

Inclusive education and training of educators – legislation



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ABSTRACT

For some decades Inclusive Education has been developing in a secondary way, but in recent years it has become a relevant and pertinent theme in social and educational discussions. In this perspective, laws and decrees were sanctioned to guarantee the disabled as well as the gifted access to the same educational opportunities as other students. In this context, the present study aimed to specify the current legislation on Inclusive Education as well as the need for training of teachers who work in it, tracing a brief analysis and relationship between both. Scientific articles were selected that dealt with both the legislative theme and the training of teachers, both related to Inclusive education, using descriptors such as: legislation of Inclusive education and training of teachers for inclusive education.

Keywords: Education, inclusion, training, legislation.

1 INTRODUCTION

For some decades Inclusive Education has been developing in a secondary way, but in recent years it has become a relevant and pertinent theme in social and educational discussions. In this perspective, laws and decrees were sanctioned to guarantee the disabled as well as the gifted access to the same educational opportunities as other students.

It is worth highlighting the role of the teacher as an agent of inclusion and, in this condition, it is necessary to be able to act in this complex and delicate universe of Inclusive education.

Considering that the relationship between teaching and learning is a two-way interpersonal relationship, where both teach and learn and that in the classroom, learning can be collective, the relationship between the teacher and the student directly interferes in the quality of learning, and that the teacher is the ruler of the interpersonal and social relationships that occur in the classroom, It can be stated that it is not enough just the initial training, it is necessary to have specific qualification so that these professionals can truly exercise the school inclusion of these students. (Omote; Vieira, 2021).



In this context, the present study aimed to specify the current legislation on Inclusive Education as well as the need for training of teachers who work in it, tracing a brief analysis and relationship between both.

2 METHODOLOGIES

To this end, we used bibliographic research that, according to GIL (2008), is developed based on material already elaborated, mainly in scientific articles and books.

Scientific articles were selected that dealt with both the legislative theme and the training of teachers, both related to Inclusive education, using descriptors such as: legislation of Inclusive education and training of teachers for inclusive education.

After the analytical reading of the texts, the notes of the texts were confronted and the results and discussions were presented in the form of topics that follow, and the final considerations address the conclusion as well as the author's impressions.

3 RESULTS AND DISCUSSIONS

3.1 INCLUSIVE EDUCATION, CONCEPT

According to Assunção (2007), Inclusive Education consists of "the process of inclusion of people with disabilities in the common education network, at all its levels, from Pre-school to Higher Education" (ASSUNÇÃO, 2007, p.15)

In this perspective, Inclusion proposes a new form of ideology different from the current one. They are innovative proposals social practices, which begin in the school context, but which will be extended to other social spheres, aiming to ensure a connection in society for all people with disabilities (ASSUNÇÃO, 2007).

With regard to concepts generated from the ideology that involves the meaning of person with disabilities, it is worth mentioning ableism, which consists of the belief of a portion of society that physically fit people are superior to people with some disability, conferring to this status of second class, or lower class, which unfolds into prejudiced behaviors, Harmful and discriminatory, based on efficiency, regardless of which (physical, intellectual or sensory) (CAMPBELL, 2009 apud CAMARGO; CARVALHO, 2019).

According to the author, this conception is deeply and subliminally incorporated in the culture, being exposed as a result of the positioning of individuals considered normal in society, who attribute to those who are out of the pattern, pejorative concepts and beliefs) CAMPBELL, 2009 apud CAMARGO; CARVALHO, 2019).

Made the parenthesis to emphasize that inclusion is also an ideological process, and that inclusive education has a character of ideological change, and in this sense, Assunção (2007) states



that Inclusive Education can be considered as an expression of the struggle against the exclusion of people with disabilities, since inclusion is becoming a reality in Brazilian schools (ASUNÇÃO, 2007).

Faced with the new proposal, the school needs to offer means for the development of human potentialities, since education comprises the formation of citizens and subjects transforming reality, not only the transmission of curriculum (ASUNÇÃO, 2007).

Thus, specialized educational care should not replace regular education but be considered as a complement to those who need support for better success in the regular mode of teaching as well as it should be understood that Inclusive Education comprises not only people with special needs as students with giftedness and / or high skills. And, because it is inclusive, it must offer this population equal tools and subsidies so that they can fully develop their skills and potential (ASUNÇÃO, 2007).

