



## LEGAL ANALYSIS OF EDUCATIONAL LEGISLATION: IMPLICATIONS AND PERSPECTIVES FOR THE INCLUSIVE PHYSICAL EDUCATION PROFESSIONAL



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### ABSTRACT

The present study aims to carry out a critical and reflective analysis of the Brazilian educational legislation regarding inclusive Physical Education. The specific objectives were: to address the right to inclusion, presenting brief reports on how the inclusion process was introduced in Brazil; present the legal texts that support and guarantee the inclusion process; highlight the importance of improving the continuing education of Physical Education professionals to deal with these students. The proposed study consists of a literature review, carried out through a survey in the Google Scholar and Scielo databases in the time period between 2016 and 2023. The keywords used in the searches were: adapted physical education; inclusive education; educational legislation. The results allowed us to infer that the Brazilian legislation represents a significant advance in guaranteeing the educational rights of people with different abilities. However, the practical implementation of Inclusive Physical Education still faces challenges, highlighting the continuous need for adaptations and improvements. Thus, the present study reinforces the

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need to create educational environments that promote inclusion holistically, going beyond physical adaptations to embrace an inclusive culture that values diversity and respects the uniqueness of each student.

**Keywords:** Adapted Physical Education. Inclusive Education. Educational Legislation.



## INTRODUCTION

Inclusion in regular education is a process that enables multiple developments for disabled students. Physical Education is a discipline that has space to meet this purpose, it is possible to integrate these students into their practice respecting their differences (Franco, 2018).

Brazilian educational legislation, notably the Federal Constitution of 1988, the Law of Guidelines and Bases of National Education (LDBEN) and the Statute of Persons with Disabilities, has established principles and guidelines that seek to ensure the inclusion of all students in the school environment. However, the effective implementation of these norms in the practice of inclusive Physical Education requires in-depth reflections on the challenges, gaps and potentialities of this process (Morais; Rodrigues; Figueiras, 2019).

Considering, therefore, the enactment of laws and guidelines that seek to promote educational inclusion, notably in the context of Physical Education, this article proposes to answer the following research problem: How has Brazilian educational legislation been effectively applied and interpreted in the practices of inclusive Physical Education?

Thus, in order to respond to the problem of the study and in view of the relevance of the theme, the general objective of the study is to carry out a critical and reflective analysis of the Brazilian educational legislation regarding inclusive Physical Education. The specific objectives were: to address the right to inclusion, presenting brief reports on how the inclusion process was introduced in Brazil; present the legal texts that support and guarantee the inclusion process; highlight the importance of improving the continuing education of Physical Education professionals to deal with these students.

The rationale for this study lies in the need to understand how current educational legislation resonates in Physical Education practices, identifying areas of success, as well as challenges that require intervention and improvement. Despite the existing legal framework, the effective implementation of Inclusive Physical Education can face practical challenges. In this context, the relevance of this research lies in understanding these challenges, identifying gaps between legal theory and practical application.

Although incipient, this study points to the urgent need for transformation based on each subject in particular and due to the change required in the subjects in interaction in their experiences and experiences, which tend to strengthen each other in order to overcome prejudices and human differences that are not accepted and, therefore, not respected. a rereading of the limitations and real possibilities of the human being in life lived concretely.



From a thorough bibliographic survey and based on authors of the stature of Faria (2018), Franco (2018), among other authors who provide sufficient material for the purposes sought by the work presented here, a theoretical framework is built in order to deepen the concepts relevant to the theme under study.

## **ADAPTED PHYSICAL EDUCATION AS AN INSTRUMENT OF INCLUSION: AN ANALYSIS OF LEGAL APPROACHES AND PEDAGOGICAL PRACTICES**

### **INCLUSION IN THE EDUCATIONAL CONTEXT**

Inclusion in the educational context is a principle that aims to ensure access, participation, and learning for all students, regardless of their individual differences. This concept goes beyond simply integrating students with special needs into regular classrooms; it is about creating an educational environment that welcomes diversity in all its forms (Freitas; Araújo, 2016).

Inclusion recognizes that each student is unique, with their own abilities, interests, and challenges. Diversity is not just limited to physical or cognitive characteristics, but also encompasses cultural, socioeconomic, and emotional aspects. The central objective is to provide students with equitable opportunities to participate fully in the educational process

When exploring the concept of inclusion, it is essential to understand that it goes beyond physical presence in the classroom. It is about creating environments that adapt to the needs of each student, promoting a culture of respect and acceptance. Inclusion also encompasses the adaptation of teaching methodologies, teaching materials, and assessments, ensuring that all students can learn in a meaningful way.

The successful implementation of inclusion requires the commitment of the entire educational community, including educators, school administrators, parents, and other professionals. It is a dynamic process that demands constant reflection and adjustments to meet the evolving needs of students. Araújo (2017) highlights that inclusion in the educational context is not only a pedagogical approach; It is a philosophy that recognizes and celebrates diversity as a fundamental element for the enrichment of the educational environment and preparation of students to live in society in a full and respectful way.

### **INCLUSION LAWS FOR PERSONS WITH DISABILITIES**

At this point, it is necessary to present what has changed in the legislation due to the transformation that was taking place in Brazilian society, which was no longer agrarian to become urbanized and industrialized, in addition to the movements, struggles and discussions in other countries and even within Brazil, in favor of people with special needs.

