

## Legal and political milestones in deaf education in Brazil

*Marcos legais e políticos da educação de surdos no Brasil*

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**Abstract:** This text is based on Pietzak's Master dissertation (2023), developed in the Postgraduate Program in Education – Academic Master in Education – of the Federal Institute of Education, Science and Technology of Santa Catarina - IFC Campus Camboriú, in the line of Educational Processes and Inclusion, which aimed to analyze in official documents and academic literature the education of deaf children in the early years of elementary education in a bilingual context and in school inclusion. To this end, it was necessary to describe the legal and political landmarks of deaf education in Brazil. In this paper, we emphasize chapter three of the dissertation which describes the legal and political landmarks of deaf education in Brazil, as we understand that these milestones are basic aspects in ensuring equality and equity in the educational process as a right for all, thus meeting the real needs of deaf students in their educational process.

**Keywords:** Legal landmarks. Deaf Education. Brazil.

**Resumo:** Este texto é embasado na dissertação de Mestrado de Pietzak (2023), desenvolvida no Programa de Pós-Graduação em Educação – Mestrado Acadêmico em Educação – do Instituto Federal de Educação, Ciência e Tecnologia Catarinense - IFC Campus Camboriú, na linha de Processos Educativos e Inclusão que objetivou analisar nos documentos oficiais e na literatura acadêmica a educação de crianças surdas nos anos iniciais do ensino fundamental em contexto bilíngue e na inclusão escolar. Para tanto se fez necessário descrever os marcos legais e políticos da educação de surdos no Brasil. Neste artigo, damos ênfase ao capítulo três da referida dissertação que descreve os marcos legais e políticos da educação de surdos no Brasil, pois entendemos que estes marcos são aspectos basilares no asseguramento da igualdade e equidade do processo educativo enquanto direito de todos, atendendo assim as reais necessidades do estudante surdo em seu processo educacional.

**Palavras-chave:** Marcos legais. Educação de Surdos. Brasil.



## 1 Introduction

The purpose of this text is to present some considerations from Pietzak's (2023) Master study in the Postgraduate Program in Education at the Federal Institute of Santa Catarina (IFC) Camboriú Campus, whose objective was to analyze in official documents and academic literature the education of deaf children in the early years of elementary school in a bilingual context and in school inclusion. To this end, it was necessary to describe the legal and political landmarks of deaf education in Brazil.

In doing so, firstly, this paper presents the results of this study, describing the legal and political milestones in the education of deaf people in Brazil. Secondly, it reflects critically on the current legislation for the deaf education in Brazil. We then present our final thoughts on the subject.

## 2 Legal and political landmarks for deaf education in Brazil

Political, ideological and economic intentions have made their demarcations, that is, "[...] public educational policies are anchored in the social and cultural aspects of a given universe" (COSTA, 2014, p. 26).

The contextualization of the legal and political milestones of deaf education follows a timeline demarcated in the following periods of our country's history: Brazil Empire, Old Republic, Vargas Era, Democratic Period, Military Dictatorship and the current New Republic. Pietzak (2023) analyzes deaf education in Brazil from the Imperial period (1855) to the present day, realizing that, at specific times, it is necessary to look to the international context for political aspects and legal milestones that have also permeated deaf education.

It is important to note that the timeline of deaf education in Brazil dates back to the emigration of the French deaf teacher, E. (Ernest or Eduard) Huet, from the Paris Institute for the Deaf in 1852. Rocha (2008) argues that in 1855, Huet presented Dom Pedro II with a report, revealing his plan to found a school for the

deaf in our country. The Institute's activities began in 1856 as a private institution, and a year later, in 1857, the Institute began to be financed by the government. Thus, Dom Pedro II inaugurated the Imperial Institute for the Deaf-Mute in Brazil (today the National Institute for the Education of the Deaf) on September 26, 1857.

In 1880, at the Milan Congress in Italy, Oralism was defined as the exclusive approach used in deaf education. These prerogatives soon arrived in Brazil, influencing the teaching methodology of the National Institute for the Education of the Deaf. Oralism has a clinical/medical vision, emphasizes speech, and aims to rehabilitate the deaf people (STROBEL, 2009).