3.2 BRIEF HISTORY OF INCLUSIVE EDUCATION

Inclusive Education is not something new or sudden. The inclusive conception has been drawn for years, primarily in ideology and belief, being a product of contemporary social changes that require the abandonment of old prejudices, differences and stereotypes.

According to Asunción (2007, p. 18)

The history of Inclusive education finds roots in the weaving of four basic sources: psychoanalysis, the struggle for human rights, institutional pedagogy and the asylum deinstitutionalization movement. These were the triggers that revealed the problem of social exclusion of people with disabilities, which took other forms and demanded new educational and social practices.

The history of humanity comprises four distinct phases with regard to the care of people with disabilities, which are: before Christianity – no care and in the Medieval Era, the treatment varied according to the society where the person was inserted; eighteenth century to mid-nineteenth century, people were reclusive in their residences; late nineteenth and mid-twentieth centuries, development of schools and special classes in public schools, with separate education; and the fourth phase, late twentieth century, 70s, begins a social movement of integration that unfolded in the school sphere, where the objective was the integration of this population with the others (ASUNÇÃO, 2007).

The development of the process of education of people with disabilities began in Europe, but in a welfare and segregative character. The students were destined for special schools or institutions that, instead of seeking an education that considered the special needs of each subject, limited themselves to trying to adapt them to the established model of normality. (Dupin; Smith, 2020).

In Brazil, care for people with disabilities began during the empire, with the creation of two institutions: Institute of Blind Boys (Benjamin Constant Institute) and the Institute of Deaf-Mutes (National Institute of Education of the Deaf, INES) (Miranda 2008 apud SANTOS; VIEIRA, online).



However, in 1988, the Federal Constitution ensures that education is a fundamental right of all, also establishing a commitment to provide specialized educational care to people with disabilities.

3.4 THE LEGISLATION OF INCLUSIVE EDUCATION IN BRAZIL

According to the Inclusive Legislation, the beginning is demarcated in 1961.

1961 – Law No. 4,024 – The Law of Guidelines and Bases of National Education (LDBEN) founded the educational service to people with disabilities, called in the text "exceptional" (currently, this term is in disagreement with the fundamental rights of people with disabilities). The following excerpt: "The Education of exceptional, should, as far as possible, fit into the general system of Education, in order to integrate them into the community."

1971 – Law No. 5,692 – The second law of guidelines and educational bases of Brazil was made at the time of the military dictatorship (1964-1985) and replaced the previous one. The text states that students with "physical or mental disabilities, those who are considerably behind the regular age of enrollment and the gifted should receive special treatment." These standards should be in accordance with the rules set by the Boards of Education. That is, the law did not promote inclusion in the regular network, determining the special school as the right destination for these children.

1988 – Federal Constitution – Article 208, which deals with compulsory and free Basic Education from 4 to 17 years old, states that it is the duty of the State to guarantee "specialized educational care to the disabled, preferably in the regular education network". In articles 205 and 206, it is affirmed, respectively, "Education as a right of all, guaranteeing the full development of the person, the exercise of citizenship and qualification for work" and "the equality of conditions of access and permanence in school".

1989 – Law No. 7,853 – The text provides for the social integration of people with disabilities. In the area of Education, for example, it requires the insertion of special schools, private and public, in the educational system and the offer, compulsory and free, of Special Education in public educational establishment. It also states that the public power should be responsible for the "compulsory enrollment in regular courses of public and private establishments of people with disabilities capable of integrating into the regular education system." That is, it excluded a large portion of children from the law by suggesting that they are not able to relate socially and, consequently, to learn. Access to school supplies, school meals and scholarships is also guaranteed by the text.

1990 – Law No. 8,069 – Better known as the Child and Adolescent Statute, Law No. 8,069 guarantees, among other things, specialized educational care to children with disabilities preferably in the regular school network; work protected by adolescents with disabilities and priority of care in actions and public policies of prevention and protection for families with children and adolescents in this condition.

1994 – National Policy on Special Education – In terms of school inclusion, the text is considered a delay, because it proposes the so-called "instructional integration", a process that allows only children with disabilities who "(...) are able to monitor and develop the programmed curricular activities of ordinary education, at the same pace as the so-called "normal" students (currently, this term is at odds with the fundamental rights of people with disabilities). That is, the policy excluded much of it of students with disabilities from the regular education system, "pushing" them into Special Education.

