

THE CYCLE OF SPECIAL EDUCATION POLICIES IN A MUNICIPALITY OF SÃO PAULO: ANALYSIS IN THE CONTEXT OF TEXT PRODUCTION AND IN THE CONTEXT OF PRACTICE

O CICLO DE POLÍTICAS DE EDUCAÇÃO ESPECIAL EM UM MUNICÍPIO PAULISTA: ANÁLISE NO CONTEXTO DE PRODUÇÃO DE TEXTO E NO CONTEXTO DE PRÁTICA

EL CICLO DE LAS POLÍTICAS DE EDUCACIÓN ESPECIAL EN UNA CIUDAD DE SÃO PAULO: ANÁLISIS EN EL CONTEXTO DE LA PRODUCCIÓN DE TEXTOS Y EN EL CONTEXTO DE LA PRÁCTICA

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ABSTRACT: The research aimed to investigate Special Education scene, considering the six years of the National Education Plan (PNE)/2014 and the continuous political proposals in the State Education Plan (PEE) / 2016, in the Resolutions and Resolutions of the State of São Paulo, and in the Municipal Education Plan (PME)/2015, as well as the ways of interpreting the political texts and their practical implementation on the Special Education policies of public schools in a city of São Paulo State. With an exploratory and qualitative approach, the study used document analysis of legislation and semi-structured interviews with Special Education managers, appropriating the analysis of the policy cycle. The results showed that the different interpretations and practical organizations in the governmental spheres allow different options in the implementation of the policies and point out several difficulties of the state and municipal education networks for the implementation of actions aimed at educational inclusion.

KEYWORDS: Special education. Policy cycle. Educational inclusion.

RESUMO: *A pesquisa proposta teve como objetivo investigar o panorama da Educação Especial, considerando os seis anos de vigência do Plano Nacional de Educação (PNE)/2014 e as proposições políticas constantes no Plano Estadual de Educação (PEE)/2016, nas Resoluções e Deliberações do estado de São Paulo, e no Plano Municipal de Educação (PME)/2015, bem como as formas de interpretação dos textos políticos e sua implementação prática acerca das políticas de Educação Especial das redes públicas de ensino de um município do nordeste paulista. De abordagem exploratória e qualitativa, o estudo utilizou a análise documental da legislação e a entrevista semiestruturada às gestoras da Educação Especial, apropriando-se da análise do ciclo de políticas. Os resultados demonstraram que as distintas interpretações e organizações práticas nas esferas governamentais possibilitam*

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distintas opções na implementação das políticas e apontam inúmeras dificuldades das redes estadual e municipal de educação para a concretização de ações visando à inclusão educacional.

PALAVRAS-CHAVE: *Educação especial. Ciclo de políticas. Inclusão educacional.*

RESUMEN: *La investigación propuesta tuvo como objetivo investigar el panorama de la Educación Especial, considerando los seis años de vigencia del Plan Nacional de Educación (PNE)/2014 y las propuestas políticas contenidas en el Plan Estatal de Educación (PEE)/2016, en las Resoluciones y Resoluciones del Estado de São Paulo, y en el Plan Municipal de Educación (PME)/2015, así como las formas de interpretación de los textos políticos y su implementación práctica sobre las políticas de Educación Especial de las escuelas públicas en una ciudad del noreste de São Paulo. Con un enfoque exploratorio y cualitativo, el estudio utilizó el análisis documental de la legislación y entrevistas semiestructuradas con los administradores de Educación Especial, apropiándose del análisis del ciclo de políticas. Los resultados mostraron que las diferentes interpretaciones y organizaciones prácticas en los ámbitos gubernamentales permiten distintas opciones en la implementación de las políticas y señalan numerosas dificultades de las redes educativas estatales y municipales para la implementación de acciones orientadas a la inclusión educativa.*

PALABRAS CLAVE: *Educación especial. Ciclo de políticas. Inclusión educativa.*

Introduction

Historically, the conceptions of disability were inspired by economic, social and political interests, marking times of different configurations, interfering directly in the characteristics of care provided to people with disabilities, as evidenced in Brazilian educational legislation. In a circular relationship of constancy of influences, such conceptions have changed and inspired new political propositions, at the same time that the political propositions were giving rise to the evolution of new ways of thinking about difference in society. However, this relationship was alternated by advances and retreats in the production of political texts, glimpsing different trends aligned to the dominant intentions, as pointed out by Bianchetti (1998).

