation. Based o n t he articulation between Bibliographic a nd documentary r esearch made it possible t o i dentify t hat the advancement o f school inclusion i s... closely related to t he t ransition from the m edical model t o t he social a nd biopsychosocial m odels of disabilities, which r edefine the role o f t he s chool, the e ducator, and s ociety in promoting p articipation. full p articipation of a ll s tudents.

A critical analysis o f n ational and i nternational legal f rameworks r evealed t hat, although t here are robust normative instruments, such a s t he 1988 F ederal C onstitution, t he LDB/1996, the P olicy National Law o n Special E ducation from the Perspective o f I nclusive Education (2008), the Brazilian L aw of Inclusion (2015), the S alamanca Declaration (1994) and t he UN C onvention (2006), i ts Effective implementation s till f aces s ignificant challenges. A mong t hese challenges, the f ollowing stand o ut: Insufficient teacher training, physical a nd pedagogical b arriers i n schools, poorly d eveloped c urricula. Adapted and e xclusionary attitudes compromise t he r ealization of t he right t o i nclusive education.

Therefore, i t can be c oncluded t hat the consolidation o f t he right t o e ducation for p eople with Disability requires n ot only the e xistence of p ublic policies a nd legislation, b ut also c hanges. Cultural, pedagogical, a nd institutional measures that promote i nclusion as a s tructuring principle of Brazilian e ducation are essential. It is fundamental t hat the school transforms i tself into an a ccessible environment. Democratic and sensitive t o d iversity, w here e ach student c an participate a nd learn fully. and equitable.

Finally, t his study r einforces the importance of l inking t heory, policy, a nd practice. educational to o vercome historical g aps o f e xclusion and strengthen i nclusive e ducation as A human r ight and a vector o f s ocial justice, contributing t o t he construction o f f airer s chools. equitable and inclusive.

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Year V, v .2 2 025 | S ubmission: 11/22/2025 | Accepted: 11/24/2025 | Publication: 1 1/26/2025
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