



# Decreto nº 12.686/2025 and Inclusive Education: Normative Advances and Operational Challenges

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## Abstract

This study critically analyzes Decreto nº 12.686/2025, which establishes the Política Nacional de Educação Especial Inclusiva (National Policy on Inclusive Special Education), from the standpoint of the tension between normative advancement and the challenges of its operationalization in everyday school practice. It is a theoretical-reflective study of an analytical-interpretative nature, grounded in dialogue with the literature on public educational policies, policy implementation, equity, and inclusive education, drawing on the Lei Brasileira de Inclusão (LBI) and the Classificação Internacional de Funcionalidade, Incapacidade e Saúde (CIF) as conceptual frameworks. The analysis highlights relevant contributions of the decree, such as the clarification of institutional responsibilities, the recognition of the case study and the Specialized Educational Service Plan (Plano Educacional Especializado - PAEE) as central instruments, as well as the reinforcement of the principle of equity. However, significant operational limitations are identified, particularly the absence of methodological guidelines, technical parameters, and practical training requirements for the professionals responsible for conducting the Case Study and implementing educational supports. It is concluded that, although the decree represents an important advance at the normative level, its effectiveness depends on the construction of technical-operational mediations capable of sustaining inclusive practice in a qualified and equitable manner within educational systems.

## Keywords:

Decreto nº 12.686/2025; Inclusive Education; School

## INTRODUCTION

Over recent decades, inclusive education has consolidated itself as a structuring axis of Brazilian educational policies, anchored in a progressive movement recognizing the rights of persons with disabilities to social participation, learning, and permanence in regular educational settings (Brasil, 2008; Brasil, 2015).

This process results from a series of laws and public policies that began with the Constituição Federal de 1988 (1988 Federal Constitution), unfolds in the Lei de Diretrizes e Bases da Educação Nacional (Lei nº 9.394/1996), in the Política Nacional de Educação Especial na Perspectiva Inclusiva of 2008, and gains conceptual density with the enactment of the Lei Brasileira de Inclusão (LBI) (Brazilian Inclusion Law) (Lei nº 13.146/2015), which adopts the biopsychosocial model of disability and assigns the educational system responsibility for eliminating barriers to participation and learning (Brasil, 1996; Brasil, 2008; Brasil, 2015).

Along this path, Inclusive Education ceases to be understood as a set of parallel or compensatory services and becomes a complex public policy whose effectiveness depends on the articulation among legal guidelines, institutional practices, and decision-making processes situated in everyday school practice. However, even in the face of this advance, the specialized literature has repeatedly stressed that the mere existence of norms is not sufficient to ensure qualified inclusive practices; it is necessary to produce technical-operational instruments that mediate the translation of policies and legislation into concrete actions within educational territories (Arretche, 2001; Booth & Ainscow, 2011; Pires, Lotta & Oliveira, 2018; Silva, Steffens & Pereira, 2022).

It is within this context that Decreto nº 12.686/2025 is situated, which establishes the so-called Política Nacional de Educação Especial Inclusiva and sets parameters for the organization of reasonable accommodations and the provision of educational support in the school context. From a normative standpoint, the decree represents an advance in seeking to reduce the conceptual dispersion and decision-making heterogeneity historically observed in the implementation of inclusive policies in Brazil. By making institutional responsibilities explicit, requiring technical records, and recognizing the Case Study as the structuring axis of decisions, the text of the Decree expands the legal certainty of inclusive practices and reaffirms the principle of equity provided for in the LBI. However, a more critical analysis reveals certain limits that still persist in the Decree.

In light of this scenario, the present study aims to critically analyze Decreto nº 12.686/2025 in light of the main documents of Inclusive Education in Brazil.

## METHODS

This is a theoretical-reflective and documentary study, with a qualitative approach, guided by a critical-interpretative analysis of Decreto nº 12.686/2025, focusing on its implications for the operationalization of Inclusive Education in the school context.

The documentary analysis was conducted in three stages. In the first stage, an integral and systematic reading of Decreto nº 12.686/2025 was carried out, identifying the provisions related to the organization of accommodations, educational supports, the Case Study, the Plano de Atendimento Educacional Especializado (PAEE) (Individualized Educational Plan), and the professional duties set forth in the normative text.

