



Between Norm and Implementation: Structural Limits of Decreto No. 12,686/2025 in the Consolidation of Inclusive Special Education

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Abstract

This article carries out a documentary and legal-institutional analysis of Decreto nº 12.686/2025, which establishes the National Policy for Inclusive Special Education and the National Network of Inclusive Special Education. The objective is to critically examine whether the aforementioned normative instrument represents a structural advance capable of consolidating the governance of Brazilian special education, or whether it constitutes a formal reorganization without any substantial change in the systemic logic of implementation. The research adopts a qualitative approach of a documentary nature, with an interpretive analysis of the constitutional provisions, of the Lei de Diretrizes e Bases da Educação Nacional (1996), of the Lei Brasileira de Inclusão (2015), of Decreto nº 7.611/2011 (revoked), and of Decreto nº 12.686/2025 itself. It is argued that the new decree introduces relevant innovations — especially with regard to the case study (Art. 11), the Specialized Educational Service Plan (Art. 12), and the establishment of the National Network (Art. 16) —, but it does not establish binding mechanisms of monitoring, national targets, or a mandatory federative timeline. It is maintained that consolidating inclusion as an effective public policy requires a robust institutional architecture, standardized indicators, and evidence-based governance.

Keywords:

Special Education; School Inclusion; Public Policy; Federative Governance; Decreto 12.686/2025.

INTRODUCTION

The consolidation of special education as a fundamental right in Brazil is grounded in the Federal Constitution of 1988, which guarantees specialized educational service to persons with disabilities, preferably within the regular school system. Since then, Brazilian educational policy has undergone significant transitions, gradually migrating from a predominantly segregationist model to an inclusive paradigm.

The Lei de Diretrizes e Bases da Educação Nacional (Lei nº 9.394/1996) reinforced the mandatory nature of specialized educational service, while the National Policy for Special Education from the Perspective of Inclusive Education (2008) consolidated the understanding that schooling should take place in regular classes, with complementary support.

Along this historical path, Decreto nº 7.611/2011 played a relevant role in regulating the Specialized Educational Service (AEE). The enactment of Decreto nº 12.686/2025, which expressly revokes it (Art. 23), inaugurates a new normative moment and raises a central question: is this a structural advance or a formal reorganization of the policy already in force? This study starts from the hypothesis that the decree promotes important organizational innovations but preserves the decentralized and weakly binding logic of federative implementation, limiting its transformative potential.

Normative Evolution of Special Education (1988–2025)

The normative trajectory of special education in Brazil is marked by the progressive incorporation of inclusive principles. The Federal Constitution of 1988 established education as a right of all and a duty of the State, laying the foundations for public inclusion policies.

The LDB (1996) reaffirmed the duty of the public authorities to ensure specialized educational service, preferably within the regular school system. The Lei Brasileira de Inclusão (Lei nº 13.146/2015) expanded guarantees and strengthened the rights-based perspective.

Decreto nº 7.611/2011 regulated the AEE, establishing guidelines for its complementary provision. However, its implementation revealed structural weaknesses, especially regarding teacher training, the standardization of procedures, and national monitoring.

Decreto nº 12.686/2025 emerges in this scenario with the declared objective of consolidating the National Policy for Inclusive Special Education and establishing the National Network of Inclusive Special Education. Its enactment represents a relevant political move, but it requires a detailed analysis of its provisions.

Formal Innovations Introduced by Decreto nº 12.686/2025

The Case Study (Art. 11)

Art. 11 of Decreto nº 12.686/2025 formalizes the case study as a required stage for identifying the educational needs of the student who is the target audience of special education. It represents a relevant innovation, since it provides greater structure to the pedagogical assessment process.

However, the decree does not establish a standardized national model for this study, nor does it define mandatory minimum parameters. The absence of standardization may result in significant federative asymmetry, with different criteria adopted by the various school systems.

The Specialized Educational Service Plan – PAEE (Art. 12)

Art. 12 makes the Specialized Educational Service Plan (PAEE) mandatory, integrating it into the school's Political-Pedagogical Project. This measure strengthens the formalization of individualized monitoring.

Nevertheless, there is no provision for national auditing, quality indicators, or a structured longitudinal monitoring system. Thus, the formal obligation does not automatically translate into a robust control mechanism.

Teacher Training and the Minimum Course Load of 80 Hours (Arts. 13 and 15)

Arts. 13 and 15 of Decreto nº 12.686/2025 establish a minimum training requirement of 80 (eighty) hours to work in the Specialized Educational Service (AEE). This normative provision represents a formal advance by recognizing the need for structured teacher qualification.

