

**THE POWER GAME IN SPECIAL EDUCATIONAL POLICIES IN RECENT
DECADES**

**O JOGO DO PODER NAS POLÍTICAS EDUCACIONAIS DE EDUCAÇÃO
ESPECIAL NAS ÚLTIMAS DÉCADAS**

**EL JUEGO DE PODER EN LAS POLÍTICAS EDUCATIVAS EN EDUCACIÓN
ESPECIAL DE LAS ÚLTIMAS DÉCADAS**

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**Antonio Francisco Jacaúna Neto¹, Amanda Patriarca², Cícero Batista dos Santos
Lima³, Cleide Pires Machado⁴, Giselle Alves Dias de Sousa⁵, Luiza Helena Barreira
Machado⁶**

ABSTRACT

The publication of numerous Brazilian government legislation in recent decades regarding inclusion highlights the persistent political and epistemological dispute surrounding special education in Brazil, as well as the materialization of these convictions in the training of teachers and professionals in special education. This article reviews legislative discourses from recent decades, aiming to clarify the political game in which special education finds itself. Using Foucauldian Discourse Analysis and the influences of Ball's Policy Cycle as methodology, we compare the various pieces of legislation, especially the two most recent decrees in this area (Decrees 10,502 of 2020 and 12,686 of 2025), which address the topic and its variants, such as the training of professionals working in the field. The resulting findings highlight many limitations and some advances in this political game, which should be aimed at promoting the inclusion of people with disabilities.

Keywords: Special Education Policy. Inclusion. Teacher Training.

RESUMO

A publicação de inúmeras legislações pelo Governo Brasileiro, nas últimas décadas, referente à inclusão, evidencia o persistente jogo de disputa política e epistemológica sobre a educação especial no Brasil, bem como a materialização de suas convicções na formação de professores e profissionais do AEE. Este artigo faz uma revisão dos discursos legislativos, das últimas décadas, objetivando explicitar o jogo político em que a educação especial se encontra. Tendo como metodologia a Análise do Discurso Foucaultiano e as influências do Ciclo de Política de Ball é feito aqui, um confronto entre as diferentes legislações, especialmente os dois últimos decretos na área (10.502 de 2020 e 12.686 de 2025) que abordam a temática e suas variantes, como por exemplo: a formação dos profissionais que

¹ Dr. of Education. Instituto Federal de Goiás (IFG). E-mail: antonio.jacauna@ifg.edu.br

² Dr. in Physical Education. Universidade de Brasília (UnB), Instituto Federal de Goiás (IFG).
E-mail: amanda.patriarca@ifg.edu.br

³ Master's degree in Professional and Technological Education. Instituto Federal de Goiás (IFG).
E-mail: cicero.lima@ifg.edu.br

⁴ Master's degree in Languages and Linguistics. Instituto Federal de Goiás (IFG).
E-mail: cleidi.lettras@ifg.edu.br

⁵ Master's degree of Arts. Instituto Federal de Goiás (IFG). E-mail: giselle.dias@ifg.edu.br

⁶ Master's degree in Geography. Instituto Federal de Goiás (IFG). E-mail: luiza.machado@ifg.edu.br

atuam na área. O resultado que se percebe, explicita muitos limites e alguns avanços desse jogo político que deve ser em prol da inclusão das pessoas com deficiência.

Palavras-chave: Política Educação Especial. Inclusão. Formação de Professores.

RESUMEN

La publicación de inúmeras leyes por el gobierno brasileño en las últimas décadas con respecto a la inclusión, destaca el persistente juego de disputa política y epistemológica sobre la educación especial en Brasil, así como la materialización de sus convicciones en la formación de docentes y de profesionales en Educación Especial (AEE). Este artículo revisa discursos legislativos de las últimas décadas, con el reto de aclarar el juego político en el que se encuentra la educación especial. Se utilizan el Análisis del Discurso Foucaultiano y las influencias del Ciclo de Políticas de Ball como metodología, para comparar las diferentes leyes, especialmente los dos decretos más recientes en este área (Decretos 10.502 de 2020 y 12.686 de 2025), que abarcan la temática y sus variantes, como la formación de profesionales que actúan en el área. Los hallazgos resultantes revelan muchas limitaciones y algunos avances de ese juego político, que debe ser en favor de la inclusión de las personas con discapacidad.

Palabras clave: Política de Educación Especial. Inclusión. Formación Docente.