In the second stage, the identified provisions were analyzed in light of normative and theoretical frameworks of Inclusive Education, including the Lei Brasileira de Inclusão (Lei nº 13.146/2015), the Lei de Diretrizes e Bases da Educação Nacional (Lei nº 9.394/1996), the Classificação Internacional de Funcionalidade, Incapacidade e Saúde (CIF) (International Classification of Functioning, Disability and Health — ICF) (WHO, 2001), as well as the literature on the implementation of public policies and school inclusion (Arretche, 2001; Mainardes, 2006; Ball, Maguire & Braun, 2012; Booth & Ainscow, 2011; Mantoan, 2015; Pires, Lotta & Oliveira, 2018).

In the third stage, a critical-reflective analysis was carried out of the convergences, potentialities, and operational limits of Decreto nº 12.686/2025, considering the tensions between the normative level and its implementation in everyday school practice.

Accordingly, the analysis was organized around three analytical categories: (i) normative advances and the institutional organization of inclusive policy; (ii) technical-operational limits to the implementation of inclusive practices; (iii) professional training, case study, and the methodological grounding of educational supports. These categories made it possible to critically examine how Decreto nº 12.686/2025 structures inclusive policy and which gaps remain for its practical realization within educational systems.

## **Theoretical Framework**

### **Inclusive Education as Public Policy**

Inclusive Education must be understood as a structuring public policy that bears on the systemic organization of education and redefines institutional responsibilities, pedagogical practices, and decision-making processes in everyday school practice. This understanding shifts inclusion from the field of compensatory or sectoral actions to the field of social rights, requiring the State not only to formulate norms but also to create the material, technical, and organizational conditions that ensure the participation and learning of all students within regular education systems (Brasil, 2015; Mantoan, 2015).

In this scenario, the LBI makes explicit that Inclusive Education is the responsibility of the entire educational system, breaking with the logic of parallel services and reaffirming the State's duty to promote reasonable accommodations, accessibility, and the supports necessary for student participation (Brasil, 2015). This guideline reinforces the understanding that school inclusion is not a concession but a right that must be operationalized through consistent public policies that are feasible in practice. Therefore, the effectiveness of these public policies depends precisely on the State's capacity to produce technical-operational mediations between the normative level and the level of practice.

Recent studies in the field of educational policy implementation indicate that the absence of clear methodological guidelines tends to widen the heterogeneity of institutional practices and to deepen inequalities among school systems and schools, especially in contexts marked by structural limitations and the unequal distribution of resources (Rosa, Marques, Camargos, 2025; Pires, Lotta & Oliveira, 2018; Lotta, 2019). Thus, Inclusive Education, when treated merely as a normative prescription, may turn into a policy that holds schools accountable without offering sufficient technical support for qualified decision-making.

Therefore, educational public policies must not be exhausted in the legal text but need to acquire meaning and effectiveness in the implementation processes, in the institutional arrangements, and in the interpretations made by the professionals responsible for their execution. In this sense, Rosa, Marques,

and Camargos (2025) analyze how public policies for teacher education are decisive for the effective implementation of Inclusive Education in Brazil. These authors demonstrate that legal advances do not, in themselves, guarantee qualified inclusive practices when they are not accompanied by training processes for teachers and school teams.

Another central aspect in the analysis of Inclusive Education as public policy concerns the tension between standardization and contextualization. On the one hand, public policies demand common parameters that ensure equal treatment, legal certainty, and predictability (Secchi, 2010). On the other hand, inclusion requires responses that are sensitive to the singularities of students and to school contexts. This tension cannot be resolved by simply expanding norms, but rather by constructing intermediary instruments that guide professional practice without rigidifying it, fostering reflective and evidence-based decision-making processes (Booth & Ainscow, 2011; Mantoan, 2015; Ruggio & Rezende, 2022).

