



SCHOOL ENVIRONMENT: STRUGGLES AND CHALLENGES IN THE PROCESS OF INCLUDING PEOPLE WITH DISABILITIES IN BRAZIL

AMBIENTE ESCOLAR: LUTAS E DESAFIOS NO PROCESSO DE INCLUSÃO DAS PESSOAS COM DEFICIÊNCIA NO BRASIL

AMBIENTE ESCOLAR: LUCHAS Y DESAFÍOS EN EL PROCESO DE INCLUSIÓN DE PERSONAS CON DISCAPACIDAD EN BRASIL

Janine Marta Coelho RODRIGUES¹
Silveste Coelho RODRIGUES²
Aureliana da Silva TAVARES³

ABSTRACT: The essay reports the challenges faced and the laws that support people with disabilities in the regular school system in Brazil. Contradictions exist between the laws that propose inclusion, which are consistent, descriptive and punctual in terms of service, evaluation processes and construction of environments favorable to the cognitive, affective and social development of children who wish to have access and remain in these spaces. We based the study on an exploratory and descriptive approach with procedures of bibliographic and documentary collection: national and international. The discourse permeates the bias of the method of dialectical historical materialism. Thus, we realized throughout the research that the lack of infrastructure, equipment without adequate maintenance, qualification of teachers to receive these students and action plans that do not match the limitations of children with disabilities, among other factors, end up distancing people with disabilities from the environments. schoolchildren.

KEYWORDS: Education. Inclusion. Teacher training. People with disabilities.

RESUMO: O ensaio relata os desafios enfrentados e as leis que amparam as pessoas com deficiência na rede regular de ensino no Brasil. As contradições existem entre as leis que propõem a inclusão; são consistentes, descritivas e pontuais quanto ao atendimento, aos processos avaliativos e às construções de ambientes favoráveis ao desenvolvimento cognitivo, afetivo e social das crianças que desejam ter acesso e permanecer nesses espaços. Fundamentamos o estudo numa abordagem exploratória e descritiva com procedimentos de coletas bibliográficas e documental: nacional e internacional. O discurso se permeia no viés do método do materialismo histórico-dialético. Destarte, percebemos ao longo da pesquisa, que a falta de infraestrutura, bem como um equipamento sem manutenção adequada e a

¹ Federal University of Rio Grande do Norte (UFRN), Natal – RN – Brazil. PhD in Education. ORCID: <https://orcid.org/0000-0002-9457-9070>. E-mail: janinecoelho68@gmail.com

² Federal University of Paraíba (UFPB), João Pessoa – PA – Brazil. PhD in Education. ORCID: <https://orcid.org/0000-0001-8484-3280>. E-mail: silvestrecrodrigues@gmail.com

³ Federal University of Paraíba (UFPB), João Pessoa – PA – Brazil. Master's Degree in Education. ORCID: <https://orcid.org/0000-0002-1434-8089>. E-mail: tavares.aureliana@gmail.com





ausência de qualificação dos professores para receber esses alunos e planos de ações que não condizem com as limitações da criança com deficiência, dentre outros fatores, acabam distanciando as pessoas com deficiência dos ambientes escolares.

PALAVRAS-CHAVE: *Educação. Inclusão. Formação de professores. Pessoas com deficiências.*

RESUMEN: *El ensayo relata los desafíos enfrentados y las leyes que apoyan a las personas con discapacidad en el sistema escolar regular en Brasil. Existen contradicciones entre las leyes que proponen la inclusión, que son consistentes, descriptivas y puntuales en cuanto a los procesos de atención, evaluación y construcción de ambientes favorables al desarrollo cognitivo, afectivo y social de los niños y niñas que desean acceder y permanecer en estos espacios. Basamos el estudio en un enfoque exploratorio y descriptivo con procedimientos de recolección bibliográfica y documental: nacional e internacional. El discurso impregna el sesgo del método del materialismo histórico dialéctico. Así, a lo largo de la investigación nos dimos cuenta de que la falta de infraestructura, equipos sin mantenimiento adecuado, calificación de los docentes para recibir a estos estudiantes y planes de acción que no se ajustan a las limitaciones de los niños con discapacidad, entre otros factores, terminan por alejar a las personas con discapacidad de los ambientes escolares.*

PALABRAS CLAVE: *Educación. Inclusión. Formación de profesores. Gente con discapacidades.*

Introduction

Basic education in Brazil, from its support base in the 1930s, under Getúlio Vargas presidency, to the implementation of the Common National Curriculum Base, approved in December 2017 under Michel Temer's administration, suffers struggles and challenges for the inclusion of people with disabilities in society and in the regular education network. What was once a care service today presents itself as laws and decrees that support the inclusion of this marginalized group within society and in school spaces. Thus, we seek to understand the role of society in facing daily challenges in the struggle for the inclusion of people with disabilities in the school environment.