1 INTRODUCTION

The recent publication of Federal Decree 12,686 in October 2025 explains the arena of political dispute in which inclusive special education and the training of professionals to work in the area are found. Since the promulgation of the Federal Constitution in 1988, which placed education within the scope of social rights, until 2025, when the Ministry of Education took a position on its understanding of special education with the aforementioned Decree, the country has experienced political disputes to enforce convictions of this educational modality. Political agents, managers and others interested in the area manifest a cycle of influences on public educational policies, including those aimed at the training of professionals linked to special education, as is the case of both teachers and professionals linked to Specialized Educational Service - AEE. In this way, its policies make perceptible the different and diverse lines of interpretations on how to materialize inclusive special education, as we will see in this work.

In this sense, this article aims to make a reading of the official discourses, through legislation, on this theme and analyze it from Foucaultian epistemology, in order to explain this arena of dispute and its consequences in special education and in the respective training of its professionals. The time frame was made from the publication of the National Policy on Special Education in 1994, through Decree 10,502/2020 and ending with Decree 12,686/2025.

To achieve this objective, this article is divided into two parts, and at first, the arena of disputes and the developments of Policies aimed at Special Education, from the 1990s to 2020, will be addressed. In the second moment, the implications of teacher training in the field of inclusive special education will be addressed. The result that is expected to be shown concerns the place where these two themes interrelate and meet. To make the analyses, the theoretical assumption of the Ball and Mainardes (2011) Policy Cycle will be used; the relations of Biopolitics to Michel Foucault's Discourse Analysis (2008, 2014 and 2017); the clashes in the special education policies of Kassir, Rebelo, Oliveira (2019); and the ballast of Silva's teacher training for special education (2013 and 2018).

2 GAME OF DISPUTES AFTER 1990 AND IN THE DECREES IN 2020 AND 2025

On October 20, 2025, the Federal Government published Decree 12,686, on the National Policy for Inclusive Special Education. This is explicitly opposed to Decree 10,502 of the previous Government, published in September 2020, thus making official the political

and epistemological change of this modality in the country. This was just another chapter in the dispute to influence the direction of this educational modality in the country. What is behind this dispute says about the convictions of these groups about the place of special education, the space that its subjects should occupy, and the public resources allocated to them. So, before analyzing the aforementioned Decree 10,502/2020 and Decree 12,686/2025, it is necessary to briefly resume the place that special education has occupied in recent years, in order to better understand the arena of dispute and the scenarios that it has provided in the different governments of Brazil, since the 1990s.

The 1990s inaugurated this new international scenario that had repercussions in Brazil. The Conference that took place in New Delhi (1993) directed the "Education for All" Program in the national scenario, in addition to this, the following stand out: the Jomtien Declaration (1990) and the Salamanca Declaration (1994), which made special education stop being seen as something negative, harmful to the development of a country, and become part of the educational process as a whole. As examples of the harmony between this country's agenda and the international agenda, one can cite the Brazilian educational laws aimed at special education in this period, for example: the National Policy on Special Education - PNEE (1994); the Law of Guidelines and Bases of National Education - LDB (1996); and the National Guidelines for Special Education in Basic Education (2001).

In this sense, the enactment of LDB/1996 dedicates several articles to special education, among which Articles: 04; 58; 59 and 60 stand out. In article 4, item III, it is guaranteed that specialized educational service is "free of charge to students with disabilities, global developmental disorders and high abilities or giftedness, transversal to all levels, stages and modalities, preferably in the regular school network". (BRASIL, 1996, p. 1). Thus, by enumerating the duties of the State towards public education, it is evident who is the target audience of this education and points out that its educational process would preferably take place in regular schools.

Article 58 of the aforementioned Law, on the other hand, details not only the issues related to the place where the care for these people will be provided, but also about the training of the professionals responsible for these students in schools. It is necessary to emphasize that Article 58 explains that special education belongs to the focus of policies that intend to integrate people with some specific need, by stressing "(...) its integration into the common classes of regular education." (BRASIL, 1996, p. 24). In making this definition, the

LDB/1996 points to the existence of a process of articulation in which the group that defends this principle emerges

Another highlight is in Article 59 when it defines that, in order to serve people with disabilities, global developmental disorders and high abilities or giftedness, the following will be ensured: curriculum, method, techniques, resources, specialized professionals (the approach of these will be made later).

