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## LEGAL FRAMEWORKS AND THEIR INTERFERENCE IN THE ENROLLMENT OF PEOPLE WITH AUTISTIC SPECTRUM DISORDES – CASE FEDERAL INSTITUTE OF EDUCATION, SCIENCE AND TECHNOLOGY OF ACRE – IFAC – CAMPUS RIO BRANCO

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**Abstract:** Inclusive education has achieved considerable legal advances in the last thirty years, if before the so-called special schools were notably a single educational path for students with disabilities, today, and by legal force, there is a migration to regular schools with impact on enrollments. Our objective is to report the numerical rise of enrollments of students with Autism Spectrum Disorder – ASD, associating the current legal precepts, with emphasis on Law 12,764/2012, which deals with the National Policy for the Protection of the Rights of Persons with Autism Spectrum Disorder, to this; we collect education data at the state and municipal levels. But, mainly, from the Federal Institute of Acre – Ifac, Campus Rio Branco, since professional education presents humanist-technical-scientific assumptions that coincide with inclusion. The investigation has a qualitative approach, with an exploratory scope, the object of study consists of a case study, followed by a documental research allied to unsystematic and participant observation. Information collected from 2014 to 2018, in the State and City Hall. While at Ifac, these take place from 2016 to 2020, as previously there was no enrollment of a student with ASD at Campus Rio Branco. Among the results achieved, there is the expansion of enrollment of people with ASD strongly associated with legal protection within the Institute; the indices also reveal that, in addition to enrollment, they require new administrative and inclusive pedagogical procedures for the management and teaching staff working within professional education.

**Keywords:** Inclusion, Autistic Spectrum Disorder, Enrollment.

## INTRODUCTION

The Federal Institutes - IFs were created in the first decade of the 21st century, under the idea of a new paradigm of education that only transposes training for the market, moving to

training for the world of work, committed to a more comprehensive training of the individual giving them an emancipatory character without losing the dictates of the labor market. As well as, allowing other choices for their professional life, a subject coated with omnilaterality (MARX AND ENGELS, 1987).

In this context, inclusive education finds fertile ground, since educational work becomes an important instrument of social policy, agreeing to create opportunities through the redistribution of social benefits, with a view to reducing social inequalities. Considering that, “inclusive education” is a recent term, which became official with the promulgation of the National Curriculum Guidelines for Basic Education - DCN's (BRASIL, 2001).

With the perspective of democratization of knowledge, the IFs follow the legal instruments that leverage enrollments, which are expressed in the Federal Constitution, Law of Directives and Bases of Education (Law 9.394/2006), and in Law 12.764/2012, which deals with National Policy Protection of the Rights of People with Autism Spectrum Disorder, are some examples.

The historical retrospective reveals that most of these students were sent to special schools, subtracted from a social relationship generating segregation. Legal frameworks and new research end up breaking with these separations, providing an inclusive education.

Therefore, the present aims to investigate the growth of enrollments in regular education for students with ASD, with data from the city of Rio Branco, provided by state and municipal regular education, above all, information from the Federal Institute of Education, Science and Acre Technology - Ifac, Rio Branco Campus.

The arguments for this article rest on obedience to the legal framework, on the duty to educate with quality and on the compaction of a social commitment with atypical students, consequently, it raises demands

to the management team, adaptations in environmental spaces and in pedagogical procedures.

Enrollments by disabled students and those with ASD at Ifac show the reaction of society in the adherence to continuity of studies and in the search for a space of qualification for the labor universe, at the same time, treating them with the dignity explicit in the law.

In short, knowing to change, autism is a school reality in regular and professional education, with increasing numbers, which translate into new attitudes, capable of even generating uncertainties. However, that enable, for example, a Political Pedagogical Project with an inclusive bias substantiated and founded on the convergence community-student-science, it is important to emphasize that Ifac still needs to build its Political Pedagogical Project, are the initial steps of an inclusion that raises new challenges for managers who believe in an education that transforms lives.

The Federal Institutes were born with a perspective of promoting social justice, aiming at equity, without losing economic competitiveness and the generation of new technologies. They develop a societal project that supports emancipatory social inclusion. Thus, this special regime autarchy is based on a humanistic-technical-scientific education (PACHECO, 2010).