The article deals with an essay that is based on the methodological approach of basic, exploratory and descriptive research with collection procedures and sources of bibliographic and documentary information: national and international, which are evidenced in the context of the method of historical-dialectical materialism, characteristic of presenting phenomena of reciprocal actions, of contradiction, inherent to events and changes in dialectical discourse resulting both in the phenomenon of society and in school environments.





The struggle for the inclusion of all in society is old and is based on the Universal Declaration of Human Rights (1948), the Brazilian Constitution (BRASIL, 1988), the Statute of Children and Adolescents (BRASIL, 1990), the Law of Guidelines and Bases of National Education (BRASIL, 1996), the National Policy for the Integration of Persons with Disabilities – Decree 3,298 (BRASIL, 1999), in the National Education Plan (2014-2024) (BRASIL, 2014), Law 10,098 (Accessibility Law), which establishes general standards and basic criteria for promoting accessibility for people with disabilities or reduced mobility and provides other arrangements (BRASIL, 2000), in the National Guidelines for Basic Education (BRASIL, 2001), in Statute of persons with disabilities (BRASIL, 2013), and, finally, in the Brazilian Law for the Inclusion of Persons with Disabilities (BRASIL, 2015) that are standardized in the Common National Curriculum Base (2018). These documents support the struggle for access to education for all, opportunities for a better quality of life and greater participation in society.

Given the selected and presented documents, we can ask: Has the construction of these documents brought changes to society? Why build so many documents aimed at social inclusion if they are anchored in the Universal Declaration of Human Rights? Do we need to build more documents that guide social inclusion or just invest in a problematizing, reflexive, inquiring education, that is, a critical education, as advocated by Paulo Freire (2007)? Does society need more documents or a quality education that changes society's way of thinking?

We assume that the struggle for inclusion exists because, first, there has been exclusion from the beginning. That is, since the first social organizations, society is divided into excluding people with disabilities or trying to accept them by making room for their proper social value.

School environment: Access for all and struggle for the permanence of people with disabilities

The inclusion of all in school environments is based on national and international documents, and it is up to each country to seek ways to promote the inclusion of all, without restriction. The construction of documents influences the construction of several procedures in the search for the construction of a welcoming and inclusive school environment. Documents that legalize this factor in Brazil are several; thus, we highlight the primordial ones, which guide the social, political, economic and cultural organization. Among the existing national documents, we underline:

Table 3 – Main National Documents that standardize inclusion in Brazil

Year	Document	Description
1988	<i>Constitution of the Federative Republic of Brazil</i>	To establish a Democratic State, designed to ensure the exercise of social and individual rights, freedom, security, well-being, development, equality and justice as supreme values of a fraternal, pluralistic and unprejudiced society, founded on social harmony and committed, in the internal and international order, with the peaceful settlement of controversies, we promulgate, under God's protection.
1990	Child and Adolescent Statute	Statute of children and adolescents is the set of norms of the Brazilian legal system that aims at the integral protection of children and adolescents, applying measures referrals to the judge. It is the legal and regulatory framework for the human rights of children and adolescents
1996	Law of Guidelines and Bases of National Education	It establishes the guidelines and bases of national education.
1999	National Policy for the Integration of Persons with Disabilities - Decree 3,298, of 12/20/1999	It regulates Law No. 7,853 of October 24, 1989, provides for the National Policy for the Integration of Persons with Disabilities, consolidates the rules of protection, and provides other measures.
2001 (Year that emerged as Law).	National Education Plan	It determines guidelines, goals and strategies for educational policy in the period 2014 to 2024.
2001	National Guidelines for Basic Education	The National Curriculum Guidelines (NCDs) are mandatory standards for Basic Education that guide the curriculum planning of schools and education systems. They are discussed, conceived and established by the National Council of Education (CNE)
2013	Statute of persons with disabilities	The Statute of persons with disabilities is established, based on the Convention on the Rights of Persons with Disabilities, of the UN and its Optional Protocol, ratified in the form of § 3, Article 5 of the Constitution of the Federative Republic of Brazil, aimed at establishing the general guidelines and norms, as well as the basic criteria for ensuring, promoting and protecting the full exercise and on a level playing field of all human rights and fundamental freedoms by persons with disabilities, aiming at their social inclusion and full and effective citizenship
2015	State Education Plan	The State Education Plan (PEE) is approved, with a validity of 10 (ten) years, from the publication of this Law, in the form of the Single Annex, with a view to complying with the provisions of Art. 214 of the Federal Constitution, in art. 211 of the State Constitution, in item I of Art. 11 of Law No. 9,394, of December 20, 1996, establishing the Guidelines and Bases of National Education, and article 8 of Federal Law No. 13,005 of June 25, 2014.
2015	Municipal Education Plans	Mayor Luciano Cartaxo Pires de Sá of the Municipality of João Pessoa, State of Paraíba, in the use of his legal duties and considering the need to adapt the Municipal Education Plan to the National Education Plan, Federal Law No. 13,005, of June 25, 2014, aiming at ensuring the quality of education

2015-2016	Brazilian Inclusion Law	The Brazilian Law for the Inclusion of Persons with Disabilities (Statute of persons with disabilities) is instituted, aimed at ensuring and promoting, on an equal basis, the exercise of fundamental rights and freedoms by persons with disabilities, aiming at their social inclusion and citizenship.
-----------	-------------------------	--

Source: Data obtained through official government portals⁴

In order to try the Brazilian national documents, which underlie the constitutional basis of social organization in favor of a democratic, inclusive and participatory society, we perceive the influence of external factors between the lines of the texts and how important it is for states parties to participate in international events that configure actions for a better quality of life in each country.

As for the Brazilian Federal Constitution (BRASIL, 1988), this is a normative document of greater importance for the country, which received the influence of the discourse of the Universal Declaration of Human Rights (1948), as well as other documents. When it comes to teaching and how it should be constituted, the document sets out that

- Art. 206. Teaching will be taught on the basis of the following principles:
- I - equality of conditions for access and permanence in school;
 - II - freedom to learn, teach, research and disseminate thought, art and knowledge;
 - III - pluralism of ideas and pedagogical conceptions, and coexistence of public and private educational institutions;
 - IV - gratuity of public education in official establishments;
 - V - valorization of teaching professionals, guaranteed, in the form of the law, career plans for the public teaching, with professional salary floor and admission exclusively by public competition of tests and titles;
 - VI - democratic management of public education, in the form of the law;
 - VII - guarantee of quality standard (BRASIL, 1988, our translation).

We noticed that the text, constructed and sanctioned in 1988, clearly exposes its ideas about the configuration of education in Brazil and that, despite this, we did not verify the full implementation of the items of Article 206 in contemporary times.

Faced with such contradictions between the documents and the social reality of the country, what paths are possible to walk in order to arrive at the contemplation of their ideals, a welcoming school environment for people with disabilities?

In 1990, the legal and regulatory framework for the human rights of children and adolescents emerged in Brazil, which, through much struggle and claims of family members, educators, the legal and religious body, is instituted.

⁴ The articulations between the above-mentioned documents and their discourses will appear with more evidence between pages 38 to 49.



Thus, the Statute of children and adolescents (BRAZIL, 1990) is constituted by a set of norms that legally uphold children and adolescents, guaranteeing their rights and ensuring access and permanence in regular schools.

The document brought to society a new social context, prioritizing the child's space without violation, with the role of exercising their Brazilian citizenship, especially for those who have disabilities. Thus, we highlight some articles of this document that emphasize its social importance in the face of people with disabilities. The document presents that

Art. 11.

1º Children and adolescents with disabilities will receive specialized care.⁵

Art. 54.

III - specialized educational care for people with disabilities, preferably in the regular school system;

Art. 66. Adolescents with disabilities are assured protected work.

Art. 112.

§ 3 - Adolescents with mental illness or disability will receive individual and specialized treatment, in a place appropriate to their conditions (BRASIL, 1990, our translation).

