

**SCHOOL INCLUSION AND THE RIGHT TO EDUCATION WITH EQUITY:
NORMATIVE PERSPECTIVES AND CONTEMPORARY CHALLENGES**

**INCLUSÃO ESCOLAR E O DIREITO À EDUCAÇÃO COM EQUIDADE:
PERSPECTIVAS NORMATIVAS E DESAFIOS CONTEMPORÂNEOS**

**INCLUSIÓN ESCOLAR Y EL DERECHO A LA EDUCACIÓN CON EQUIDAD:
PERSPECTIVAS NORMATIVAS Y DESAFÍOS CONTEMPORÁNEOS**

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ABSTRACT

Brazil faces profound historical, social, cultural, and economic inequalities, which are reflected in multiple forms of school exclusion, affecting people with disabilities, the deaf, quilombola communities, Black people, and Indigenous peoples. This article aims to analyze school inclusion from the perspective of the right to education with equity, articulating philosophical, legal, and educational foundations. The research adopts a qualitative approach, based on a critical analysis of legal frameworks, a systematic review of academic literature on inclusion and equity, and a reflective study of public education policies in Brazil. The results indicate that legislation, when articulated with educational policies and normative foundations, enables curricular adaptation, guides teachers' continuing education, strengthens school leaders' training, and directs institutional organization, favoring the inclusion of Black people, quilombolas, deaf individuals, Indigenous peoples, and people with disabilities, while also reducing regional and socioeconomic inequalities. The analysis shows that educational equity depends not only on the existence of legal norms but on the coherent articulation between public policies, teacher education, and democratic school management committed to inclusion. It is concluded that the right to education with equity, supported by legal frameworks and inclusive practices, constitutes an instrument of social justice, broadening access and permanence for historically excluded groups, promoting diversity, citizenship, and the construction of a more democratic and inclusive educational system.

Keywords: Public Policies. Democratic School Management. Diversity. Plural School. Pedagogical Equity.

RESUMO

O Brasil enfrenta profundas desigualdades históricas, sociais, culturais e econômicas, que se refletem em múltiplas formas de exclusão escolar, afetando pessoas com deficiência, surdos, quilombolas, negros e comunidades indígenas. Este artigo tem como objetivo

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analisar a inclusão escolar sob a perspectiva do direito à educação com equidade, articulando fundamentos filosóficos, jurídicos e educacionais. A pesquisa adota abordagem qualitativa, fundamentada na análise crítica de marcos legais, revisão sistemática da literatura acadêmica sobre inclusão e equidade, e estudo reflexivo sobre políticas públicas de educação no Brasil. Os resultados indicam que a legislação, quando articulada com políticas educacionais e fundamentos normativos, possibilita a adaptação curricular, orienta a formação continuada de docentes, fortalece a capacitação de gestores escolares e orienta a organização institucional, favorecendo a inclusão de pessoas negras, quilombolas, surdas, indígenas e pessoas com deficiência, além de reduzir desigualdades regionais e socioeconômicas. A análise evidencia que a equidade educacional depende não apenas da existência de normas legais, mas da articulação coerente entre políticas públicas, formação docente e gestão escolar democrática comprometida com a inclusão. Conclui-se que o direito à educação com equidade, respaldado em fundamentos legais e práticas inclusivas, constitui instrumento de justiça social, ampliando o acesso e a permanência de grupos historicamente excluídos, promovendo diversidade, cidadania e construção de um sistema educacional mais democrático e inclusivo.

Palavras-chave: Políticas Públicas. Gestão Escolar Democrática. Diversidade. Escola Plural. Equidade Pedagógica.

RESUMEN

Brasil enfrenta profundas desigualdades históricas, sociales, culturales y económicas, que se reflejan en múltiples formas de exclusión escolar, afectando a personas con discapacidad, sordos, comunidades quilombolas, población negra y pueblos indígenas. Este artículo tiene como objetivo analizar la inclusión escolar desde la perspectiva del derecho a la educación con equidad, articulando fundamentos filosóficos, jurídicos y educativos. La investigación adopta un enfoque cualitativo, basado en el análisis crítico de marcos legales, la revisión sistemática de la literatura académica sobre inclusión y equidad, y un estudio reflexivo sobre políticas públicas de educación en Brasil. Los resultados indican que la legislación, cuando se articula con políticas educativas y fundamentos normativos, posibilita la adaptación curricular, orienta la formación continua de docentes, fortalece la capacitación de gestores escolares y organiza la institución, favoreciendo la inclusión de personas negras, quilombolas, sordas, indígenas y personas con discapacidad, además de reducir desigualdades regionales y socioeconómicas. El análisis evidencia que la equidad educativa depende no solo de la existencia de normas legales, sino de la articulación coerente entre políticas públicas, formación docente y gestión escolar democrática comprometida con la inclusión. Se concluye que el derecho a la educación con equidad, respaldado en fundamentos legales y prácticas inclusivas, constituye un instrumento de justicia social, ampliando el acceso y la permanencia de grupos históricamente excluidos, promoviendo diversidad, ciudadanía y la construcción de un sistema educativo más democrático e inclusivo.

Palabras clave: Políticas Públicas. Gestión Escolar Democrática. Diversidad. Escuela Plural. Equidad Pedagógica.

1 INTRODUCTION

Brazil faces deep historical, social, cultural, economic, and structural inequalities that are directly reflected in education, compromising the access, permanence, and school success of various social groups. Data from the 2023 School Census indicate that, although there have been advances, significant inequalities persist: students with disabilities represent 3.3% of total enrollments in basic education, with a higher concentration in elementary education (62.9%) (INEP, 2023a); about 61,594 students have disabilities related to deafness (INEP, 2023b); the schooling rate of quilombola and indigenous youth remains below the national average; and the black population has a lower rate of access to higher education and higher school dropout rates. These indicators show the persistence of educational exclusion, demonstrating that, although education is recognized as a fundamental right in the Federal Constitution of 1988, its effectiveness remains unequal, reflecting historical structural inequalities, marked by colonial heritage, institutional racism and regional and socioeconomic disparities.

Given this scenario, it is urgent to understand how the right to education with equity can be achieved, in order to reduce historical barriers and promote effective inclusion. Equity, as an ethical, legal and pedagogical principle, transcends formal equality by recognizing differences and seeking conditions that guarantee real learning opportunities for all students, considering the cultural, social and economic diversity of the country. Understanding equity in education implies analyzing how legal frameworks, public policies, and philosophical foundations guide inclusive pedagogical practices in basic education and higher education.

In this context, the central question that guides this research is to analyze: how does equity, based on philosophical, legal and pedagogical perspectives, guide school inclusion and the right to education in the contemporary Brazilian context, considering normative and practical challenges? To answer this question, the general objective defined was to analyze school inclusion from the perspective of the right to education with equity, articulating philosophical, legal and educational foundations. Among the specific objectives, the following stand out: to historically examine the Brazilian legislation regarding the right to education and inclusion; to discuss the concept of equity in philosophy, law, pedagogy and its relationship with inclusion policies; to evaluate equity as a legal principle for the realization of the right to education; and to identify contemporary challenges that limit the achievement of inclusion with equity in educational practice.

The methodology adopted was based on a qualitative approach, of exploratory and analytical character, based on a survey and literature review. Bibliographic research allows the identification, examination and interpretation of the academic production available on the subject, constituting an essential resource for the construction of critical analyses (Gil, 2019). According to Severino (2017), the bibliographic study makes it possible to systematize knowledge already elaborated, offering support to support new interpretations and reflections. Lakatos and Marconi (2010) emphasize that bibliographic research allows contextualizing the object of study, confronting different theoretical and empirical approaches and strengthening scientific reasoning. Qualitative analysis, in this context, privileges the understanding of the educational phenomenon in its complexity, promoting the articulation between law, philosophy and pedagogy. Denzin and Lincoln (2011) highlight that qualitative research emphasizes critical interpretation and contextual analysis, favoring the identification of patterns, convergences and gaps in the literature. The bibliographic survey was conducted in a systematic way, selecting and analyzing academic, legal and normative sources, ensuring scientific rigor and theoretical consistency. Thus, the research integrates theoretical and normative references, allowing us to understand how school inclusion and the right to education with equity are addressed in Brazilian educational policies, offering a solid basis for critical analysis and scientific foundation of the theme.