However, the setting of a minimum course load raises a relevant debate about the adequacy of training in view of the complexity of the demands of contemporary special education, especially in cases of Autism Spectrum Disorder (ASD), multiple disabilities, and high abilities/giftedness.

The specialized literature indicates that training for inclusive practice requires interdisciplinary knowledge and expertise, neuropsychopedagogical understanding, individualized planning, and the ability to coordinate across sectors. In this context, the mere setting of a minimum course load, unaccompanied by national qualitative parameters, may result in the formal fulfillment of the requirement without any guarantee of training quality, since the decree itself does not establish a national system of certification, assessment of the impact of training, or monitoring of the pedagogical effectiveness of the courses offered, thereby limiting the mechanisms of educational accountability.

The Establishment of the National Network of Inclusive Special Education (Arts. 16 to 21)

Arts. 16 to 21 establish the National Network of Inclusive Special Education, providing for coordination among the Union, the States, the Federal District, and the Municipalities. This is one of the central innovations of the decree, as it formalizes an organizational structure of federative cooperation. The creation of the Network signals an institutional advance by recognizing the need for national coordination. The normative text mentions monitoring, observatories, and coordinated actions.

However, there is no definition of:

- national quantitative targets
- standardized performance indicators
- a mandatory implementation timeline
- binding mechanisms of federative accountability

The absence of these instruments weakens the effectiveness of the Network as a structure of systemic governance. The policy remains dependent on voluntary adherence and local administrative capacity, maintaining a decentralized logic historically marked by regional asymmetries.

Structural Limits of Implementation

Despite the formal innovations introduced by Decreto nº 12.686/2025, the analysis shows that the normative text does not establish mandatory national mechanisms for the evaluation of results.

There is no provision for:

- a national system of learning indicators
- binding progressive targets
- mandatory periodic public reports
- administrative sanctions in the event of noncompliance

From the perspective of public governance, the absence of robust transparency instruments compromises the State's capacity to monitor the effectiveness of the policy. The consolidation of inclusive policies requires not only normative guidelines but also an institutional architecture capable of integrating planning, execution, monitoring, and course correction.

Financing and Federative Responsibility (Art. 22)

Art. 22 provides that the implementation of the actions established by the decree will occur in accordance with budgetary availability. Such a provision, although compatible with the logic of fiscal responsibility, introduces an element of structural uncertainty. Public policies whose execution depends exclusively on annual budgetary availability may face discontinuity or partial execution. The absence of a structured, earmarked, or progressive financing source limits the transformative potential of the normative instrument. In the Brazilian federative system, national policies depend on robust financial coordination to avoid territorial disparities.

Revocation of Decreto nº 7.611/2011 (Art. 23)

Art. 23 expressly revokes Decreto nº 7.611/2011. The normative substitution suggests a movement of institutional reorganization. Comparatively, it is observed that several provisions of the previous decree were maintained in essence, with formal restructuring and conceptual expansion. However, no substantial change in the decentralized federative logic can be identified. The revocation, therefore, represents a normative reorganization with discursive and institutional expansion, but not a structural rupture.

Federative Governance and Institutional Architecture

The public policy literature demonstrates that successful structural reforms combine:

- clear legislation
- measurable targets
- structured financing
- a monitoring system
- institutional accountability

In the case of Decreto nº 12.686/2025, the analysis identifies a formal advance in the organization of the policy, but there is an absence of standardized national accountability instruments.

The construction of a robust institutional architecture would require:

- a national system of indicators
- longitudinal evaluation of results
- structured pedagogical auditing
- the formal integration of specialized institutions
- a clear definition of federative responsibilities

Without such mechanisms, the policy tends to remain dependent on local capacity and administrative will.

International Comparative Perspective

International experiences demonstrate that effective inclusive policies combine robust legislation with structured mechanisms of monitoring and evaluation.

Countries such as Canada and Finland adopt:

- individualized longitudinal monitoring
- clear national targets
- certified continuing teacher training
- formalized institutional integration

The comparison shows that the consolidation of inclusion depends on the articulation between legal norms and evidence-based governance.

Proposals for Strengthening the Governance of Inclusive Special Education

Considering the advances and limits identified, the following are proposed:

1. The establishment of a national system of standardized indicators for the AEE.
2. The definition of binding progressive targets within the scope of the National Network.
3. The creation of a national mechanism for monitoring and pedagogical auditing.
4. The establishment of minimum national parameters for the case study (Art. 11).
5. Periodic evaluation of the adequacy of the training provided for in Arts. 13 and 15.
6. The structuring of progressive financing with regional equity criteria.

Such measures would strengthen the institutional architecture of the policy, promoting evaluation and the reduction of territorial asymmetries.