All this context contributed to the Laws and Decrees that came to be enacted in order to guarantee the rights to education in non-segregated places for people with special needs. With a structure already organized by civil society, the legislation for people with special needs began to be more recognized, coming to strengthen proposals that aimed to guarantee education for all. One of the first advances was Law 4.024/61, which outlined the "rights of the exceptional". However, it was only in 1973 that the National Center for Special Education (CENESP) was created, which began to discuss policies and practices for the area

Another great advance was the Federal Constitution of 1988, also known as the Citizen Constitution, completing 20 years now in 2008. This, in addition to bringing important points for education in general, reaffirmed subsidies for Special Education, indicating, in article 208, the "guarantee of specialized educational care for people with disabilities, preferably in the regular school system", opening regular schools to people with special needs, strengthening the inclusion movement (Santos, 2017).

Soon after, in 1990, the Statute of the Child and Adolescent (ECA – law 8.029/90) was enacted, which, among other determinations, establishes, in § 1 of Article 2, specialized care for children with special needs. The ECA also emphasizes in article 5 that: "no child or adolescent shall be the object of any form of negligence, discrimination, violence, cruelty and oppression, punished in accordance with the law for any assistance, by action or omission, to their fundamental rights" (Brasil, 1990, p.01).

According to Mantoam (2016) in the panorama of Brazilian government public policies, education has assumed a prominent role since the 90s, when there is a strengthening of discourses and proposals, which reveal the intention to guarantee education for all through Laws and Legislation. And these were formulated from March 1990, when Brazil participated in the World Conference on Education for All (in Jomtien, Thailand), convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the United Nations Development Programs (UNDP) and the World Bank (Pinto, 2017).

This conference resulted in the World Declaration on Education for All, from which Brazil opted to build an inclusive educational education system. This movement led to a new conference, in 1994, in Salamanca (Spain) - the World Conference on Special Educational Needs: Access and Quality, of which Brazil is a signatory, reinforcing Brazil's position for the inclusive education system (Frade, 2017). The Resulting Salamanca Declaration proposes a series of changes in educational services for people with special needs. Among them is access to regular schools, which should integrate them into a child-



centered pedagogy, capable of meeting these needs; and, the adoption, by force of law or as a policy, of the principle of integrated education allowing the enrollment of all children in common schools (Morais; Rodrigues; Figueiras, 2019).

As a milestone in the advancement of educational inclusion, the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, signed in Guatemala in May 1999, to which Brazil is a signatory. The relevance of this legislation lies in making explicit the impossibility of differentiation based on disability (Leboyer, 2017).

For a long time, the treatment provided to these students was intended to adapt them, in a clear attempt to "normalize the disability", demonstrating total negligence for the particularity of being as a singular individual and negligence for the complexity of the process of knowledge construction.

The evolution of understanding the political focus of integration for the inclusion policy, characterizes and restructures special education within the scope of the Brazilian educational policy because it defines it as a transversal modality that performs the Specialized Educational Service of complementary and/or supplementary support to the schooling process

It is worth mentioning that the proposal for inclusive education was inserted in Brazil from the Law of Guidelines and Bases of National Education 9.394/96 (LDB/96), which represented a great milestone for the educational transformations of the service for people with special needs. Such changes also represented a great challenge for the education sector in general, because, among other issues, it modified the teaching performance and put into conflict different conceptions of teaching to which educators were accustomed/trained (Ribeiro; Fernandes; Marques, 2017).

The Law of Guidelines and Bases of National Education recognizes that Special Education is a modality of teaching that permeates all school levels, because in the education systems there are no separate types of education. Special Education is not a subsystem and therefore, the school needs to be open to serve everyone so that it can develop the skills of those who need differentiated support, providing adequate specialized educational support for all students. Professional unpreparedness is most often a factor that limits the inclusion process.

In this sense, through the LDB of 1996, Special Education became a modality of school education, and should preferably be carried out in regular schools and offering specialized support services for students who needed it. From the changes in the area of



Special Education, other Laws, Decrees and Plans emerge to trace the path in order to achieve the proposed objective: Inclusive Education (Freitas; Araújo, 2016).

In January 2001, Law No. 10,172 was enacted, approving the National Education Plan, which was valid for ten years. In it, the objective is to raise the level of education, improve the quality of education and reduce social inequalities. That same year, Opinion 17/2001 is approved, which brings the National Guidelines for Special Education in Basic Education, which seeks to achieve the objectives of inclusive education, with the following objectives: the increase in schooling; the improvement of teaching at all levels; the reduction of inequalities in relation to access to permanence

Due to society's debt to this population, because of its segregated history, in which Special Education previously did not even certify its students, the Guidelines state that "EJA, with its reparative function, will be able to recover the lost time of people with special needs" (Brasil, 2001, p.22) and that "(...) extraordinarily, it may promote the organization of special classes, for transitory care" (Brasil, 2001, p.47). It is noted that all the discussions generated with the Laws, Decrees and documents emphasize the importance of a new conception of education: Inclusive Education.

The National Education Plan (Law No. 13,005/2014), in its Goal 4, provides for the universalization of access to basic education and adequate care for people with disabilities, ensuring the provision of adapted physical education. This document guides the implementation of public policies to promote inclusive education throughout the country (Brasil, 2014).

In a more specific context, the National Policy on Special Education in the Perspective of Inclusive Education (2008) highlights the importance of adapting pedagogical practices, including physical education, to meet the needs of students with disabilities. This policy reinforces the role of the school as a learning space for all, promoting respect for diversity (Brasil, 2008).

The National Common Curriculum Base (BNCC), approved in 2018, also presents itself as a normative instrument that influences adapted physical education by establishing competencies and skills to be developed in the area. The BNCC reinforces the need for curricular adaptations that consider the different conditions and characteristics of students (Brasil, 2018).

However, even with the normative advance, it is crucial to highlight that the effective implementation of these policies still faces challenges. The adequacy of infrastructures, the continuing education of teachers and the awareness of the school community are aspects that require attention to ensure full inclusion in adapted physical education, as

recommended by Brazilian legislation. The analysis of these legal documents reveals a growing commitment to school inclusion, promoting the construction of an education that respects and values the diversity of each student.