Precisely to transpose the historically constituted scenarios of duality and exclusive training for the labor market. Looking at individuals beyond replacements in the mercantile world, this theme is present in the genesis of FIs. In the words of Frigotto (2014):

Vocational education, which is therefore linked to another perspective of development and public policies, demands a double articulation: with basic education and with employment and income generation policies. The broader social expectation is that progress can be made in the affirmation

of unitary and, therefore, non-dualistic basic education, which articulates culture, knowledge, technology and work as a right for all and a condition for effective citizenship and democracy. An education of culturally, politically and scientifically prepared subjects for the changes signaled here. Above all, those who have the non-negotiable conviction that, as historian Hobsbawm (2000) reminds us, “people come first and cannot be sacrificed” in the name of “economic compromises”. The great challenge of the 21st century is not production, but the social capacity for democratic access to what is produced. The condition for this is, for this story, a direction opposite to the theses of the market without controls. This ethical-political task cannot be postponed and it is up to us (FRIGOTTO, 2014, p 21).

To ratify these assumptions, the conception of an education based on work as an educational principle, with the promotion of integration, whether of work, culture, science, would expand the student’s range of choices for their professional life, an emancipated subject in their ideas ( CIAVATTA; RAMOS; 2011).

In view of these first considerations, everything seems very simple, however, inclusion in any school institution requires continuous learning, directs towards a humanistic training of managers, who sometimes encounter administrative, economic and pedagogical difficulties, in addition to the relevant act of meet these individuals. Ultimately, the student is the focus. The truth is that these adaptations prevent/inhibit managers/teachers from inclusive practice, evidencing a process of educational integration, that is, just accepting this student, or integrating them into regular schools, is a form of exclusion:

To include is not just to integrate [...]. It is not being inside a room where the lack of awareness of values and acceptance do not exist. It is to fully and unconditionally accept

everyone's differences, in an appreciation of the being as similar to us with equal rights and opportunities. It is more than developing behaviors; it is a matter of awareness and attitudes (CAVACO, 2014, p. 31).

Considering this context, the migration from special schools to regular education, respectively, the first with the vision of rehabilitation, attending severe cases, in which robust support is essential, the other, with psychosocial<sup>1</sup> care, promoting scientific knowledge, both converge on the principles linked to assistance to people with ASD, emphasizing the stimulus to autonomy, integration in social activities, insertion in the labor market and respect for singularities (OLIVEIRA et al, 2017).

In relation to the legal, imperative and protective universe, they begin to be embodied through international treaties or ordinary laws focused on the rights of people with disabilities. It is verified that each country has its legislative time, its legal reflexes. It is important to emphasize that in the United States of America, in the 1990s, parents with autistic children, now duly named Autistic Spectrum Disorder - ASD, achieved significant legal advances. Donvan and Zucker (2017):

The passage of the Education for Individuals with Disabilities Act in 1990 had updated the Education for All Disabled Children Act, which required public schools to provide adequate education to all children with disabilities who wanted it. The 1990 version first mentioned *autism* as a specific category of disabilities. That was essential. From then on, schools were required to offer programs specifically tailored to the needs of children with autism. If the parents did not agree with the offer, the law gave them the right to go to court. (DONVAN; ZUCKER, 2017, p.261).

In Brazil, several legal instruments have led to changes in the educational environment,

prompting inclusive actions, highlighting the Salamanca Declaration, in its item III, on guidelines for actions at regional and international levels, item 7, which adds: (SALAMANCA DECLARATION, 1994, Item III, No. 7).

A fundamental principle of the inclusive school is that all children should learn together whenever possible, regardless of any difficulties or differences they may have. Inclusive schools must recognize and respond to the diverse needs of their students, accommodating both learning styles and paces and ensuring quality education for all through appropriate curriculum, organizational arrangements, teaching strategies, resource use and partnership with communities. Indeed, there should be a continuum of services and support commensurate with the continuum of special needs encountered within the school.

In the same vein, guaranteed by individual guarantees, opposing the discrimination of the disabled person and still provoking a new focus on special education, we have the Guatemala Convention of 1999, published by Decree nº 3,956 of October 2001.