In Brazil's Old Republic (1889-1930), the Experimental Pedagogy Laboratory and its contributions stand out, when it began the practice of psychometrics in the school context, studying disability more specifically. From 1920 onwards, there was an expansion of special education institutions in the country as a whole (ARANHA, 2004).

In the Democratic period (1946-1964), we have an international historical milestone that permeates the educational context: the Universal Declaration of Human Rights in 1948, which promotes respect and freedom when it states in article 26 that education is a right for all and that it must be free; that is, it guarantees conditions of equality and participation in society for people with disabilities and makes everyone responsible for promoting teaching and education (UN, 1948).

Another highlight is the Campaign for the Education of the Brazilian Deaf, instituted by the Decree No. 42.728 of December 3, 1957, with the aim of promoting the necessary measures for the education and assistance of deaf people throughout the country (BRASIL, 1957; MAZZOTTA, 2001). Despite the initiative and expectations of boosting deaf education, deaf education did not progress.

In 1951, the Hellen Keller Municipal School for deaf children was founded in São Paulo, laying the foundations for the establishment of the First Educational Center for Deaf Children in 1952. This was a special school and the activities developed there led to the creation of four more municipal schools (in São

Paulo) for early childhood education and primary education for the hearing impaired in 1988 (Pietzak, 2023).

In 1954, the São Paulo Educational Institute was created, specializing in teaching hearing-impaired children (MAZZOTTA, 2001). In view of the new conceptions of deafness and the deaf subject (as not mute), the name of the Imperial Institute for the Deaf-Mute was changed to the National Institute for the Education of the Deaf (in Portuguese, Instituto Nacional de Educação de Surdos) in 1957, a name that is still used today (ROCHA, 2008). Still in the Democratic period, we would highlight the Law No. 4.024/61 - the National Education Guidelines and Bases Law, which affirms and highlights the Brazilian government's commitment to special education, despite using the expression *education of the exceptional*, a terminology used at the time (BRASIL, 1961). However, the law is ambiguous when it states that primary education is compulsory and at the same time exempts people with serious illnesses or anomalies. Despite the fact that the first indications were that people with disabilities were being cared for, it can be seen that the law was inefficiently applied, and due to the low representation of deaf people, their enrollment was included as exempt (COSTA, 2014).

During the Military Dictatorship, we highlight the creation of the National Center for Special Education (in Portuguese, CENESP -Centro Nacional de Educação Especial), in 1973, which acted as "[...] a sector of the MEC [Ministry of Education] that began to monitor public policies on special education" (COSTA, 2014, p. 111). It should be remembered that this was the first official body to define special education policies in the country. However, private initiative was privileged to the detriment of public special education services (MAZZOTTA, 2001).

In 1971, Law No. 5,692 — the National Education Guidelines and Bases Law — was enacted, which determined the basic principles for primary and secondary education, emphasizing the creation of vocational schools, thus meeting the needs of the market (COSTA, 2014).

In this period, on the international stage, we have some notable aspects to highlight. The year 1981 was a significant one for Inclusive Education, as it was considered the International Year of People with Disabilities. In this year, we had the Cuenca Declaration on new trends in Special Education UNESCO/Orelac - Ecuador, recommending the elimination of physical barriers and the participation of people with disabilities in decision-making about them; and the Sunderberg Declaration, in Spain, which dealt mainly with equalizing opportunities for people with disabilities in education, training, culture and information (BARBOSA; FIALHO; MACHADO, 2018).

From the 1980s onwards, the civil-military dictatorship was weakened, allowing new social movements to emerge linked to "[...] the issue of citizenship and accessibility and, in this case, deaf groups were organized together with the movement for the rights of people with disabilities" (BÄR, 2019, p. 151). It should be noted that at this point in history, the issue of language and identity was not yet the focus of discussion.

The delineation presented so far has provided an overview of the main policies and legal landmarks that were set up for the deaf from 1855 until the period of the Military Dictatorship, and allows us to understand the origins and why many practices continue to this day. Next, we look at the policies that have been created since the process of political re-democratization.