The article is structured in five sections. After this introduction, the second section, Normative perspectives of school inclusion in Brazil, analyzes the main historical, legal, guidelines and public policies that underlie school inclusion and the right to education with equity in Brazil, offering a normative basis for understanding contemporary challenges. The third section, Equity: philosophical, legal and pedagogical approach, deepens the reflection on the concept of equity, examining its philosophical, legal and pedagogical dimensions and its relevance for the understanding and realization of the right to education. In the fourth section, Challenges and perspectives of school inclusion with equity in contemporary education, the social, cultural, economic, and structural obstacles that hinder the implementation of inclusive educational policies are discussed, as well as strategies and perspectives to strengthen inclusive education. Finally, the fifth section presents the final considerations, synthesizing the main results of the analysis, reflecting on the importance of school inclusion and the right to education with equity and pointing out ways to strengthen public policies aimed at the democratization of education. In this way, the text articulates the normative historical framework, the philosophical, legal, pedagogical foundations and the

practical challenges of school inclusion, establishing a critical analytical basis of this process under construction.

2 NORMATIVE PERSPECTIVES OF SCHOOL INCLUSION IN BRAZIL

This section aims to analyze the normative frameworks that have structured the trajectory of school inclusion in Brazil, from the colonial period to the present day, showing how laws, constitutions and public policies have progressively expanded the concept of the right to education to encompass historically excluded people, such as blacks, quilombolas, indigenous people, people with disabilities, the deaf and other marginalized groups. Throughout history, it has been observed that education has often been used as an instrument of social exclusion, but it has also become a space for the struggle for justice, equity and democratization. The analysis proposed here seeks to understand both the advances achieved and the contradictions between what is guaranteed in the legislation and what is actually carried out in Brazilian educational practice.

In Colonial Brazil (1500–1822), education was under the tutelage of the Catholic Church, especially the Society of Jesus, which organized teaching from 1549, after the arrival of the first missionaries in the territory. The education prioritized indigenous catechesis, devaluing traditional knowledge and imposing European culture as a form of symbolic domination (Saviani, 2008; Ribeiro, 1997). Although the Jesuits structured the first colleges and seminaries, religious and intellectual training was mainly aimed at the colonial elites, who held administrative and ecclesiastical positions. The enslaved black population was systematically excluded from any possibility of schooling, subjected to a logic of exploitation that denied their human condition. Indigenous peoples, to a large extent, were the target of processes of forced cultural assimilation, in which the school became an instrument of control and identity erasure (Munakata, 2012). In this scenario, literacy and education became privileges of a minority, while the majority of the population, composed of enslaved blacks, indigenous people, and poor strata, was removed from formal knowledge. Colonial education, therefore, consolidated racial and social hierarchies that were perpetuated as a structural heritage, reinforcing inequalities that are still visible in the present.

With the expulsion of the Jesuits in 1759, ordered by the Marquis of Pombal, education passed to the direct administration of the Portuguese State. The so-called royal classes of first letters were created, which, however, had a reduced scope, restricted to urban centers and families with better economic conditions (Azevedo, 1996). Although they represented an

attempt to secularize education, these measures did not alter the elitist and exclusionary character of education, since the majority of the population continued without access to school. The colonial period, therefore, reveals the absence of universal and inclusive educational policies, establishing a tradition in which public education was conceived in a restricted and selective way, disregarding the cultural, linguistic and social diversity of the Brazilian territory.

In the imperial period (1822–1889), inaugurated after Independence, the educational debate gained centrality in the process of building the national state. The Constitution of 1824, the first in Brazil, established in its article 179 free primary education for all "citizens". However, the current notion of citizenship excluded women, enslaved people, indigenous people, and people with disabilities, revealing the selective nature of educational policies (Cury, 2002). The Law of October 15, 1827, considered a milestone in primary education, determined the creation of schools of first letters in all cities and towns of the Empire. Even so, its implementation was limited by the precariousness of the infrastructure, the lack of teachers and the strong concentration of enrollment among the children of the local elites (Saviani, 2008). Marginalized groups remained invisible, perpetuating the logic of exclusion inherited from the colonial period.

It was also in the Empire that the first specialized institutions for people with disabilities emerged, inspired by European models. The Imperial Institute of Blind Boys, created in 1854 and now called the Benjamin Constant Institute, and the Imperial Institute of the Deaf-Mute, founded in 1857 and now the National Institute for the Education of the Deaf (INES), sought to offer instruction to people with visual and hearing impairments (Januzzi, 2012). Although restricted in scope, these spaces represented institutional milestones in the history of special education in Brazil. In the case of INES, its trajectory was decisive for the consolidation of teaching practices of the Brazilian Sign Language (Libras) and for the training of specialized teachers, which made it a national reference until the twentieth century, although sustained by a segregated logic and little articulated with the common education network (Lacerda, 2019). Despite constituting institutional advances, these experiences maintained a welfare-oriented, selective and small-group character, remaining far from an inclusive conception. Female education, in turn, began to be discussed in a more systematic way only in the second half of the nineteenth century, initially limited to homeschooling and teaching, considered an extension of the social role of women (Almeida, 2016).

Meanwhile, the black population remained largely excluded from school until the Abolition of Slavery in 1888, and even after this legal framework faced economic, racial, and cultural barriers to entering formal education (Schwartzman, 2005). Indigenous peoples, on the other hand, were subjected to assimilation policies that sought to "civilize" them through catechesis and compulsory labor. The General Directorate of Indians and the 1845 legislation on settlements reinforced this perspective, denying the natives the right to their own bilingual education (Monteiro, 1994; Cunha, 2012). In many cases, the imperial school acted as an instrument of cultural erasure, imposing Portuguese as the only legitimate language and disqualifying traditional knowledge.

Thus, throughout the Empire, different groups, blacks, indigenous people, women, and people with disabilities, remained in a marginal position in the educational structure. Although there have been occasional initiatives to institutionalize education, the absence of universalizing public policies has consolidated practices of school exclusion articulated with racial, gender, and social hierarchies. Both in Colonial Brazil and in the Empire, education functioned as a mechanism for the reproduction of inequalities, and not as an instrument of social transformation. These historical bases help to understand the contradictions that, even today, cross the right to education in Brazil.

With the Proclamation of the Republic in 1889 and the promulgation of the Constitution of 1891, Brazil began to adopt the decentralized federative model, transferring to the States and Municipalities the greatest responsibility for the organization of education (Nagle, 2001). Although in theory this measure sought to expand administrative autonomy and adapt education to regional realities, in practice it accentuated inequalities, since many federated entities did not have the resources or institutional structure to guarantee equitable access to education. In this context, education remained elitist, focused on the formation of the urban dominant classes and distanced from popular demands. Primary public education, still incipient, did not reach the majority of the population, and school exclusion persisted as a structural mark of Brazilian society (Saviani, 2008). Indigenous peoples and quilombola communities continued to be invisible in official policies: while the former were subjected to processes of cultural assimilation via catechesis or education under the tutelage of the Indian Protection Service (SPI), the latter remained marginalized, without specific policies that recognized their territorial and educational rights (Souza Lima, 2012). For people with disabilities, the reality was also one of isolation, with care restricted to the few institutions created in the imperial period, such as the Benjamin Constant Institute and INES, without a

significant expansion of inclusive policies (Januzzi, 2012). This picture shows how the First Republic (1889–1930) maintained the duality between a formal education aimed at the elites and a set of assistance or missionary practices directed at marginalized groups.

