



Functional analysis and inclusion policy: the case study as a rupture of diagnostic conformism in school management

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Abstract

The enactment of Decrees No. 12,686 and 12,773 of 2025 substantially alters the National Policy on Inclusive Special Education by shifting the axis of pedagogical intervention to the case study. This article analyzes the implications of this change, which establishes the functional analysis of learning barriers as an indispensable condition for educational planning. Based on the theoretical articulation between Behavior Analysis, Relational Frame Theory, and the sociological critique of structural ableism, the tension between the implementation of Political-Pedagogical Projects and institutional bureaucracy is discussed. The results indicate that the new regulation imposes an ipsative assessment, requiring the overcoming of diagnostic conformism through teacher instrumentalization. It is concluded that the legislation provides the normative structure for evidence-based practice, but its effectiveness is contingent on the pragmatic execution of teaching contingencies. The central risk is the co-optation of the case study by performative bureaucracy, which would produce documentary compliance without altering classroom practices.

Keywords:

Inclusive Education Policies; Case study; School Management; Behavior Analysis; Ableism.

INTRODUCTION

The trajectory of public inclusion policies in Brazil has been marked by a quantitative expansion of access, sustained by legislation that guarantees compulsory enrollment in regular education. However, the effectiveness of this process faces the historical challenge of overcoming the dichotomy between the student's physical presence and the actual appropriation of knowledge. The critical literature on school failure (Collares & Moysés, 1996) has, for decades, pointed to the predominance of a biomedical rationality in everyday educational life, in which teaching difficulties are systematically converted into individual pathologies, even when what is regarded as failure stems from environmental and social variables inherent to the classroom.

This phenomenon, described internationally in the field of Evidence-Based Education (EBE) as the "wait-to-fail" model (Gresham, 2002), creates an operational barrier in which pedagogical intervention is made contingent—even though no such requirement exists—upon the presentation of a clinical diagnosis, that is, a medical report. Without an International Classification of Diseases (ICD) code, students with developmental delays remain in a pedagogical limbo, without access to structured teaching plans, since the school delegates to medical knowledge the prerogative of validating the need for support.

Corroborating this critical analysis, Freitas and Gonçalves (2023), in research on therapeutic work in schools in the state of São Paulo, identified, through ethnographic studies, discourses from everyday school actors that revealed a lack of knowledge and a sense of estrangement in the face of the presence of children with disabilities in the classroom. The authors describe situations they classify as pedagogical silencing, in which experiences within the school context reduce the presence of the child with a disability to a strictly clinical phenomenon. In this dynamic, the learner is disregarded as a subject capable of learning, and the experience with atypical students—or typical ones who do not meet certain expectations—is defined as something outside the teacher's purview, consequently exempting the institution from responsibility for pedagogical practice.

The research exposes a dilemma in which the school systematically fails to claim for itself the pedagogical responsibility for the student who deviates from the average. Collaborative strategies grounded in Behavior Analysis, as a tool with an eminently pedagogical function, provide the technical instruments necessary for the school community to recognize itself as responsible for all of its students, articulating the mediations that make inclusive teaching operationally viable.

It is in this scenario of tension that the normative update brought about by Decree No. 12,686 (Presidência da República, 2025a) and its subsequent amendments by Decree No. 12,773 (Presidência da República, 2025b) intervene with a proposal for methodological reordering. The new legal framework proposes a transition from this reactive model to a procedural model, grounded in internal pedagogical investigation. This change is reflected in the establishment of the case study as a preliminary and mandatory stage.

Unlike the Brazilian Inclusion Law, Law No. 13,146 (Presidência da República, 2015), which established rights broadly, the new legal framework prescribes a technical procedure that demands from educational institutions, both public and private, an analytical stance toward environmental and attitudinal barriers. This article proposes to analyze this transition from the perspective of functional materialism, grounded in Behavior Analysis and in the critique of ableism (Santos, 2021), in dialogue with the challenges of democratic school management (Bueno et al., 2024). It seeks to understand how the new legislation, by requiring the operationalization of teaching through the case study, acts to reduce medical

arbitrariness and promotes a necessary coherence between inclusive discourse and classroom practice.

METHOD

The study is characterized as a documentary and interpretive theoretical analysis. The primary sources comprise the consolidated text of Decree No. 12,686 (Presidência da República, 2025a) and Law No. 13,146 (Presidência da República, 2015), examined comparatively to identify conceptual and procedural shifts.