## 2.1 Current legislation on deaf education in Brazil

When discussing the policies that were created from the process of political re-democratization, it is imperative that we point out the importance of the Federal Constitution of 1988 (BRASIL, 1988), which is an extremely relevant legal framework for education as a whole. Having as one of its principles the equal conditions of access and permanence in school, the Federal Constitution reaffirms equality among all and determines education as a social right (COSTA, 2014). Article 205 of the Federal Constitution (BRASIL, 1988) states that

education is a right for all, a duty of the state and the family, and that it is promoted in collaboration with civil society, with the aim of developing the student, exercising citizenship and qualifying them for the job market. Article 208 states that specialized educational care must be guaranteed. Undeniably, the achievements of the Federal Constitution are extremely important for Special Education and Inclusive Education. However, guaranteeing access to basic education in ordinary schools while disregarding the educational peculiarities of deaf students, has led to clashes between the deaf community and the government, which prevents a more democratic dialogue (COSTA, 2014).

In the 1990s, international organizations also took strong initiatives in favor of inclusion. In 1990, the World Conference on Education for All took place in Thailand, also known as the Jomtien Declaration. At this conference, international organizations called for universal access to education and therefore organized themselves to meet the basic learning needs of citizens, establishing that educational disparities must be overcome. We thus see international organizations promoting an international agenda for the education of people with disabilities in inclusive contexts. International organizations, especially UNESCO, play an important role in discussions about the inclusion of people with disabilities, but it is important to counterpoint the intentions that are hidden. Those that refer primarily to the reduction of social costs for people with disabilities, as well as the universalization of education. It is worth noting that these intentions emerge from the need to form a new workforce with people with disabilities as the labor force.

In 1993, the Special Education Secretariat (MEC/SEESP, 1993) established the National Special Education Policy (in Portuguese, PNEE - Política Nacional de Educação Especial). In 1994, there was the World Conference on *Special Educational Needs: Access and Quality* in Spain, better known as the Salamanca Declaration. The aim of this conference was to promote the goal of *Education for All*, that is, Special Education from the perspective of Inclusive Education, examining the changes needed in public

education policies, including equal opportunities. Stumpf et. al (2021, p. 64) believe that the Salamanca Declaration was

[...] opened up a greater space for discussions about inclusive schools for people with disabilities, such as the deaf. It stipulates that educational institutions must attend to and ensure the right of access to appropriate teaching and learning for deaf students.

The Salamanca Declaration advocates that any person with a disability "[...] has the right to express their wishes regarding their education, as far as these can be realized" (BRASIL, 1994, p. 3). An innovative aspect is that the linguistic singularities of deaf people in the lines of national action - policy and organization - are taken into account in the Salamanca Declaration, when it states that "Educational policies should take full account of individual differences and situations" (BRASIL, 1994, p. 7).

We see in the Salamanca Declaration the proposal to guarantee the education of deaf people in their own language, whether in special schools, special classes, or in regular school units (BRASIL, 1994), recognizing sign language as an element that promotes

[...] language development that triggers access to school knowledge, as well as confirming the importance of deaf education as more adequately provided in special schools or special classes and units in regular schools (STUMPF et al., 2021, p. 56).

It also made recommendations and guidelines on the specificities inherent in deaf education, the right to individuality for learning, and points out the need for the school to adapt to diversity, admitting that

[...] in view of the specific communication needs of deaf and deaf-blind people, it would be more convincing for education to be given to them in special schools or in special classes or units in ordinary schools (BRASIL, 1994).

Despite this, deaf education was included in the Special Education policy guidelines and school inclusion was made official.

In 1996, we had the important Universal Declaration of Linguistic Rights, which in art. 5, defends the principle that "[...] the rights of all linguistic communities are equal and independent of their legal or political status as official, regional or minority languages" (UNESCO, 1996, p. 6).

The Law No. 9.394, Law of Guidelines and Bases of Brazilian Education (Lei de Diretrizes e Bases da Educação Brasileira - LDB), also from 1996 (BRASIL, 1996), states that teaching should be based on the principles of equal conditions for access to and permanence in school, freedom to learn, teach, research and disseminate culture, thought, art and knowledge, pluralism of ideas and pedagogical concepts; respect for freedom and appreciation of tolerance; consideration of ethnic-racial diversity; guarantee of the right to education and lifelong learning; respect for the human, linguistic, cultural and identity diversity of deaf, deafblind and hearing-impaired people. Considering these principles, we realize that the aim of several of them is a fairer and more equal education.