The Vargas Era represented a historic inflection by repositioning the social function of the State in education. The 1934 Constitution was the first to expressly recognize education as a right of all and a duty of the State, establishing the obligation and free primary education (Cury, 2002). In addition, it provided for the creation of a National Education Plan, signaling an attempt at centralized coordination that sought to overcome the fragmented framework of the First Republic. Although the 1937 Constitution, during the Estado Novo, restricted rights by emphasizing an authoritarian and corporatist bias, the 1930s marked the beginning of a more structured state intervention in the organization of public schools. This period also coincided with the intensification of urbanization and industrialization, factors that drove the demand for broader schooling. However, this expansion did not occur in an inclusive way: indigenous peoples continued to be the target of assimilationist policies, in which the school was used as an instrument of forced integration, erasing languages and cultures (Grupioni, 2006). The black population, fresh out of the slavery period, remained structurally excluded, facing socioeconomic and racial barriers that hindered access to school (Gomes, 2017). People with disabilities continued to be marginalized, attended by institutions of a special nature, without policies of integration into common education. Thus, even with normative advances, republican education still reproduced mechanisms of exclusion, reinforcing historical inequalities.

In the following decades, especially from the 1950s onwards, the Brazilian educational field began to experience new tensions around access and the social function of the school. Philanthropic institutions, such as the Associations of Parents and Friends of the Exceptional (APAEs), founded in 1954, began to expand, consolidating a medical-assistance model of care for people with disabilities (Bueno, 2019). Although they represented a welcoming space at a time when structured public policies were lacking, these institutions reinforced the idea of segregation by treating disability as a pathology to be corrected and by separating students from common school life. At the same time, the 1946 Constitution reaffirmed free primary education, but did not promote substantial changes with regard to the inclusion of indigenous, black and quilombola peoples, who continued to be on the margins of the educational system. It was only in this period that organized social movements began to emerge, especially in the late 1950s and early 1960s, claiming the right to popular education, which would be

expressed, for example, in the Popular Education movement and in the experiences of Paulo Freire (Freire, 1987). Despite this, the school reality remained marked by social, racial and regional selectivity: while urban middle sectors advanced towards secondary education, the vast majority of the black, indigenous and quilombola community population remained excluded. The field of special education was consolidated in parallel molds, without inclusive perspectives, while deafness, for example, continued to be treated in a clinical and oralist key, denying space to the use of Sign Language (Skliar, 1998). In this context, the Brazilian educational structure continued to reproduce social, racial, and cultural hierarchies, and during the military regime the exclusion of indigenous peoples, quilombola communities, people with disabilities, and other historically marginalized groups became even more pronounced, reflecting the continuity of centralized policies and homogeneous curricula that ignored the country's cultural and socioeconomic diversity.

In the Military Regime (1964–1985), established by a coup that curtailed democracy, education remained centralized, authoritarian, and exclusionary, deepening historical inequalities and further marginalizing blacks, indigenous people, quilombolas, deaf people, people with disabilities, and other historically vulnerable groups. The 1967 Constitution and the Law of Guidelines and Bases of National Education (LDBEN 5.692/1971) expanded compulsory schooling, but maintained rigid and homogeneous curricula, without considering the ethnic, cultural, linguistic and socioeconomic diversity of the population. Public policies prioritized education for the urban middle classes, while blacks, quilombolas, indigenous people, deaf people, and people with disabilities remained marginalized from the formal system (Mantoan, 2015; Saviani, 2008). People with disabilities continued to be cared for mostly in segregated institutions or in welfare programs, such as APAEs and special schools, with no prospect of real inclusion or access to the regular school system. The indigenous population remained practically invisible in official educational policies, with the exception of occasional catechesis or schooling actions aimed at specific villages, often disregarding their traditional languages and knowledge (Cunha, 2012; Monteiro, 1994). Likewise, quilombola and Afro-descendant communities continued to face systematic exclusion, with economic, racial, and regional barriers that prevented access to basic and higher education.

During the Military Regime, Brazil became a signatory to international treaties that recognized education as a universal right, such as the Universal Declaration of Human Rights (UN, 1948), formally adopted by the country through subsequent ratification, and the International Covenants on Civil, Political and Economic Rights (1966), ratified only in the

following years. However, the influence of these instruments was severely limited by the conservative, authoritarian context, and their practical application in the country remained restricted, functioning more as a normative reference than as an effective inclusion policy. During this period, the educational system remained deeply exclusionary, deepening historical inequalities, reproducing social hierarchies, and consolidating segregation practices, especially for blacks, indigenous people, quilombolas, the deaf, and people with disabilities.

The redemocratization of Brazil, after two decades of civil-military dictatorship (1964–1985), represented a significant break in relation to the authoritarian, exclusionary, and elitist model that marked the previous period. The constituent process of 1987–1988 was deeply influenced by social struggles, which not only demanded the resumption of democratic freedoms, but also denounced the multiple forms of exclusion historically imposed on blacks, indigenous people, women, rural workers, people with disabilities, peripheral populations, and other marginalized groups. In this sense, the Federal Constitution of 1988 (CF/1988) represented a historic advance by consolidating education as a fundamental right of all and a shared duty between the State and the family (art. 205), conceiving it as an instrument for the promotion of citizenship, social justice and equal opportunities (Cury, 2018; Gadotti, 2013).

The elaboration of the 1988 Magna Carta must be understood in the context of the pressures exerted by social movements that, since the 1970s, have been articulated around the struggle for rights. The black movement, for example, denounced the persistence of structural racism and demanded public policies capable of overcoming the educational inequalities that affected Afro-descendant populations (Gonzalez, 1988; Munanga, 2004). Indigenous peoples, in turn, articulated in their own organizations and supported by progressive sectors of the Catholic Church and anthropologists, demanded the recognition of their territories, languages and cultures, as well as a differentiated and bilingual school education (Silva, 2009). Quilombola communities, historically invisible, also began to figure on the political scene, claiming the right to land and educational policies that respected their identities and traditions. At the same time, the movement of people with disabilities and, specifically, the deaf movement gained space in the public arena, denouncing school exclusion and demanding schooling in the regular school system with specialized support (Mantoan, 2003; Sassaki, 1997).

These demands found an echo in the constitutional text. Article 206 established fundamental principles for Brazilian education, such as equal conditions of access and permanence, the democratic management of public education, respect for cultural diversity and the appreciation of education professionals. Article 208, item III, on the other hand, brought a decisive milestone for inclusive education by providing for specialized educational service, preferably in the regular school system, consolidating a guideline that had not existed in the legal system until then. This provision represented the incorporation of historical flags of the movement of people with disabilities, which fought against the segregating model of special institutions and demanded inclusion in the common space of the school.

With regard to ethnic and cultural diversity, the CF/1988 represented a watershed. For the first time in Brazilian constitutional history, indigenous peoples had their original rights over the lands they traditionally occupy recognized (art. 231), as well as the guarantee of preservation of their languages and cultures (art. 210, § 2). This recognition meant the legitimization of the claims of decades of indigenous resistance against policies of forced assimilation. Similarly, Article 68 of the Transitional Constitutional Provisions Act ensured the right to ownership of lands occupied by remaining quilombo communities, establishing a legal framework for the quilombola struggle for recognition and social justice (Arruti, 2006).

The Constitution also strengthened the fight against racism and discrimination. Article 5, item XLII, defined racism as a non-bailable and imprescriptible crime, subject to the penalty of imprisonment. This device, a direct result of the mobilization of the black movement, opened space for the subsequent creation of affirmative and educational policies aimed at the Afro-Brazilian population. As a result, fundamental complementary legislation emerged: Law No. 10,639/2003, which made the teaching of Afro-Brazilian and African history and culture mandatory in schools; Law No. 11,645/2008, which included indigenous history and culture in the curricula; and Law No. 12,711/2012, known as the Quota Law, which expanded the access of black, indigenous and public school students to higher education. These policies not only deepened the reach of the Constitution, but also consolidated an educational model that was more attentive to equity and diversity (Arroyo, 2012; Gomes, 2017).