The arena of dispute is also present with regard to the service "preferably in the regular classroom", because until then this was not the practice, since students with some disability were not attended in regular classrooms, but in their vast majority, in non-public entities specialized in the care of people with some specific need. To meet them, the LDB/1996 inserted Article 60, guaranteeing that these private institutions would have access to technical and financial support from the State, since:

The normative bodies of the education systems will establish criteria for the characterization of private non-profit institutions, specialized and exclusively active in special education, for the purpose of technical and financial support by the Government (BRASIL, 1996, p. 26).

In this sense, the 1990s were marked by the integration of Brazilian special education, in accordance with the international agenda, of people with some specific need for society in general, and by the allocation of public resources to private institutions.

In the 2000s, the application of these resources continued, but changed the principle of integration to that of inclusion. This change can be illustrated with the alternation of power in the presidency of the country. In the 1990s, the country had as president Fernando Henrique Cardoso (1995-2003), who was a founding member of the Brazilian Social Democracy Party (PSDB), whose successor in the 2000s was Luiz Inácio Lula da Silva (2003-2011), a founding member of the Workers' Party (PT). In these governments (PSDB and PT), special education policies are included in the framework of public policies aimed at social issues, "whether in the managerial organization of the governments of Fernando Henrique Cardoso, or in the State as a protagonist presented in the plans of the governments of Luiz Inácio Lula da Silva and Dilma Rousseff" (KASSAR; BROOK; OLIVEIRA, 2019, p. 5), thus reaffirming that the country was in tune with the neoliberal agenda, including partnerships between public funding and the private sector being encouraged.

Showing that the national administration was also in tune with the international agenda, Decree 3.956/2001 was promulgated, in which Brazil adhered to the Inter-American

Convention for the Elimination of All Forms of Discrimination against Persons with Disabilities, in accordance with the provisions of the Guatemala Convention in 1999. Subsequently, already under Lula's command, Decree 186/2008 was promulgated, approving the text of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, signed in New York. Decree 6.949/2009, on the other hand, was enacted in accordance with the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, signed in New York, which took place in 2007.

Within this political game, the people who took over this management pointed out that it was not enough for students with some specific need to be integrated into society, they needed to be included. A major milestone of this change was the process of participation of organized groups and movements, of people with some specific need, which culminated in articulations with the Executive and Legislative branches.

In the national scenario, the following Decrees stand out in the legislative agenda: Decree 5.296/2004, which regulates Laws No. 10.048/2000 and 10.098/2000 with emphasis on the Promotion of Accessibility; Decree 5.626/2005, which regulates Law 10.436/2002, which provides for the Brazilian Sign Language - LIBRAS; Decree 6,214/2007, which regulates the benefit of continued provision of social assistance due to people with disabilities and Decree 6,571/2008, which legislates on Specialized Educational Service - AEE. These Legislative Discourses are reflections of a dispute for place, since these legislative documents, referring to special education, leave the principle of integration and move to the principle of inclusion.

It can be said that it was in this same context of influence (BALL; MAINARDES, 2011) that the Statute of Persons with Disabilities, Law 13.146, was enacted on July 6, 2015. Among the various articles that point to this change in principle, Article 1 stands out in this Statute, which establishes as the duty of the State to ensure and promote "conditions of equality, the exercise of fundamental rights and freedoms by people with disabilities, aiming at their social inclusion and citizenship" (BRASIL, 2015, p. 1). Article 28, on the other hand, emphasizes that the State is responsible for

ensuring, creating, developing, implementing, encouraging, monitoring and evaluating: [...]improvement of educational systems, aiming to ensure conditions of access, permanence, participation and learning, through the provision of accessibility services and resources that eliminate barriers and promote full inclusion. (BRASIL, 2015, p. 6).

This same article points to the need to modify the content referring to the training of professionals who work in this modality, so that their curricular contents reflect the "adoption of inclusive pedagogical practices by initial and continuing education programs for teachers and the offer of continuing education for specialized educational services" (BRASIL, 2015, p. 7).

In addition to these laws, in January 2008, the National Policy on Special Education in the Perspective of Inclusive Education (PNEEPEI) was launched. Prepared by a working group with different entities linked to the area. This policy marked the new guidelines for this educational modality, which includes issues related to students and professionals, family members and the Government, school and society, among other actors.

It can be said that on September 30, 2020, there was a milestone in the change of this political game, when the Executive branch publishes Decree 10,502, which pointed to a revision of the National Policy on Special Education in force since 2008.