And as the most current document that brings even more firmly the perspective of inclusive education, is the Brazilian Inclusion Law (LBI), No. 13,146, of July 6, 2015. About the LBI, Santos (2017, p.29), says that:

After more than thirteen years of processing in the National Congress, the LBI has become one of the main legislative milestones for the protection of the rights of people with disabilities in the country. The LBI has 127 articles and almost three hundred new provisions that, together, change the legal treatment of the issue of disability in the country, now anchored in the framework of human rights. In addition to affirming and being in line with the concept of persons with disabilities in the Convention, the text of the LBI brings the issue of barriers as an innovation for the purposes of recognizing and qualifying disability as a restriction of social participation. The LBI not only describes what barriers are, but also explains six main types of them (architectural, urban, transport, communication, technological and attitudinal). As the concept of person with disability in the caput of article 2 establishes that disability is the result of the interaction between the body with impairments and one or more barriers, it can be inferred that the characterization of only one of the six explained is enough for the person with long-term impairments to be considered disabled

Law 13.146/2015 "The Statute of Persons with Disabilities" opens a historic milestone in Brazil with regard to inclusion. In his rapporteurship, in 2003, Senator Paulo Paim (PT-RS) made an overview of laws, decrees and treaties. At that time, there was still not a single document that dealt with the subject (Faria, 2018).

The primary author then makes an overview of laws and decrees such as the LDB, Salamanca declaration, CF/88, 2008 convention on the Rights of Persons with Disabilities and puts them in a single document. Later this rapporteurship passed to Deputy Mara Gabrilli (PSDB-SP), already in the Chamber of Deputies. The aforementioned deputy was essential for the project to have a greater amplitude, because being a wheelchair user, she knows firsthand what a person with disabilities needs (Faria, 2018).

It is worth mentioning that a left-wing party starts in the Chamber of Deputies and the right-wing approves it, so let's agree that in these moments when the population needs a greater framework of zeal, it doesn't matter if it is left or right, both parties managed to approve the project. Finally, this rapporteurship passed to Senator Romário Faria (PSB-RJ), who in his speech on the day of the vote (06/10/2015) on the Statute of Persons with Disabilities – Brazilian Law of Inclusion in the Plenary of the Federal Senate says that:

"[...] Here we have one of those cases in which the performance of parliamentarians can play a decisive role in changing the country, correcting a historical injustice and rescuing the dignity of an important segment of the population. As the Senators well know, the fight for the inclusion of people with disabilities faces a whole history of misunderstandings and prejudices. [...] this cause is not mine, because I am the





father of a child with a disability, it is not Deputy Mara Gabrielli's, who became disabled, it is not Senator Paulo Paim's, author of this law

The project was approved in 2015, with a vacancy period for municipalities and states to prepare, taking effect in 2016. The law in question opened a significant paradigm in Brazilian society, as it is now society that adapts to people with disabilities and not the other way around (Frade, 2017).

In Brazil, before the Statute of Persons with Disabilities was enacted, denying the enrollment of people with disabilities was already prohibited by law, however, after the enactment, according to articles 27, 28 and 30, in addition to enrollment, the educational institution needs to have the permanence of this student, so the need arises for architectural improvements, adaptation of materials, training of professionals, etc (Morais; Rodrigues; Figueiras, 2019).

In this way, private educational institutions also need to comply with the law, having the same framework that public schools are obliged to comply with, however, and no lint should be added.

The Plenary of the Federal Supreme Court (STF), in a session on Thursday (9), judged constitutional the rules of the Statute of Persons with Disabilities (Law 13.146/2015) that establish the obligation for private schools to promote the inclusion of people with disabilities in regular education and provide the necessary adaptation measures without financial burden being passed on to tuition fees, Annuities and enrollment. The majority decision was taken in the judgment of Direct Action of Unconstitutionality (ADI) 5357 and followed the vote of the rapporteur, Justice Edson Fachin.

Affirmative Policies are the duty of both the public and the private. Not long ago, universities and educational institutions could charge an extra fee on enrollment and tuition paid by students with some type of disability. In addition to the end of this fee, the Statute established a penalty of two to five years in prison and a fine for anyone who prevents or hinders the entry of a person with a disability into any regular school (Frade, 2017).

Unfortunately, there was no reasonable duration, as it took about 12, 13 years to approve the bill. This discussion was held in the Senate from 2003 to 2006 and in the Chamber of Deputies from 2006 to 2015 (Faria, 2018). This shows the lack of care for people with disabilities, not respecting the principle of reasonable duration (Franco, 2018).

It is notorious that Brazil is still taking slow steps in terms of putting full inclusion into practice, despite considerable progress. Five years after the law was approved, we can still see that we are moving at a slow pace. It must be considered that the advances are notorious, however, there is still much to be done. In the LBI, there is a need to provide



people trained to work with the target audience of the aforementioned law (Freitas; Araújo, 2016).

It is necessary that there are better conditions for students and teachers to maintain or advance more with regard to the implementation of this law and to give knowledge to others who are part of this inclusion. There was a great advance in the number of enrollments of students with disabilities compared to data from 2019 to 2021, according to the School Census released by the Ministry of Education. However, when arriving at the school environment, the student does not find the apparatus to serve him (MEC, 2022, p.1).

## THE IMPORTANCE OF INCLUSIVE PHYSICAL EDUCATION AS AN INTEGRAL PART OF THE FUNDAMENTAL RIGHT TO EDUCATION

Because the discipline of Adapted Physical Education was created in the 90s, it is clear that for this reason many professionals in the area of physical education do not have adequate training to deal with issues pertinent to Physical Education for people with special needs (Martins, 2016).