We highlight that the LDB presents a very significant difference by "[...] recognizing special education as an integral part of basic education and, with this, presents a chapter with specific guidelines for special education" (COSTA, 2014, p. 118). The educational process for people with disabilities is covered in Article 59 of the LDB, which ensures that the needs of these students must be met through specific curricula, methods, techniques and educational resources, as well as teachers with appropriate specialization. Also important in this article is the integration of these students into life in society, as education systems must ensure special education for work (BRASIL, 1996).

In 1999, we have the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (the nomenclature used at the time), also known as the Guatemala Convention, which ratifies the fundamental rights and freedoms of people with disabilities and reinforces that spaces and society need to be

adequate, providing access and full participation for people with disabilities (CALIXTO; RIBEIRO, 2016).

In 2000, we highlight the Dakar Commitment, the final objective of which was to assess the global progress made in the last decade since the Jomtien Declaration, in addition to approving a new framework for the universalization of Basic Education (BARBOSA; FIALHO; MACHADO, 2018). On September 11, 2001, the National Education Council (in Portuguese, CNE-Conselho Nacional de Educação) issued the Resolution No. 2, guided by the 1999 Guatemala Convention, hence establishing the National Guidelines for Special Education in Basic Education; guaranteeing the enrollment of all students and determining school attendance for students with disabilities from early childhood education; and ensuring the necessary conditions for quality education for all (CONSELHO NACIONAL DE EDUCAÇÃO, 2001). This resolution emphasizes that the singularities of each student, including the profile and biopsychosocial characteristics of students and their age groups, must be considered and guided by ethical, political and aesthetic principles. Costa (2014) highlights the importance of Resolution 2 when he explains that "[...] basic education is everyone's right, but emphasizes the need to respect diversity in light of the understanding of equality through difference" (COSTA, 2014, p. 122). By placing special education as an integral part of basic education, everything that refers to basic education is also guaranteed to the special education public.

The history of the deaf reached a turning point on April 24, 2002, when the Brazilian Sign Language (Libras) was recognized as a legal means of communication and expression and Libras was understood as a linguistic system of a visual-motor nature for transmitting ideas and facts, with its own grammatical structure, through the Law No. 10.436 (BRASIL, 2002). With this law, Libras interpreters and bilingual teachers gained ground. This law has helped accessibility for the deaf community, improving interaction and communication between deaf and hearing people, and fostering the appreciation and

recognition of Libras as a language, giving it linguistic status.

Thus, the Law No. 10,436 of 2002 represents a major breakthrough, a watershed in deaf education, because it is from it that various achievements concerning deaf education take place. Bär (2019) also explains that prior to the Law No. 10,436 of 2002, the movements were linked to the general agendas of people with disabilities and the right to communication, but that "[...] since the approval of the Libras Law (2002), the educational field has come to represent a strategic locus for deaf movements, in the sense of differentiation and acquisition of symbolic goods" (BÄR, 2019, p. 125).

In this way, we can understand why the deaf movements have acted strongly to break with the discourse of disability and special education. We can see that until the late 1970s, deaf people were organized in the movements of people with disabilities, but gradually their cultural and linguistic differences came to the fore. Brito (2013) explains that initially the right to citizenship and accessibility were the driving force behind the demands of the deaf, but that from the 1990s onwards, the deaf movements marked themselves as ethnically and linguistically different. In this way, there is a "[...] discursive rupture with the field of people with disabilities for which, according to *hearing experts*, social exclusion was due to the fact that the deaf do not express themselves in the oral and auditory modality" (BÄR; RODRIGUES; SOUZA, 2018, p. 107).

Until the mid-twentieth century, deaf people were categorized according to the biomedical model, but social political aspects underwent changes that enabled the social model of disability, which for deaf people meant recognition of their ethnic-linguistic particularity. Considering deaf people as disabled starts from clinical standards, but at least in the discourse we can see that the medical model of disability has been losing its strength and the normativity of deaf people has been a striking aspect in the educational field (BÄR, 2019).

Peixoto (2015, p. 41) points out that "Since the inclusion of deafness in Cultural Studies, there has in

fact been an attempt at a more radical break with the discourse of Special Education (rehabilitative, oralist)". Considering that most of the actions of deaf people are grouped together in Special Education policies, this is where the clashes occur, because "[...] the ethno-linguistic model, which defends the cultural particularity of deaf people is linked to linguistic particularity" (BÄR, 2019, p. 150).