In order to carry out the procedures for a legal review, the MEC launched a public consultation on its official website in November 2018, receiving more than 8.4 thousand contributions, but the content was not publicized, however this amount served to support the discourse of the legitimacy of the review, under the argument that the PNEEPEI of 2008, it had not provided what it aimed at, namely: the inclusion of people with some specific need. According to the MEC managers, the educational scenario pointed to a reality full of challenges that this Policy in force would not be able to overcome. Therefore, the revision was considered essential for special education to occur as they wished.

Among the various criticisms that this revision caused, those that agreed with the need for revision deserve to be highlighted, without the need to create a *new* Policy. The National Association of Graduate Studies and Research in Education - ANPED, reacted to this provocation, publishing in November 2018, an Open Letter, in which the entity reinforces positions of disagreement with the revision of the Policy in those terms and conditions of the Draft of the National Policy on Special Education: Equitable, Inclusive and Lifelong (Under discussion). ANPED also pointed out that the MEC should provide the necessary means for it to achieve its objectives. Therefore, he stated that the State should ensure that all schools have structural, didactic and professional conditions for Specialized Educational Service - AEE; greater investment in the training of teachers to work in special education, throughout the national territory; emphasis on the educational model of special education as a manifestation of the social model of inclusion; guarantee of intersectoral actions, including

those that favor the participation of the family, understanding this participation as a right and duty of the same, in the educational process of their children. However, despite this, the MEC made public the proposal of a "new" educational policy for special education. In an interview with Rádio Jovem Pan, then minister Milton Ribeiros showed his position against inclusive special education by saying:

[...] What do we want? We don't want inclusivism. They criticize my terminology, but that's the one I continue to use. Of course, there is a disability like Down Syndrome, which there are some degrees, which the child placed there in the middle, socializes. But 12% are not able to live there [in the classroom]."⁷

However, since 2017, the Government has already shown interest in reviewing and updating the National Curriculum Guidelines for Special Education, based on the state and national standards in force on Special Education, as attempted via Public Notice No. 1/2017, which due to the reactions of entities linked to Special Education, was unsuccessful.

Anped understood that this *new* Policy actually brought in its core, an old segregationist practice, which had been overcome for a long time. The aforementioned proposal brought comparative tables between those who defend special education *versus* the defenders of inclusive education, as two antagonistic proposals. It also reinforces the pronouncement of the then minister Milton Ribeiro, when he stated that the educational service to students with some special need would be done in: Specialized Classes and Specialized Educational Service Center – CAEE, which, according to each need (visual, intellectual, physical, motor, high abilities and giftedness, deafness) would have trained professionals, could be public or private and work "in the same physical space, services are offered for all areas of special education" (BRASIL, 2020, p. 67).

However, in September 2020, the Government of Jair Bolsonaro made known Decree 10,502, which then modified this Policy in force. The Secretary of Specialized Modalities of Education of the MEC, Ilda Ribeiro Peliz, stated that the Decree represented progress and the right to choose between inclusion in common classes and attendance in special classes. This is because, in his view, this "new" PNEE ensures the right of people with disabilities to choose the best place for their educational process to take place. In this perspective, the MEC argued that both the Special Classes and the CAEE were essential for those who needed this specific monitoring. Which, in fact, was consistent with the speech, Milton

⁷ Available at: <https://www.mpmt.mp.br/portalcas/news/1013/106692/comissao-vai-discutir-fala-do-ministro-da-educacao-contra-educacao-inclusiva/922> . Accessed on: 25 out. 2025.

Ribeiro, minister of education in a live interview on TV Brasil's Sem Censura program, in August 2020, in which he states that the inclusion of students with special needs "hinders" the learning of other children without the same condition.

The mobilization and clashes of the different actors to direct the actions of the Special Education policy are expected in a democratic society. However, such actors often seem to present themselves in the superficiality of the questions: "for or against inclusion"; "against or in favor of special schools"; "inclusive education or special education". The focus on the appearance of the debate does not help to grasp all the complexity of the issues involving the educational service of the Special Education population.

These issues include the right to public schooling, the right to public health, the right to leisure, the right to one's own choices and decisions, the right to the completeness of life, etc. The recognition of this complexity also involves the perception that such issues are immersed in the debates and clashes of policies that involve all other citizens.

In this sense, the STF signaled, as Kassab, Rebelo and Oliveira (2019, p. 14) had already said, that "ensuring attention to the specificity of the Special Education population without losing the scope of the look at the social rights of every citizen is a challenge to be faced in the area of Special Education". At that time, the MEC did not want to understand this, because its managers did not understand that the lack of school inclusion between children with specific needs and neurodivergent children would not compromise an effective education. On the contrary, this inclusion in school spaces with SEA helps in the inclusion process, in ensuring learning and in respect for diversity, and above all supplants some curricular contents.