For the interpretation of the legal data, a functional materialist perspective was adopted. In this perspective, "materialist" refers to the understanding that learning occurs through tangible interactions between the subject and the school environment, and not through abstract or merely conceptual determinations. "Functional" refers to the analysis of the contingencies that produce or impede this learning, which are amenable to observation and intervention. Therefore, the decrees are analyzed according to the criterion that educational success is not measured by comparing the atypical student with the statistical average of the class (normative), but by comparing the individual with his or her own prior repertoire (ipsative or procedural) and by analyzing the environment in which he or she is situated.

This approach was constructed from the articulation of three axes of the work of B.F. Skinner, in addition to the contemporary behavioral support drawn from Hayes et al. (2001), together with the sociological critique of Santos (2021). The first axis, epistemological, is based on About Behaviorism (Skinner, 1974) to sustain the rejection of biological reductionism and mentalism as explanations for school failure. The second axis, technical, draws on The Technology of Teaching (Skinner, 1972) to analyze the effectiveness of educational contingencies and procedures. The third axis, relational, is supported by Verbal Behavior (Skinner, 1978) to understand learning as a socially mediated process, essential for discussing the function of school support.

To operationalize the reading of the legal documents, the three theoretical axes functioned as interpretive criteria applied to the information in these documents. The epistemological axis (Skinner, 1974) guided the examination of the passages that attribute causes to school failure, identifying whether the legal text anchors the explanation in organic determinations of the student or in environmental variables. The technical axis (Skinner, 1972) guided the analysis of the procedural prescriptions, verifying whether the triggering of pedagogical intervention is conditioned upon clinical diagnosis or upon the functional identification of barriers. The relational axis (Skinner, 1978) supported the interpretation of the provisions on mediation and articulation among school actors. The comparison between Law No. 13,146 (Presidência da República, 2015) and Decrees No. 12,686 and 12,773 (Presidência da República, 2025a, 2025b) was conducted primarily on the basis of the epistemological and technical axes, with attention to the textual changes that indicate conceptual and procedural shifts between the legal frameworks. The relational axis guided the analysis of the implications of these changes for the organization of the school verbal community, operating on the literature on management and inclusion in articulation with the normative text.

The incorporation of Santos (2021) and of Relational Frame Theory (Hayes et al., 2001) enriches this view by demonstrating that, although physiological and genetic conditions (as in Autism Spectrum Disorder or Down Syndrome) constitute the material basis of the organism—and therefore cannot be neglected—they do not in themselves account for the characterization of the procedural barriers in the classroom. The method thus isolates the teaching variables—such as procedures, curriculum, and the

Individualized Education Plan (IEP)—as the central object of analysis, treating scientific evidence as a guiding tool for ensuring the effectiveness of individual repertoire-acquisition processes, rather than as a standardized conception of normalization.

Finally, the analysis of school management is grounded in the work organized by Roggero and Santos (2024), specifically in the chapter by Bueno et al. (2024), titled *Discursos e observações sobre infraestrutura e gestão democrática*. The discussion on public interests and democratic management is used to examine how the average-based metrics of schools, whether public or private, collide with the process-based metric required by the functional materialist perspective adopted here.

RESULTS

The comparative analysis of the legal frameworks reveals a decisive procedural shift in the implementation of inclusion policy. Upon examining Law No. 13,146 (Presidência da República, 2015), it is observed that its Article 28, item VII, already provided for case-study planning as one of the responsibilities of educational institutions. However, documentary analysis indicates that Law No. 13,146 (Presidência da República, 2015) did not define the case study as a mandatory initial protocol, thereby maintaining the culture of diagnostic conformism historically described in the literature, since, even with a medical report, pedagogical intervention was frequently not carried out, with the diagnosis serving only to authorize administrative records or to carry out non-evidence-based, palliative, and improvised procedures.

School practice thus remained bound to the logic described by Gresham (2002) as the wait-to-fail model, in which the validation of rights depended on a clinical endorsement that, ironically, did not guarantee teaching.

The examination of Decree No. 12,773 (Presidência da República, 2025b) reveals the attempt to correct the aforementioned gap. The new text establishes, in Article 11, the case study as a methodology for the production, systematization, and recording of information that is indispensable for the identification of barriers. Article 6, item II, itself defines the objective of Specialized Educational Assistance (AEE) as to "identify students who are the target audience of special education, by means of a case study" (Presidência da República, 2025a), which means that the identification of the subject as the target audience of the policy precedes and dispenses with clinical diagnosis, inverting the logical order that historically made the service contingent upon medical endorsement. The normative innovation, therefore, lies in the substitution of biological causality with the functional analysis of environmental variables as the trigger for the service.