The transformative character of the CF/1988 lies in the fact that it shifted the paradigm of education from a privilege restricted to certain social groups to a universal and inalienable right. In this sense, education came to be conceived as a public good essential to democracy, a condition for the full exercise of citizenship and a means of confronting social, racial and cultural inequalities. Authors such as Gadotti (2013) and Cury (2018) point out that the Magna

Carta not only instituted education as a subjective public right, but also bound the State to the obligation to implement it on an inclusive, equitable, and democratic basis.

It is important to note, however, that the promulgation of the Constitution did not immediately eliminate the structural barriers inherited from centuries of exclusion. The distance between the legal text and the concrete reality remained significant, especially in the face of insufficient public policies, the lack of adequate investments and the persistence of social and institutional prejudices (Arroyo, 2012). Even so, the CF/1988 provided the legal and political instruments so that social movements, civil society organizations and educational actors could continue the struggle for the effective implementation of a public, free, secular, inclusive and quality education.

Thus, the post-1988 period consolidated the transition from a historically excluding educational system, inherited from authoritarian and selective regimes, to a normative model committed to inclusion and equity, although permeated by tensions and challenges. The CF/1988 not only formalized the right to education, but also symbolized a collective victory of social movements and an invitation to build a democratic, inclusive and plural public school. This constitutional framework paved the way for complementary legislation that would seek to detail and operationalize its principles, among which LDBEN No. 9,394/1996 stands out, responsible for giving concrete form to the inclusive educational paradigm.

The Law of Guidelines and Bases of National Education (LDBEN No. 9,394/1996) represented the first major educational regulation of the post-1988 democratic period, constituting itself as the operationalization of constitutional principles in the field of education. By consolidating the foundations of education as a social right, LDBEN was decisive for the institutionalization of an inclusive paradigm. In its articles 58 to 60, it established that special education should be offered preferably in the regular school system, guaranteeing students with disabilities, global developmental disorders and high abilities/giftedness access to curricula, methodologies, pedagogical resources and support necessary for their full learning. This provision broke, at least at the normative level, with the segregationist logic of special schools and classes, reaffirming that the legitimate space of diversity is the common school (Mantoan, 2003; Dourado, 2015). The LDBEN also instituted the need for federative cooperation, determining that the Union, States and Municipalities should act in conjunction in the provision of special education, which reflected the understanding that equity could only be guaranteed through the sharing of responsibilities. Another crucial aspect of the law was the valorization of teacher training, recognizing the importance of preparing teachers to deal

with cultural, social and linguistic diversity, including indigenous peoples and quilombola communities, bringing the school closer to the reality of its subjects.

Subsequent advances in legislation reinforced this inclusive perspective. A fundamental milestone was the approval of Law No. 10,639/2003, which made the teaching of Afro-Brazilian history and culture mandatory in schools, constituting a response to the historical invisibility of the contribution of the black population to the formation of Brazilian society. This law sought to address structural racism in the school space, while valuing the identity and belonging of millions of Afro-descendant students (Munanga, 2005; Gomes, 2017). Five years later, Law No. 11,645/2008 broadened this horizon, also making it mandatory to include indigenous history and culture in the curricula, recognizing the right of native peoples to preserve their memories, knowledge, and traditions. These achievements resulted from intense struggles by the black and indigenous movements, which, since the 1980s, had been pressuring the Brazilian State to value cultural diversity and combat epistemicide present in the school curriculum (Gomes, 2017).

Another decisive milestone was Law No. 12,711/2012, known as the Quota Law, which established the reservation of vacancies in universities and federal institutes for students from public schools, blacks, indigenous people, quilombolas, and low-income people. This measure, considered one of the most significant affirmative action policies of the New Republic, considerably expanded the access of historically excluded groups to higher education (Carvalho, 2016). In the field of disability, a notable advance occurred in 2009, with the ratification by Brazil of the UN Convention on the Rights of Persons with Disabilities, with the status of a constitutional amendment, giving greater robustness to the inclusive legal framework. In 2015, the enactment of the Brazilian Law for the Inclusion of Persons with Disabilities (Law No. 13,146/2015) consolidated fundamental rights in the field of architectural, pedagogical, technological and communicational accessibility. The LBI also recognized bilingual education in Libras as a right of the deaf, reaffirming the need for a pedagogy that respects the linguistic and cultural difference of the deaf community (Brasil, 2015).

The National Education Plan (Law No. 13,005/2014) represented another step in this process by defining ambitious goals to universalize specialized educational services, reduce regional and racial inequalities, strengthen indigenous, quilombola and traditional community education, and expand the permanence and school success of students in vulnerable situations. The National Policy on Special Education in the Perspective of Inclusive Education

(2008) also contributed by instituting multifunctional resource rooms, continuing education programs for teachers and the dissemination of assistive technologies. However, as Bueno (2019) and other researchers point out, the implementation of these measures has come up against concrete limitations, such as lack of funding, discontinuity of policies, and regional inequalities that restrict the reach of the programs.

Recent data corroborate these limits. The 2023 School Census (INEP, 2023) indicated significant advances in the number of enrollments of students with disabilities, autism spectrum disorders, and high abilities, especially in basic education, but also revealed persistent obstacles, such as the difficulty of expanding inclusion in high school and higher education, as well as structural precariousness in schools that serve indigenous and quilombola communities. These schools, in many cases, face a lack of bilingual teachers, high school dropout, and deficient infrastructure, factors that compromise the effectiveness of inclusion.

At the international level, the evolution of Brazilian legislation was strongly influenced by documents that reaffirmed the commitment to educational equity, such as the World Conference on Education for All, in Jomtien (1990), the Salamanca Declaration (1994), which consolidated the paradigm of inclusion, and the Dakar Forum (2000), which reinforced the centrality of education as a human right. These documents inspired the incorporation into Brazilian legislation of principles of universalization, equity, and respect for diversity. However, as Saviani (2014), Pinto (2018) and Arroyo (2012) point out, the mere existence of legal provisions is not enough to transform reality: it is necessary to face structural barriers, such as underfunding, inequality of access and permanence, cultural resistance and the absence of policies to value teachers.

The political crisis of 2016 marked a decisive rupture in the trajectory of Brazilian inclusive education. The impeachment process of President Dilma Rousseff, conducted without proof of a crime of responsibility, was characterized by several scholars as a parliamentary and legal-media coup (Souza, 2016; Avritzer, 2019). This episode not only interrupted a cycle of social advances built in previous governments, but also paved the way for the imposition of a conservative and neoliberal agenda that weakened hard-won social rights. As Luis Felipe Miguel (2018) points out, Dilma's dismissal represented the victory of sectors that sought to contain redistribution and equity policies, especially in the educational field. From this milestone, there was a progressive weakening of programs to combat historical inequalities and a dismantling of the foundations of inclusive public education,

culminating, in 2018, in the election of Jair Bolsonaro. His administration was characterized by a deepening of the neoliberal agenda, by the systematic attack on structuring public policies, and by the attempt to relativize fundamental constitutional principles, such as cultural, racial, and gender diversity, and the very notion of school inclusion.

In this new context, education became the target of regressive measures that put at risk the normative framework built since 1988. The most emblematic case was the issuance of Decree No. 10,502/2020, which instituted the so-called "New National Policy on Special Education". This decree sought to make the inclusive model more flexible, making room for the resumption of special schools and classes as an alternative, in clear contradiction to what is established by the 1988 Constitution, the LDBEN of 1996 and the Brazilian Inclusion Law of 2015. The measure was harshly criticized by researchers, social movements, scientific associations, and entities representing people with disabilities, who denounced the attempt to return to an outdated segregationist model (Mazzotta, 2021; Rodrigues, 2022). The social and legal reaction was decisive: the Federal Supreme Court, in a preliminary decision in 2020 and in the judgment on the merits in 2022 (ADI 6590), suspended the effects of the decree, affirming its incompatibility with the constitutional principles of equality and inclusion.