The articles presented show norms that were never put into practice in a period of time to this document. Therefore, it was necessary to bring up these principles so that there was the inclusion of people with disabilities.

It is through social actions and the construction of new paradigms that these principles have gained visibility for the human, social and emotional development of groups that feel marginalized.

The construction of the citizenship of marginalized people will conceive a democratic and innovative professional performance for people with disabilities, as well as for professionals working in the area.

Aspiring a less exclusive society and seeking the realization of these ideals, in 1996, a new Law of Guidelines and Bases of National Education was passed, which brings as an innovative chapter on the norms and rights of people with disabilities. In addition, the proposal gives predominance to teaching that develops in cultural institutions, thus also linking to the labor market and social practice. So, Article 4 says that

The duty of the State with public school education will be carried out through the guarantee of: III - free specialized educational care for students with disabilities, global development disorders and high skills or gifted, transversal

⁵ Term used in 1990, year of publication of the ECA.



to all levels, stages and modalities, preferably in the regular school system (BRASIL, 1996, our translation).

In continuity, the actions will affect the rights of persons with disabilities, whose law ensures that

Art. 59. Education systems will ensure that students with disabilities, global development disorders and high skills or giftedness:

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

II - specific terminality for those who cannot reach the level required for the completion of elementary school, due to their deficiencies, and acceleration to complete in a shorter time the school program for the gifted;

III - teachers with adequate specialization in high school or higher education, for specialized care, as well as regular education teachers trained for the integration of these students in the common classes;

IV - special education for work, aiming at its effective integration in life in society, including adequate conditions for those who do not reveal the ability to enter competitive work, through articulation with the related official bodies, as well as for those who have a superior ability in the artistic, intellectual or psychomotor areas;

V - equal access to the benefits of supplementary social programs available for the respective level of regular education (BRASIL, 1996, our translation).

The contemplation of the inclusion of people in society is a break with the social conjuncture that insists on excluding. We note that the law has made room for legal knowledge of the rights and duties of marginalized people, as well as consolidated measures that expand the advancement of education, favoring access and permanence of all, but in practice, it is observed that a lot needs to be done.

It has been 26 years since the sanctioning of the Law of Guidelines and Basis of National Education - LDB (BRASIL,1996) and what needs to be done for your ideals to be contemplated? Improving a critical and egalitarian education for all is something that involves the organization of powers in Brazil in the direction of a decentralized and democratic education.

Unfortunately, in the organization of education there are many gaps and goals that have not been achieved, especially with regard to the discourse of quality and the opportunity for learning at all levels of education.

In order to ensure the full exercise of the individual and social rights of persons with disabilities and in 1999, the National Policy for the Integration of Persons with Disabilities is sanctioned in Brazil through Decree 3,298 (BRASIL, 1999). The document seeks to consolidate the rights of people with disabilities, as well as aims to establish goals for the implementation



of actions articulated to the full favoring of the social inclusion of groups that live marginalized in society.

The development of this document started from the ideals presented in the Brazilian Federal Constitution (CFB) (BRAZIL, 1988) specifically in chapter II, which deals with Social Security and which refers to the use of its attributions and the consolidation of protection norms and provides other measures. Contemplating these proposals, the National Policy for the Integration of Persons with Disabilities, in article 8, states that

National Policy for the Integration of Persons with Disabilities are instruments:

- I - the articulation between governmental and non-governmental entities that have responsibilities regarding the care of people with disabilities, at the federal, state, federal and municipal levels;
- II - the promotion of the training of human resources for adequate and efficient care of people with disabilities;
- III - the application of specific legislation governing the labor market reserve, for the disabled person, in public and private bodies and entities;
- IV - the promotion of bioengineering technology aimed at people with disabilities, as well as the facilitation of the import of equipment; and
- V - the supervision of compliance with legislation relevant to persons with disabilities (BRASIL, 1999, our translation).

The document refers to the right of the person with disabilities, seeking to understand the structural dimensions of our country. In it, we cite economic, social and cultural policies in favor of a change in our society, which lives in the sea of exclusion. The educational act by the propositions of inclusion policies favors an openness to plant the hope of better living conditions.