This change materializes the principles of the Technology of Teaching (Skinner, 1972), locating the key to learning in the control of environmental variables. It establishes the requirement for procedural monitoring that reflects the logic of single-subject design, superseding normative assessments based on the group average in favor of comparing the individual with his or her own prior repertoire. This premise dialogues with the foundations of EBE defined by Davies (1999), tied to pedagogical decision-making that integrates the best evidence, teacher expertise, and the student's context.

Furthermore, instrumentation through the case study engenders the differentiation between acquisition deficits and performance deficits (Gresham, 2002). Whereas the clinical narrative closes the matter with the diagnosis, functional analysis investigates whether the student fails to perform a task—such as writing—owing to the absence of an instructional repertoire or to a failure in the arrangement of reinforcement contingencies. This discrimination is fundamental to functional pragmatics, for it

shifts the focus away from a supposed intrinsic incapacity of the subject in order to situate it in the quality of instruction and in the architecture of incentives of the school environment, preventing problems of motivating operations or of method from being treated as immutable symptoms of the disability.

Nevertheless, the normative transition encounters an implementation scenario marked by the risk of the continuity of formalism. Data from the Censo Escolar, from the Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira (INEP, 2024), document the concentration of special education enrollments in the public network and the paradigmatic resistance in the private network. This cross-section, however, does not exhaust the universe of students reached by the new regulation: the case study is required in the face of any identifiable learning barrier, regardless of a prior diagnosis.

The school, the family, and even health professionals not infrequently tend to operate on the premise that the need for structured support presupposes an already-named atypical condition, which reproduces, in another key, the very logic of waiting for the medical report that the decree seeks to overcome. From the functional materialist perspective, the most persistent problem is the risk that the case study will be co-opted by the same bureaucratic execution that emptied the clinical diagnosis of its interventional potential.

As Bueno et al. (2024) warn, school management is frequently organized around the procedural fulfillment of tasks, generating administratively impeccable but pragmatically sterile reports. The warning therefore remains against the risk of replacing the wait for the medical report with the wait for the completion of the case study, in which the school executes the document as an end in itself, without this unfolding into infrastructure or the management of contingencies in the classroom. The result indicates that the documentary requirement of the new decree is insufficient if management maintains its focus on bureaucratic compliance to the detriment of the pragmatic feasibility of teaching.

DISCUSSION

The narrative of invalidity as a justification for institutional inertia

The struggle against ableism and against discrimination in all its forms figures among the founding principles of the new policy, described in Article 2, item V (Presidência da República, 2025a), which positions the decree also as an instrument of institutional critique of the biomedical logic that Santos (2021) identifies as the narrative of invalidity. The author, in discussing the social production of disability, points to how ableist logic uses the diagnosis to justify segregation.

This dynamic of segregation also generates the subordination of pedagogical action to clinical diagnosis, materializing what Campbell (2001, as cited in Lorandi & Gesser, 2023) conceptualizes as ableism. It is a network of institutionalized beliefs that elects a normative bodily standard as the reference for humanity, relegating disability to an inherently negative flaw, amenable to medical correction before any educational reception. Transposing this view to everyday school life, Santos et al. (2023) demonstrate, in research with elementary school teachers, that attitudinal barriers—frequently masked by an aura of benevolence—are sustained by profound insecurity and technical inadequacy.

Although Santos (2021) analyzes, in dialogue with Foucault, how institutions seek to mold and normalize bodies, the reading proposed in this study identifies a distinct phenomenon in everyday school practice. Faced with the body that will not allow itself to be molded or that does not yet possess the medical label, the institution does not intensify the tacit discipline of the school environment, but instead

lapses into pedagogical omission. The injury or organic condition becomes the alibi for the school to cease trying to teach, consolidating a zone of negligence in which the absence of a medical report serves as a bureaucratic barrier to action.

Nevertheless, it is imperative to recognize that this inertia should not be interpreted as a deliberate choice on the part of the teaching staff, but as a symptom of a precarious educational structure (Hypolito, 2020). The classroom teacher, frequently overburdened by large classes and by administrative reforms that intensify work without offering real support, finds himself or herself in a functional helplessness analogous to that of the student.

This precaritizing scenario is aggravated in state networks such as that of São Paulo, where the promise of modernization often masks the deepening of inequalities and the bureaucratization of the school routine (Cássio & Goulart, 2022). Deprived of specific technical training for the management of contingencies and the implementation of inclusive strategies (Benitez & Domeniconi, 2014), the teacher faces attitudinal and structural barriers that have historically hindered the understanding and realization of inclusion (Omote, 2018).