The Law of Directives and Bases of Education, law 9,394/1996, also has its significant contribution, as it values the important work of special schools that lead students to regular education classes, in addition to dealing with teacher training. Carved in Art. 58, § 2 and Art. 59, items I, II and III (BRASIL, 2006):

Art. 58. For the purposes of this Law, special education is understood to be the type of school education offered preferably in the regular school system, for students with disabilities, global developmental disorders and high abilities or giftedness. § 2. Educational assistance will be provided in classes, schools or specialized services,

<sup>1</sup> It describes a constellation of social, emotional, and mental health needs and the care provided to meet them. A broader and related concept is quality of life, from the person's perspective, which includes their experience at home and not just medical care.

whenever, due to the specific conditions of the students, it is not possible to integrate them into regular classes of regular education (BRASIL, 1996).

Art. 59. Education systems will ensure students with disabilities, global developmental disorders and high abilities or giftedness: I - curricula, methods, techniques, educational resources and specific organization, to meet their needs; II - specific terminality for those who cannot reach the level required for completing elementary school, due to their deficiencies, and acceleration to complete the school program for the gifted in a shorter time; III - teachers with adequate specialization at a high school or higher level, for specialized care, as well as regular education teachers trained to integrate these students into common classes (BRASIL, 1996).

The laws begin to directly influence the demand for enrollment in regular education, from this perspective; the mathematical indexes gain volume, in the case of people with ASD, with the enactment of law 12.764/2012, also known as the Berenice Piana law, which instituted the National Policy for the Protection of the Rights of Persons with Autism Spectrum Disorder. Consolidating the search for entry into regular education and reaching vocational education. Highlight for Art. 3, IV, "a" and Art. 7, §1 of this law: (BRAZIL, 2012, Law 12,764, Arts. 3 and 7).

Art. 3 The rights of the person with autism spectrum disorder are IV - access: a) to education and vocational education. (BRAZIL, 2012, Law 12,764, Art. 3, Item IV, item "a").

Art. 7 The school manager, or competent authority, who refuses to enroll a student with autism spectrum disorder, or any other type of disability, will be punished with a fine of 3 (three) to 20 (twenty) minimum wages.

§ 1 In case of recidivism, determined by an administrative process, ensuring the adversary system and the full defense, there

will be the loss of the position (BRASIL, 2012).

These aforementioned devices do not resolve, for example, the gaps between the current pedagogical methods and the promotion of inclusion, generating changes in the age/grade relationship. (GOMES AND MENDES, 2010). Despite the advances in enrollment, many students with the Spectrum still study in special schools, and the reason lies in discrimination and prejudice, spaces and teaching do not have the necessary adaptations, especially in regular education units (MINATEL; MATSUKURA, 2015).

With the previous reasoning, Ifac moved towards the omnilaterality advocated in the Federal Institutes and, later, as a direct consequence of the current laws, the creation of the Nucleus of Assistance to People with Specific Educational Needs - NAPNE, edited by Resolution nº 145, of June of 2013, this initiative supports improvements in school retention and learning success. Since most students with Disorder end up leaving institutions without the proper qualifications, employment levels are low and few find work (LEVY; PERRY, 2011).

In relation to Ifac with the purpose of inclusion, where its acts must extrapolate the admission to enroll, and, notably, observe the approximation with the family, preparation of formal and non-formal spaces, verify its adaptations to the didactic material, promote the continued formation of the body professor and technician and extreme need to create the Pedagogical Political Project - PPP. Emphasizing that in the IFs, students with ASD already arrive teenagers or adults demanding a different sensitization and reception process, rightly an institutional look that this student is crowned a winner just by entering vocational education.

## **METHODOLOGICAL PROCEDURES**

The research on the inclusion of autistic people in the school universe followed a qualitative line, seeking a perception of the enrollment phenomenon within its context. Regarding the object, multiple case studies were adopted. For Triviños (1987, p.136), in multi-case studies there is no “[...] need to pursue objectives of a comparative nature, the researcher may have the possibility of studying two or more subjects, organizations, etc.”

Regarding data collection, unsystematic and participant observation, at the time, the management of the Campus was an integral part, and documental research will be the foundations. As with most techniques, observation should always be used together with another, because, from a scientific point of view, this technique has advantages and limitations that can be managed with the concurrent use of other research techniques (MARCONI; LAKATOS, 2003).

