



PUBLIC POLICIES ON SPECIAL EDUCATION IN BRAZIL: A BRIEF HISTORY

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ABSTRACT

This article analyzes Brazilian legislation regarding Inclusive Education and the work of the State and Brazilian society in order to enable students with disabilities to attend school. This is a historical study of documents and legislation, making brief reference to the first legislation and the gradual and evolutionary process of standardizing Inclusive Education in Brazil from the 1960s to the present day, where the involvement of the State and social movements in order to ensure access and permanence of students with special needs in regular schools and their subsequent integration into the social environment in which they are inserted. The debate referred to here turns to the legal precepts where the legal standards are presented that deal with the inclusive process from its beginning until today, which aims to provide specialized and quality educational services that need to be consolidated, reaching the target audience of Special Education. In this sense, we examined documents and bibliographies that deal with the subject, with the aim of understanding the trajectory of the process of establishing Inclusive Education in Brazil, through bibliographic and documentary research, followed by the analysis of the results of this research that led us to understand the path taken to effect inclusion in the country.

Keywords: Inclusive Education – legislation – Special Education.

INTRODUCTION

Currently, studies are being conducted, and projects are being developed in support of Special Education with the aim of educating people with disabilities and including them not only in the education system but in all sectors of society. Thus, education is seen as responsible for the socialization of these individuals and for the possibility of them achieving a quality of life by integrating fully and appropriately.

In Brazil, to reach this level, many laws were passed and implemented. Examples include the Federal Constitution of 1988, the National Education

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Guidelines and Bases Law, and Federal Law 7853/1989, among others. However, the creation of educational policies that would enable the access and retention of people with disabilities in regular education constituted a long path, and many movements needed to be initiated for inclusion to become a reality.

The development of inclusive policies at the national level in Brazil was influenced by international organizations and strong social pressure from families and groups dedicated to the cause of special education. This led to the creation of laws and decrees that required schools to reformulate and adapt to accommodate people with disabilities.

As a result, studies and research on inclusion in basic education schools have been the subject of discussions and debates throughout the national territory, with the collaboration of administrators and legislators. To understand the trajectory of this process and its current moment, we sought to learn about the historical and political aspects of the developments related to the theme through documentary and bibliographic research based on legislation relevant to the inclusion of people with disabilities. This involved considering national and international documents on the subject, highlighting the gradual and evolutionary process of regulating Inclusive Education in the country from the 1960s.

Therefore, we used the method of descriptive research to analyze the entire path to regulate inclusion in Brazil. In addition, we conducted a thorough bibliographic and documentary review that showed us the entire process up to the present day, starting from the time of the empire. Then, we arrived at the discussion of the results, which showed us how we achieved the progress made.

METODOLOGY

In this article, we used the method of descriptive research with the aim of analyzing how inclusive education was regulated in Brazil. The study started with a bibliographic and documentary review through the reading of



legislation implemented in the country, beginning in the 1960s up to the present day, making a brief mention of its beginnings in the empire and passing through the early years of the Republic.

What led us to this work was the intention to understand the historical trajectory and the movements undertaken for the inclusion of students with disabilities in regular education and their subsequent social integration. To this end, the research considered official documents such as the Federal Constitutions of 1824, 1934, and 1988, the Laws of Guidelines and Bases of National Education of 1961 and 1971, as well as decrees and ordinances that regulated inclusive education. We also relied on the studies of authors such as NISKIER, Jannuzzi, and Mazzotta, who aptly propose a discussion on the subject.

However, it is important to note that our goal was to show the evolution of the path followed by the process of including students with disabilities in regular education and consequently in society, as this is a principle stated in the country's highest law, the Federal Constitution. However, this is a long and challenging journey that still has much to progress. Thus, this study has a qualitative character with an emphasis on observation and bibliographic and documentary studies.

HOW IT WAS INITIALLY, FROM EXCLUSION TO THE FIRST LEGISLATIONS

The special education theme dates back to the time of the empire and the early years of the republic in the country. During this period, there was no discussion or consideration of the schooling of people with disabilities. However, the 1824 Constitution, in Article 179, § 32, stated that "primary education is free for all citizens" (NISKIER, 1989, p. 101). History, however, shows that this law did not cover students labeled as "abnormal."