Implementation and Street-Level Bureaucracy

The international literature on public policy offers a relevant interpretive key for understanding the limits of normative implementation. Michael Lipsky, in addressing “street-level bureaucracy,” argues that public policies are effectively shaped by the agents responsible for their day-to-day execution. In the educational context, teachers, pedagogical coordinators, and school administrators become direct interpreters and implementers of the policy.

Applying this perspective to Decreto nº 12.686/2025, it is observed that, in the absence of standardized national protocols, the conduct of the case study (Art. 11) and of the PAEE (Art. 12) will depend largely on local technical capacity. This decentralization, although compatible with the federative system, may widen regional disparities. Without structured monitoring instruments, the policy tends to produce multiple operational interpretations, compromising the homogeneity of implementation.

Educational Federalism and the Collaboration Regime

The Federal Constitution establishes the collaboration regime among the Union, the States, and the Municipalities. However, the effectiveness of this regime depends on robust institutional coordination. Decreto nº 12.686/2025 mentions federative coordination in the establishment of the National Network (Arts. 16 to 21), but it does not define binding mechanisms of mandatory cooperation.

The absence of mandatory national targets and of structured financial instruments reinforces the voluntary cooperative logic, historically marked by territorial inequalities.

In federative systems, national inclusive policies require:

- central technical coordination
- structured financing
- a clear definition of responsibilities
- comparative evaluation among federated entities

Without these elements, decentralization may turn into fragmentation.

Comparison with Decreto nº 7.611/2011

The revocation of Decreto nº 7.611/2011 by Art. 23 represents a formal normative substitution. However, when comparing both instruments, it is observed that several fundamental guidelines were maintained, with conceptual expansion and structural reorganization. The new decree expands the institutionalization of the policy, especially by creating the National Network and formalizing stages such as the case study. However, the decentralized implementation logic remains similar.

The main difference lies in the discursive expansion and the systemic organization, but not in the creation of binding national mechanisms. This finding reinforces the central hypothesis of this study: the decree represents a relevant organizational advance, yet it does not substantially alter the federative architecture of implementation.

Financing of Special Education and Fiscal Federalism

The analysis of Art. 22 of Decreto nº 12.686/2025 reveals that the implementation of the measures provided for in the decree is conditioned on budgetary availability. Although this provision is consistent with the principles of fiscal responsibility, it introduces a structural element of instability in the execution of the policy. In Brazilian federalism, the effectiveness of national policies depends on the articulation between administrative competences and financial capacity. The constitutional earmarking of resources for education (Art. 212 of the Federal Constitution) and the existence of Fundeb represent central mechanisms of redistribution.

However, the decree does not establish specific earmarking or automatic supplementation for special education. The absence of nationally structured financing may widen regional inequalities, especially in small municipalities, whose own revenue collection is limited. The consolidation of an inclusive policy requires financial predictability and redistributive mechanisms that reduce federative asymmetries.

Differentiated Impacts on Municipalities and Territorial Inequality

The implementation of the National Policy for Inclusive Special Education occurs predominantly at the municipal level. Municipalities are responsible for the provision of early childhood education and elementary education, stages in which the identification and initial monitoring of students who are the target audience of special education are decisive.

However, technical and administrative capacity varies significantly among Brazilian municipalities. Structured systems, with multiprofessional teams and consolidated technical support, tend to implement provisions such as the case study (Art. 11) and the PAEE (Art. 12) with greater consistency. Municipalities with less structure, on the other hand, may face operational difficulties, resulting in formal but fragile implementation.

The absence of a standardized national monitoring system reinforces this territorial heterogeneity.

Policy Enactment and Interpretation of the Norm

In the literature on educational policy, particularly in Stephen Ball's work on "policy enactment," it is argued that policies are not simply implemented; they are interpreted, translated, and recreated within the institutional context. Applying this perspective to Decreto nº 12.686/2025, it is found that provisions such as the National Network (Arts. 6 to 21) will depend on local processes of institutional translation.

Without clear national operational parameters, each school system may interpret the norm differently, producing multiple organizational arrangements.

This characteristic does not invalidate the normative advance, but it highlights the need for more robust mechanisms of national coordination.

In-Depth International Comparison

In countries such as Canada, educational systems adopt mandatory individualized plans with models standardized nationally or provincially, accompanied by periodic reports and public performance indicators.

In Finland, inclusive policy integrates structured continuing teacher training, multidisciplinary teams in schools, and longitudinal monitoring of students, with strong national coordination.