1996 – Law No. 9,394 – The Law of Guidelines and Bases of Education (LDB) in force has a specific chapter for Special Education. In it, it is stated that "there will be, when necessary, specialized support services, in the regular school, to meet the peculiarities of the Special Education clientele." It also states that "the educational service will be made in classes, schools or specialized services, whenever, due to the specific conditions of the students, it is not possible to integrate into the common classes of regular education." In addition, the text deals with teacher training and curricula, methods, techniques, and resources to meet the needs of children with disabilities, pervasive developmental disorders, and high abilities or giftedness. (ALL FOR EDUCATION, 2020, online).



In 1996, the Law of Guidelines and Bases of National Education (LDBEN), law No. 9,394/96, updates the conception of teaching for people with special educational needs and establishes a system equivalent to inclusive education, in chapter V, Special Education session,

Curriculum, methods, techniques, educational resources and organization, specific to meet their needs; specific terminality for those who cannot reach the level required for the completion of elementary school, due to their disabilities [...], teachers with adequate specialization in secondary or higher education, for specialized care, as well as teachers of regular education trained for the integration of these students in the common classes; special education for work, aiming at its effective integration into life in society, including adequate conditions for those who do not reveal the capacity to enter competitive work, through articulation with related official bodies [...] equal access to the benefits of supplementary social programs available for the respective level of regular education (BRASIL, 1996, p. 19-20 apud SANTOS; VIEIRA, online).

It follows Decree No. 3,298 of 1999, which

Regulates Law No. 7,853/89, which provides for the National Policy for the Integration of Persons with Disabilities and consolidates the rules of protection, in addition to providing other measures. The main objective is to ensure the full integration of people with disabilities in the "socioeconomic and cultural context" of the country. Regarding access to education, the text states that Special Education is a transversal modality at all levels and modalities of education and highlights it as a complement to regular education.

2001 – Law No. 10,172 – The previous National Education Plan (PNE), criticized for being too extensive, had almost 30 goals and objectives for children and young people with disabilities. Among them, it stated that Special Education, "as a modality of school education", should be promoted at all different levels of education and that "the guarantee of places in regular education for the various degrees and types of disability" was an important measure.

2001 – Resolution CNE/CEB No. 2 – The text of the National Council of Education (CNE) establishes National Guidelines for Special Education in Basic Education. Among the main points, it states that "education systems should enroll all students, and it is up to schools to organize themselves to serve students with special educational needs, ensuring the necessary conditions for a quality education for all." However, the document puts as a possibility the replacement of regular education by specialized care. It also considers that the school attendance of students with disabilities begins in Early Childhood Education, "assuring them the services of special education whenever it is evidenced, through evaluation and interaction with the family and the community, the need for specialized educational care."

2002 – Resolution CNE/CP N°1/2002 – The resolution gives "national curricular guidelines for the training of teachers of Basic Education, at higher level, degree course, full graduation". On Inclusive Education, it states that training should include "knowledge about children, adolescents, young people and adults, including the specificities of students with special educational needs."

2002 – Law No. 10,436/02 – Recognizes as a legal means of communication and expression the Brazilian Sign Language (Libras).

2005 – Decree No. 5,626/05 – Regulates Law No. 10,436, of 2002 (previous link).

2006 – National Plan for Human Rights Education – Document prepared by the Ministry of Education (MEC), Ministry of Justice, UNESCO and the Special Secretariat for Human Rights. Among the goals is the inclusion of topics related to people with disabilities in the curricula of schools.



2007 – Education Development Plan (PDE) - In the scope of Inclusive Education, the PDE works with the issue of school infrastructure, addressing the accessibility of school buildings, teacher training and multifunctional resource rooms.

2007 – Decree No. 6,094/07 – The text provides for the implementation of the Commitment All for Education Goals Plan of the MEC. By highlighting the attendance to the special educational needs of students with disabilities, the document reinforces their inclusion in the public education system (TODOS PELA EDUCAÇÃO, 2020, online).

Brazil, aiming at inclusive education, created the National Policy of Special Education in the Perspective of Inclusive Education, Ordinance No. 555/2007, extended by Ordinance 948/2007, "aims to ensure the school inclusion of students with disabilities, global developmental disorders and high skills/giftedness [...]" (BRAZIL, 2008, p.15 apud SANTOS; VIEIRA, online).