The episode of Decree 10,502/2020 demonstrates that the struggle for the realization of school inclusion has never taken place in a linear way, but is constantly crossed by tensions between progressive and conservative forces, political disputes, and ideological clashes. The Bolsonaro administration (2019–2022) promoted not only legal initiatives to roll back, but also deep budget cuts that directly affected public education and, in particular, inclusive policies. In 2020, the education budget was reduced by R\$ 6.18 billion compared to the previous year, compromising accessibility programs, research grants, university maintenance, and policies aimed at basic education (Campos, 2020). The same decree that proposed the "new" special education policy reinforced this logic of exclusion, evidencing an explicit attempt to weaken rights conquered after decades of social struggles (ANDES-SN, 2021; CNTE-CUT, 2022).

The cuts were not limited to the field of special education. Structuring programs for basic education were also severely impacted. The Ministry of Education had blockades of R\$ 5.7 billion, equivalent to about 23% of the discretionary budget, affecting school infrastructure, transportation, implementation of the new high school, and policies aimed at vulnerable populations (O Globo, 2021). In 2021, there was a new cut of R\$ 4.2 billion, of which R\$ 1 billion was allocated to universities and federal institutes, which harmed research,

extension, and permanence of students in vulnerable situations (Senado Notícias, 2020). In 2023, still under the effects of this austerity policy, the basic education budget even presented a proposal to cut up to 34% compared to previous years, directly impacting programs aimed at elementary education and early childhood education, fundamental areas for reducing inequalities (PT São Paulo, 2022).

Another critical point was the attack on student assistance policies, such as school meals and transportation, which are essential for indigenous populations, quilombolas, deaf people, people with disabilities and students in extreme poverty. The presidential veto to the expansion of these programs and the absence of readjustment of lunch funds since 2017, in a scenario of rising inflation and rising prices of basic foods, show the state's negligence in guaranteeing minimum conditions for school permanence (Sinpro-DF, 2022). This omission directly compromised the attendance of students whose school meals often represent the main meal of the day, demonstrating that the cuts were not merely technical, but an expression of a political dispute over which education project the country should adopt.

In this scenario of setbacks, organized resistance was decisive in preventing the consolidation of regressive measures. Social movements, education unions, entities of people with disabilities, indigenous and quilombola organizations, as well as associations of mothers and fathers, mobilized in defense of inclusion, promoting protests, filing lawsuits and producing critical reports that supported decisions of the Judiciary. The Federal Supreme Court, by suspending the effects of Decree 10,502/2020, reaffirmed the centrality of the 1988 Constitution and the LBI/2015 as beacons of inclusive educational policy. As Dourado (2015) and Saviani (2014) point out, this victory does not eliminate structural weaknesses, but highlights the importance of civil society and democratic institutions in containing exclusionary projects.

Currently, the debate on school inclusion remains one of the great challenges of Brazilian education, especially in view of the need to overcome the gap between normative achievements and their effective materialization in the daily life of public schools. On the one hand, the normative network consolidated over three decades, from the Federal Constitution of 1988 to the Brazilian Inclusion Law (LBI) of 2015, provides robust instruments for the defense of equitable and quality school inclusion. However, as Cury (2018) and Dourado (2021) point out, the effectiveness of these devices depends on adequate funding, political will, and transformative pedagogical practices that address the racial, social, gender, and territorial inequalities that still structure Brazilian public schools. Recent experience shows

that the mere existence of laws is not enough: the implementation of inclusive policies requires administrative continuity, teacher appreciation and integration between the Union, States and Municipalities. In this sense, Arroyo (2012) reminds us that school democracy is only achieved when the school is able to welcome and value the diversity of its subjects, breaking with historical logics of exclusion.

It is important to recall that the period of political instability that began with the impeachment of Dilma Rousseff in 2016 and deepened by the Bolsonaro government (2019–2022), which drastically reduced investments in inclusive educational programs, the scenario was one of setbacks. Data from the National Association of Directors of Federal Institutions of Higher Education (ANDIFES, 2021) indicate that, between 2019 and 2022 alone, federal universities suffered accumulated cuts of more than R\$ 30 billion in their budget, which affected research grants, student permanence programs, and policies aimed at students with disabilities. In addition, the official conservative discourse minimized the relevance of cultural, racial, and gender diversity in the school curriculum, weakening the inclusive agenda built since the 1990s. This context reinforced the vulnerability of normative achievements in the face of exclusionary political projects, as Gentili (2017) observes, when he highlights that the dispute over education always expresses a class struggle and visions of society.

As of 2023, with the election of President Luiz Inácio Lula da Silva, there is an effort to rebuild the institutional and financial aspects of education, aiming to resume and expand inclusion policies. The Ministry of Education (MEC) has reestablished the budget of universities and federal institutes, with a recomposition of more than R\$ 2.5 billion in the first year of management (MEC, 2023). Strategic programs were resumed, such as the National School Feeding Program (PNAE), which received a readjustment of resources after more than a decade of stagnation, directly benefiting students in vulnerable situations. In the field of basic education, the new National Education Plan (PNE) under discussion in the National Congress for the decade 2024–2034 establishes specific goals for expanding Specialized Educational Service (SES), strengthening teacher training for diversity, and expanding access for indigenous students, quilombolas, and people with disabilities.

Among the recent initiatives to democratize teacher training, PARFOR Equity, coordinated by CAPES, stands out, which prioritizes basic education teachers who work with quilombola, indigenous, deaf students and the target audience of special education. Between 2023 and 2024, the program offered 7,000 vacancies in courses in Pedagogy, Languages, Mathematics, Special Education and indigenous intercultural degrees at public universities in

different regions of the country. The Federal University of Maranhão (UFMA) joined the program, offering three courses, Indigenous Intercultural Licentiate, Inclusive Special Education and Quilombola School Education, with 400 vacancies distributed in 17 classes and 16 municipalities in Maranhão, expanding the service in relation to the 42 municipalities already covered by the program in the state. PARFOR Equity is an important advance in educational inclusion and teacher training for historically marginalized contexts. However, its effectiveness depends on adequate infrastructure conditions, pedagogical materials, continuing education, and articulation between universities, education networks, and communities, ensuring that training is relevant, aligned with local needs, and effectively contributes to the improvement of basic education (CAPES, 2024; UFMA, 2024).

In addition, the federal government resumed the National Program for Accessibility in Higher Education (Incluir), expanded funding for the Direct Money at School Program (PDDE) aimed at accessibility, and launched specific calls for research and extension in inclusive education. Such measures signal the attempt to transform the normative framework back into effective practices, even though challenges related to budget execution, federative inequality, and resistance from conservative sectors persist.

In summary, the trajectory of school inclusion in Brazil reveals a progressive movement of legal and social achievements, but also a permanent vulnerability in the face of exclusionary political projects. The achievements obtained with LDBEN/1996, Law 10.639/2003 (Afro-Brazilian history and culture), Law 11.645/2008 (indigenous history and culture), the Quota Law (2012), the UN Convention on the Rights of Persons with Disabilities and LBI/2015 make up a solid normative framework. However, as Gomes (2017) warns, the effectiveness of these norms will only be guaranteed when black, indigenous, quilombola, deaf and disabled students are assured not only access, but also real conditions of permanence and school success. The central challenge, therefore, is to transform the legal protection network into concrete practices, underpinned by stable funding and political commitment. The reconstruction underway since 2023 signals important advances, but it will be necessary to ensure continuity, facing not only the structural limits of funding, but also the ideological tensions that have historically marked the dispute for public schools in Brazil, issues that underlie the analysis of the next sections.

3 EQUITY: PHILOSOPHICAL, LEGAL AND PEDAGOGICAL APPROACH

Equity, as a structuring principle of education, requires an integrated analysis that considers philosophical, legal and pedagogical dimensions, as its application transcends isolated definitions and involves ethical values, norms and concrete practices in the school routine. It acts as a guiding axis for public policies, social justice and pedagogical strategies that guarantee real learning conditions for all students, especially those historically marginalized. The objective of this section is to examine the concept of equity in three complementary fields: philosophical, legal and pedagogical, situating its relevance for the effectiveness of school inclusion in Brazil.