Another fact is that the management team of this *"new"* PNEE, pointed to a training of literacy teachers with the use of new methodologies, which would create educational spaces of good practices with their peers. On the other hand, organized groups, regardless of political ideology, took a position against it, as is the case of the Unibanco Institute, which affirmed the need to "[...] continue on the path of evolution of Brazilian education, and for this we need to recognize the inclusive school as important for students with disabilities as for those who do not have disabilities". Among the different arguments against it, it is possible to highlight that this *new* PNEE has the following gaps:

1. Would there be some conceptual misunderstandings, e.g., specialized educational care? Two systems of education: inclusive and special?
2. Are people with disabilities not able to live socially, creating a true *apartheid*?

3. Would there be a "normative fraud"? For him, does the notorious intention of the text contradict all perspectives of inclusion and respect for diversity, combating prejudice, valuing citizenship and guaranteeing opportunities for people with disabilities, during or after the school cycle?
4. Is there an omission of adequate public policies for the realization of the rights of people with disabilities, such as prioritization in the budget and the appreciation of teachers and other school agents?
5. Is the existence of specialized schools contrary to the idea of truly inclusive education, which presupposes a whole change in the structure of the educational system? Can the existence of specialized schools be an excuse for private regular schools not to prepare to serve students with disabilities?

In January 2023, Brazil, governed by another political group, had this decree revoked, now under the guidance of President Lula, the National Executive Branch revokes Decree 10502/2020 and begins work to publish another policy that points out different situations, through the publication of Decree 12,686/2025. From this perspective, Ball and Mainardes (2011, p. 53) state that the context of practice is where the "[...] politics is subject to interpretation and recreation and where politics produces effects and consequences that can represent significant changes and transformations in the original policy".

Therefore, although the governments of the 1990s and 2000s diverged from the principle that special education should be implemented, they agreed that teacher training needed to be included in the agenda of this policy, whether it was integrative (in the FHC government), inclusive (in the PT government), or segregationist (in the current government).

In this sense, it is essential that in the face of this arena of dispute, teacher training is also part of this work exposed here, since we understand it as essential for special education to occur, regardless of the scenario. Also according to Ball and Mainardes (2011), policies come to exist within a cycle of influences, which permeates their entire agenda, from the process of delimiting their scope, their drafting process and their application. In other words, this training of professionals is at the mercy of the cycle of influences of those who manage the policies of this educational modality, as will be stated below.

3 TRAINING OF INCLUSIVE SPECIAL EDUCATION PROFESSIONALS

These three principles (integration, inclusion and segregation), described above, illustrate the need for training professionals in the area. This is because the more these professionals have clarity on how to work, the greater the effectiveness of those who direct the national policy on special education. In the arena of this dispute for influences is the definition of what is understood - and is intended to achieve, in this guiding principle of Brazilian education, which implies the definition and dissemination of concepts, practices, vision of the human being and all the implications of special education. Both Decrees, 10,502/2020 and 12,686/2025, addressed the issue of Specialized Educational Service, opening space for questions about how their training would take place.

In line with the international agenda, which pointed to the need for the State to focus on the training of these professionals, the LDB/1996 incorporated the use of technologies in this training. When dealing with this issue, in Article 62 of this law, it is stated that "[...] teaching professionals will be able to use distance education resources and technologies" (BRASIL, 1996, p. 42), and in 2013, Article 62-A, sole paragraph, was added to this article: "Continuing education will be guaranteed for the professionals referred to in the *caput* in the workplace or in basic and higher education institutions." (BRASIL, 1996, p. 43).

In the case of integrationist education, it is necessary to remember that it was in line with the international agenda that excelled in making explicit external evaluations by giving grades for the results presented, so that the teacher needed to provide that special education students should also pay attention to the manifestation of effective results in learning.

Within this scenario, the National Policy on Special Education was launched in 1994, bringing a revision of the concepts related to this modality, as there was an "inadequacy of the curricula developed by special education teachers with students with special educational needs" (BRASIL, 1994, 32). From then on, it was understood that the teacher is the one who should make all these adaptations so that the student with some specific need was integrated into the school, understanding it as:

A gradual and dynamic process that can take different forms according to the needs and abilities of the students. Educational-school integration refers to the process of educating and teaching, in the same group, children with and without special educational needs, during part or all of the time they stay in school (BRASIL, 1994, p. 18).