In this sense, understanding inclusive education as public policy implies recognizing it as a continuous and dynamic process that requires ongoing monitoring, evaluation, and adjustment. Effective inclusive policies are those capable of articulating normative principles, conceptual frameworks, and technical instruments that sustain pedagogical practice in everyday school practice (Mainardes, 2006). When this articulation does not occur, inclusion tends to take on a formal character, distant from the reality experienced by students, weakening the very principle of educational justice that the policy purports to promote.

#### Implementation of Educational Policies

Authors such as Arretche (2001) and Mainardes (2006) demonstrate that the implementation of public policies is a dynamic and non-linear process, crossed by interpretive disputes, unequal institutional capacities, and heterogeneous local contexts, which limits analyses focused exclusively on the legal text. Convergently, Ball, Maguire, and Braun (2012) show that educational policies are continuously reinterpreted and recontextualized in the everyday life of schools, producing multiple ways of “doing policy” that vary according to institutional arrangements and the concrete conditions of teaching work.

In this same direction, the study by Rosa, Marques, and Camargos (2025) emphasizes that teacher education constitutes a structuring mediation between the norm and inclusive practice. The authors argue that the fragility of initial and continuing teacher-education policies compromises teachers' capacity to operationalize the principles of Inclusive Education, resulting in fragmented and unequal practices.

That said, one must consider what a viable solution would be to bring what is written closer to what is done in practice—that is, to implement it. In this regard, an interesting analysis pointing toward this end was carried out by Codes & Araújo (2021), in which the authors discuss the role of scientific and technical evidence in the formulation, implementation, and evaluation of educational policies, comparing international experiences with the Brazilian reality. The study argues that, in international contexts, the systematic use of evidence—such as educational data, assessments, academic research, and impact studies—has been incorporated as a strategy to qualify public decision-making. In the Brazilian case, the study points out that the use of evidence is still fragmented, poorly institutionalized, and frequently subordinated to short-term political agendas. It also highlights the distance between academic production and decision-making processes, as well as the State's limited capacity to transform data and research into effective instruments for guiding educational policy.

Accordingly, one possible path would be to strengthen the dialogue between research and public

management and to construct instruments that integrate evidence into the complete cycle of educational policies. Moreover, the implementation of public inclusion policies must be understood as a continuous pedagogical and institutional process, in which the strengthening of professional and training capacities is an indispensable condition for reducing the distance between normative advancement and the effectiveness of inclusive policy.

### **Equity, Educational Justice, and the Biopsychosocial Model**

The notion of equity cannot be confused with the uniform provision of resources or services. Equity implies recognizing that students present distinct educational needs and that educational justice requires responses proportional to these differences, guided by the analysis of the barriers that limit participation and learning (Brasil, 2015; Mantoan, 2015; UNESCO, 2017). This understanding is aligned with the biopsychosocial model of disability, adopted by the LBI and the CIF.

In the biopsychosocial model, disability is not understood as an individual attribute but as the result of the interaction between the subject's characteristics and environmental, social, and institutional factors (WHO, 2001). This perspective shifts the focus from diagnostic categories to the functioning and participation of individuals, requiring educational decisions to be grounded in contextual and functional analyses. Thus, educational justice, within this conceptual framework, is directly associated with the educational system's capacity to identify barriers, organize supports, and continuously review students' responses.

### **The LBI and the CIF as Conceptual Frameworks**

The LBI and the CIF constitute fundamental conceptual frameworks for the consolidation of an inclusive education oriented by the participation and the mode of functioning of the student within context. The LBI reaffirms that Inclusive Education is the responsibility of the entire educational system and that supports must be organized on the basis of the student's needs, considered in interaction with the school environment (Brasil, 2015). The CIF, in turn, offers a technical framework that makes it possible to describe and analyze human functioning in a contextualized manner, overcoming approaches focused exclusively on disability or diagnosis (WHO, 2001).

The articulation between the LBI and the CIF strengthens the understanding of school inclusion as a continuous, dynamic, and revisable process, in which educational supports must be constantly assessed and adjusted. This conceptual alignment requires that instruments such as the Case Study be conceived not as formal requirements but as instruments of mediation between the normative level and pedagogical practice. When this mediation is not made explicit in the regulations, a gap is created that compromises the effectiveness of inclusive policy and weakens the educational justice it purports to promote.