The explanation of legal frameworks that represent the struggle for the inclusion of people with disabilities in society, such as the National Education Plan (1962 - 1972), a document that guide education (2001-2011) is configured from this Law. The document constituted in Brazil since 1962 and also promoted in Art. 214 of CFB/88 presupposes that

The law will establish the national education plan, of 10-year duration, with the objective of articulating the national system of education in collaboration and defining guidelines, objectives, goals and implementation strategies to ensure the maintenance and development of education at its various levels, stages and modalities through integrated actions of public authorities of the different federative spheres that lead to: (Drafting given by Constitutional Amendment No. 59, 2009) (BRAZIL, 1988, our translation).





The document, with its principles inspired by the country's largest law, unveils the standardized discourse on the importance of ensuring the maintenance and development of the best quality of education at its various levels.

The document, organized by guidelines, objectives, goals and strategies, seeks to ensure the functioning of education in the country, as well as to provide subsidies for a better professional quality. Such actions also allow the inclusion of people with disabilities in access and permanence in school. The school space, being structured to better receive them, will therefore enable a better learning and permanence in the place.

Aiming at a broader care in access and permanence in regular, public or private schools, the National Guidelines for Special Education in Basic Education (BRASIL, 2001) propose, for people with disabilities, a new horizon for inclusive education, in which it is the role of the school to prepare, adapt and enable means that favor inclusive education in the broadest and most significant way, respecting the limits of each of their students.

In view of the national documents presented, we can ask: How does its sustainability imply in the development of inclusive educational actions of states? Are the norms, in fact, contemplated by the State documents? What are the purposes of having national and state-wide supporting documents? What relationships are there between these documents? How does the role of the school in the face of the challenge of inclusive education based on all these documents fit? These questions will answer the end of the documentary presentations, because we now bring them only as a reflection of the fact under analysis.

The State Education Plan (2015-2025) (PARAÍBA, 2015), a ten-year State document that sought to put in place norms, was created

[...] with a view to complying with article 214 of the Federal Constitution, art. 211 of the State Constitution, in item I of Art. 11 of Law No. 9,394 of December 20, 1996, which establishes the Guidelines and Bases of National Education, and article 8 of Federal Law No. 13,005 of June 25, 2014 (PARAÍBA, 2015, our translation).

Thus, it reinforces by saying that its role is

Art. 8º to guarantee educational equity, the State should consider meeting the specific needs of special education, ensuring an inclusive system at all levels, stages and modalities of education (PARAÍBA, 2015, our translation).

We clearly perceive how the supporting documents of education complement each other in their discourses, seeking a bias of inclusive discourse, which unfortunately cannot get out of the paper. Our inclusive educational practice, thus, is far from being desired in its ideals.





Given the reality of education in Brazil, we ask: what are the main factors that cause the failure of the educational process in Brazil?

The first of these, we could say, are the socioeconomic challenges, because with precarious investments, good management is unable to act in the formulation of a desired school. We noticed, throughout the explanation, that supporting documents for the inclusion of people with disabilities in school environments are several, however, we fight for the effective implementation of inclusive actions.

School dropout: Struggles and challenges in the permanence of people with disabilities in school environments

School dropout is also one of the important data, because we must investigate its causes and develop pedagogical and political work that reduces, to the maximum, this equation. With the students in school, we will have a healthy rate of children on the streets, as well as adults with little schooling and difficulty getting jobs.

The lack of infrastructure, the equipment without adequate maintenance, the poor qualification of teachers to receive these students, the action plans that do not match the limitations of children with disabilities, among other factors, end up distancing people with disabilities from the regular classes of education. This information is proven through the data presented in the 2015 School Census, which contains only 26% of basic education institutions in Brazil as accessible to students with disabilities. In addition, of those enrolled in regular schools, only 5% manage to reach high school.

With regard to the Municipal Education Plan (2015-2025) (PARAÍBA, 2015) based on Law No. 13,035 (JOÃO PESSOA, 2015) we can report, according to its text, that the proposal to be decennial is because it allows the execution of its ideals seeking to guarantee social inclusion, as well as the right to quality education, promoting equity for all those who feel excluded.

Given the proposals and norms presented in national, state and municipal documents, if there is, in fact, an alignment in the contemplation of its objectives, its goals and proposals, it will be able to fulfill its articulating role together with the National Education System and the PNE, thus assuming, role in the face of Inclusive Educational Public Policies.