The wait for the medical report is, above all, a concrete expression of an ableism that, failing to find in the school the structural and formative conditions for action, takes refuge in medical knowledge as the only authority endowed with the legitimacy to validate difference. By requiring the mapping of environmental barriers at a moment prior to diagnosis, as expressed in Article 11 of the new decree, the case study shifts this authority from the clinical field to the pedagogical one. The institution is compelled to confront its own methodological idiosyncrasies equipped with technical tools, breaking teacher isolation through the production of concrete operational data.

This scenario of abandonment justified by biology critically dialogues with the epistemology of Skinner (1974). For Behavior Analysis, using genetic endowment or physiological conditions as the ultimate explanation for school failure is a functional error that paralyzes teaching. If the school waits for the confirmation of an internal flaw in order to act, it validates the critique of Santos (2021) regarding invalidity, but does so by way of inaction. Article 11 of Decree No. 12,773 (Presidência da República, 2025b), by requiring the identification of environmental barriers before the diagnosis, removes from the school the right to such inertia. The legislation compels the substitution of biological fatalism with the pragmatics of environmental intervention, forcing management to assume responsibility for the teaching process, regardless of the student's organic condition.

In the practice of democratic school management, this means that the manager cannot make the opening of the case study contingent upon the arrival of the medical report; the opening of the case study is the procedure that marks the beginning of institutional responsibility for the student, regardless of any clinical endorsement.

Psychological rigidity and the need for a technology of teaching

The historical persistence of the wait-for-the-report model constitutes a phenomenon of rigidity embedded in school culture that goes beyond individual pedagogical failure. From the perspective of Relational Frame Theory (Hayes et al., 2001), this dynamic illustrates a profound institutional rigidification, exemplified by a school management that comes to operate almost exclusively under the control of bureaucratic verbal rules (the requirement of the clinical document), becoming insensitive to the direct contingencies of teaching.

Deepening the definition, it is observed that institutions established an arbitrary pairing—termed a frame of coordination—between the "guarantee of the right to support" and the "possession of the medical report." This symbolic fusion became so robust that the student's present material reality loses its function as a stimulus for teacher intervention. The behavior of management, already captured by the bureaucratic rule, develops a selective blindness to the immediate learning deficit. The new decree acts precisely on the deconstruction of this relational framing, instituting the case study as the primary procedural trigger.

To substantiate this rupture, it is necessary to equip the school with what Skinner (1972) defines as the Technology of Teaching. The case study and the IEP should not be seen as administrative formalities, but as technical tools that allow for the arrangement of effective reinforcement contingencies. The procedural approach advocated by Skinner, focused on individual progress, offers the technical alternative to the average-based metric that excludes the atypical. The decree, therefore, attempts to impose a new rule that obliges the school to be sensitive to the student's learning contingency, requiring that school failure be confronted with the modification of teaching procedures, and not with the exclusion of the student from the educational process.

Advancing this premise, Braz and Pereira (2008), in examining the postulates of the Technology of Teaching, recover the Skinnerian warning about the insufficiency of natural reinforcers. The teacher who restricts his or her practice to the contingencies that would occur spontaneously in the academic environment lets opportunities slip away in the face of atypical development. The intentional arrangement of the variables within the classroom becomes imperative, above all of the artificial reinforcement contingencies, in order to enable and accelerate the acquisition of repertoire. From this perspective, the case study acts as the analytical instrument that allows the school to identify and modulate the artificial contingencies strictly necessary for each learner. The ultimate objective of this provisional arrangement is to equip the student, in the future, to respond to the natural reinforcers of the broader social fabric. Without this prior functional analysis, the institution incurs the conceptual fallacy of demanding that the atypical individual respond to environmental contingencies never planned or modeled for his or her learning reality.

For the school management team, this implies ensuring that the IEP precisely discriminates which artificial contingencies will be arranged, by whom, with what frequency, and under what recording criteria, converting the document into an operational teaching protocol rather than a bureaucratic product of normative compliance.