In 2008, the National Policy of Special Education in the Perspective of Inclusive Education is created, which is a document that delimits the process of school inclusion in Brazil so that "public policies that promote quality education for all students" are based. The document directs:

[...] access to regular education, with participation, learning and continuity at the highest levels of education; transversality of the modality of special education from early childhood education to higher education; provision of specialized educational care; training of teachers for specialized educational care and other education professionals for inclusion; participation of family and community; architectural accessibility, transport, furniture, communications and information; and intersectoral articulation in the implementation of public policies (BRASIL, 2008, p. 15 apud SANTOS; VIEIRA, online).

Also in 2008, Decree No. 6. 571 deals with specialized educational care in basic education and defines it as "the set of activities, accessibility and pedagogical resources organized institutionally, provided in a complementary or supplementary way to the training of students in regular education". The decree obliges the Union to provide technical and financial support to public education systems in offering the modality. In addition, it reinforces that the SEA should be integrated into the pedagogical project of the school.

2009 – Resolution No. 4 CNE/CEB – The focus of this resolution is to guide the establishment of specialized educational care (SES) in Basic Education, which should be performed in the countershift and preferably in the so-called multifunctional resource rooms of regular schools. The CNE resolution serves as guidance for education systems to comply with Decree No. 6,571.

2011 – Decree No. 7,611 – Repeals Decree No. 6,571 of 2008 and establishes new guidelines for the duty of the State with the Education of the target public persons of Special Education. Among them, it mandates that the educational system be inclusive at all levels, that learning be lifelong learning, and prevent exclusion from the general education system on the grounds of disability. It also determines that Elementary Education is free and compulsory, ensuring reasonable accommodations according to individual needs, that individualized and effective support measures are adopted, in environments that maximize academic and social development, according to the goal of full inclusion, and says that the offer of Special Education should preferably take place in the regular school network.

2011 – Decree No. 7,480 - until 2011, the directions of Special and Inclusive Education were defined in the Secretariat of Special Education (Seesp), of the Ministry of Education (MEC). Today, the folder is linked to the Secretariat of Continuing Education, Literacy, Diversity and Inclusion (Secadi).



2012 – Law No. 12,764 – The law establishes the National Policy for the Protection of the Rights of Persons with Autism Spectrum Disorder.

2014 – National Education Plan (PNE) – The goal that deals with the theme in the current PNE, as explained earlier, is number 4. Its wording is: "To universalize, for the population aged 4 to 17 years with disabilities, global developmental disorders and high abilities or giftedness, access to basic education and specialized educational care, preferably in the regular education network, with the guarantee of an inclusive educational system, multifunctional resource rooms, classes, schools or specialized services, public or insured." The obstacle to inclusion is the word "preferably", which, according to experts, opens space for children with disabilities to remain enrolled only in special schools (ALL FOR EDUCATION, 2020, online).

In 2015, Law No. 13,146/15 was approved, which bases and bases inclusive actions. The Brazilian Law of Inclusion of Persons with Disabilities (Statute of Persons with Disabilities), aims at equality and the exercise of their rights.

On the right to education, article 28 of the Law clarifies that it is up to the public power to ensure, create, develop, implement, encourage, monitor and evaluate issues related to inclusive actions.

In this sense, some expositions of the article are highlighted:

[...] II - improvement of educational systems, aiming to ensure conditions of access, permanence, participation and learning, through the provision of services and accessibility resources that eliminate barriers and promote full inclusion;

III - pedagogical project that institutionalizes specialized educational care, as well as other services and reasonable adaptations, to meet the characteristics of students with disabilities and ensure their full access to the curriculum under conditions of equality, promoting the achievement and exercise of their autonomy; [...]

VI – research aimed at the development of new pedagogical methods and techniques, didactic materials, equipment and assistive technology resources; [...]

IX - adoption of support measures that favor the development of linguistic, cultural, vocational and professional aspects, taking into account the talent, creativity, skills and interests of students with disabilities; [...]

XVIII - intersectoral articulation in the implementation of public policies (BRASIL, 13.146/15 apud SANTOS; VIEIRA, online).