The Decree No. 5.626 of December 22, 2005 (BRASIL, 2005), regulates the Law No. 10.436 and deals with various aspects related to the use and dissemination of Libras. This decree covers the inclusion of Libras as a curricular subject, the training of Libras teachers and instructors, as well as dealing with the use and dissemination of Libras, and defines the guarantee of the right to education and health (BRASIL, 2005). In art. 22, the decree calls "[...] schools or classes of bilingual education those in which Libras and the written modality of the Portuguese language are **languages of instruction used in the development of the entire educational process**" (BRASIL, 2005, emphasis added).

On December 13, 2006, the United Nations approved the Convention on the Rights of Persons with Disabilities (CRPD), a "[...] milestone for many social justice and equity activists and for its target audience" (BRASIL, 2007, p.8). Mesquita (2018, p. 260-261) believes that this Convention is "[...] the result of the interaction between people with disabilities and the barriers, in attitudes and environments, that prevent their full participation in society on an equal basis with other people". The author stresses that it was on the basis of this Convention that Brazil adopted the "[...] commitment to ensure an inclusive education system at all levels" (MESQUITA; 2018, p. 261).

Also in 2006, Brazil launched the National Plan for Human Rights Education (PNEDH-Plano Nacional de Educação em Direitos Humanos) and assumed the "[...] commitment of the State to the realization of human rights and a historical construction of organized civil society" (BRASIL, 2007, p. 11) and emphasized that human rights "[...] universal, indivisible and interdependent and, in order to make them effective, all public policies must consider them

from the perspective of building a society based on the promotion of equal opportunities and equity, respect for diversity and the consolidation of a democratic and citizen culture" (BRASIL, 2007, p. 11).

With regard to political and legal frameworks, we need to highlight here the National Policy for Special Education from the Perspective of Inclusive Education in 2008 (BRASIL, 2010, p. 20) which guarantees "[...] access, participation and learning for students with disabilities [...] guiding education systems to promote responses to special educational needs" and understands that equality and difference are inseparable values. It is clear that this policy perceives deaf people as students with disabilities, going against what deaf people claim is linguistically and culturally different, as well as diverging from the essence of the Decree No. 5.626/2005, which understands bilingual education as a social, cultural and linguistic issue, unrelated to special education (BRASIL, 2005).

The 2008 National Policy on Special Education from the Perspective of Inclusive Education defends the inclusion of deaf students with their deaf peers in ordinary school classes, and minimizes bilingual education to the enrolment of deaf students, the provision of Portuguese language and Libras teaching, and access to a professional Libras interpreter.

In 2010, the Federal Decree No. 7.387 established the National Inventory of Linguistic Diversity (in Portuguese, INDL - Inventário Nacional da Diversidade Linguística) (BRASIL, 2010), which later came to consider Libras Brazil's intangible cultural heritage. This inventory recognizes Libras as a national language and gives deaf people the right to preserve their language and culture through specific schools, and the training of educators who attend to and respect the linguistic and cultural differences of deaf people (MAQUIEIRA, 2018).

Still in 2010, the deaf community made another significant achievement with the Law No. 12.319 (BRASIL, 2010) regulating the profession of interpreter translator. From then on, the presence of this professional was guaranteed "[...] benefiting Deaf people in didactic-pedagogical and cultural activities,

enabling their access to school content and their inclusion in the education system" (STUMPF *et al.*, 2021, p. 60, 61).

In 2010, the text of the document Special Education from the Perspective of School Inclusion - Bilingual Approach to the Schooling of People with Deafness (in Portuguese, Educação Especial na Perspectiva da Inclusão Escolar - Abordagem Bilingue na Escolarização de Pessoas com Surdez) states that

Thinking about and building a pedagogical practice that takes a bilingual [sic] approach and focuses on developing the potential of people with deafness in school means making sure that this institution is prepared to understand each person in their potential, singularities and differences and in their life contexts [...]. (BRASIL, 2010, p. 8)

Despite the above statement, reading the document in its entirety makes it clear that the proposal for bilingualism in deaf education is based on the Specialized Educational Assistance (in Portuguese, AEE - Atendimento Educacional Especializado) in a shift opposite the regular classroom (BRASIL, 2010, p. 765).