For this formation to occur, the State would start to

[e]stimulate partnerships with specialized NGOs, providing teachers from the government network and ensuring rehabilitation treatment for students enrolled in NGOs. [as well:] create and/or strengthen alternative distance learning mechanisms in the training and qualification of human resources for the area of special education. (BRASIL, 1994, p. 60).

In this way, the State emphasized the practice of applying public resources destined to private entities, which were accredited as the means for professionals to seek their training/qualifications in the various areas of special education, whether face-to-face or at a distance, with the use of technologies.

In the case of inclusive education, one can cite Law 10.436/2002, which dedicates one of its five articles to teacher training, in which it is stated that federated entities "[...] must ensure the inclusion in Special Education, Speech Therapy and Teaching courses, at their secondary and higher levels, of the teaching of Brazilian Sign Language." (BRASIL, 2002, p. 1). This Law was regulated by Decree 5.626/2005, and made explicit in the PNEEPEI, launched in 2008, in order to guide all professionals linked to inclusive special education, focused on attention to diversity and school inclusion, modifying the PNEE/1994.

Still on the legislative discourse, another important fact concerns the launch of the MEC, of the PNEEPEI in 2008 with regard to the attributions of the SEA. This Policy is presented with the explanation of who is the target audience of special education; makes a diagnosis of these students in the country, resumes aspects of the legislation interrelated with the theme (in addition to those mentioned above, the document also reports to CNE/CP Resolution No. 01/2012 and MEC Ordinance No. 2,678/2002, among others), etc.

Although it does not have a specific topic on the training of SEA professionals, this PNEEPEI reaffirms this issue present in previous laws, such as Law 10.436/2002 and Decree 5.626/2005, Ordinance 2.678/2002, among others, and addresses the issue by stating that one of its objectives is the "training of teachers for **specialized** educational service and other professionals in education for inclusion" (BRASIL, 2008, p. 14, emphasis added), which implies that this professional has "general knowledge for the exercise of teaching and specific knowledge of the area" (BRASIL, 2008, p. 16), which provides the inclusion of students with disabilities.

In relation to this aspect, research published by Jacaúna Neto (2021) shows that the vast majority of inclusive special education professionals do their training outside working hours and at home:

[...] the vast majority, 86%, took the course outside their working hours, that is, contrary to the provisions of Article 62-A, of Law 9.394/96: that this training should take place during working hours, the fact that this is not effective, explains the absence of the State in complying with the law. (JACAÚNA NETO, 2021, p. 144)

This makes explicit a transfer of responsibility to the inclusive special education professional, of a task that is/was of the State, with all the implications and burdens that this may entail. Thus, this research demonstrated that, regardless of who took over the Government of the Brazilian State, there was/is a transgression and an impropriety of its own legislation, or, in the words of Foucault (2017, p. 90), there was "[...] an action for silence [...]".

In this sense, what Foucault (2014, p. 50) says about the duality between legal discourse and government practice is kept in mind, because "[...] discourses must be treated as discontinuous practices that intersect, that sometimes juxtapose each other, but that also ignore or exclude each other." And, when it comes to teacher training for special education, the reality pointed out in the research indicates that these Governments ignore or exempt themselves from responsibility in the arena that includes public investment (human/technical and financial) in compliance with the Law for teacher training.

When carrying out their training outside the place and working hours, professionals face an extra and unpaid workday, which adds to the demands of their school routine. In addition, they often bear the costs of courses and training. In other words, the teacher dedicates additional hours - at home, at night or on weekends - to continuing education, sacrificing social and family relationships. This overload, although essential for professional improvement, has repercussions on physical and mental health, since the intellectual work required by studies intensifies the fatigue and exhaustion already present in the exercise of teaching.

By failing to comply with the sole paragraph of Article 62A, the management of the State causes the professional to end up having to become a "[...] entrepreneur of himself, being himself his capital, being for himself its producer, being for himself the source of [his] income" (FOUCAULT, 2008, p. 311), including managing his own schedules and resources to undertake the provision of special education. In the same direction, Araujo (2016) corroborates this idea by stating that

[...] generally, in emergency in-service teacher training programs, the government and educational institutions delegate to teachers the responsibility for their training, as they do not assume their task of ensuring real conditions so that they can achieve their

professional development with dignity. The teachers who attend the courses study at times that are stealthy to the obligations of teaching and domestic work, since they are mostly women, penalized by a double or triple workday. In this way, they are deprived of leisure and rest time. (Araújo, 2016, p. 95)

Although the authors point out only the teachers, it is seen that this is also a reality for other professionals, for example, those in the SEA. This points out that, in addition to the legislation, it is necessary to offer means and conditions for these professionals to carry out their training for special education within their working hours, mitigating the physical, affective, emotional and financial overload.