In this scenario, considering the cyclical relationship of constancy that interferes in the elaboration, (re)interpretation and implementation of educational policies, the present study used the policy cycle analysis proposed by Ball, Maguire and Braun (2016), followed by Mainardes (2006), to compose the investigation and reflection of the management and decentralization of Special Education policies in public education networks in a municipality located in the northeast of São Paulo. The choice of the municipality considered the population

estimate for 2020, presented by the Brazilian Institute of Geography and Statistics (IBGE), around 350,000 inhabitants³, thus being a medium-sized municipality.

The methodological option presented critically analyzes the cycle of educational policies, considering three contexts, which Mainardes (2006) presents as: context of influences, context of production of texts and context of practice. According to Mainardes (2006), this approach "[...] emphasizes micropolitical processes and the action of professionals who deal with policies at the local level and indicates the need to articulate macro and micro processes in the analysis of educational policies" (MAINARDES, 2006, p. 49). Thus, this study analyzed the context of production of the policy text and the interpretation and implementation in the context of practice of educational legislation. Following the precepts of Ball, Maguire, and Braun (2016, p. 15), "policy is not 'made' at one point in time; in our schools it is always a process of 'becoming,' changing from outside in and inside out. It is analyzed and revised, as well as sometimes dismissed or simply forgotten."

In view of the social implications directly related to the proposition of inclusive school to the Special Education Target Audience (PAEE) students, and six years after the proposal of the National Education Plan (PNE) of 2014, it becomes essential to analyze how educational policies are being (re)interpreted and produced, considering decentralization and adaptation in locus. Such adaptations result from the political choices implemented by state and municipal education agencies, considering the autonomy of political organization.

In this way, the exposed study aimed to investigate the panorama of Special Education, considering the six years of the National Education Plan (PNE)/2014 and the political propositions contained in the State Education Plan (PEE)/2016, in the Resolutions and Deliberations of the State of São Paulo, and in the Municipal Education Plan (PME)/2015, as well as the ways of interpreting the political texts and their practical implementation about the Special Education policies of the public education networks of the studied municipality. By following these paths, we sought to answer the problem of translations and the practical consequences that challenge state and municipal education management.

³ The complete population number of the municipality studied was avoided in order to preserve the identification of the municipality and the identity of the professionals who participated in the study.

Method

The exposed study, of exploratory and qualitative type, used the analysis of the policy cycle proposed by Ball, Maguire and Braun (2016), performing the analysis of the contexts of text production and practice in which the a priori categories extracted from the studied legislation, the script of the interviews and the documents made available by the education networks were built, in order to direct the capture of information, facilitating the cyclical understanding. According to Franco (2018), in the construction of a priori categories, "[...] the categories and their respective indicators are predetermined according to the search for a specific answer from the researcher" (FRANCO, 2018, p. 64).

Chart 1 – Categories and subcategories

Definition of the Special Education Target Audience
Requirement of a medical report/clinical diagnosis
Funding from the Fund for Maintenance and Development of Basic Education and Valorization of Education Professionals (FUNDEB)

Source: Prepared by the authors

Considering such categories and subcategories, organization charts and graphics were used, taking into consideration the contexts of text production and practice. Thus, in the context of text production, the legislation analyzed, referring to the national, state and municipal spheres, is specified in Chart 2:

Chart 2 – Legislation Analyzed in the Text Production Context

National	State	Municipal
*National Policy on Special Education from the Perspective of Inclusive Education - PNEE-EI (2008)	* São Paulo State Education Plan - PEE (2016)	*Municipal Education Plan - PME (2015)
*National Education Plan - Goal 4 - PNE (2014)	*Deliberation CEE n° 149 - Establishes Standards for Special Education in the Education Teaching System (2016)	
	*SE Resolution 68 - Educational Services - Special Education (2017)	

Source: Prepared by the authors

As for the analysis of the practice context, the field research was used, in which a semi-structured interview was applied with the Special Education managers of the Regional Board of Education and the Municipal Department of Education of the studied municipality, as well as the documentary research referring to the documents made available by the education networks referring to the year 2019, surveying the Special Education panorama in the education networks.