Even with all these advances in terms of legislation, in 2011 the bilingual education for the deaf went through a difficult phase. The deaf people had to mobilize once again to prevent deaf schools from closing down, because the Education for All proposal was aimed at standardization and inclusive schools, which would consequently close the bilingual schools. In 2011, the National Federation for the Education and Integration of the Deaf (in Portuguese, FENEIS - Federação Nacional de Educação e Integração de Surdos) and the Deaf Movement in Favor of Deaf Education and Culture delivered a letter of complaint to the Federal Human Rights Prosecutor's Office, denouncing that the then current deaf education, conducted by the Ministry of Education's Secretariat for Literacy, Diversity and Inclusion (in Portuguese, SECADI - Secretaria de Alfabetização, Diversidade e Inclusão), was disrespecting the linguistic and cultural rights of the deaf, causing them to drop out of school (FENEIS, 2011). Faced with this situation, a civil inquiry was set up by the Attorney General's Office to

investigate possible failings by SECADI in drawing up public policies aimed at deaf users of Libras. In 2012, the first seven Brazilian deaf doctors wrote the Open Letter from the Deaf Doctors (in Portuguese, Carta Aberta dos Doutores Surdos) to Minister Aloízio Mercadante, calling for the right to choose Libras as the first language in deaf education, and vehemently defending the fact that bilingualism in deaf education provides for the inclusion of deaf people and not segregation. In short, the authors claim that deaf students are a linguistic minority in the school inclusion proposal and that their teaching-learning process is impaired, leaving them at an educational disadvantage.

In the face of these discussions, FENEIS takes a very strong stance in its Official Note: Deaf Education in Goal 4 of the PNE, disagreeing with the Ministry of Education and Culture's proposal and distinguishing between bilingual schools, bilingual classes and inclusive schools. The note clearly shows that the difference between a bilingual school and deaf education is that Libras is the language of instruction, with no mediators between teachers and students, favoring direct contact between the parties and valuing sign language.

In view of what has been said so far about the legislation, we realize that in the discussions of the first decade of the 2000s, the ethnic-linguistic discourse model stands out, but given that bilingual education is still linked to special education and the social model of disability, there is no effective implementation in the formulation of educational policies.

In 2014, based on discussions about the construction of educational policies in our country, the Report on the Linguistic Policy of Bilingual Education: Brazilian Sign Language and Portuguese Language was created "[...] in order to guide the construction of a bilingual educational policy, preferably in full-time bilingual schools that consider the cultural and linguistic specificities of Deaf subjects" (STUMPF et al., 2021, p. 61). In this report, bilingual education is understood a

[...] schooling that respects the condition of the deaf person, their visual experience as

a constituent of a unique culture, without, however, disregarding the necessary learning of Portuguese. It requires the design of a language policy that defines the participation of the two languages in the school throughout the schooling process, in order to give legitimacy and prestige to Libras as a curricular language and as a constituent of the deaf person. (BRASIL, 2014, p. 16)

In this way, we realize that this report promotes the linguistic-cultural specificities of the deaf with a view to the social development of the deaf community and understands that "[...] bilingual education as a process that must occur daily, in bilingual schools in which the language of instruction is sign language and the written Portuguese language is the second language for the deaf" (BÄR; RODRIGUES; SOUZA, 2018, p. 119).

Also in 2014, on June 25, the National Education Plan (in Portuguese, PNE - Plano Nacional de Educação) was enacted through the Law No. 13.005, which in its goal number 4 aims to universalize access to basic education for the population aged 4 (four) to 17 (seventeen) with disabilities (BRASIL, 2014). This plan is in force from 2014-2024 and consists of twenty goals. A variable number of strategies are listed for each goal. Of the twenty goals, one is directly related to inclusion, in this case goal 4, which aims to

Universalize access to basic education and specialized educational care for the population aged 4 to 17 with disabilities, global development disorders and high abilities or giftedness, preferably in the regular school system, with the guarantee of an inclusive educational system, multifunctional resource rooms, classes, schools or specialized services, public or contracted. (BRASIL, 2014)

In order to achieve this goal, PNE proposes two specific strategies for students with deafblindness. Strategy 4.7 formulates the guarantee of bilingual education in bilingual schools and classes and in inclusive schools, considering Libras as the first language of deaf students and the written modality of the Portuguese language as their second language. The strategy 4.13 formulates actions with regard to expanding the teams of education professionals who

assist the schooling process of students with disabilities, including guaranteeing the supply of Libras translators and interpreters, interpreter-guides for the deaf-blind, Libras teachers and bilingual teachers (BRASIL, 2014).