Verbal behavior and the conflict of interests in management

The realization of this procedural inclusion runs up against, however, the management conflicts pointed out by Bueno et al. (2024). This risk of empty formalism, nonetheless, is not a Brazilian idiosyncrasy. Investigating the Portuguese reality, Alonso, Araújo, and Delgado (2022), in research with 3,913 teachers, demonstrate how excessive bureaucracy in the educational context can subordinate the effectiveness of inclusion to the mere fulfillment of procedures and documents. Transposing this analysis to the post-decree Brazilian scenario, the case study runs the risk of being co-opted by this same logic, becoming an impeccable bureaucratic protocol that is nonetheless pragmatically sterile—in what Lyotard (1984) termed the "terror of performativity," a dynamic extensively mobilized by Ball (2003) to critique educational management focused on the production of data. School administration is traversed by diverse

interests (financial, corporate, or throughput-related) that often conflict with the principle of the Best Interest of the Child and Adolescent, the founding basis of the Estatuto da Criança e do Adolescente (Presidência da República, 1990). This conflict manifests itself in the isolation of the atypical student, often left to the exclusive charge of support figures disarticulated from classroom teaching, characterizing a management that prioritizes bureaucratic form to the detriment of social function.

At this point, the contribution of Skinner (1978) in *Verbal Behavior* is decisive for the analysis. School learning is, fundamentally, a social process mediated by the verbal community composed of teachers and peers. When school management, owing to cost containment or technical disorganization, allows the student with a disability to be segregated within the classroom itself, without interaction with the classroom teacher or without an IEP to guide the mediation of support, a rupture of this verbal community occurs, depriving the student of the interactions that model the academic repertoire.

It is in this context that Bezerra (2025) offers an empirical contribution to the Brazilian scenario. The author argues that support professionals play a crucial role in assisting with the needs of students with disabilities in the classroom, but warns that the process of school inclusion requires a series of interventions that go beyond the teacher's action, also encompassing the educational actions of these school support professionals. Her research corroborates the need for these actions to be integrated with the teacher's interventions, superseding the mere delegation of tasks or hierarchical perspectives on this work.

The case study, by legally linking the action of the support professional to the teacher's planning, as established by Article 14 of the new regulation, acts as a management device to recompose this interaction. It exposes that the legitimate interest of the democratic school must be to ensure qualified verbal mediation, preventing the student from being transformed into a body that is present yet neglected through the absence of intentional teaching. The legal obligation, therefore, documents the student's need and, above all, expands the articulation among the actors of the school verbal community, making it more difficult (though not impossible) to maintain the segregating logic masked as bureaucratic inclusion.

This articulation also finds normative support in Article 12, which determines that the Specialized Educational Assistance Plan (PAEE) and the IEP have the purpose of guiding both the work developed in the regular classroom and the work within the scope of the AEE (Presidência da República, 2025b). The same document must guide the classroom teacher and the support professional, which means that any disarticulated action between them contradicts the very logic prescribed by the decree.

The coordination among all the agents present in the classroom—the classroom teacher, the support professional, the therapeutic companion, or the school psychologist—sustained by the formal record of the case study, is the minimum operational condition for inclusion to produce the acquisition of repertoire and not merely physical presence.

CONCLUSION

The analysis of Decrees No. 12,686 and 12,773 of 2025 (Presidência da República, 2025a, 2025b), from the functional materialist perspective, reveals a substantial normative advance in the National Policy on Inclusive Special Education. By shifting the axis of inclusion from biological causality to the functionality of teaching, the legislation replaces the passive wait for the clinical diagnosis with the formulation of solutions by means of the case study. This movement repositions the school as an instance that is technically responsible and capable of intervening on learning barriers, aligning pedagogical practice with the operational principles of the Technology of Teaching (Skinner, 1972).

However, the success of this directive is not restricted to the documentary elaboration of IEPs. The requirement of contingency analysis imposes a workload that collides head-on with the structural precarization of teaching (Hypolito, 2020) and with management models historically oriented toward the formal fulfillment of tasks. As the literature demonstrates (Lyotard, 1984; Ball, 2003; Alonso et al., 2022; Bueno et al., 2024), the immediate risk is the co-optation of the case study by the "terror of performativity," converting it into an administratively impeccable form that is nonetheless incapable of altering classroom management. Without the necessary organic articulation between classroom teachers and support professionals (Bezerra, 2025), the norm risks endorsing an inclusion devoid of the acquisition of repertoire.

The law, by itself, does not create learning contingencies, establishing the normative conditions for the school community to plan them (Bueno et al., 2024). The case study thus acts as a pragmatic device for denouncing the abyss between democratic discourse and segregating practice, requiring that school failure be confronted through objective pedagogical competence to the detriment of assistentialist compassion or diagnostic conformism.

Monitoring how management teams and teachers will translate the legal requirement into concrete practices will be fundamental to attesting whether Brazilian inclusion will still succumb to the technical inertia that frequently haunts the country's public policies.

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