From a philosophical point of view, equity is understood as an instrument for correcting inequalities and adapting the general norm to individual and social particularities. Aristotle introduces the concept of *epieikeia*, understood as a virtue that moderates the application of the law, allowing universal norms to be relativized in the face of singular circumstances that, if ignored, would generate injustice. For him, equity complements justice, ensuring that normative rigidity does not harm individuals in specific situations, recognizing the plurality of human contexts (Aristotle, 2004).

Kant, centered on deontological ethics and the principle of duty, contributes to the discussion on equity by stating that moral action must respect the intrinsic dignity of each human being as an end in itself. For Kant, justice is not limited to the formal application of the law; it must recognize the humanity of each subject and ensure that social actions and policies respect the autonomy and moral freedom of all (Kant, 1785). Thus, equity can be understood as mediation between universal rules and ethical consideration of the concrete needs of individuals.

Contemporary philosophers expand this ethical dimension. Levinas emphasizes responsibility for the other as the foundation of justice, proposing that the relationship with the most vulnerable precedes the law and should guide all ethical and social action, implying that educational policies historically prioritize marginalized groups (Levinas, 1991). Dussel introduces the perspective of liberation ethics, arguing that equity must confront structures of oppression and historical inequality, promoting inclusion and social justice in a practical and transformative way (Dussel, 2002).

To fully understand equity in education, it is necessary to situate it within a broader critique of capitalist society, as proposed by Marx's historical-dialectical materialism. Marx argues that economic and social relations structure opportunities and limit access to basic

rights, including education. Capitalist society, by concentrating wealth and power in a few sectors, generates deep inequalities, creating barriers that prevent the achievement of equity. In the educational context, this translates into the reproduction of social and economic hierarchies within schools, where students from marginalized groups often find formal access, but not real conditions for learning, permanence and appreciation of their identities (Marx, 1996; Saviani, 2008).

Gramsci complements this analysis by emphasizing the role of cultural hegemony in the maintenance of social domination and inequalities. For him, the school is a crucial space in the formation of critical consciousness and in the reproduction or contestation of hegemonic structures. Equity, from the Gramscian perspective, is not limited to the formal distribution of opportunities; implies the construction of a school capable of promoting autonomy, critical thinking and citizen participation, recognizing and valuing ethnic, cultural and social diversities. Education, in this sense, constitutes an instrument of emancipation and social transformation, as opposed to the uncritical reproduction of values and norms that perpetuate exclusion (Gramsci, 1978; Gadotti, 2013). School inclusion policies, such as specialized educational services, indigenous intercultural programs and racial quotas, should be understood as concrete strategies for building equity, articulating philosophical principles with pedagogical practice.

Adorno relates education to resistance against barbarism and the promotion of cultural democracy, arguing that the school should develop critical capacities, preventing the reproduction of prejudices and oppressive practices and promoting ethical reflection on historical and contemporary injustices. For him, educational equity requires pedagogical conditions that promote autonomous thinking, historical awareness and ethical sensitivity in the face of human diversity (Adorno, 1997). This conception reinforces that school inclusion is not reduced to legal norms or quotas; it must integrate contents, methodologies and values that enable the full participation of all subjects.

István Mészáros expands the Marxist critique by showing that education must transcend the logic of capitalist reproduction. He argues that the school should train individuals capable of questioning and transforming exclusionary socioeconomic structures, promoting full emancipation and substantial equity. Mészáros argues that inclusion is only achieved when students have access to real learning opportunities, autonomy and social participation, making education an instrument of social justice and human development (Mészáros, 2013).

The articulation of these perspectives shows that equity should be understood as a structuring principle of education, guiding public policies, curricula, pedagogical practices and school management. Marx demonstrates that any policy of inclusion that does not address structural inequalities will be doomed to reproduce exclusions; Gramsci indicates that the construction of a transformative school depends on contesting cultural hegemonies and forming critical subjects; Adorno offers an ethical and pedagogical horizon, emphasizing the prevention of barbarism and the promotion of a democratic culture; Levinas and Dussel highlight the responsibility for the other and the need for effective inclusive practices; Mészáros broadens the critical perspective, showing that education must go beyond the reproduction of capital (Marx, 1996; Gramsci, 1978; Adorno, 1997; Levinas, 1991; Dussel, 2002; Mészáros, 2013).

These reflections critically support the implementation of school inclusion policies in Brazil. The Federal Constitution of 1988, the LDB/1996 and the Brazilian Inclusion Law/2015 should not be understood only as legal instruments, but as normative responses to structural and historical inequalities, articulating rights and ethical principles to achieve equity. Special education policies, racial quotas, teaching of Afro-Brazilian and indigenous history and culture, in addition to the National Plan for the Training of Basic Education Teachers, PARFOR Equity, should be interpreted in the light of these philosophical perspectives, as tools to correct social injustices, train critical subjects and democratize access, permanence and school learning for marginalized groups (Gadotti, 2013; Saviani, 2008; Mazzotta, 2021).

Understanding equity from this perspective allows us to affirm that it is not a concession or favor, but an ethical, social and political requirement for the construction of a democratic school. Its implementation requires policies that include compensatory measures, cultural recognition, contextualized pedagogical practices and continuous training of teachers, ensuring real conditions for learning and participation. The school must be a space for emancipation, promoting social justice and substantial equal opportunities, connecting social criticism and a transformative educational project.

In summary, the philosophical analysis of equity in education demonstrates that its effectiveness depends on multiple interrelated dimensions: 1) recognition of structural and historical inequalities, according to Marx; 2) contestation of cultural hegemonies and formation of critical subjects, according to Gramsci; 3) promotion of ethical reflection and autonomy, according to Adorno; 4) responsibility for the other and confrontation of historical oppressions, according to Levinas and Dussel; 5) overcoming the capitalist logic of social

reproduction, according to Mészáros. Equity, therefore, is not limited to the formal application of norms, but is materialized in the construction of a school capable of offering real conditions for learning, participation and appreciation of all students, especially those historically marginalized. This critical perspective is essential to guide public policies, curricula, teacher training, and pedagogical practices committed to inclusion, social justice, and educational democracy.

In the legal field, equity is presented as an essential interpretative principle for the realization of fundamental rights, especially with regard to the right to education. Although formal equality is enshrined in the constitutional text, equity requires a step further, imposing on the State the duty to adopt differentiated measures that ensure inclusion and material justice. The Federal Constitution of 1988, in its article 205, establishes education as a right of all and a duty of the State and the family, and should be promoted and encouraged with the collaboration of society. However, for this right to be fully universalized, it is necessary to apply the principle of equity, which allows facing concrete inequalities and structuring public policies that are sensitive to social, cultural, and individual differences.

In Constitutional Law, Barroso (2013) highlights that formal equality, by itself, does not guarantee social justice, and it is essential to adopt redistributive and inclusive policies, which materialize the principle of the dignity of the human person. In this sense, equity acts as a normative criterion that directs constitutional interpretation for the effective protection of vulnerable groups, safeguarding not only the right of access, but also the conditions of permanence and qualified participation in the educational process.

In legal theory, Alexy (2008) argues that fundamental rights have a principled structure and require consideration in their application. Thus, equity cannot be seen as a merely abstract concept, but as a parameter for the realization of rights that guides the actions of the legislator, the public manager and the Judiciary. This perspective is supported by Sarlet (2012), who argues that the effectiveness of fundamental rights depends on the adoption of compensatory measures, especially in contexts of persistent inequality, as is the case of Brazilian education.

Cury's (2002; 2010) reflections are decisive for understanding equity in the Brazilian educational field, as they show that the right to education cannot be reduced to the formal guarantee of access, but must ensure concrete conditions of permanence and meaningful learning. For the author, education constitutes not only a social right, but also the material basis for the full exercise of citizenship, so that its effectiveness depends on public policies

guided by social justice and committed to overcoming historical inequalities. By highlighting the centrality of public schools in the Democratic Rule of Law, Cury points out that equity requires the recognition of differences and the adoption of compensatory measures that enable the real participation of historically marginalized subjects. Thus, equity is affirmed as a constitutional and democratic principle, capable of articulating inclusion, distributive justice and cultural plurality in the consolidation of an education that is intended to be truly emancipatory.