Physical Education should aim at the potentiality of each individual, regardless of the difference between them, seeking to work on the biological, psychological and social aspect of the student without evidencing their inequality, understanding and respecting them, not only the differences, but the limits of each individual (Morais; Rodrigues; Figueiras, 2019).

The importance of inclusive physical education as an integral part of the fundamental right to education is a fundamental theme to promote equity in the school environment. The right to education is globally recognized as a basic human right, and inclusion in physical education is a crucial component of this right, contributing to the integral development of each student (Freitas; Araújo, 2016).

Inclusive physical education goes beyond simple access to physical activities; It represents the opportunity for all students, regardless of their abilities, to participate fully in the educational process. By integrating diversity into physical education, schools reflect a commitment to equal opportunities and the appreciation of individual differences (Ferreira; Cataldi, 2018).

An integral part of this panorama is recognizing that each student is unique, with their own abilities, talents, and challenges. Inclusive physical education recognizes and celebrates this diversity, providing an environment that respects and welcomes the uniqueness of each individual. This approach not only meets the specific needs of students with different abilities, but also enriches the educational experience of all students (Morais; Rodrigues; Figueiras, 2019).



Inclusion in physical education contributes to the physical, social, emotional, and cognitive development of each student. By providing adapted activities and inclusive pedagogical strategies, an environment conducive to mutual learning, the construction of positive interpersonal relationships, and the development of motor skills is created, thus promoting a more comprehensive education (Araújo, 2017).

In addition, inclusive physical education prepares students to live in a diverse society, promoting acceptance, empathy, and respect for differences from the early school years. These are essential skills for building a more inclusive and egalitarian society, in line with the fundamental principles of human rights (Brito; Lima, 2018).

By recognizing inclusive physical education as an intrinsic part of the fundamental right to education, educational institutions demonstrate a commitment to building fairer school communities where every student is valued and has the opportunity to participate fully in all dimensions of academic life. This approach not only responds to the diversity present in classrooms, but also shapes a more inclusive and respectful society with differences, thus strengthening the foundations of a truly democratic education (Lopes; Ferreira, 2018).

It is common to come across teachers who do not feel prepared to include a disabled student in their classes. According to Fiorini and Manzini (2018), the inclusion of disabled students in regular education faces many challenges, as the lack of training of educators is of great relevance. When it comes to inclusion, the professional must be safely aware to work with this education, training the teacher is to prepare him in order to educate in an appropriate way with regard to the inclusion process.

The affirmative actions of the school seem to be distant from those who need it most, it is possible to show that the community does not participate effectively in the projects prepared by the teachers, as well as few activities aimed at its benefit. Physical Education offers the construction of the development of the skills of disabled students inserted in regular education (Morais; Rodrigues; Figueiras, 2019).

The teaching of Physical Education today goes beyond the simple fact of playing ball, it has become a pleasurable class, eagerly awaited by many students, because in addition to being a teaching-learning moment, it provides interaction and leisure. According to Ferreira and Cataldi (2018), the definition of inclusion that has been put into perspective and propagated in Official Documents (Laws, Decrees and Resolutions) is one that includes inviting those who have been historically excluded or left aside to come closer. The principle of inclusion is the principle of non-exclusion. Exclusion has occurred through racial



prejudices and among so many that it is still a big problem. When can the teacher directly have an inclusive function?

For Brito and Lima (2018) it is when the teacher supports, stimulates, encourages, values, promotes the student. Valuing all students, regardless of ethnicity, gender, language spoken, social class, religion, political or social opinion, should be the teacher's first strategy. In addition to this attitude, the teacher should favor discussions among students about the meaning of prejudice, discrimination and exclusion.

The teaching and learning process must be based on understanding, clarifying and understanding differences. The strategies chosen should not only favor inclusion, but also discuss it and make it clear to students. Physical Education has the function of forming, introducing and integrating the student to body movements, forming a citizen who will use what he has learned for the benefit of quality of life. The integration that will enable the enjoyment of the body culture of movement must be full and affective, social, cognitive and motor (Morais; Rodrigues; Figueiras, 2019).

Historically, there is no effective participation of the community in the school's actions, this is a recent process, and it has generated great discussions, because in fact it is not an easy task to take the school to the community, nor to take the community into the school. In the process focused here, it is also important that teachers and students create affective bonds in the search for knowledge, education and society and seek to integrate this into the community where they live (Lopes; Ferreira, 2018).

We currently show that there is a discreet desire to expand this relationship, but it is necessary to invest in projects and campaigns, as the return is greatly satisfactory both for the teacher who has his work recognized and for the community that benefits from these actions. And the less narrowing of these, the greater the chances of having continuing education within the family environment (Ferreira; Cataldi, 2018).

Inclusive education is characterized as a process of including everyone, and when it comes to bringing the community to school, it is necessary to highlight in one issue, people with special needs or with learning disorders in the regular school system, in all its degrees, because the child who has special needs (disabled), have a learning disorder, or vice versa, so all these students are considered to have special educational needs (Franco, 2018).

Inclusive education will lead to the transformation of the representation of children and young people about disability, because by educating and growing together with the "different", they will understand heterogeneity, since the work is always focused on homogeneity. Human diversity is not taken into account at all, this is the ethical axis of the



human being, it is difficult to talk about ethics with someone totally different from you. And this experience is believed that the school has to provide the citizen, otherwise it is not a school (Lorenzini et al., 2018).