The research period took place in the 2019/2020 biennium, enrollment data (Data from 2014 to 2018) were provided by the State Department of Education, Culture and Sports of Acre - SEE, through the Special Education Board, the City Hall of Rio Branco provided the information (Data from 2013 to 2018) to the Municipal Education Department – Seme and the Special Education Board, presenting its management report and in relation to Ifac, the transfer of information resulted from a request to the ombudsman, the requested data were provided by the Coordination of Inclusive Actions – Coain and the Service Center for People with Specific Needs – Napne (Data from 2016 to 2020).

Finally, the exploratory objective was given by the collection of information from the enrollments, with the main reason to verify if there was an increase in the number of autistic students enrolled. It is worth mentioning that

in the Municipality of Rio Branco we found a specific difficulty regarding those enrolled with the TEA, since the data for students with disabilities are global, that is, there is no identification of disabilities. While in IFAC and in State Education, enrollments identify the type of disability at institutional admission.

## **RESULTS AND DISCUSSIONS**

The “United Nations – UN considers the estimate of autistics to be 1% of the world population, a number that the then Secretary-General Ban Ki-moon announced in 2010, reaffirmed in 2013 in the panel discussion of the World Autism Awareness Day” (PAIVA JUNIOR, 2019, p. 20).

In the presentation of global data on autism, these continue to grow according to Paiva Junior (2019):

[...] it is estimated that, worldwide, one in 160 children has autism. “This estimate represents an average value and the reported prevalence varies substantially between studies. Some well-controlled surveys have, however, reported numbers that are significantly higher. The prevalence of ASD in many low- and middle-income countries is so far unknown. Based on epidemiological studies carried out over the last 50 years, the prevalence of ASD appears to be increasing globally. There are many possible explanations for this apparent increase, including increasing awareness of the topic, expanding diagnostic criteria, better diagnostic tools, and improving reported information” (PAIVA JUNIOR, 2019, p 21-22).

In Brazil, official references on autism are still being studied, that is, there is no official index, since the Brazilian Institute of Geography and Statistics - IBGE does not have this information, which makes the research also exploratory. In our country, the constituent elements of the School Census from 2014 to 2018 show a substantial increase, in 32% of enrollments of students with special

needs, according to information released by the National Institute of Educational Studies and Research Anísio Teixeira – Inep (INEP, 2019).

In our article, the focus is directed to public schools, which even in the face of

law and laws, sometimes these students still do not achieve the desired inclusion, a fact that promotes a real funnel in the transition between elementary school and high school, as shown in the table below:

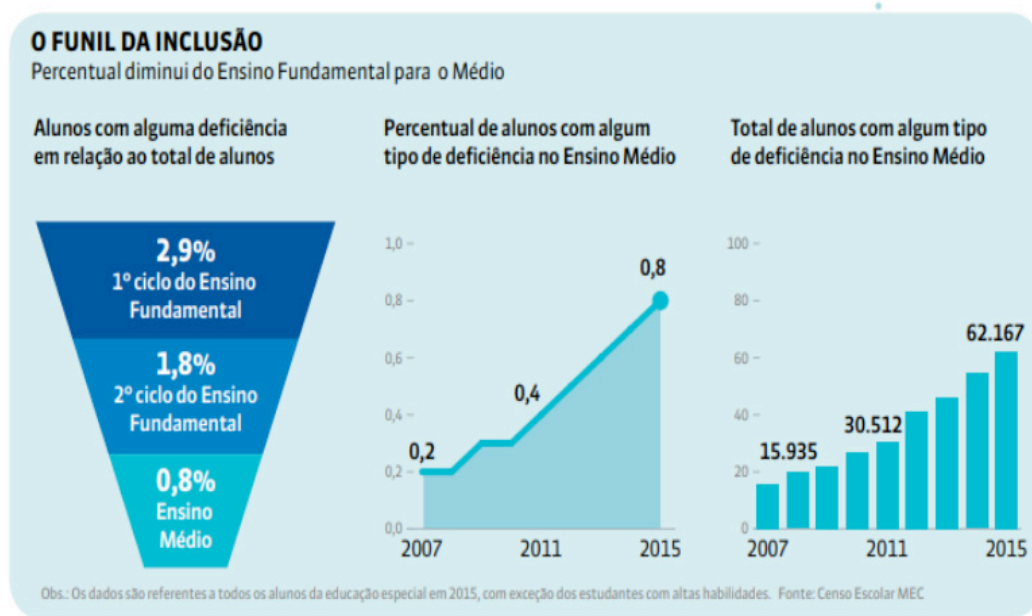


Table 1 - The inclusion funnel

Source: Instituto Unibanco – Learning in focus - 2016

The table above expresses the school dropout of disabled people, among them, the autistic, with few students who reach high school, which indicates that the laws and guidelines aimed at the school inclusion of this population still do not meet the needs of these students (LIMA; LAPLANE, 2016).