The Federal Constitution of 1934, in Article 149, made primary education compulsory. However, students with disabilities continued to be excluded, as the public education system did not adapt to accommodate them,



demonstrating the government's neglect towards them. Thus, individuals deemed "abnormal" began to be taken to religious institutions that did not have a pedagogical purpose but only a protective one, marking the beginning of a phase of complete segregation and assistance focused on welfare and philanthropy, as highlighted by Jannuzzi:

The creation of these first specialized institutions... was nothing more than a few isolated initiatives that covered the most impaired individuals, those who stood out or distanced themselves either socially or through divergent behavior. Those who were not visibly so would be incorporated into simpler social tasks. In a rural society without formal education. (JANNUZZI, 2004, p. 28).

In this context, it is evident that the State's attention to educating and including individuals with disabilities in regular education and, consequently, in society came later when ideas introduced in Europe became known in Brazil around 1854. During this period, the Imperial Institute for Blind Children—currently Benjamin Constant Institute—and the Institute for Deaf-Mutes were founded in 1857, which is now the National Institute for the Deaf (INES), as mentioned by Mazzotta (2011). However, all education for people with disabilities was limited to basic instruction, and for those who were only deaf, there were classes in history, religion, arithmetic, geography, and a little about agriculture, as well as "bookbinding and shoemaking workshops" (1989, p. 157), where they were exploited as cheap labor since society did not view them otherwise.

THE GRADUAL AND EVOLVING PROCESS OF THE STANDARDIZATION OF INCLUSIVE EDUCATION IN BRAZIL FROM 1960 TO THE PRESENT DAY.

From the 1960s onwards, inclusion in Brazil began to be regulated slowly and gradually. In December 1961, in the Federal Chamber of Deputies, Law No. 4,024 was approved, consolidating the Guidelines and Bases of Education (LDB), during the administration of then-President Eurico Gaspar Dutra. This encompassed the political debate of the State and society on the subject. In this LDB, the provision of services for people with disabilities, then referred to as "exceptional," was outlined.

TITLE X. Special Education. Art. 88. The education of individuals with exceptionalities should, whenever possible, fit into the general



education system in order to integrate them into the community. Art. 89. Any private initiative deemed effective by state education councils, related to the education of individuals with exceptionalities, shall receive special treatment from public authorities through scholarships, loans, and subsidies (BRAZIL, 1961, p. 9).

From that point on, the inclusion of those with disabilities in the education system progressed, mobilizing society, scholars, and politicians. However, very few schools were still admitting these types of students, and most of the time, they remained confined to their homes or attended schools that welcomed them but did not prepare them for living in society.

In 1971, the second LDB (Law of Guidelines and Bases of National Education) was drafted during the military dictatorship, replacing the previous one that had been in effect since the early 1960s. It stipulated those students with physical or mental disabilities, those experiencing learning delays compared to the regular enrollment age, and the gifted should receive differentiated treatment, with the guidelines for this provided by the Education Councils. However, this law did not promote inclusion in the regular education system but rather in special schools created to accommodate these children.

Article 9. Students with physical or mental disabilities, those significantly delayed in terms of the regular enrollment age, and the gifted should receive special treatment according to the regulations established by the competent Education Councils (BRAZIL, 1971, p. 1).

In 1988, the new Federal Constitution, post-military dictatorship and known as the Citizen Constitution, in Article 205, asserts that education is "a right for all and a duty of the State and the family" (BRAZIL, 1988). It should be promoted and encouraged with the assistance of society, aiming to fully develop the individual, prepare them to be a citizen, and obtain qualifications for work. To achieve this, Article 206 states that "education must be based on equality of conditions for access and permanence in school" (BRAZIL, 1988). The text assumes, therefore, that educational institutions must adapt and provide conditions for students, regardless of their physical and intellectual conditions, to attend, stay, and complete their education.



Furthermore, Article 208, item III, also stipulates that it is "[...] the duty of the State to guarantee specialized educational assistance to people with disabilities, preferably in regular education (BRAZIL, 1988)." In this sense, it is possible to understand that students in need of Specialized Educational Assistance (SEA) have the right to study in regular schools, with the State being responsible for providing conditions for their access and permanence. In cases of omissions, the right to request necessary adjustments and indispensable attention is safeguarded.