Based on Law No. 13,035 (JOÃO PESSOA, 2015), which deals with the Municipal Education Plan (2015-2025) (PARAÍBA, 2015) of the government of Luciano Cartaxo Pires de Sá and is anchored with a view to complying with the provisions of art. 214 of the Constitution





of the Republic (BRASIL, 1988) and federal law no. 13,005 (BRASIL, 2014), the document presents that

Art. 3 The SME guidelines of the Municipality of João Pessoa, for the period 2015 to 2025:

I - eradication of illiteracy;

II - universalization of school care;

III - overcoming educational inequalities, with emphasis on promoting citizenship and eradicating all forms of discrimination; IV - improving the quality of education;

V - training for work and citizenship, with emphasis on moral and ethical values on which society is based;

VI - promoting the principle of democratic management of public education. (Municipal Education Plan - 2015/2025) (JOÃO PESSOA, 2015, our translation).

We realized that, although there are National and State Laws, each municipality has autonomy to build its own education plan based on its reality. The construction of a democratic educational plan seeks to listen to the population's longings, based on the social, political, economic and cultural conjuncture of the governmental spheres of Brazil. However, is that only enough for everyone to be included in society?

We know that social exclusion is also grounded in an ideological force in which being disabled is a negative trait, a burden on society and we need to somehow change the view of the population for this group that suffers discrimination daily. We believe and defend that only by the union of all and based on a quality education, critical and problematizing we could change our reality.

The supporting documents for an inclusive education were constructed thinking about the social reality, the best quality of teaching, focusing on a new way of thinking about education from the contexts: national - regional - state.

The Statute of persons with disabilities (BRASIL, 2013), in turn, came to reinforce the other documents more comprehensively, presenting in a single document issue related to education, mobility, the right to social equity, tax incentive, preparation to the labor market, among others. And this document managed to be a milestone in the history of the struggle for equality and social equity of this group so marginalized. Like this

Art. 1. The Statute of persons with disabilities shall be established, based on the Convention on the Rights of Persons with Disabilities, of the UN and its Optional Protocol, ratified in the form of §3, Article 5 of the Constitution of the Federative Republic of Brazil, to establish the general guidelines and norms, as well as the basic criteria for ensuring, promoting and protecting the



full exercise and on a level playing field of all human rights and fundamental freedoms by persons with disabilities, aiming at their social inclusion and full and effective citizenship (BRAZIL, 2013, our translation).

Based on this document, the defense comes back to the fore that everyone is equal before the law and that people with disabilities have the same rights and duties as other Brazilian citizens. However, why don't the objectives of this plan work? What does it still take for us to live in a society with equity actions?

Unfortunately, the ideas presented by the documents that guide social inclusion are well structured and schematized, but in order to actually enter into force, investments, disclosures, organizations and ways to develop the awareness of the population are needed.

The fight against disrespect, against discrimination, distinction, restriction or exclusion, by action or omission, having the purpose or effect of harming, preventing or nullifying the recognition, enjoyment or exercise of the fundamental rights and freedoms of such persons, including the refusal of reasonable adaptation, it is still very large, because marginalized people have rights gained, but not socially practiced.

In practice, it does not happen to social inclusion, since the intolerance of people with disabilities is very latent. There is a very strong ideological issue in society, which makes it impossible to social interaction of this group of people with disabilities, especially intellectual, psychosocial and multiple people: visual, auditory or physical.

In July 2015, Law 13,146 (BRASIL, 2015) was introduced, known as the Brazilian Inclusion Law, with a period of 180 days to enter into force. This document included, in its text, the proposals of the Statute of persons with disabilities in accordance with ensuring and promoting, on an equal basis, the exercise of fundamental rights and freedoms for persons with disabilities, aiming at their social inclusion and citizenship. Thus, it presents in its single paragraph that

This Law is based on the Convention on the Rights of Persons with Disabilities and its Optional Protocol, ratified by the National Congress by means of Legislative Decree No. 186 of July 9, 2008, in accordance with the procedure provided for in § 3 of article 5 of the Constitution of the Federative Republic of Brazil, in force for Brazil, in the external legal plan, since August 31, 2008, and promulgated by Decree No. 6,949 of August 25, 2009, the date of its beginning in the internal plan (BRASIL, 2015, our translation).