Within the state of Acre, the SEE, through the Special Education Board, promotes state

policies for inclusion, through continued teacher training, pedagogical strategies, institutional partnerships, family support and school management.

In the state of Acre, the number of enrollments of students with autism presented the following situation, as shown in the table below:

| Area/Year   | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
|-------------|------|------|------|------|------|-------|
| Urban area  | 88   | 148  | 304  | 427  | 311  | 1278  |
| Countryside | 10   | 20   | 30   | 40   | 43   | 143   |
| Total       | 98   | 168  | 334  | 467  | 354  | 1421  |

Table 2 - Enrollment of students with ASD in the state of Acre (2014-2018)

Source: Directorate of Special Education – State Department of Education, Culture and Sports of Acre - SEE

It is observed that in recent years, the growth in enrollments of students with ASD in the state, in schools operating in the municipality of Rio Branco, obtained an average of 237.5% growth in enrollments in the historical series, taking 2014 as a reference.

It is important to pay attention to growth in rural areas as well. This fact requires inclusive postures, continuous training of teachers, and improvement of the state's special education center, new hires, adaptation of pedagogical material, and a new way of thinking about inclusion. These state management data expose the changes, the need for greater awareness, creativity and dynamics for this "new" student.

While in the municipality, Seme, through the special education directorate, responsible for the demand of the autistic public, propagates Home Pedagogical Assistance - APD and continuing education. (PMRB/ Seme, 2018).

Another considerable action was the first competition for special education held in 2015, with the hiring of 92 mediator teachers hired in 2017 (RIO BRANCO, 2017).

At the Municipal Department of Education between 2013 and 2018, the number of enrollments in special education doubled, due to legality mechanisms. However, the data provided is a generic view, a general picture, without identifying the deficiencies, while the SEE data are more detailed. Thus, it was not possible to identify the exact number of autistics enrolled in the municipality. In view of the aforementioned facts, it is suggested that the management reports can detail deficiencies even for better municipal planning of activities, since specific administrative and pedagogical measures are necessary to guarantee the inclusion of autistic people.

Then, the target group of municipal special education students:

| ANO  | ZONA   | EDUCAÇÃO INFANTIL |            | ENSINO FUNDAMENTAL |             | EJA Fundamental | Total parcial | Total parcial anual |
|------|--------|-------------------|------------|--------------------|-------------|-----------------|---------------|---------------------|
|      |        | Creche            | Pré-Escola | Anos iniciais      | Anos finais |                 |               |                     |
| 2013 | Urbana | 12                | 107        | 231                | -           | 24              | 374           | 450                 |
|      | Rural  | -                 | 2          | 61                 | 9           | 4               | 76            |                     |
| 2014 | Urbana | 9                 | 143        | 273                | -           | 23              | 448           | 529                 |
|      | Rural  | -                 | 1          | 70                 | 5           | 5               | 81            |                     |
| 2015 | Urbana | 23                | 147        | 313                | -           | 33              | 516           | 602                 |
|      | Rural  | -                 | 2          | 81                 | -           | 3               | 86            |                     |
| 2016 | Urbana | 47                | 160        | 333                | -           | 36              | 576           | 668                 |
|      | Rural  | -                 | 1          | 87                 | -           | 4               | 92            |                     |
| 2017 | Urbana | 48                | 222        | 384                | -           | 25              | 679           | 763                 |
|      | Rural  | -                 | 4          | 77                 | -           | 3               | 84            |                     |
| 2018 | Urbana | 79                | 251        | 397                | -           | 23              | 750           | 827                 |
|      | Rural  | -                 | 5          | 71                 | -           | 1               | 77            |                     |

Table 3 - Target students of special education in the city of Rio Branco (2013 to 2018)

Source: Directorate of Special Education – Municipal Department of Education – Seme/ Municipality of Rio Branco-Acre



Data on the Federal Network of Vocational Education are still incipient; the Nilo Peçanha Platform does not provide information on inclusion.