In the same direction, Silva (2013) highlights some aspects that evidence the entrepreneurial posture assumed by the teacher who seeks this type of training. This is because most of these professionals already work 40 hours a week, having little time to dedicate to their studies. Faced with this reality, the teacher ends up having to:

1. Give up their time for rest, leisure, family personal care;
2. Paying for *internet* access in their homes, or on their cell phones, which due to financial difficulties, can be of low quality, resulting in the non-viewing of some materials, such as videos.
3. Most of these professionals belong to a generation that still has little mastery of Information and Communication Technologies (ICTs), which can lead to the non-use of all the content that the tool/platform provides.
4. Because they take the course at night or on weekends, these teachers cannot get technical support, such as an online moderator.

As in the case of the special education professional, the teacher is also required to have a range of other knowledge, in addition to that studied in the undergraduate course, that is, it is not only up to the experience of the popular saying that says that "one learns to do by doing". Thus, it is necessary to know some specificities that go beyond practical learning, since the exercise of teaching in special education has not always been recognized and treated as such – because this dedication was erroneously understood as a donation, vocation, oblation mission, it is understood that their professional development is the result of a process that contemplates the experience of a theoretical formative itinerary.

If at another time in history, to work with special education students, it was enough to have good will and enjoy helping in the teaching and learning process of people with specific

needs, today, to exercise this profession, a minimum training in the academy is required, which also provides the mastery of pedagogical procedures and the necessary qualification for its exercise. Regardless of which principle is applied, this training is at the same time an obligation of the State, and it is also a right and a duty of the professional in education, because as Silva (2010, p. 15) points out,

[...] In addition to having the right to participate in continuing education programs and projects, they have at the same time the duty to carry it out, as a way of guaranteeing their students the possibility of enjoying a better quality schooling process, because the fact that they are in a permanent training movement keeps them up to date with the scientific and pedagogical advances that will support them in their daily school life.

In the publication of Decree 12,686/2025, it is clear that the gaps of the previous policies have not been fully overcome. Among them, the training of the SEA professional. This is because this new decree, which revoked the previous policy (Decree 10.502/2020) and reaffirms the inclusive model of the International Convention on the Rights of Persons with Disabilities, has generated heated debates. Some collectives of People with Disabilities claim on social networks that they were not invited to participate in the elaboration of this policy. Perhaps for this reason, it is possible to perceive some limits or setbacks in this Decree, among which the following stand out:

Possible weakening and uncertainty for Specialized Institutions, considering that the Decree, by focusing on inclusion in regular schools, restricts the performance of public or affiliated Specialized Educational Service Centers (CAEEs) (such as APAEs). Specialized Educational Service (SES) in these institutions can only occur in an "exceptional" manner (Art. 9). The Decree does not make it clear what the criteria will be to define what is "exceptional", generating insecurity.

Flexibility of SEA Teacher Training. Article 13 of the Decree defines that the SEA teacher must have initial training (licentiate) and "preferably" specialization in Special Education, with a minimum workload of 80 hours. By using the term "preferentially" and the low workload (80 hours), the Decree points to a possible devaluation of specialized training and the technical expertise necessary for inclusive special education.

Lack of Practical Guidelines. The Educational Service Plan (PAE), which should be the main instrument for personalizing education, is mentioned, but the Decree does not

bring clear objectives, responsibilities and detailed and rigorous monitoring mechanisms, which can result in a great lack of uniformity in its application.

Lifelong Education. This Decree preserved this premise present in the previous Decree (10.502/2020), which led Senator Flávio Arns, on 10/21/2025, to be a spokesperson for critics when he defended its suspension, claiming that it limits care to 17 years of age, disregarding the principle of lifelong education and the need for continuing education for people with disabilities.

Mainardes (2006), when resuming Ball's Policy Cycle, also touches on this issue by saying that it is not enough to have the publication of a law, because it is the context of the practice of the policy (of the application) of a law, which will provide its applicability. It is according to the place of the effects and consequences of the implementation, interpretation and recreation that a law is assumed, as in this case it can be seen that "[...] texts are products of multiple influences and agendas and their formulation involves intentions and negotiation within the State and within the process of formulating educational policy". (MAINARDES, 2006, p. 53).