"By guaranteeing the right of deaf people (or their guardians) to opt for bilingual schools, bilingual classes in a hub school and classes where teaching is done in Portuguese, the PNE recognizes the legitimacy and *regular schooling status of bilingual schools*" (BÄR; RODRIGUES; SOUZA, 2018, p. 116, emphasis added). In this way, the PNE is an important piece of legislation in favor of deaf bilingual education.

The following year, in 2015, UNESCO convened a new event, which resulted in the document *Incheon Declaration - Education 2030: Towards inclusive and equitable quality education and lifelong learning for all*, proposing a new vision of education to transform lives through education. It reaffirms the Sustainable Development Goals launched in 2012 by the UN at the United Nations Conference in Rio de Janeiro, establishing seven goals and a series of strategies. Expressions such as access, inclusion and equity, gender equality, quality and lifelong opportunities are recurrent in this document. The document is incisive in its commitment to "[...] make necessary changes in education policies and to focus our efforts on the most disadvantaged, especially those with disabilities, to ensure that no one is left behind" in favor of inclusion and equity (UNESCO, 2015).

The guarantee of the rights of people with disabilities became more evident with the enactment of the Brazilian Inclusion Law - LBI, Law No. 13.146, also known as the *Statute of People with Disabilities* (BRASIL, 2015). Article 1 states that the objective of the LBI is to "[...] ensure and promote, on equal terms, the exercise of the rights and fundamental freedoms of people with disabilities, with a view to their social inclusion and citizenship" (BRASIL, 2015).

Chapter IV, art. 27 states that the education system must guarantee the right to education at all levels of learning, taking into account the characteristics, interests and needs involved in the teaching-learning process. Article 28 also addresses

the adoption of support measures with the aim of fostering "[...] the development of linguistic, cultural, vocational and professional aspects [...]" of people with disabilities (BRASIL, 2015). The specific approach to the needs of the deaf/hearing impaired occurs in Title III, Chapter I of the LBI, which deals with accessibility, and in Article 53 that relates accessibility to independence, citizenship and social participation.

In the meantime, the Decree No. 10.502/2020, which refers to the National Special Education Policy (in Portuguese, PNEE - Política Nacional de Educação Especial): Equitable, Inclusive and with Lifelong Learning, has been promulgated, generating a great deal of controversy. This Decree consists of nine chapters and eighteen articles and aims to implement programs and actions to guarantee the rights to education and specialized educational care for students with disabilities, global development disorders and high abilities or giftedness (BRASIL, 2020).

The text of the decree contains information that is compatible with the discourse of the inclusion proposal, but at some points it is in favor of the return of the educational system outside of ordinary, regular schools in parallel and as an alternative to the inclusive educational system. The PNEE is not accepted by advocates of inclusion, as they claim that some students do not benefit in their development when included in inclusive schools and therefore provide for specialized classes and lessons. In this sense, advocates of inclusion understand that when adopting an inclusive education system it is necessary for all classes to be inclusive, without the need for specialized classes or schools (SASSAKI, 2020).

Remembering that in this research the policies and legal frameworks are being analyzed from the perspective of the deaf person, the question that remains is why the deaf feel contemplated in this PNEE. The answer is simple: because it provides for and defends bilingual education, accepting Sign Language as the First Language and understanding that this should be the language of instruction in deaf education. Given these few propositions, we can reflect on everyday pedagogical praxis. Is it possible to include a student without respecting their linguistic

rights? Is it possible to include a student without them being literate in their First Language?

We would like to point out that the Decree No. 10.502 (BRASIL, 2020), which refers to the PNEE, is not in force, since in August of the same year, Minister Dias Toffoli called a public hearing and suspended the effectiveness of the regulation after the Direct Action of Unconstitutionality (ADI) 6.590 was filed in December 2020. It is important to note that the Decree No. 11.370 of January 1, 2023 (BRASIL, 2023) repeals the Decree No. 10.502 (BRASIL, 2020).