In this way, inclusion is a recognized right in the country's supreme law. Through it, it is understood that all Brazilians, regardless of their physical or mental differences, must have access to education in public or private networks to be integrated into the society to which they belong. Exceptional cases requiring other forms of assistance are reserved. In light of the above, it is the responsibility of the public authorities to provide specialized professionals for the care of students with special needs and to offer specialized educational assistance (SEA) in schools.

Over the years, decrees, laws, and ordinances have been formulated to regulate and improve the quality of care, ensuring social and professional inclusion for people with disabilities. Among these is Law No. 7,853/1989, which establishes the National Policy for the Integration of Persons with Disabilities, consolidates protection standards, and provides other measures. The text aimed to establish general norms to guarantee the individual and social rights of people with disabilities and, consequently, their social integration effectively. The mentioned law provides support for individuals with special needs, regulates the role of the Public Prosecutor's Office in their defense, and defines crimes that can be committed against them to ensure their protection.

In October 2001, through Decree No. 3,956, the then President of the Republic, Fernando Henrique Cardoso (in office from January 1, 1995, to January 1, 2003), promulgated the Guatemala Convention, which came into effect throughout Brazilian territory. In this sense, before the promulgation of



the Guatemala Convention, Law No. 10,098/2000 was created, establishing general norms and criteria to facilitate the access of people with disabilities or reduced mobility. Since the Federal Constitution establishes education as a right for all and a duty of the State, it is considered the responsibility of public authorities and public and private education networks to ensure the entry of any individual, regardless of their physical or social conditions, as education enables the promotion of their quality of life.

Article I of this Law presents the general norms and basic criteria to implement the above through the removal of barriers and obstacles in buildings and roads, furniture, construction and renovations of buildings, means of transportation, and communication (BRAZIL, 2000). According to Moraes (2007, p. 9),

[...] For individuals without mobility issues, barriers go unnoticed, but our architecture is unjust toward that portion of the population. These obstacles, when present in public facilities, segregate and discriminate against this significant portion of the population by denying them the opportunity to enjoy (MORAES, 2007, p. 09).

What is understood by accessibility is the individual's ability to move autonomously. However, this aspect is often not respected by projects created in today's society, and the right to come and go proposed by the Federal Constitution ends up being restricted for the portion of citizens who have some physical limitation. In schools, these types of limitations can also occur and need to be addressed to ensure the inclusion of those with disabilities, whether temporary or permanent, but who seek knowledge and education to improve their condition in an exclusive society regarding social conditions, educational level, and physical limitations.

In the 1990s, the whole world began to mobilize in favor of the inclusion of people with disabilities in all areas of society. Regarding education, the inclusion of students with disabilities was progressing slowly, and the educational reforms in Brazil were marked by debates and discussions prompted by international organizations and the Constitutional principle that education should be for everyone (CEPAL, 1994).



During the government of Fernando Henrique Cardoso (from 1995 to 2001), the Ministry of Education and Culture underwent changes in its administrative organization, and the document National Special Education Policy – PNEE (BRAZIL, 1994) was then published to ensure educational access for "[...] people with disabilities, typical behaviors (behavioral problems), and high abilities (gifted), as well as guide all activities that ensure the achievement and maintenance of such objectives." From then on, the term "exceptional" ceased to be used, replaced by "individuals with special needs."

The PNEE guides that the process of instructional integration in regular schools is institutionalized, according to which students with special needs may be enrolled and follow and develop the curriculum activities planned for regular education alongside students considered "normal" (BRAZIL, 1994, p. 19). This legislation established a standard of homogeneity, without, however, promoting the reformulation of educational practices to value different learning possibilities, and it continued to maintain the responsibility for the education of these students within the realm of special education.

Next, the National Education Guidelines and Bases Law (LDBEN - Law No. 9,394/96) is implemented, which provides the following guidelines in its Article 59:

I - curricula, methods, techniques, educational resources, and specific organization to meet their needs;

II - specific termination for those who cannot reach the required level for the completion of elementary education due to their disabilities, and acceleration to complete the school program in less time for the gifted;

III - teachers with appropriate specialization at the middle or higher level for specialized assistance, as well as regular teachers trained for the integration of these students into regular classes;

IV - special education for work, aiming at their effective integration into society, including suitable conditions for those who do not demonstrate the ability to enter competitive work, through coordination with related official bodies, as well as for those who demonstrate superior abilities in artistic, intellectual, or psychomotor areas;



V - equal access to the benefits of supplementary social programs available for the respective level of regular education (BRAZIL, 1996, p. 25).