### **Critical-Reflective Analysis of Decreto nº 12.686/2025: Normative Advances and Operational Limits**

In the following sections, Decreto nº 12.686/2025 will be analyzed and discussed with an emphasis on its normative advances and on its operational limits/challenges in the context of Inclusive Education. This analysis is grounded in normative, theoretical, and conceptual frameworks that understand school

inclusion as a complex public policy whose effectiveness depends on the articulation among legal guidelines, institutional practices, and decision-making processes situated in everyday school practice (Brasil, 2008; Mantoan, 2015).

This approach makes it possible to examine, in an articulated manner, both the contributions of the decree to the organization of accommodations and the provision of supports and the challenges related to its implementation, monitoring, and technical sustainability within educational systems, taking into account the multiple variables that cut across the school context and inclusion processes (Booth & Ainscow, 2011).

### **Contributions and Structural Gains of Decreto nº 12.686/2025**

Decreto nº 12.686/2025 represents a relevant normative milestone in the field of Brazilian Inclusive Education by moving beyond the generic formulations present in earlier legal documents and by introducing provisions that expand the possibility of operationalizing the public policy. Unlike previous documents, which focused primarily on affirming principles and rights, this Decree inaugurates a more explicit movement toward organizing the provision of accommodations and educational supports in everyday school practice, contributing to greater institutional predictability and legal certainty.

For example, one of the main structural gains of the decree lies in making institutional responsibilities explicit within educational systems by more clearly assigning duties to school systems, school units, and multiprofessional teams. In providing this direction, the text of the Decree reduces the decision-making ambiguity historically associated with the implementation of Inclusive Education in Brazil. Therefore, the definition of responsibilities constitutes a significant advance in relation to earlier documents, in which the operationalization of inclusion remained excessively diffuse, frequently displaced onto isolated initiatives by schools or specific professionals.

Additionally, a structural contribution worth highlighting is the requirement of minimum training for professionals of the Atendimento Educacional Especializado (AEE) (Specialized Educational Services) and for the Profissional de Apoio Escolar (PAE) (School Support Professional)—for the latter, in particular, there was previously no requirement of specific training focused on Inclusive Education. In this sense, the establishment of training parameters for these professionals, even if general, validates the recognition that the qualification of inclusive practices is directly associated with the technical competencies of the professionals involved. Such recognition signals an important shift away from approaches that treat inclusion merely as an ethical or attitudinal responsibility, without making explicit the need for specialized training.

Another innovative and relevant advance concerns the incorporation of the Case Study as the structuring axis for defining accommodations and educational supports. By formally recognizing the Case Study as the basis for decision-making, the Decree breaks with practices centered exclusively on diagnostic or administrative criteria and signals the need for more contextualized analyses of each student's educational needs. Thus, this guideline brings the normative text closer to a contemporary conception of inclusion, aligned with the principle of equity and with the understanding that educational responses must be grounded in individualized analyses situated within that specific context.

Aligned with this perspective, Decreto nº 12.686/2025 also introduced the Plano de Atendimento Educacional Especializado (PAEE) and recognized it as a central instrument for organizing accommodations and educational supports by linking it to the Case Study and to pedagogical decision-making in the

school context. Formalizing the PAEE as a technical record helps to reduce arbitrary decisions and to expand the transparency and legal certainty of inclusive practices. This recognition strengthens the institutionalization of supports and signals that inclusion must be guided by systematized analyses of students' educational needs, rather than by criteria based exclusively on diagnosis. The Decree also advances by requiring technical records and formal justifications for the definition and maintenance of educational supports, strengthening the transparency of decision-making processes. This contributes to building a more reflective and well-documented institutional culture, in which decisions no longer rely exclusively on subjective perceptions or decontextualized practices. Thus, this is indeed a significant advance. In examining earlier documents, one observes that they gave little explicit attention to the need for systematic records. In this sense, the current provision represents an important gain both for monitoring inclusive practices and for guaranteeing and protecting students' rights.