Thus, according to the legal and political frameworks that have already been achieved, we can say that inclusion is not a matter of condescension, it is a right guaranteed by law. In fact, in order to include one group, we cannot exclude another. Considering that a portion of the target audience served by the PNEE feels disadvantaged, then it seems obvious to us that it needs to be rediscussed and redesigned in such a way that it really does include the entire target audience for which it is intended.

However, the recent Law No. 14.191 of August 3, 2021 (BRASIL, 2021) appears as a light at the end of the tunnel, when it amends the LDB, providing for bilingual education for the deaf, including "[...] respect for the human, linguistic, cultural and identity diversity of deaf, deaf-blind and hearing-impaired people [...]" as a guiding principle of Brazilian education, and adds Chapter V-A, art. 60-A, which understands bilingual education for the deaf as the type of school education that considers the

[...] Brazilian Sign Language (Libras), as a first language, and written Portuguese, as a second language, in bilingual schools for the deaf, bilingual classes for the deaf, ordinary schools or in bilingual education centers for the deaf, deaf-blind, hearing-impaired, signaling deaf, deaf with high abilities or giftedness or with other associated disabilities, opting for bilingual education for the deaf. (BRASIL, 2021)

Art. 78-A is also added, highlighting that education systems must collaboratively develop teaching and research programs in bilingual education for the deaf, with the aim of recovering the historical memories of the deaf and reaffirming their identities

and specificities and the appreciation of their language and culture, as well as guaranteeing accessibility of information and technical and scientific knowledge to the deaf. Thus, "[...] the Deaf child will be given the opportunity to learn-knowledge from the age of zero, in early childhood education, which will be extended according to the demands and the educational process" (BRASIL, 2021).

In Article 79-C, the Federal Government undertakes to provide technical and financial support for teaching, and extension programs aim:

- I - to strengthen the socio-cultural practices of deaf people and the Brazilian Sign Language;
- II - to maintain specialized staff training programs for the bilingual education of deaf, deaf-blind, hard of hearing, deaf with high abilities or giftedness or with other associated disabilities;
- III - develop specific curricula, methods, training and programs, including the cultural content corresponding to the deaf;
- IV - systematically develop and publish bilingual, specific and differentiated teaching materials (BRASIL, 2021).

Thus, the original wording of the LDB did not consider deaf education from a bilingual perspective; that is, before the Law No. 14.191 of 2021 (BRASIL, 2021), deaf education was included as part of special education. Bilingual education became official after this law. In this way, Bilingual Education for the Deaf becomes a teaching modality and can take place in various contexts (exclusive classes for the deaf, regular classrooms or bilingual schools). However, Bilingual Education for the Deaf only takes place when the language of instruction is Libras.

It is still too early to assess the applicability of this law, but there is a consensus that by considering bilingual education for the deaf as an independent teaching modality, we are making significant progress towards the education that the Brazilian deaf community wants, an education with their peers that uses sign language as the language of instruction. After all, the education of deaf children requires new public policy proposals that break with the traditional and recognize psychosocial, cultural and linguistic aspects (COSTA, 2014).

This timeline was delineated by the historical, political and legal milestones of deaf education in Brazil, and delimited the period from 1855 to 2021. At the end of this journey, we agree with Costa (2014, p. 24) when he states that "[...] in recent decades, there has been a great political strengthening of the deaf community, due to the struggles for linguistic and cultural recognition and, consecutively, the right to bilingual education".

### **3 Final considerations**

In this article we present the political aspects and legal milestones in the education of deaf people in Brazil, based on the timeline outlined by Pietzak (2023) from the foundation of the National Institute for the Education of the Deaf in Brazil in 1857, a very important reference point for deaf education, to the present day.

The references analyzed show that deaf education in Brazil is a constant composition that involves many players. The readings and reflections carried out during this study have enabled us to exercise an attentive eye and critical sense in order to perceive the subtle but extremely significant changes that are incisively imposed on the educational context of the deaf.

The analysis shows that despite the existence of all this support in current legislation, deaf education still challenges the educational system today, because the linguistic and cultural particularities of deaf students are not taken into account. Considering that education is a right for all and that this process demands equality and equity, we need to ensure that the needs of deaf students are met in their educational process so that they can have fair access to their rights.

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