The mentioned article states that curriculum adaptations are measures aimed at making it suitable for the specific needs of students with special needs. Consequently, there will be an improvement in the situation and relationship of these students in school so that they can integrate and succeed in their learning. In this way, the PNEE will be fulfilling the objectives it set out to achieve. However, it is crucial that its practice is observed concerning physical space and the preparedness of human resources working with this audience.

In this regard, it is essential for schools to be prepared regarding accessibility, such as ramps on sidewalks, entrance doors to the building and classrooms, and equipment to facilitate the participation in classes for students with visual and hearing impairments. Another aspect that needs attention is access to upper levels of buildings, as many— as we have already witnessed—have computer and science labs on the second floor, making it challenging for wheelchair-bound students to participate in practical classes.

Another aspect to be observed is the preparation of teams that work with students with disabilities. Both monitors and teachers require knowledge of diversities and strategies to deal with them to make inclusion more effective, not just a palliative measure to comply with current legislation, as inclusion means becoming part, facilitating interaction, and integration.

RESULTS AND DISCUSSIONS

At this point, we focus on the results obtained in our study on the history and legal evolution of Inclusive Education in Brazil. We observe that the subject has been discussed since the Brazilian Empire, through the early days of the Republic to the present day.

After examining the records of studies by authors mentioned in the theoretical framework, such as Jannuzzi (2004), Mazzotta (2011), Moraes (2007), and Niskier (1989), along with the legislation developed over time –



LDB, Federal Constitution, Decrees, and Laws – we realize that Brazilian society and leaders have consistently worked towards integrating individuals with disabilities into the school environment. This inclusion is presented in the nation's governing documents as a right for every individual, regardless of the type or degree of their limitation.

However, as we delve into readings and research, we find that many mistakes occurred during this trajectory, such as referring to individuals with disabilities as "exceptional." Furthermore, we also note that despite the legislations passed initially, established governments did not equip schools or provide education workers with the necessary training to receive these students. This responsibility was often delegated to private institutions, resulting in students with disabilities remaining segregated and on the margins of society.

In this context, however, it is evident from analyzing recent literature and documents that the topic of inclusion is gaining strength and prominence from both the government and related movements. We see a growing number of research and studies aiming to integrate individuals with disabilities not only into regular schools but also into the workforce. However, it is important to highlight that much remains to be done, especially in terms of training teachers to work effectively with students included in regular classes and raising awareness among business owners and managers that it is everyone's duty to ensure space for these individuals to participate and live in society with dignity, guaranteeing the possibility of growth and human development.

FINAL CONSIDERATION

After this study in which we learned a bit about the history of the implementation and regulation of Inclusive Education in Brazil, we realize that it has been a long and arduous journey in our country. We saw that the beginning of everything was concentrated in an environment where people with disabilities were simply segregated, and the few actions in their favor were carried out by religious institutions that treated them as "abnormal" individuals and offered them only charity.



Throughout history, however, the political and social aspects discussed here led the State to turn its attention to the importance of working with people with disabilities in terms of their education and subsequent integration into society. Thus, the community and political representatives joined forces to legalize and institute government actions that would guarantee free education to these citizens. However, for a long time, this work was still delegated to the private sphere, which continued to marginalize this population that was increasing day by day.

Analyzing the history and documents relevant to the topic, we verify that the realization of rights, from the beginning, was surrounded by numerous social struggles and endless debates to break through prejudices, neglect, and the strong inclusion/exclusion paradox. Therefore, we understand that it is a complex undertaking that requires more concrete actions and not just the enactment of laws and decrees that do not always achieve their central objective of ensuring access to education for all, as provided by our Federal Constitution, as well as the social integration of people with disabilities.

We understand that legislation is very important to ensure rights. However, more than that, it is up to the State to promote the training of education professionals to work effectively with these students and also to equip schools to provide greater learning and preparation for them. Laws regulate rights; however, the awareness and proper training of educators are what will truly create space and welcome students with disabilities in schools and society with dignity and citizenship.

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