School physical education, until decades ago, presented a model in which the physical (body), physical fitness and performance were the most important, often neglecting the social, cognitive and affective aspects. What was relevant within the school physical education classes was Sport-Performance, that is, the student should present a good performance and skills not only in classes, but also in games and in certain sports, leading the student to be almost an athlete (Lopes; Ferreira, 2018).

In this way, school physical education presented an exclusionary model, by presenting classes with teaching methods by repetition, which made these more monotonous, without concern for the participation of all students. With the theoretical advances in Education, and also in Physical Education, new approaches have been emerging, and the Law of Guidelines and Bases (LDB) and the National Curriculum Parameters have contributed to taking the discipline to a prominent place in the "formation of critical, participatory citizens with social responsibilities" (Freitas; Araújo, 2016).

However, with all these advances in school physical education, a biological model of man is still rooted, and many professionals are still concerned with the body and its physiological capacities, thus keeping physical education still very selective. The LDB in its article 26 in paragraph 3 says that Physical Education is integrated into the pedagogical proposal of the school, it is a curricular component of basic education, adjusting to the conditions of the school population (Brasil, 1996). So how can Physical Education start from a selective model? Would it be capable of having an exclusionary behavior enhanced?

Starting from the principle that one of the general objectives of Physical Education in Elementary School is that the child through bodily activities gets to know himself and others and especially that he respects individualities. School physical education, as Martins (2016) says, based on the principle of adequacy to the child, should favor their full development, according to their needs and their ability to acquire movements, as it is based on the principle that they have a natural need for movement.

## PEDAGOGICAL THEORIES THAT UNDERLIE THE CONCEPTION AND IMPLEMENTATION OF INCLUSIVE PHYSICAL EDUCATION

Several pedagogical theories contribute to this foundation, providing valuable guidance for educators and professionals in the field. One of the fundamental theories is Historical-Critical Pedagogy, which proposes a critical and reflective approach to



educational practices. In inclusive physical education, this theory highlights the importance of recognizing individual differences, promoting a deep analysis of social relations and power structures that can impact student participation (Pinto, 2017).

Lev Vygotsky's Sociocultural Theory is another significant contribution. She emphasizes the importance of the social environment and social interactions in the learning process. In inclusive physical education, this theory highlights the need to create an inclusive environment that promotes interaction among all students, providing opportunities for the development of physical and social skills (Araújo, 2017).

Critical-Overcoming Pedagogy, in turn, focuses on overcoming inequalities through physical education. This approach suggests that physical education should go beyond motor development, including social, cultural, and emotional aspects. From an inclusive perspective, this implies recognizing and addressing the barriers that prevent the full participation of all students (Frade, 2017).

The Empowerment Theory, related to Critical Physical Education, highlights the role of physical education as a tool to empower students, promoting autonomy and self-efficacy. In inclusive physical education, this implies creating opportunities for each student, regardless of their abilities, to feel empowered and an integral part of the educational environment (Morais; Rodrigues; Figueiras, 2019).

In addition to these theories, the Constructivism approach also plays a significant role in inclusive physical education. The core idea is that students actively build knowledge through their experiences. This suggests that physical education classes should be adapted to allow each student to build their own understanding of physical activities, respecting their pace and learning style (Martins, 2016).

Therefore, the combination of these pedagogical theories offers a solid foundation for the design and implementation of inclusive physical education. They provide guidelines for the creation of learning environments that recognize diversity, promote social interaction, address inequalities, and enable each student to actively participate in physical activities, contributing to a more inclusive and enriching educational environment (Lopes; Ferreira, 2018).

## THE BRAZILIAN LAW FOR THE INCLUSION OF PERSONS WITH DISABILITIES (LAW NO. 13,146/2015) AND INCLUSIVE PHYSICAL EDUCATION

The Brazilian Law for the Inclusion of Persons with Disabilities (Law No. 13,146/2015), also known as the Statute of Persons with Disabilities, represents an important legal framework for the promotion of inclusion, including physical education. The



legislation establishes specific guidelines that aim to ensure the full exercise of the rights of people with disabilities in various aspects of social life, including access to education (Franco, 2018)

In the context of inclusive physical education, Law No. 13,146/2015 reinforces the need to adapt practices and environments to ensure the effective participation of students with disabilities in school physical activities. She emphasizes the importance of promoting equal opportunities and eliminating barriers, whether architectural, communicational, attitudinal or methodological, which may prevent the full participation of students (Freitas; Araújo, 2016).

In addition, the legislation establishes that it is the duty of the State, society and the family to ensure the right to inclusive education for people with disabilities, on equal terms with other people. In this sense, inclusive physical education is conceived as an integral part of this fundamental right, and should be offered in an adapted and accessible way, respecting the individual needs of each student (Faria, 2018).

Law No. 13,146/2015 also highlights the importance of continuing education for education professionals, including physical education teachers, for the development of inclusive practices and the acceptance of diversity. This training aims to enable them to adopt pedagogical strategies that favor the active participation of all students, promoting a culture of respect for diversity and valuing individual skills (Frade, 2017).

Therefore, the Brazilian Law for the Inclusion of Persons with Disabilities establishes solid foundations for the promotion of inclusive physical education, reinforcing the commitment of the State and society to guarantee the right to quality education for all, without discrimination or exclusion, and recognizing the importance of the full participation of students with disabilities in school physical activities (Freitas; Araújo, 2016).

## INCLUSIVE PHYSICAL EDUCATION ACCORDING TO THE BNCC

Inclusive Physical Education, as outlined by the National Common Curriculum Base (BNCC), represents a significant commitment to promoting equity and meeting the diversities present in the school context. The BNCC, approved in 2018, establishes the essential competencies that all Brazilian students must develop throughout their school career, including specific guidelines for the area of Physical Education (Lopes; Ferreira, 2018).