In the field research, a semi-structured interview was applied. The choice for the semi-structured interview is justified by the search for subjectivity and opinion. For Triviños (1987, p. 152), the use of semi-structured interviews "favors not only the description of social phenomena, but also their explanation and the understanding of their totality. The semi-structured interview was developed from a script to guide the questions, emphasizing the importance of the emergence of questions during the interview, without conditioning, following the precepts of Manzini (2004). To this end, the script specified below was used:

Chart 3 – Script used in the field research

How does this education network define the Special Education public?
Does this education network offer access to the special class or school?
How are the resource rooms organized? Are they multifunctional or specific by area?
What support services are offered by the education network for the inclusion of students in special education?
Does the network have a multidisciplinary team to support the actions of Special Education? Which specialists? How many are available to attend this education network?
How is the judicialization scenario of this education network?

Source: Prepared by the authors

As a collection resource for the semi-structured interviews, the tape recorder was used and, later, the literal and chronological transcription of the information collected was used, as well as the request for analysis of the material collected in the documental study and in the interview by a researcher in the area of Special Education, who played the role of judge, to avoid bias in the data obtained.

The research obtained the proper authorizations and was submitted to and approved by the Ethics and Research Committee (Process no. 16123319.0.0000.5504), respecting the ethical aspects of data and information confidentiality among the participants. Thus, the Special Education managers filled out the Free and Informed Consent Form, in which the confidentiality of personal information is assured. That said, content analysis was used with the

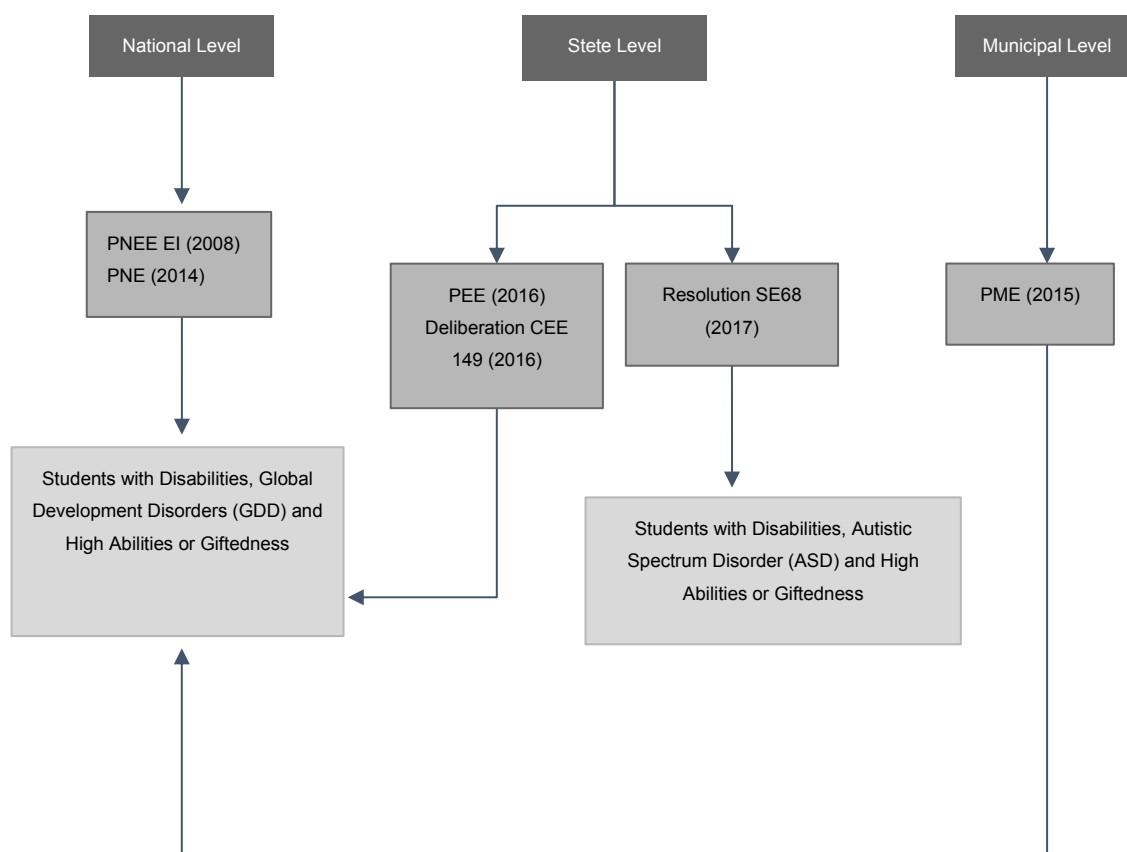
construction of a priori categories following Franco's precepts (2018). Such categories were investigated using the policy cycle analytical approach proposed by Mainardes (2006).