At the Federal Institute of Acre, Campus Rio Branco, actions also follow legislative changes. It is worth mentioning that in 2013, the Center for Assistance to People with Special Needs - NAPNE was created, based on resolution nº 145/2013. Initially serving people with hearing and visual impairments, however, in recent years, students who have other shortcomings, have also been institutionally.

By force of law that directs the public of Federal Institutes to technical courses, preferably to the Integrated and the National

Program for the Integration of Professional Education with Basic Education in the Youth and Adult Education Modality - Proeja, at least fifty percent of enrollments, so the possibility of receiving a student with autism or other disability in this teaching modality becomes even greater.

Since the Nilo Peçanha Platform provides official data, the enrollment rate for technical courses is 48.94%, being the second highest possibility in undergraduate courses, which reveal the percentage number of 39.57% of enrollments, for the year 2019, 6.53% for FIC courses and 4.96% for postgraduate courses. It ends up guiding management actions for inclusion.

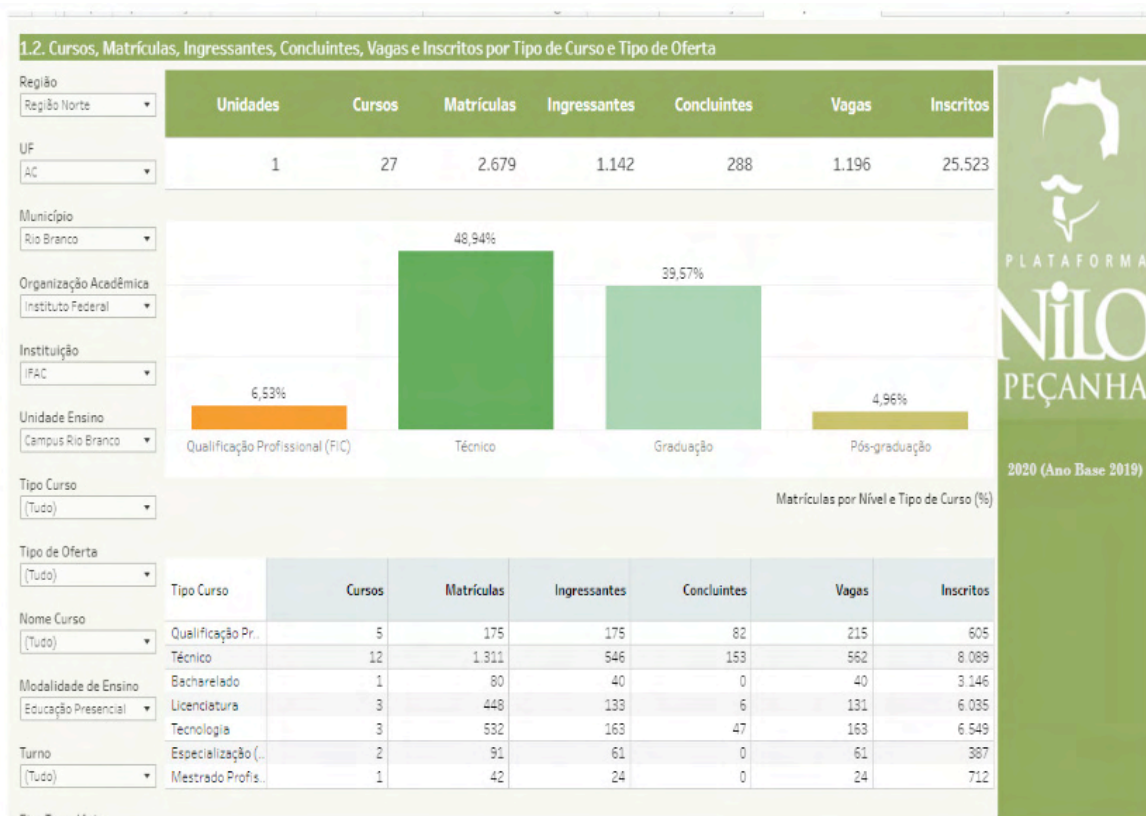


Figure 1 - Enrollments by level and type of course - Campus Rio Branco - PNP - 2020 - Base Year 2019

Source: Nilo Peçanha Platform - <http://plataformanilopecanha.mec.gov.br/2020.html>.