The BNCC reinforces that Physical Education should be a curricular component that contributes to the integral development of students, promoting body culture, health care and social participation. In the context of inclusion, the BNCC highlights the need for



pedagogical practices that consider the singularities of each student, including those with disabilities, global developmental disorders, and high abilities or giftedness (Morais; Rodrigues; Figueiras, 2019).

Among the guiding principles of inclusive Physical Education according to the BNCC, the following stand out:

1. **Accessibility and Participation of All:** The BNCC advocates that Physical Education practices should ensure accessibility to all students, enabling full participation, respecting the individual characteristics and specific needs of each student.
2. **Curricular and Methodological Adaptations:** The base recognizes the importance of curricular and methodological adaptations in Physical Education to meet the diversity of abilities and characteristics of students. This includes tailoring activities, resources, and strategies to provide an inclusive experience.
3. **Appreciation of Body Culture of Movement:** The BNCC highlights the appreciation of body culture of movement, contemplating different sports practices, games, dances and physical activities. This broad approach makes it possible for students to choose and participate in activities that are aligned with their interests and possibilities.
4. **Continuing Education of Teachers:** Recognizing the importance of the role of the educator in promoting inclusive Physical Education, the BNCC points to the need for continuing education, aiming to train teachers to deal with diversity effectively.

The BNCC, when addressing inclusive Physical Education, seeks to align itself with the principles of Inclusive Education, promoting a pedagogical approach that recognizes and values the uniqueness of each student, providing the construction of knowledge in a participatory and egalitarian way. This perspective aims not only to meet legal demands, but, above all, to contribute to the full development and well-being of all students, regardless of their individual characteristics (Brasil, 2018).

## INCLUSIVE PHYSICAL EDUCATION ACCORDING TO NATIONAL CURRICULUM PARAMETERS

The National Curriculum Parameters (PCNs) constitute a fundamental reference for the organization and development of teaching in Brazil, including Physical Education. In the context of inclusion, the PCNs play an essential role in establishing guidelines that aim to ensure an inclusive pedagogical practice, respecting diversity and promoting access to knowledge for all students (Morais; Rodrigues; Figueiras, 2019).

The PCNs highlight the importance of Physical Education as a curricular component that should contribute to the integral development of students, considering their differences and specific needs. Inclusion is approached as a guiding principle, aiming at the active participation of all students, regardless of their motor, intellectual or social abilities (Freitas; Araújo, 2016).





The inclusive approach advocated by the PCNs encourages flexible pedagogical practices adapted to the peculiarities of each student. A diversification of methods, strategies and contents is proposed, in order to meet the plurality of individual characteristics, providing meaningful experiences to all students (Lopes; Ferreira, 2018).

An inclusive perspective in Physical Education, according to the PCNs, goes beyond performance and athletic performance. Participation, effort and the learning process are valued as central elements for the development of students. This contributes to the promotion of self-esteem and autonomy, which are fundamental in the context of inclusion (Morais; Rodrigues; Figueiras, 2019).

In this context, Martins (2016) advocates that the PCNs emphasize the importance of addressing cultural diversity in Physical Education, recognizing and valuing different manifestations of body culture. This approach contributes to the construction of a broader and more respectful view of the singularities of each student, regardless of their cultural origins.

It is also important to emphasize that the collaboration between Physical Education teachers and other support professionals is emphasized in the PCNs. This cooperation aims to ensure the effectiveness of inclusive practices, involving the adaptation of activities, the promotion of accessibility and the meeting of the specific demands of students with disabilities (Fiorini; Manzini, 2018).

Similarly to the ideas above, Araújo (2017) the National Curriculum Parameters establish the basis for an inclusive Physical Education, based on equity, valuing diversity and respecting the singularities of each student. The implementation of these guidelines contributes not only to motor development, but also to the integral and civic education of all students, promoting a more inclusive and fair education.

## **BARRIERS TO THE INCLUSION OF STUDENTS WITH SPECIAL EDUCATIONAL NEEDS IN PHYSICAL EDUCATION CLASSES**

Contextualizing the barriers faced by people with different abilities in accessing physical education is crucial to understanding the specific challenges and developing inclusive strategies. These barriers can encompass a variety of aspects, from physical issues to social and structural factors (Freitas; Araújo, 2016).

The institutions that train these professionals do not problematize the situations, but only suggest that they seek knowledge to solve them, and they should insert this knowledge in the training of these professionals, in which they should already enter the labor market exercising their function without any problem (Martins, 2016).



In addition, it should be noted that physical aspects can represent a significant barrier. People with motor, sensory, or cognitive disabilities may encounter challenges when participating in traditional physical activities. The lack of adequate adaptations in equipment, spaces and teaching methodologies can limit accessibility for these students (Brito; Lima, 2018).

Attitudinal barriers also play a key role. Stigmatization, prejudice, and lack of awareness can create a hostile environment for students with different abilities. This can directly impact students' self-esteem and motivation, inhibiting their active participation in physical education classes (Brito; Lima, 2018).

In addition, structural barriers in educational institutions can affect access to inclusive physical education. The lack of specific policies, tailored resources, and adequate training for teachers can make it difficult to implement inclusive practices. Inaccessible physical environments, such as sports facilities without adaptations, also pose additional challenges (Morais; Rodrigues; Figueiras, 2019).

Another relevant aspect is social and cultural barriers. Stereotypes and social norms can influence expectations towards students with different abilities, impacting their opportunities and experiences in physical education. The lack of representation of these students in sports and cultural activities can reinforce exclusion (Fiorini; Manzini, 2018).

The absence of inclusive educational policies and training programs for teachers can contribute to the perpetuation of these barriers. The lack of awareness about the importance of inclusion and the benefits of the participation of all students in physical education can limit efforts to overcome these obstacles (Morais; Rodrigues; Figueiras, 2019).