Another element emphasized by the Decree is the reinforcement of the principle of equity as the guiding axis for the provision of accommodations. The Decree provides that supports must be organized on the basis of each student's educational needs, and, with this orientation, the text of the Decree advances in relation to standardizing models and reaffirms the centrality of educational justice in the design of the public policy. This aspect helps to align the decree with the foundations of the LBI and with the biopsychosocial model of disability, even though these frameworks are not operationally detailed in the document.

Finally, Decreto nº 12.686/2025 expands the legal certainty of inclusive practices by providing normative backing for decisions that, until then, were frequently questioned or litigated due to the absence of clear parameters. For example, when the Decree establishes minimum national guidelines, it strengthens the institutional position of schools and school systems, creating more favorable conditions for consolidating inclusive education as a State public policy rather than as an isolated action dependent on individual initiatives.

All the aforementioned gains are fundamental and pave the way for a new order regarding the legal documents directed at Inclusive Education. Nevertheless, as occurs with any normative public policy, the relevance of these advances can only be fully understood when confronted with the concrete conditions of their implementation in practice. Thus, although the Decree inaugurates an important milestone at the declaratory and organizational level, it becomes necessary to examine to what extent its provisions are accompanied by technical-operational mediations capable of sustaining professional practice in everyday school practice. It is from this tension between normative advancement and the challenges of operationalization that the critical analysis of the limits and challenges of Decreto nº 12.686/2025 is developed in what follows.

### **The Limitations/Challenges of the Normative: When the “What to Do” Does Not Guide the “How to Do It”**

From an analytical standpoint, Decreto 12.686/2025 fulfills the function of reducing the conceptual dispersion and decision-making arbitrariness that have historically marked the implementation of inclusive policies in the Brazilian educational systems, a phenomenon widely described in the public-policy literature (Arretche, 2001; Pires, Lotta & Oliveira, 2018).

However, a more rigorous critical-analytical reading reveals that this standardization, although necessary—as previously discussed—is structurally insufficient to ensure qualified inclusive practices.

The Decree establishes obligations and assigns responsibilities but does not offer/guide/indicate technical instruments compatible with the complexity of the pedagogical decisions it seeks to regulate. For example, by defining “what must be done” without clearly and systematically guiding “how it must be done,” the document transfers to schools and to the professionals working in them the full responsibility for translating the policy into practice, producing an implementation scenario highly vulnerable to distortions, simplifications, and merely bureaucratic uses.

In other words, the standardization provided for in the Decree, although necessary, is not sufficient to ensure quality inclusive practices. For example, the qualitative study conducted by Sierra-Martínez et al. (2024) demonstrates that there are persistent ruptures between legal guidelines and the practices developed in everyday school practice. The study highlights that limitations related to professional training, available resources, and institutional organization contribute to inclusion remaining marked by conceptual ambiguities and operational implementation difficulties.

Another particularly critical point is the way in which the Decree determines that AEE and PAE professionals must complete complementary training. From the perspective of the inclusive process, this is a central issue, since without the adequate and qualified training of these professionals and of all those involved in the process, all the other gains brought about by the Decree may fail to produce the desired effect—namely, the inclusion and permanence of students with special educational needs in the school context.

Therefore, the requirement of minimum training for these professionals, which has historically been demanded, although it represents an advance awaited for years, reveals significant limits when it is not accompanied by clear guidance regarding training content, quality criteria, and the requirements for practical application in the school context. Indeed, the text of the Decree does state that the training will be carried out “in accordance with the provisions of an act of the Ministério de Estado da Educação,” but this has not yet been announced—that is, it is not even known what such training must encompass as of the publication of this article. Therefore, in the absence of parameters that articulate theoretical training, technical competencies, and situated practices in everyday school practice, there is a risk that such a requirement will be reduced to formal compliance, disconnected from the real demands of inclusion. In this configuration, training tends to take on a merely certifying character, accumulating diplomas without an effective impact on pedagogical practice. From an international perspective, De Souza (2026) argues that the realization of inclusive education requires training processes that go beyond formal adherence to policies and develop reflective, ethical, and contextualized competencies for decision-making in everyday school practice. Although the author discusses teacher education, his analyses dialogue directly with the challenges related to the qualification of AEE and PAE professionals, especially regarding the practical implementation of educational supports and the construction of collaborative responses in the school context.