In this horizon, equity, in the legal-educational field, must be understood as a structuring principle that links the 1988 Constitution to the confrontation of the country's historical inequalities. Barroso, Sarlet and Cury point out that formal equality is not enough, and it is necessary to adopt redistributive and compensatory measures that ensure the effectiveness of the right to education. The contribution of Cury (2002; 2010) is decisive in showing that public schools, in the Democratic State of Law, must guarantee not only access, but concrete conditions of permanence and learning. Thus, equity is affirmed as an indispensable normative and political axis for the construction of a democratic, plural and socially just education.

Pedagogically, equity can be understood as a guiding principle that seeks to ensure that all students have real learning opportunities, considering their social, cultural, economic and historical conditions (Saviani, 2008; Gadotti, 2000; 2013). In this sense, equity is not reduced to the adaptation of curricula or resources, but constitutes a pedagogical commitment to social transformation, capable of overcoming inequalities and valuing diversity. Saviani (2008), when discussing historical-critical pedagogy, emphasizes that the school must start from the unequal reality of society and overcome it through pedagogical mediation, recognizing the specific needs of each student. Gadotti (2000; 2013) reinforces that inclusive education must create concrete conditions for meaningful learning, respecting cultural, linguistic and social differences, promoting diversified methodologies and continuous evaluation that favors integral development.

Teacher training is central to promoting equity. Teachers trained to deal with diversity become mediators of inclusion, adopting differentiated strategies, using accessible resources and valuing community knowledge. The pedagogy of equity requires that the school recognizes differences and seeks to overcome inequalities, articulating with public policies that offer adequate infrastructure, specialized support and student permanence programs. The curriculum, in this context, must contemplate cultural, ethnic, and linguistic plurality,

incorporating content representative of historically marginalized groups and valuing local experiences (Gadotti, 2013; Cury, 2018).

Paulo Freire's ideas broaden this perspective by emphasizing that education must be liberating, dialogical and committed to social transformation (Freire, 1987; 1996). For Freire, the student is an active subject of knowledge, whose historicity, experiences and dignity must be recognized. Pedagogical equity requires breaking with teaching practices that reduce students to passive receivers, promoting collective processes of emancipation and valuing the participation of historically marginalized subjects. In this context, the promotion of autonomy is central, allowing students to become critical agents of their reality, while the school acts as a space for dialogue, reflection and social transformation (Freire, 1987; 1996).

School evaluation is also strategic to achieve equity. Standardized instruments, applied without critical reflection, tend to reproduce social inequalities, disregarding individual trajectories and life contexts. Formative, continuous and diversified assessments allow the identification of advances, difficulties and singularities of each student, promoting academic success in a fair way. Performance criteria should consider integral development, socio-emotional skills and citizen participation, and not just quantitative results (Gadotti, 2013; Cury, 2018).

National and international experiences reinforce the need for articulation between theory and practice. In Brazil, teacher training programs, curricular adaptation, and expansion of pedagogical resources have sought to respond to structural inequalities. Experiences in Finland and Norway show that effective inclusive policies depend on robust legislation, continuous investment in teacher training, flexible curricula, and permanent monitoring mechanisms (UNESCO, 2021; OECD, 2020).

In addition, pedagogical equity must consider socioeconomic and cultural factors that directly impact school performance. Students from rural, peripheral, or marginalized communities face structural barriers, such as poor transportation, lack of access to technologies, lack of teacher, and absence of adequate pedagogical resources. Compensatory policies, permanence grants and reinforcement programs are concrete strategies that translate equity into social justice actions, ensuring conditions of permanence and participation in equal opportunities.

However, pedagogical equity is articulated with the philosophical and legal dimensions. Philosophically, it demands recognition of the dignity of the subject and confrontation of structural inequalities. Legally, it requires normative and compensatory

measures that enforce rights. Pedagogically, it translates into transformative school practices, valuing diversity, autonomy and the active participation of the subjects involved in the entire educational process. Thus, equity emerges as a transversal principle that guides public policies, school management, teacher training, curriculum, methodologies and evaluation, ensuring that the right to education is lived as a concrete experience of inclusion and emancipation, uniting critical thinking, legal normativity and educational praxis in a democratic, plural and socially just school.

4 CHALLENGES AND PERSPECTIVES OF SCHOOL INCLUSION WITH EQUITY IN CONTEMPORARY EDUCATION

The discussion on school inclusion with equity, discussed in the previous section, finds in the Brazilian educational context concrete challenges that permeate the school structure, public policies and teaching practice. While section three addressed the concept and foundations of the principle of equity, this section aims to analyze how this principle materializes in the reality of Brazilian schools, identifying barriers and opportunities, as well as presenting the challenges faced by different historically marginalized groups, including quilombolas, indigenous people, deaf people, people with disabilities, and black students. The aim is to understand how equity can cease to be just a normative principle and become an effective practice, capable of guaranteeing full participation and meaningful learning to all subjects of basic education.

The first critical dimension involves socioeconomic, regional and structural inequalities that directly affect the implementation of school inclusion. Brazil is characterized by deep disparities between regions, municipalities and education networks. Schools located in capitals and metropolitan areas have better infrastructure with laboratories, libraries, educational technologies and specialized support programs. In contrast, school units in peripheral or rural municipalities face serious deficiencies, such as overcrowded classrooms, lack of teaching materials, and insufficient specialized professionals (Cury, 2018; Saviani, 2008). For historically marginalized groups, such as quilombola and indigenous communities, these structural inequalities are aggravated by geographic and historical factors, requiring specific school transportation policies, adequate meals, and permanence programs that respect local cultures and languages.

Another significant challenge refers to the fragmented implementation of public policies. Essential programs such as Specialized Educational Service (AEE), quota policies,

permanence grants, and cultural initiatives are often discontinued due to changes in government, budget constraints, or lack of strategic planning. This fragmentation compromises the universalization of equity, especially for deaf students or those with intellectual disabilities, who need continuity of pedagogical resources, assistive technology and specialized monitoring. Cury (2005) and Gadotti (2000) point out that the consolidation of these policies as State policies, with sustainable financing, stable regulations and permanent monitoring, is essential to ensure that formal rights are translated into real learning opportunities.

Teacher training is another critical axis. Teachers play a central role in promoting equity, but they often do not receive adequate initial and continuing training to deal with diversity. Saviani (2008) emphasizes that understanding the social reality of students, including cultural, socioeconomic and cognitive differences, is an essential condition for inclusive pedagogical practices. Gadotti (2000; 2013) adds that training should include differentiated methodologies, critical pedagogies and teaching strategies adapted to individual needs. The absence of adequate preparation compromises the service to black, deaf and disabled students, making inclusion a formality with no real impact on learning.

Attitudinal barriers remain significant challenges. Discrimination, prejudice, and stigmatization still permeate school practices, affecting not only people with disabilities, the deaf, but also blacks, quilombolas, indigenous people, migrants, and lesbian, gay, bisexual, trans, queer, intersex, asexual, and other (LGBTQIA+) students.

Overcoming such barriers requires the promotion of an inclusive, ethical and political school culture, which recognizes difference as a constitutive component of education. Arroyo (2012) shows that equity is achieved when the school welcomes individual and collective trajectories, combating forms of symbolic and institutional exclusion.

The inclusion of specific groups presents additional challenges. Quilombola and indigenous students face not only physical and pedagogical barriers, but also curricular invisibility and little appreciation of their languages and cultures. Bilingual intercultural education policies are essential to ensure respect for the identity of these students, avoiding cultural marginalization. For deaf students, the lack of teachers fluent in Libras, adapted materials and assistive technology limits learning and full school participation. People with disabilities face challenges of architectural accessibility, transportation, and adequate pedagogical resources. Black students, on the other hand, suffer impacts from discriminatory practices, absence of cultural reference and low representation in the curriculum, requiring

policies of historical and cultural appreciation and combating institutional racism (Dourado, 2011; Nussbaum, 2011).