Based on the Convention on the Rights of Persons with Disabilities, the Brazilian Law of Inclusion was constructed with a critical look at the terminologies related to people with



disabilities, not letting disability with other terms be related. This care prevailed in order to erect the possibility of a social-cultural construction marked by inclusion.

Unfortunately, there are many prejudice situations, such as the use of pejorative terms, mistreatment and image degradation are still present in society. Given these facts, could punishments with strict laws prevent the social inclusion of people who feel marginalized could be the best way out?

Since Law No. 9,459 (BRASIL, 1997), there are punishments for those who commit a crime of discrimination, whether for prejudices of origin, race, sex, color, age or any other forms of discrimination or intolerance, and may reach a punishment of up to 5 years in prison.

After this action, it is worth the question: Where is the change? What is in fact charged by society more respect for people with disabilities? Unfortunately, it took a lot of fighting and the construction of new laws to get these guidelines off the paper. The action was to provoke a positive cultural and pedagogical effect, because people should reflect on their acts before exposing them. Once again, bringing to light the fight for social inclusion, Law 13,146 (BRASIL, 2015) ensures that

Article 5 The person with disabilities shall be protected from all forms of negligence, discrimination, exploitation, violence, torture, cruelty, oppression and inhuman or degrading treatment. Single paragraph. For the purposes of the protection mentioned in the caput of this article, children, adolescents, women and the elderly with disabilities are considered especially vulnerable (BRASIL, 2015, our translation).

The explanation presented shows some of the trajectory of the struggle for the inclusion of people who live marginalized in our society. This happens in the midst of ideological, social and political formation, which runs from generation to generation, and becomes a discriminatory cultural act of social formation.

How can we build a more inclusive society? And how this form of ideological formation can be broken?

We know how education is the heart of a nation, the construction of new cultures, new values and new behaviors. We perceive this when we analyze the growth of society, together with the growth of the economy tied to the quality of education, especially the transactions of the feudal system for capitalism, the arrival of machines, the demand for skilled labor. Therefore, the evolution of education drove the advancement of society and brought improvements also in educational issues.



It is with a critical, problematizing, inclusive and participatory education that we can build other attitudes in generations, more human and inclusive. In the face of social, economic, cultural and political disparities, we believe that only through quality education will it be possible to bring about significant change in the light of inclusive ideals.

In short, when we analyze the documents in isolation, we found that such documents are related and even become taxing, repetitive and with few changes, in the political, economic, social and cultural spheres. We perceive, however, the importance of each of them in the inclusion of people with intellectual disabilities and the meaning they offer in the short and long terms.

Final considerations

Throughout the essay, we realized that it is notorious the organization of supporting documents so that there is, in our country, the contemplation of the rights of people with disabilities in access and permanence in school spaces.

The challenges are several, from the infrastructure, through the training of teachers, by favorable action plans, by the availability of technological resources, in addition to training of professionals who work in these spaces.

Building a new vision of society, with a more inclusive view, is something that happens gradually through generations. We perceive, through theoretical analyses, that education does not change society directly and punctually. Education changes the being, its constitution of relating to the world and it is through this new look, critical, inquiring, questioning, that it is possible to change the current reality.

Finally, society seeks an answer to the facts of discrimination, intolerance and disrespect. Such factors happen when education cannot play its social role. Thus, it is up to each of us to fight for harsher punishments, based on the laws governing our country. It expresses, then, the desire that equity flourishes in each social space and that difference, disrespect and discrimination be replaced by inclusive attitudes and affirmative actions, promoting respect and acceptance of all.