In this sense, a structural and technical problem is configured, since the Decree assigns to the AEE teacher the central role in conducting the Case Study, a fundamental instrument for the realization of school inclusion. When this professional lacks practical training, technical competence, and methodological command to carry out such an analysis, the requirement of the Case Study, provided for as the central axis of the decree, loses its effectiveness and ceases to produce the qualified impact expected in the organization of educational supports and accommodations.

In view of this, we come to another delicate point of Decreto 12.686/2025, namely the construction of the Case Study itself. Although presented as the structuring axis of decisions regarding accommo-

dations, the Case Study is also treated in a generic and prescriptive manner, without any elaboration of its theoretical-methodological foundations, stages, analytical criteria, review frequency, or articulation with the pedagogical project. This omission turns a powerful instrument into a resource emptied of technical meaning, liable to being reduced to a formal procedure, reiterating bureaucratic practices already widely criticized in the field of inclusive education (Cruz & Moreira, 2016). The impact of this may be the weakening of the Case Study as an instrument for analyzing students' educational needs, limiting its capacity to guide equitable and consistent decisions. For this reason, the training of the PAE and of AEE teachers must be grounded in a biopsychosocial and functional view and must encompass the systematization of the Case Study, from assessment to intervention, adopting theoretical models consistent with the school context, such as the CIF.

The biopsychosocial framework of the CIF, together with the legal framework established by the LBI, offers relevant contributions to the critical analysis of Decreto nº 12.686/2025, especially by enabling an understanding of disability centered on the interaction among individual conditions, contextual barriers, and social participation. From this perspective, the analysis of educational needs is no longer restricted to clinical diagnosis and comes to consider factors related to functioning, accessibility, school participation, and support demands in everyday educational life. Thus, the CIF can contribute to problematizing the operational limits of the Decree by highlighting the absence of clearer methodological parameters for identifying the barriers faced by students, defining the necessary educational supports, and constructing instruments such as the Case Study and the PAEE oriented by functional and contextual criteria.

Decreto nº 12.686/2025 defines the PAEE as a mandatory technical instrument for organizing accommodations and educational supports, to be elaborated on the basis of the Case Study and articulated with the Atendimento Educacional Especializado. In this way, the PAEE assumes the function of systematizing the student's educational needs and of justifying, in a documented manner, the institutional decisions related to the supports offered. However, although it may seem repetitive, it is necessary to emphasize that the legal text once again does not provide a minimum structure or indicators for its elaboration and revision.

Thus, despite being an advance, the PAEE becomes yet another weak instrument when it is not anchored in a methodologically well-grounded Case Study. Under this condition, the PAEE also tends to take on a merely formal character, incapable of guiding secure and equitable pedagogical decisions, compromising its function as a technical instrument of mediation between public policy and inclusive practice in everyday school practice. In this direction, Bray and Russell (2018), in investigating the construction and use of Individualized Education Programs (IEPs) in inclusive contexts, observed that these instruments frequently respond to institutional pressures for inclusion but offer limited guidance for the concrete implementation of educational supports and specialized services in everyday school practice. The authors emphasize that, although the documents assume relevant functions in educational systems, their effectiveness depends on the articulation between the formal instruments and the practices developed in the school context.

Therefore, it is noted that, repeatedly, there is no minimum direction in the aforementioned items, and, as a consequence, the implementation of accommodations is compromised. Thus, the structural gain related to the expansion of access to accommodations, aligned with the principle of equity present in the LBI, also needs to be problematized. By reaffirming the responsibility of the educational system without making explicit the technical criteria for analyzing students' educational needs, the Decree runs the risk of

producing an effect whereby this equity is merely formal. In this scenario, students with needs of varying complexity may receive similar accommodations depending on the school system, the school, or the responsible team, configuring a violation of equity that the decree itself claims to uphold.