From a philosophical and ethical point of view, inclusion with equity requires overcoming the logic of formal equality, offering differentiated conditions that recognize historical and social inequalities. Rawls (2003) and Sen (2010) argue that identical opportunities do not guarantee justice; Equity requires the provision of real conditions for everyone to develop their capacities. Nussbaum (2011) reinforces that this implies adapted pedagogical resources, individualized monitoring and flexible curricula that value diverse skills and trajectories. On the legal level, compensatory policies and inclusive legislation, such as the LBI (2015), guarantee access, permanence and participation, articulating rights to social justice and human dignity (Cury, 2018).

The social function of educational management is central to the promotion of school inclusion with equity, as well-trained and committed managers play a strategic role in the articulation of financial, pedagogical and human resources, ensuring that public policies translate into effective practices within schools. Inclusive educational management requires detailed planning, definition of clear goals, continuous monitoring and systematic evaluation of results, in order to identify advances and gaps, adjusting actions according to the needs of the school community (Cury, 2005; Saviani, 2008). In this context, democratic management is an essential element for school inclusion, as it strengthens the co-responsibility between all school professionals, teachers, students, families and the local community, allowing pedagogical and administrative decisions to reflect the collective interest and meet the diversities present in the school environment. According to Gadotti (2013), the effective participation of the community favors social engagement, increases the transparency of decisions and ensures that inclusive policies are not merely formal, but concretely implemented.

In addition, inclusive democratic management contributes to confronting attitudinal and structural barriers, creating spaces for dialogue that value the voice of historically marginalized groups, such as black, indigenous, quilombola, deaf and disabled students (Arroyo, 2012; Dourado, 2011). Through participatory processes, managers can promote the integration of Specialized Educational Service (SES) programs, curricular adaptations, differentiated methodologies, and accessible pedagogical resources, consolidating inclusive practices that consider individual trajectories and diverse socioeconomic contexts. The implementation of school councils, participatory assemblies and collaborative monitoring

systems are strategies that strengthen democracy in the educational environment, expanding and ensuring that public inclusion policies are effectively complied with (Freitas, 2014; Oliveira, 2016).

Therefore, inclusive democratic management is not limited to an administrative model, but constitutes a guiding principle of educational equity. By integrating financial, pedagogical and human resources in a participatory and transparent way, committed managers enable the school to become an inclusive, plural and socially just space, promoting the right to education in its effective dimension and strengthening the citizenship of all students. This approach is crucial to address diverse challenges, such as regional disparities, cultural barriers, and historical inequalities, ensuring that decisions on educational policies and practices contemplate the specific needs of quilombola, indigenous, black, deaf, disabled students, and peripheral communities (Cury, 2005; Saviani, 2008). The active participation of the school community and management councils expands co-responsibility, strengthens and ensures that inclusion programs, curricular adaptations and differentiated methodologies are implemented continuously and effectively (Gadotti, 2013; Arroyo, 2012).

Pedagogically, school inclusion with equity depends on flexible curricula that are representative of Brazilian cultural diversity, valuing Afro-Brazilian and indigenous history and culture, and local community knowledge (Laws No. 10,639/2003 and No. 11,645/2008). Formative, continuous and diversified assessments are essential to recognize individual and collective trajectories, promoting equitable academic success. Educational technology, while it can increase accessibility and personalize teaching, poses a significant challenge: the digital divide mainly affects students from rural areas and urban peripheries, restricting learning and school participation. Kenski (2012) emphasizes that public policies should democratize access to devices, connectivity, and teacher training, incorporating digital equity as a central element of inclusion. In addition, the fiscal crisis and budget restrictions imposed by Constitutional Amendment No. 95/2016 compromise the sustainability of inclusion programs, making consistent public funding and long-term strategic planning essential, especially in historically marginalized regions (Pinto, 2018).

Promising prospects for school inclusion with equity in contemporary schools include the strengthening of a culture of inclusion, diversity, the right to education and human rights in schools, the consolidation of collaborative networks between educational institutions, universities and communities, as well as the expansion of differentiated methodologies and continuing education programs for teachers of all levels and modalities. These elements

broaden the horizons of equity by promoting contextualized pedagogical practices that are sensitive to the social, cultural, and cognitive diversities of students.

In summary, the implementation of the right to education, inclusion with equity in contemporary schools faces persistent obstacles: socioeconomic and regional inequalities, fragmentation and instability of public policies, attitudinal barriers, teacher training, insufficient salaries and career plans in the three levels of government, digital exclusion, homogeneous curricula and evaluations. Progress will depend on sustainable policies, consistent funding, committed democratic management, inclusive pedagogical practices, and continuous monitoring. Inclusion transcends formal access and constitutes a permanent process of structural, pedagogical and cultural transformation, articulating philosophy, law and pedagogy. Only with the integration of these three fields and their interdisciplinary interfaces will it be possible to strengthen the process of building school inclusion capable of offering meaningful learning, full participation, emancipation and appreciation of diversity, consolidating a socially just and truly equitable education in contemporary times.

5 FINAL CONSIDERATIONS

This research demonstrated that contemporary school inclusion is based on the right to education with equity, constituting a central principle for the construction of a democratic, plural and socially just school. Throughout the study, it was understood how the history of Brazil and Brazilian education are intertwined in their different historical periods. It demonstrated how the struggles and achievements of the social movements of historically marginalized and socially vulnerable peoples such as Indians, blacks, quilombolas, deaf people and people with disabilities were decisive for the achievement of the right to education and school inclusion with equity in contemporary times.

It demonstrated that Brazilian legislation has made significant progress in consolidating a normative framework that guarantees school inclusion. The Federal Constitution of 1988 establishes education as a fundamental right, complemented by the Law of Guidelines and Bases of National Education (Law No. 9,394/1996), which organizes basic and higher education, incorporating principles of equality and inclusion. Specific rules expand this legal basis, such as Law No. 10,436/2002, which instituted the Brazilian Sign Language (LIBRAS); Law No. 12,711/2012, on quotas for blacks, indigenous people, and low-income people; Law No. 11,645/2008, which guarantees the teaching of Afro-Brazilian and indigenous history and culture; legislation to protect quilombola and indigenous peoples; and

the Brazilian Law for the Inclusion of Persons with Disabilities (Law No. 13,146/2015). These norms reflect the commitment of the Brazilian State to ensure access, permanence and school success for all students, reaffirming inclusive education as a structuring right and articulating compensatory policies, contextualized curricula and socio-educational support programs.

The concept of equity was deepened from a philosophical, legal and pedagogical point of view, offering foundations to understand equity as a structuring principle of school inclusion.

The research showed that, although legislation and public policies provide instruments for inclusion, challenges persist in contemporary schools, such as socioeconomic inequalities, attitudinal barriers, insufficient physical and technological resources, digital exclusion, limited teacher training and homogeneous curricula. The implementation of democratic, participatory and integrated management proved to be essential to articulate financial, pedagogical and human resources, strengthen the co-responsibility of the school community and consolidate inclusion as an effective practice, not just as a formal principle.

In addition, the research revealed that school inclusion and the right to education with equity is a principle that articulates philosophy, law and pedagogy in an integral way. The effectiveness of equity depends on the combination of structuring regulations, articulated public policies, democratic school management, continuing teacher training and differentiated methodologies, with contextualized pedagogical practices, capable of meeting the diversity of trajectories, cultures and socioeconomic conditions of students.

Despite normative advances and institutional initiatives, school inclusion still faces structural and cultural challenges that demand continuous monitoring, sustainable investment, and permanent critical reflection. It was evident that equity is not reduced to the guarantee of access, but is materialized in the transformation of school practices, in the appreciation of diversity and in the promotion of real learning opportunities.

Finally, understanding school inclusion and the right to education with equity broadens horizons for fairer public policies, strengthens teacher training and practice sensitive to inequalities and reaffirms education as an instrument of social emancipation, consolidating the need for integrated and articulated actions to build a democratic, plural and effectively inclusive school in contemporary Brazil.

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