In other words, the teacher who works in special education needs to have a theoretical and practical foundation that shares the demands of their students. In this way, it will be able to contemplate both the specificities and needs, as well as the particularities of the different forms of action of Inclusive Special Education. The researcher also states that, in addition to teachers having the right to participate in continuing education programs and projects, they also have the duty to carry it out, as a way of guaranteeing students the possibility of enjoying an educational process (SILVA, 2010), since these teachers are in a permanent movement of training.

Silva's (2010) position is contrary to what is practiced, which also contradicts the legislative discourse (LDB/1996). This is because the positioning of these researchers and data from special education teachers allow us to perceive that the official discourses of the Government constitute a dynamic process that points to a permanent improvement in education, in the appreciation of the teacher, in the quality of inclusive education, especially in the daily lives of people who have some type of disability, both for what they say/do, as well as for what they do not say/do. In this sense, Foucault highlights the importance of considering not only who speaks - whether a private education entrepreneur, politician, researcher or teacher - but also the institutional place that this person occupies (FOUCAULT,

2018). In the case analyzed here, an intentional gap between discourse and political practice was perceived, which reflects on teacher training, because even having legal means to train and promote the inclusion of all students, this does not occur according to the provisions of the official discourse present in the laws.

As previously described, the different levels of the country's Executive Branch did not pay attention to developing public educational policies of the State, which would go beyond the period in which their political groups were at the head of the country. One of the reasons for continuing education is to meet the needs, the gaps that initial training entails, since it does not have the obligation (and would not be able) to offer the training conditions for the different areas of action in special education. Thus, this State produces a discourse of professional valorization, publishing educational policies and providing the emergence of offers of courses from public and private entities simultaneously for the training of teachers in special education. At the same time, reality points to the non-compliance of the State itself, of Laws that it should be the first guardian, causing teachers who seek training in the area of special education to have to give up their hours of rest and family life, to train themselves.

4 CONCLUSION

The clashes of this arena of dispute over special education, involving different actors, are expected in a democratic society. However, such actors often seem to be more interested in defending their ideologies than the target audience of special and inclusive education, as is the case with Decree 10,502/20. In the superficiality of the questions: "against or in favor of inclusion"; "against or in favor of special schools"; "inclusive education or special education" etc.

This Decree disregarded the educational process (especially for students with some specific need), and all the complexity that involves the teacher of/in educational service, which aims at the growth of the student as a whole, including not involving entities from different groups linked to special and inclusive education.

As pointed out in this study, in the PSDB and PT governments, the issues of special education included the right to public schooling, the right to public health, the right to leisure, the right to one's own choices and decisions, and the right to the completeness of life. The recognition of this complexity also involves the perception that such issues are immersed in the debates and clashes of the policies that promoted Special Education, without losing the scope of the look at the social rights of every citizen, it is a challenge to be faced in the area.

From the 1990s to 2017, what was perceived was an arena of dispute that ended up promoting special education. However, in 2017 a proposal emerged that, materialized in 2020, goes backwards, especially because it signals that people with some specific need would not be able to live with the whole society. In 2020, a Decree appeared, whose discourse was for a "new" policy for Special Education, which did not take shape.

Now, in 2025, there is the publication of another Decree that points to a new policy in the area. The focus of special education must always remain on the student. Therefore, regardless of the disputes and changes in educational policies, it is their voice that needs to be heard in the daily school life for inclusion to happen effectively. In this sense, the training of professionals who work in the area becomes an essential element in the formulation and implementation of truly inclusive public policies.

For the inclusion of people to occur, it is essential that SEA teachers and professionals have specific training in the area, as provided for in Art. 62 and Art. 62A of LDB/1996, working conditions with didactic material, use of new methodologies and technologies, assistive technologies to create educational spaces of good practices, aimed at this inclusion.

In summary, it is necessary to reaffirm that inclusion is not only intended for students with specific needs, but for the entire academic community. It is about ensuring equal opportunities, recognizing and valuing diversity and promoting learning for all, with or without disabilities. The school must be consolidated as a space for coexistence and plural socialization, in which each subject is assured the right to belong. Although much has already been achieved, it is essential to maintain vigilance to avoid setbacks, as the dispute for a truly inclusive education still persists – especially in the face of those who resist the presence of those they consider "different" in the same spaces as those considered "normal". The struggle, therefore, continues!

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