In addition, the contextualization of the barriers faced by people with different abilities in accessing physical education highlights the complexity of the challenge of inclusion. Overcoming these barriers requires a comprehensive approach that involves adapting infrastructure, promoting an inclusive culture, and implementing educational policies that ensure full access and participation for all students, regardless of their abilities ((Morais; Rodrigues; Figueiras, 2019).

## THE TRAINING OF PHYSICAL EDUCATION TEACHERS IN THE LIGHT OF THE NATIONAL CURRICULUM GUIDELINES

Many are the educational institutions that do not have services such as infrastructure, materials, medical, psychological, speech therapists, assistants, among others, and thus prevent teachers from working more efficiently. The school as an inclusive



space should favor all those who have access to it, enabling citizenship, ensuring quality of education according to the potential and needs of each one, recognizing and respecting diversity (Brito; Lima, 2018).

It is up to teachers to contribute to minimizing students' difficulties and adapting methodological strategies that encourage the success of inclusion in a joint action in school diversity. The government should also participate in the inclusive process by supporting educational institutions with the necessary means and ends, assisting them in providing educational care and support in Education for disabled students, actively participating in the inclusion process, ensuring clarification to teachers about the possibilities of disabled students for their teaching practice (Ferreira; Cataldi, 2018).

For Lorenzini et al., (2018) Physical Education is the basis for developing the action of an inclusive discipline for all, because through it it is possible to plan teaching programs to meet needs, also in view of students with disabilities who may have the right to opportunities. The teacher must take into account the characteristics of the students, their capacities, and learning needs.

The participation of disabled students in Physical Education classes favors several factors such as motor, cognitive, affective aspects, in addition to their autonomy and independence. It is the teacher's responsibility to make adjustments in the activities to promote solidarity among the members, ensuring everyone's self-esteem and favoring non-prejudice. Because, according to Brito and Lima (2018), the Physical Education professional must treat the disabled student without discrimination or underestimating their potential.

It is necessary to demonstrate security and confidence to this student, praise him when he achieved the result and especially create situations that enable his participation in which it will generate a certain level of empowerment and well-being for the disabled student. It is important that there is respect and acceptance of other colleagues in relation to disabled students, excluding any type of prejudice, so that everyone's awareness will result in a reduction in the distance between students with disabilities and "normal" students (Fiorini; Manzini, 2018).

According to Lopes and Ferreira (2018), Physical Education is a great adjuvant in the inclusion process, as it has more freedom in organizing content and has greater curricular differentiation. Also due to its flexibility, it allows the proposed activities to be experienced and learned by students, even by those who have a disability.

According to the ideas of Brito and Lima (2018), it is important that Physical Education establishes interrelations with the other subjects of the school curriculum,



contributing to the process of knowledge and construction of the student, and also to the process of school inclusion. It should provide disabled students, through bodily activities, with constructive, educational and special attitudes, enabling respect, acceptance and solidarity among all. Physical Education facilitates the integration and methodology of classes to relate good practices in the life of the disabled student.

According to Fiorini and Manzini (2018), Physical Education plays a role in helping the rights of disabled students and decisively influences the preparation to integrate this student not only in school, but in participating in life in society. It is not enough just to adapt Physical Education at school, but to adopt perspectives that value human diversity in the construction of an inclusive society.

For Ferreira and Daolio (2018), one of the objectives of Physical Education is to integrate and apply fundamentals that promote social inclusion, emphasizing psychomotor, physical, affective, cognitive and social behaviors. The professional in the area can guide the development of the disabled student, his general development through activities that involve all students, it is important that all participants in the school environment pay attention to individual differences and human rights. For him, school Physical Education, with the objective of inclusion, equips the disabled student to develop his practice that can be structured through the pedagogical process.

In the view of Lorenzini et al., (2018), by adapting their classes, the teacher will offer resources in the inclusion strategy, creating incentives for participation in the activities proposed by him. The participation of the family of the disabled person in the process of inclusion in the school environment is of great importance, as these effects reflect on the disabled person as positive points, being a valued and fulfilled person.

Physical Education sees the disabled as a being capable of performing their functions, taking into account individual limitations. Thus, Physical Education contributes to the development of health maintenance in general, as well as to the improvement of the quality of life in special conditions (Morais; Rodrigues; Figueiras, 2019).

The training of Physical Education teachers is a crucial aspect to ensure the quality of teaching and promote an educational approach that meets the guiding principles of the National Curriculum Guidelines for Basic Education. From the perspective of these guidelines, it is essential to analyze how the training of these professionals is aligned with the purposes and requirements outlined by the Brazilian educational legal framework (Fiorini; Manzini, 2018).

The National Curriculum Guidelines for Basic Education establish the foundations and regulations that guide the elaboration of school curricula in all stages and modalities of



basic education. In this context, the training of Physical Education teachers becomes a key element for the implementation of these guidelines, since this discipline plays a relevant role in the integral education of students (Franco, 2018).

In the pedagogical and methodological sphere, the guidelines directly influence the approaches adopted in the training of these professionals. It seeks to promote interdisciplinary practices and stimulate reflection on the role of Physical Education in the formation of students, going beyond the sports bias and contemplating the diversity of body and cultural manifestations (Morais; Rodrigues; Figueiras, 2019).

The definition of content and competencies during training is guided by guidelines, which demand an approach aligned with contemporary needs and the promotion of a more inclusive education. This implies the consideration of topics such as health, well-being, and the understanding of the importance of physical activity for the integral development of individuals (Morais; Rodrigues; Figueiras, 2019).