Seen in this way, in the absence of follow-up, monitoring, and reassessment of accommodations, a restricted understanding of inclusion may become evident—as an isolated administrative response rather than as a continuous and individualized pedagogical process, as is in fact advocated by the LBI (Brasil, 2015). Therefore, this normative fragility presented by the Decree compromises the effectiveness of the measures adopted and may result both in the crystallization of inadequate supports and in the premature withdrawal of strategies that are still necessary, in contradiction with the literature that conceives inclusion as a dynamic process that is adjustable throughout the school trajectory (Mantoan, 2015; Rezende & Ruggio, 2022; Valadão & Rezende, 2026).

It should be noted that, although the intention of the Decree is not to homogenize practices, this absence of methodological guidelines—recurring in the points analyzed here—weakens the very notion of qualified standardization that the Decree, and many other legal documents, announce. In this way, although it may seem exhaustive to point out the lack of direction, it is precisely this absence that draws attention in the text of the Decree. As a consequence, in practice, what is observed is the widening of the scope for individual interpretations, decisions based on professional intuition or on the contingent availability of resources, rather than on well-supported technical analyses. This dynamic contradicts the conception of Inclusive Education as a contextualized, reflective, and evidence-oriented process, as advocated by Booth and Ainscow (2011), Mantoan (2015), Rezende and Ruggio (2022), Codes & Araújo (2021), and Valadão & Rezende (2026).

It is reaffirmed that these normative gaps are not neutral; they produce concrete effects in everyday school practice, intensifying the heterogeneity of institutional practices and deepening inequalities in access to accommodations. Therefore, by failing to offer technical-operational mediations between the legal text and professional practice, the Decree ends up reproducing a recurrent pattern in Brazilian inclusive educational policies: norms that are robust at the declaratory level but fragile at the level of implementation.

In sum, as seen through this analysis, Decreto nº 12.686/2025 opens the door but does not sustain the path, especially when it comes to the Case Study, since, as presented, it assumes a mandatory yet peripheral character.

Finally, although the structural gains of the Decree stand out, it is necessary to point out that the very designation “Política Nacional de Educação Especial Inclusiva” presents relevant technical implications when analyzed in light of the LBI and the CIF. Both frameworks adopt the biopsychosocial model of disability, in which participation and learning result from the interaction between the student's characteristics and environmental factors, and not from the student's medical condition (Brasil, 2015; WHO, 2001).

In this way, from a technical standpoint, maintaining the expression “educação especial” (special education) as a central element of the policy's nomenclature may induce operational interpretations centered on the organization of specific services and on the definition of eligible populations, to the detriment of a systemic approach oriented toward the identification of barriers, the functional analysis of the school context, and the organization of educational supports proportional to the participation demands of each student in need.

Therefore, the terminological choice may create tension with the LBI, which conceives inclusive

education as the responsibility of the entire educational system, and with the CIF, which offers a framework oriented toward describing functioning and participation rather than labeling (Brasil, 2015; WHO, 2001). Thus, the title of the Decree reveals a conceptual ambiguity that may have repercussions for the implementation of the policy, especially in defining the decision-making flows, the criteria for providing accommodations, and the centrality assigned to individualized contextual analysis, leaving the professionals involved confused.

## Overcoming the Normative Gap: Alternatives for Implementing Inclusive Policy

As an alternative to the operational limits identified in Decreto nº 12.686/2025, it would be crucial to propose a complementary national technical instrument, designed to mediate the distance between normative prescription and school practice. Such an instrument could take the form of binding operational guidelines, drawn up at the national level, with a guiding and normative character, intended to support the qualified implementation of inclusive policy within school systems. In this sense, a recent international systematic review shows that inclusive policies are more effective when accompanied by technical support, continuing professional training, and operational instruments capable of guiding school practice (Mendoza & Heymann, 2024). Unlike new generic prescriptions, this instrument would focus on organizing decision-making processes in everyday school practice, especially regarding the conduct of the Case Study, the elaboration of the Plano de Atendimento Educacional Especializado (PAEE), and the definition, monitoring, and review of educational supports.

With respect to the Case Study, this instrument should establish a minimum methodological framework, capable of guiding the analysis of students' educational needs on the basis of clear indicators of participation, learning, and functioning in the school context. This framework, articulated with the CIF and with the school's pedagogical project, would make it possible to shift decision-making from exclusively diagnostic or administrative criteria to a functional and contextualized reading of schooling. It is important to emphasize that such standardization would not have a rigidifying character but would function as a common technical basis, reducing arbitrariness, increasing the consistency of decisions, and diminishing inequalities among school systems and educational territories.