REFERENCES

- BRASIL. **Constituição da República Federativa do Brasil de 1988**. Brasília, DF: Assembleia Nacional, 1988. Available: http://www.planalto.gov.br/ccivil_03/constituicao/constituicaocompilado.htm. Access: 15 May 2022.
- BRASIL. **Lei n. 8.069, de 13 de julho de 1990**. Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências. Brasília, DF: Presidência da República, 1990. Available: https://www.planalto.gov.br/ccivil_03/leis/18069.htm. Access: 15 May 2022.
- BRASIL. **Lei n. 9.394, de 20 de dezembro de 1996**. Estabelece as diretrizes e bases da educação nacional. Brasília, DF: Presidência da República, 1996. Available: https://www.planalto.gov.br/ccivil_03/leis/19394.htm. Access: 15 May 2022.
- BRASIL. **Decreto n. 3.298, de 20 de dezembro de 1999**. Regulamenta a Lei no 7.853, de 24 de outubro de 1989, dispõe sobre a Política Nacional para a Integração da Pessoa Portadora de Deficiência, consolida as normas de proteção, e dá outras providências. Brasília, DF: Presidência da República, 1999. Available: https://www.planalto.gov.br/ccivil_03/decreto/d3298.htm. Access: 15 May 2022.
- BRASIL. **Lei n. 10.098, de 19 de dezembro de 2000**. Estabelece normas gerais e critérios básicos para a promoção da acessibilidade das pessoas portadoras de deficiência ou com mobilidade reduzida, e dá outras providências. Brasília, DF: Presidência da República, 2000. Available: https://www.planalto.gov.br/ccivil_03/leis/L10098.htm. Access: 15 May 2022.
- BRASIL. Ministério da Educação. Secretaria de Educação Especial. **Diretrizes Nacionais para a Educação Especial na Educação Básica**. Brasília, DF: MEC; SEESP, 2001. Available: <http://portal.mec.gov.br/seesp/arquivos/pdf/diretrizes.pdf>. Access: 15 May 2022.
- BRASIL. **Lei n. 13.005, de 25 de junho de 2014**. Aprova o Plano Nacional de Educação - PNE e dá outras providências. Brasília, DF: Presidência da República, 2014. Available: https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/113005.htm. Access: 15 May 2022.
- BRASIL. **Lei n. 13.146, de 06 de julho de 2015**. Institui a Lei Brasileira de Inclusão da Pessoa com Deficiência (Estatuto da Pessoa com Deficiência). Brasília, DF: Presidência da República, 2015. Available: https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2015/lei/113146.htm. Access: 15 May 2022.
- BRASIL. Ministério da Educação. **Base Nacional Comum Curricular**. Brasília, DF: MEC, 2018. Available: https://fundacaolemann.org.br/noticias/o-que-e-a-bncc?gclid=Cj0KCQjw--2aBhD5ARIsALiRlwBxgwRiSi7zAE2G0Vi10dULY71AvPBI_9o03Jyi0SOGCojIW33xv3MaAvLOEALw_wcB. Access: 10 May 2022.
- JOÃO PESSOA. **Lei n. 13.035, de 19 de junho de 2015**. Dispõe sobre o Plano Municipal de Educação 2015-2025, e dá outras providências. João Pessoa, PB: Prefeito Municipal, 2015. Available: <https://leismunicipais.com.br/a1/plano-municipal-de-educacao-joao-pessoa-pb>. Access: 10 May 2022.





Organização das Nações Unidas. ONU. **Declaração Universal dos Direitos Humanos**. (Paris, 1948. (217 [III] A). Available: https://desinstitute.org.br/noticias/declaracao-universal-dos-direitos-humanos-como-surgiu-e-o-que-defende/?gclid=Cj0KCQjw--2aBhD5ARIsALiRlwB8urgAlj16UeBYoXTKCnkjmb1bywy63xsg2f4OtkZsfWPsgNRL2BcaAnIqEALw_wcB. Access: 10 May 2022.

PARAÍBA. **Lei n. 10.488 de 23 de junho de 2015**. Aprova o Plano Estadual de Educação - PEE e dá outras providências. Paraíba: Governador do Estado, 2015. Available: <https://static.paraiba.pb.gov.br/2016/07/Lei-nº-10.488-Plano-Estadual-de-Educação-2-1.pdf>. Access: 23 May 2022.

How to refer to this article

RODRIGUES, J. M. C.; RODRIGUES, S. C.; TAVARES, A. S. School Environment: Struggles and challenges in the process of including people with disabilities in Brazil. **Revista @mbienteeducação**, São Paulo, v. 15, n. 00, e022013, 2022. e-ISSN: 1982-8632. DOI: <https://doi.org/10.26843/ae.v15i00.1171>

Submitted: 10/11/2021

Revisions required: 26/01/2022

Approved: 03/03/2022

Published: 03/06/2022

Processing and publication by the Editora Ibero-Americana de Educação.
Correction, formatting, standardization and translation.