However, the implementation of these guidelines in the training of Physical Education teachers faces challenges. The diversity of educational, infrastructural, and cultural realities can influence the interpretation and application of the guidelines, highlighting the need for contextual adaptations to ensure effective and relevant training (Faria, 2018)

The impact of guidelines on the professional practice of Physical Education teachers is a crucial dimension to be explored. Evaluating how training reflects on pedagogical approaches, diversification of practices, and student engagement offers valuable insights for the continuous improvement of the training process. In addition, the active participation of Physical Education teachers in the construction and updating of the National Curriculum Guidelines is essential. Considering their perspectives and experiences in the development of these norms contributes to a more holistic and contextualized approach (Fiorini; Manzini, 2018).

Finally, a comparison between different educational institutions provides a comprehensive view of the implementation of the guidelines in the training of Physical Education teachers. Identifying good practices and common challenges is essential for the promotion of quality training throughout the Brazilian educational scenario. Together, these elements outline a comprehensive overview of the training of Physical Education teachers in the light of the National Curriculum Guidelines, contributing to the understanding and continuous improvement of this fundamental process for inclusive education in the country (Morais; Rodrigues; Figueiras, 2019).

## **METHODOLOGY**

The research presented is descriptive and exploratory. According to Bertucci (2017, p. 50), descriptive research is capable of reporting and describing situations, as well as, "[...]establish relationships between the variables analyzed and raise hypotheses or possibilities to explain these relationships [...]", not many being defined as explanatory research. On the other hand, exploratory research, Bertucci (2017, p. 48), also states that "[...]are those that deal with certain research problems in an almost pioneering way, seeking to describe certain situations, establish relationships between variables, or define research problems to be continued by other researchers".

As for the sources to carry out the work, the theoretical model used in the research stands out, both with bibliographic sources. For Gil (2018, p. 61), the main bibliographic sources are "[...]reference works, theses, and dissertations, scientific journals, annals of scientific meetings and indexing and abstract journals.". Thus, the theoretical basis for the characterization of scientific research was sought, with reference to studies already published.

It is a qualitative research because it is more participatory and, therefore, less controllable, it can direct the course of the research. In the view of Marconi and Lakatos (2018, p. 64) "We seek to understand a phenomenon in depth and instead of statistics, rules and hypotheses, they work with descriptions, comparisons, interpretations and assumptions".

The collection of articles was searched in the online database at Google Scholar and Scientific Electronic Library Online (SciELO) and Google Scholar in the time period between 2016 and 2023. The keywords used in the searches were: adapted physical education; inclusive education; educational legislation. After selecting a quantity of material that was sufficient to support the research, the reading was then carried out to identify more specific citations to the study to be carried out. These previously selected citations were submitted to the authors' analysis in order to attest to their relevance to the research in question.

## **RESULTS AND DISCUSSIONS**

Several renowned authors such as Martins (2016), Franco (2018), among others, corroborate that inclusive Physical Education, when recognized as a fundamental right to education, stands out for the promotion of universal access. Adaptations in the pedagogical practices and physical infrastructure of schools contribute to ensuring that all students, regardless of their abilities, participate fully in physical activities.



The results of the study by Brito and Lima (2018) show that inclusive Physical Education plays a significant role in the social development of students. The promotion of interaction between students with different abilities contributes to the construction of more inclusive relationships, encouraging respect for diversity from the first years of training.

Analogous to the data presented above, Ferreira and Daolio (2018) comment that the practice of inclusive Physical Education has proven to be effective in the development of motor and cognitive skills. The adapted environment provides opportunities for all students to explore and improve their physical capabilities, while developing cognitive skills, such as strategic thinking in inclusive sports activities.

According to Lopes and Ferreira (2018), inclusion in Physical Education has a positive impact on students' self-esteem. Active and successful participation in physical activities strengthens students' confidence and self-image, contributing to a more positive and motivating school environment.

The results of Araújo (2017), Pinto (2017) point to challenges related to the effective implementation of inclusive Physical Education, emphasizing the need for continuing education for teachers. Specific training allows educators to be prepared to deal with diversity, adapting their pedagogical practices appropriately.

Inclusive Physical Education emerges as an important tool in the citizenship formation of students. By promoting respect, cooperation, and valuing differences, it contributes to building a more inclusive society that is aware of the importance of diversity.

In this regard, the study by Lorenzini et al., (2018) points to the need for a process of continuous evaluation of inclusive practices, involving the participation of the students themselves. Open and constant dialogue with the school community and those responsible for them expands the understanding of individual needs and enables adjustments in the strategies adopted.

Given the results and discussions, it is clear that inclusive Physical Education is not only a fundamental right to education, but also a powerful tool in building a more just and inclusive society. The recognition and appreciation of diversity, combined with adapted pedagogical practices, are essential to ensure that all students reach their full potential and experience a truly inclusive education (Morais; Rodrigues; Filgueiras, 2019).

## **FINAL CONSIDERATIONS**

The present work aimed to carry out a critical and reflective analysis of the Brazilian educational legislation, with a legal focus, in the context of inclusive Physical Education. To



this end, several teachings of scholars were presented, substantiating the point of view defended throughout the study.

From the readings and reflections developed, it was possible to successfully achieve the objectives proposed in the introduction of this article. The results show that the Brazilian legislation represents a significant advance in guaranteeing the educational rights of people with different abilities. However, the practical implementation of inclusive Physical Education still faces challenges, demonstrating the continuous need for improvements and adaptations. Thus, the study reinforces the importance of creating truly inclusive educational environments that transcend physical adaptations and promote a culture of valuing diversity, respect for singularities, and effective inclusion of all students. Only with a holistic and committed approach will it be possible to consolidate the ideal of inclusive education in Brazil.





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