These models show that effective inclusive policies combine:

- clear normativity
- structured financing
- certified continuing training
- systematic monitoring

The comparison reinforces the hypothesis that Decreto nº 12.686/2025 advances in normative organization, but still lacks an equivalent binding national structure.

Social Participation, Impact Assessment, and Institutional Transparency

Contemporary public policies, especially in the educational field, demand not only clear technical and regulatory frameworks but also structured mechanisms of social participation and impact assessment. The literature on democratic governance emphasizes that the legitimacy and effectiveness of inclusive policies depend on qualified listening to the directly involved actors, such as schools, families, and education professionals.

Decreto nº 12.686/2025 establishes relevant organizational guidelines, but it does not provide for explicit mechanisms of institutionalized consultation or permanent bodies of social participation linked to the implementation of the policy. Although it mentions federative coordination, there is no provision for formal mechanisms of structured listening to school communities.

Moreover, the normative instrument does not define measurable national targets, performance indicators, or objective parameters for gauging expected results. The absence of an explicit definition of evaluation metrics hinders the comparison between the scenario before and after its implementation.

Without structured instruments of monitoring and impact assessment, it becomes challenging to measure the extent to which the formal innovations introduced — such as the case study (Art. 11) and the mandatory PAEE (Art. 12) — produce concrete transformation in school systems.

A robust inclusive public policy therefore requires:

- the definition of expected results
- comparative before/after indicators
- periodic public reports
- permanent bodies of institutional dialogue

Such instruments strengthen democracy and contribute to the sustainability of the policy over time.

Public Policy Evaluation and Theory of Change

The consolidation of educational public policies requires the explicit definition of a theory of change, that is, a logical chain linking planned actions, intermediate results, and expected impacts. In the field of public policy evaluation, this model makes it possible to identify how certain normative instruments produce concrete transformations.

In the case of Decreto nº 12.686/2025, it is observed that there is a definition of organizational guidelines and instruments, but there is no formal statement of expected results in terms of learning, retention, or the integral development of students who are the target audience of special education. The absence of intermediate targets and impact indicators hinders the construction of a comparative baseline, an essential element for evaluating the performance of the policy over time. Without clear parameters, implementation may focus on the formal fulfillment of procedures such as drawing up a PAEE or conducting a case study without necessarily producing a measurable improvement in educational results.

The incorporation of structured evaluation mechanisms would allow a transition from a declaratory logic to an evidence-based model, strengthening governance and the institutional implementation of

policies.

Special Education and the Social State: Redistributive Dimension

Special education, in the context of the Social State, has a central redistributive dimension. Inclusive policies not only ensure access but also seek to compensate for historical structural inequalities. In Brazilian federalism, marked by profound regional disparities, redistributive policies require robust financial and technical coordination. Decentralized implementation, without structured compensatory mechanisms, may reproduce territorial inequalities.

Decreto nº 12.686/2025 advances by institutionally organizing the policy, but it does not make explicit specific redistributive instruments that ensure equity among systems with distinct capacities. The redistributive dimension of special education demands the articulation of financing, qualified teacher training, and systematic monitoring.

Financing, Distribution Criteria, and Equity

The effectiveness of educational public policies depends on the articulation between normative guidelines and an adequate financing structure. In the case of Decreto nº 12.686/2025, Art. 22 establishes that its implementation will occur in accordance with budgetary availability. The normative text does not create a specific fund for inclusive special education, nor does it define its own criteria for the distribution of resources. Thus, the policy remains dependent on the structures already in existence, especially Fundeb and the regular budgetary appropriations of the Union, the States, and the Municipalities.

However, the decree does not establish:

- differentiated transfer criteria for systems with a higher concentration of students who are the target audience of special education;
- socioeconomic indicators as an additional redistributive basis;
- performance conditions or the fulfillment of targets for receiving technical or financial support;
- minimum national parameters of investment per student served in the AEE.

The absence of specific criteria may compromise the capacity for federative equalization. Municipalities with greater socioeconomic vulnerability and lower revenue-collection capacity may face additional difficulties in fully implementing the foreseen provisions, such as the minimum 80-hour training (Arts. 13 and 15) and the structuring of the National Network (Arts. 16 to 21). Robust inclusive policies require a financial design that considers territorial equity, demand concentration, and local administrative capacity. The lack of explicit distribution parameters reinforces the decentralized logic historically marked by asymmetries. Thus, although the decree represents a relevant organizational advance, its structural effectiveness depends on the consolidation of redistributive financial mechanisms that ensure equity in implementation.