2019 – Decree No. 9,465 – The government creates the Secretariat of Specialized Modalities of Education, extinguishing the Secretariat of Continuing Education, Literacy, Diversity and Inclusion (Secadi). The portfolio is composed of three fronts: Directorate of Accessibility, Mobility, Inclusion and Support to People with Disabilities; Directorate of Bilingual Education Policies for the Deaf; and Directorate of Policies for Specialized Modalities of Education and Brazilian Cultural Traditions (ALL FOR EDUCATION, 2020, online).

Therefore, in the inclusive perspective, the school needs to make room for diversity. In this sense, the training and qualification of teachers is fundamental for this to happen in practice, since the teacher is a fundamental agent in this process and therefore needs to be prepared and qualified for it.

3.5 THE TRAINING OF TEACHERS FOR INCLUSIVE EDUCATION

According to Mendes (2002 apud Platsh, 2009), teacher training must meet the needs and new challenges of today, where the teacher needs to move his knowledge in a constant relationship of theory-practice, articulating skills and competencies (MENDES, 2002 apud PLATSH, 2009).



The MEC (2000 apud PLATSH, 2009) mobilizes the Proposal of Guidelines for the training of teachers of Basic Education in Higher Education courses, including the domain of competencies as part of the professional development process, with emphasis on understanding the social role of the school, mastery of the contents, interdisciplinarity, knowledge of the research processes, management of the professional development itself, and commitment to the aesthetic, political, and ethical values that inspire democratic society.

The same proposal states:

Guide and mediate teaching for student learning; take responsibility for the success of student learning; assume and know how to deal with the diversity existing among students; encourage curricular enrichment activities; develop and execute projects to develop curricular content; use new methodologies, strategies and support material; develop habits of collaboration and teamwork (MEC, 2000, p. 5 apud PLATSH, 2009, online).

It is noteworthy the prevalence, in several studies, of exposing the need for better professional qualification of teachers to act in the inclusive process of students with special needs and in regular education, so that it is effective (BUENO, 1999a; CARNEIRO, 1999; MAGALHÃES, 1999; GLAT, 2000; GLAT; NOGUEIRA, 2002 and 2003; FERREIRA; GLAT; FERREIRA; OLIVEIRA; Senna, 2003; BRAUN; TWIST; PLETSCHE, 2003; GLAT; PLETSCHE, 2004; PLETSCHE, 2005; GLAT; PLETSCHE, OLIVEIRA; ANTUNES, 2006; PLETSCHE; FONTES, 2006 apud PLATSH, 2009).

Platsh (2009) concludes that the greatest challenge of teacher courses is to produce learning that triggers transformative actions and attitudes that aim to understand and act in the face of diversity, teaching, learning and facing situations of high complexity.

According to Otome and Vieira (2021), the training of teachers from the initial formation, needs to take into account the personal variables because the knowledge about special and inclusive education is not enough as well as the mastery of advanced procedures and resources, if the professional does not have the relevant inclusive social issue in his staff, as an individual (OTOME; VIEIRA, 2021).

The Council for Exceptional Children (CEC) establishes guidelines for the certification, practice and preparation of the professional who will work with included students, observing skills and competencies (NUNES SOBRINHO; NAUJORKS, 2001 apud PLATSH, 2009), of which it is worth noting: ideal "all students can learn", valorization of individual potentialities; learning is an individual process, in which the time of each student must be respected; self-esteem as an aspect to be developed; stimulation of autonomy; constant evaluation; observance of individual progress and development of skills; develop cooperation and collectivity; involvement of students in their activities as teachers and inserting themselves into the universe of students (VALLE; GUEDES, 2003 apud PLATSH, 2009).

Within this context, there are several issues to be faced as a challenge for the training of teachers who work in Inclusive Education.



4 FINAL CONSIDERATIONS

Inclusive Education, as well as the process of social inclusion, is understood in the evolution of contemporary society, where prejudices and stereotypes no longer fit in the face of advances in all areas of knowledge and Human Rights.

For this to happen, in fact, it is necessary the legal support, offered by the government through laws and decrees sanctioned as well as, mainly, the training of educators who will act in this educational context that requires specific competencies and skills as well as mastery of theories and practices and pedagogical methodologies, considering personal aspects of the teacher as a social subject.

In this perspective, it can be said that Brazil offers the legal apparatus, guaranteeing the right to Education, but teachers, in reality, are not receiving the necessary training to deal with the complexity existing in the reality of the classroom, where there are students included.

Notably, it is extremely relevant a change in the direction of offering courses and continuing education for educators, especially those who work with included.



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