Another central axis of this proposal concerns the reconfiguration of the training requirement for AEE and PAE professionals. Instead of prioritizing the accumulation of formal certifications, it is suggested that training be guided by the demonstration of practical competencies directly related to the implementation of school inclusion. Among these competencies, the following stand out: the analysis of barriers to participation, the functional reading of the educational context, evidence-based decision-making, and the continuous monitoring of the supports offered. To ensure concrete applicability, training should be linked to supervised practices, real Case Studies, and assessment processes that consider the professional's capacity to articulate theory, method, and intervention in everyday school practice.

Complementarily, it is proposed to create institutional mechanisms for the follow-up, monitoring, and periodic review of the PAEE, integrating school management, the pedagogical team, AEE and PAE teachers, and the other actors involved in the educational process. These mechanisms would allow the plan to cease being a static record and to function as a dynamic instrument of pedagogical regulation, guiding continuous adjustments to educational supports based on the student's progress and on changes in the school context. Such a perspective reinforces the understanding of inclusion as a continuous pedagogical process rather than as an isolated or definitive administrative response.

In summary, the adoption of these technical-operational guidelines would help to transform the normative advances of Decreto nº 12.686/2025 into effectively qualified, sustainable practices aligned with the principle of equity. By strengthening the mediation between norm and practice, this alternative expands the capacity of educational systems to ensure more consistent, contextualized educational responses committed to the participation and learning of all students.

## Limitations of the Study

As this is a theoretical-reflective essay of a documentary nature, this study presents limitations related to the methodological approach adopted. The analysis focused on the critical-analytical interpretation of Decreto nº 12.686/2025, as well as on normative and theoretical frameworks of Inclusive Education, and did not involve empirical investigation with school systems, professionals, students, or specific school contexts. Thus, the reflections presented do not allow generalizations about the different modes of implementing inclusive policy in the varied Brazilian educational contexts.

Moreover, it is recognized that the implementation of Inclusive Education constitutes a complex, multifactorial phenomenon that is deeply conditioned by historical, political, institutional, economic, and territorial aspects, which exceed the analytical limits of this manuscript. Issues related to educational financing, regional inequalities, working conditions in schools, the availability of specialized human resources, and the different institutional capacities of school systems directly influence the materialization of inclusive policies and could not be examined in their entirety in this study.

It is also important to consider that the concrete effects of Decreto nº 12.686/2025 are still in the process of consolidation in the Brazilian educational landscape, which limits more in-depth analyses of its practical impacts on the organization of educational supports, on the work of AEE and PAE professionals, and on the schooling processes of students who are the target population of Special Education.

Finally, although the study proposes reflections and technical-operational possibilities for reducing the gap between regulation and practice, it did not intend to construct prescriptive models or structured implementation protocols, considering both the limits of a theoretical essay and the need for future empirical investigations capable of supporting contextualized operational guidelines for the different scenarios of Brazilian Inclusive Education.

## Final Considerations

The analyses presented indicate that Decreto nº 12.686/2025 consolidates important advances by organizing responsibilities, legitimizing decision-making instruments, and expanding institutional predictability in the field of Inclusive Education. The normative text signals a relevant change by recognizing that educational decisions need to be documented, justified, and guided by criteria that go beyond diagnostic classifications or generic solutions, strengthening the protection of students' educational rights.

However, the concrete effects of these innovations depend on conditions that the decree itself does not make explicit. The absence of methodological frameworks, technical parameters, and applied training requirements limits professionals' capacity to translate legal guidelines into consistent educational responses. In this scenario, central instruments such as the case study and the PAEE run the risk of assuming a merely administrative function, with little impact on the organization of supports and the

qualification of pedagogical practices.

Thus, the Decree advances by structuring the “regulatory framework” of inclusion but leaves open the path to its realization. The challenge imposed on educational systems is to transform the norm into sustained action, through investment in training, follow-up, and the production of technical instruments that ensure fairer, contextualized decisions aligned with students' real needs.

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