In 2016, there was the first autistic student enrolled, at Campus Rio Branco do Ifac, which presented a great challenge, because, institutionally recognized was inclusion, but the practice, the day to day revealed the unpreparedness for these cases, mainly in the humanist bias of the genesis of the Federal Institutes.

In this sense, it instigated new academic and administrative postures for future enrollments, which in fact appeared, confirming the trend in the number of students with ASD, since precisely in 2018, and two more students with ASD were received, one for the technical course. Integrated and one for the subsequent course. Finally, in 2019, another student in the integrated program.

| Number of students | School year | Course                                 |
|--------------------|-------------|--|
| 01                 | 2016        | Integrated course                      |
| 02                 | 2018        | Subsequent course<br>Integrated course |
| 01                 | 2019        | Integrated course                      |
| None               | 2020        | Note: School year ended in April/2021  |

Table 4 - Enrollments of students with Autism Spectrum Disorder

Source: Service Center for People with Specific Needs – Napne, Ifac – Rio Branco Campus/2020.

The challenge of professionalizing with inclusion and gradually, has its evolution in IFs across Brazil, the trend is to increase the enrollment of students with ASD. Thus, whether educational institutions must be clear about upcoming and current challenges. In the sense, and anticipating their actions with merit, in the search to become a reference in inclusion from the perspective of vocational education, they must guarantee dignity to the person with autism, enable them to be professionals for the world of work, these desires create a unique situation for the lives

of these people, so detecting enrollment numbers is an initial step in building inclusive vocational education. To exemplify in the words of Matsukura, Rosa and Squassoni (2019):

[...] considering the period between 2008 and 2017, on the inclusion of children with ASD in regular education, the results indicate a significant increase in the enrollment of these students in the regular education network, due to public movements and policies directed to the paradigm of inclusion. However, these inclusion processes still lack significant qualitative improvements, since professionals in schools still have difficulties in their practice with this population, such as the lack of greater knowledge about the characteristics of autism and the lack of specific pedagogical strategies aimed at improving it. in learning (MATSUKURA; ROSA; SQUASSONI, 2019, p. 2).

With the purpose of pointing out one of the ways, for the management of Ifac, knowing that complementary actions are necessary that can expand the insertion opportunities for students with ASD, regarding admission, training and later to the world of work, one of them being develop a greater understanding of schooling processes.

Another challenge for the institutes is to promote a humanist education with equal opportunities. Thus, management creates a favorable environment for the harmony of technical knowledge with human relations, in order to form, in addition to a professional, a citizen. Therefore, in order to succeed in learning “(...) learning takes place at various levels-affective, cognitive and psychomotor; and the subject is seen as a whole and there is no way to understand the behavioral and cognitive development without considering the affective domain” (SILVA, 2017, p.54).

The Federal Institute of Acre, by the exposed framework, has received people with disabilities according to legal dictates, the management seeks to welcome these students

and internally watches over their permanence and success, it has within the scope of Napne to develop inclusive actions, through training activities and production of adapted teaching material.

Thus, it is evident that the numbers suffered significant increases, particularly in the integrated courses. However, there is still a long way to go for inclusion, it is not enough just to welcome, it is not enough to enroll, new pedagogical postures need to be cultivated not simply for the normative compliance of a law, but mainly for education that promotes lives, with the aim of emancipate the student, without losing the bias of technological innovation.

## FINAL CONSIDERATIONS

The work evidenced the transposition of students with ASD from special to regular schools, the result of family achievements and inclusive public policies that guided changes in legislation, especially Law 12.674/2002, which considers ASD to be a disability.

These new legal dictates intensified

the demand for places in school units, characterizing, mainly, a high growth in the number of enrollments for these atypical students, according to the result disclosed in the study.

Data from the School Census show that the Ministry of Education has favored access, permanence and participation in learning for students with ASD. In 2018, nearly 180,000 enrollments of students with ASD were registered in basic education.

Another striking fact is that these reported indices reinforce the responsibility of an educational, emancipatory project, from a humanist perspective, since inclusion requires a much greater dedication to the student, in addition to reception, adaptation, it is necessary to put oneself in the place of the student other. For the success of this posture, management needs to improve its activities with a focus on the student.

In this way, IFAC has a great opportunity to promote inclusive professional education, and can become a reference for autistic adolescents and adults.

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