Analytical Synthesis: Organizational Advance and Persistence of the Structural Logic

The analysis developed throughout this study allows the assertion that Decreto nº 12.686/2025

represents a relevant organizational advance in the trajectory of the National Policy for Inclusive Special Education. The formalization of the case study (Art. 11), the mandatory nature of the Specialized Educational Service Plan (Art. 12), the definition of a minimum course load for training (Arts. 13 and 15), and the establishment of the National Network (Arts. 16 to 21) indicate a movement of institutional consolidation. However, the investigation also shows that such innovations are not accompanied by binding national targets, standardized indicators, or a mandatory federative timeline. The policy remains structured under a decentralized logic, dependent on local technical and financial capacity. From the legal-institutional point of view, the decree expands normative formalization and strengthens the systemic organization of the policy. From the point of view of public governance, however, gaps persist regarding accountability, impact assessment, and federative equalization. The absence of explicit criteria for redistributive financing and of national monitoring parameters limits the transition from the declaratory norm to an evidence-based model.

Thus, the decree cannot be understood as mere rhetorical continuity, nor as a full structural rupture. It is an institutional reorganization that advances in formal systematization but keeps unchanged the decentralized federative architecture that has historically characterized Brazilian educational policy. The effective consolidation of inclusive special education will depend on the future evolution of governance instruments, especially with regard to the definition of national indicators, the strengthening of federative coordination, and the institutionalization of permanent mechanisms of evaluation and social participation.

Public Governance and Complex Educational Policies

The contemporary literature on public governance emphasizes that complex educational policies require multilevel coordination, clarity of responsibilities, and formal instruments of accountability. In federative contexts, the absence of structured monitoring mechanisms tends to produce significant variations in implementation.

In the field of special education, the complexity is even greater, as it involves pedagogical, administrative, financial, and intersectoral dimensions. Effective policies demand integration among education, health, and social assistance, as well as continuous monitoring of the student's development. Decreto nº 12.686/2025 strengthens the formal organization of the policy, but it does not establish a mandatory national system of comparative indicators, periodic public reports, or binding progressive targets. Governance remains based on cooperative coordination rather than on an imperative normative structure.

The consolidation of a sustainable inclusive policy requires a transition to an evidence-based governance model, in which administrative decisions are grounded in systematized data and periodic impact assessments.

Specialized Teacher Training as a Structuring Axis of Inclusive Policy

Teacher training constitutes a central element for the effectiveness of inclusive policies. The setting of a minimum course load of 80 hours (Arts. 13 and 15) represents a formal recognition of the need for specific qualification. Nevertheless, the specialized literature indicates that initial and continuing training in special education requires greater interdisciplinary training, an understanding of neuropsychology,

pedagogical foundations, and mastery of individualized intervention strategies. The absence of qualitative national parameters for training may result in heterogeneous courses, with significant variation in depth and pedagogical consistency. In addition, there is no provision for a national evaluation of training effectiveness or standardized certification. Successful educational policies combine structured teacher training with continuous performance monitoring and permanent technical support. In this sense, training should not be understood as an isolated formal requirement, but as a structuring axis of inclusive policy.

The strengthening of teacher training, articulated with adequate governance and financing mechanisms, constitutes an essential condition for normative provisions to produce concrete transformation in school systems.

FINAL CONSIDERATIONS

The analysis developed throughout this study made it possible to examine Decreto nº 12.686/2025 from a legal-institutional and public governance perspective. It was found that the normative instrument represents a relevant formal advance in the consolidation of the National Policy for Inclusive Special Education, especially by systematizing instruments such as the case study, the Specialized Educational Service Plan, and the establishment of the National Network of Inclusive Special Education. Nevertheless, the organizational advances identified are not accompanied by binding national mechanisms capable of substantially altering the decentralized logic of federative implementation. The absence of mandatory progressive targets, standardized performance indicators, explicit redistributive financing criteria, and a structured monitoring system limits the transformative potential of the decree. From the normative point of view, the text expands the institutional formalization of the policy. From the point of view of governance, however, it remains dependent on the technical, administrative, and financial capacity of the federated entities, reproducing historical asymmetries among school systems.

The consolidation of inclusion as a sustainable public policy requires a transition from the declaratory norm to a structured governance model, based on measurable targets, equitable financing, and longitudinal and institutional evaluation. The effectiveness of inclusive policy depends not only on the legal reaffirmation of the right to education, but on the construction of an institutional architecture capable of integrating planning, execution, monitoring, and course correction.

In this sense, Decreto nº 12.686/2025 should not be understood as a point of arrival, but as a relevant stage of normative reorganization that demands further development of federative coordination, impact assessment, and the institutionalization of mechanisms of social participation. The full consolidation of inclusive special education in Brazil will depend on the State's capacity to articulate normativity, financing, teacher training, and evidence-based governance.

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