The contexts of text production and practice

The following text will present the analysis of the text production context of the legislation regarding Special Education in the national, state, and municipal spheres; and the practice context, where legislation is subject to interpretations according to the context in which it is implemented.

Definition of the Special Education Target Audience (SEAP)

Figure 1 – Definition of the Special Education Target Audience (SENAP) in the context of text production



Source: Prepared by the authors

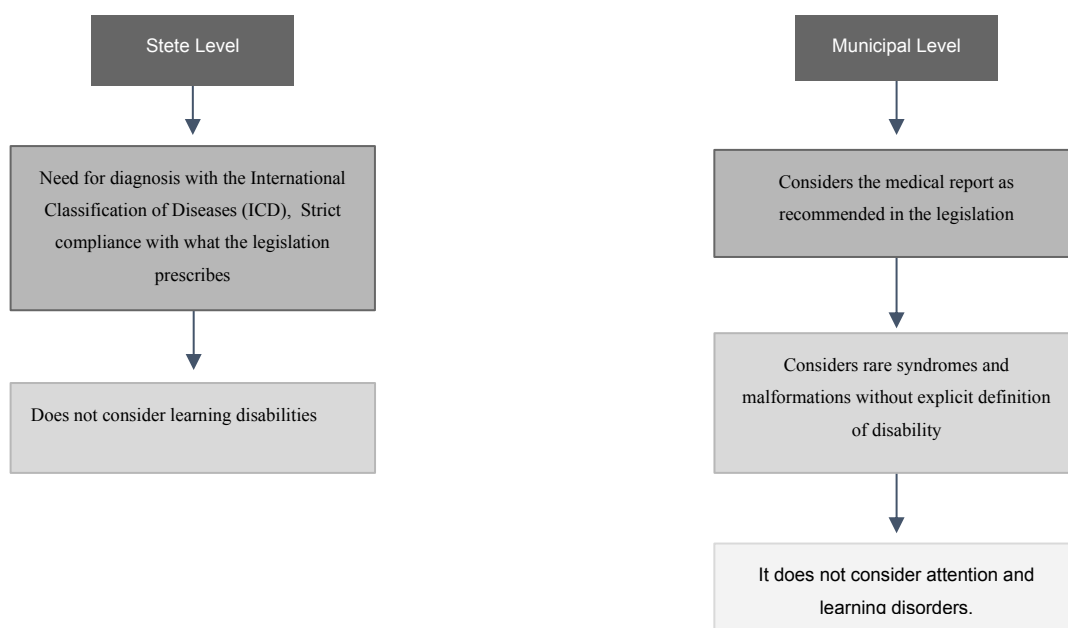
The data shown in Figure 1 demonstrate that the discourse produced in the national legislation has significantly influenced the discourse of legislation at the state and municipal levels of education. So much so that the definition of the PAEE described in the PNEE-EI (BRAZIL, 2008) and in the PNE (BRAZIL, 2014) echoes in the other subsequent ones, so as

to literally repeat the text produced. The differentiations caused are consistent with the terms pupils, students, and educandos. However, there is discrepancy only in Resolution SE 68 (SÃO PAULO, 2017), when it replaces the term GDD (Global Developmental Disorders) for ASD (Autistic Spectrum Disorder), considering the change exposed in Law No. 12,764/2012.

Therefore, the definition of the EAP in the analyzed spheres, despite reiterating the national legislation bringing few differentiations in the context of text production, brought significant particularizations regarding the on-site interpretation, which define the proof of clinical diagnosis, directly interfering in the forms of care in the state and municipal spheres of education.

Requirement of the medical report/clinical diagnosis

Figure 2 – Need for legitimization by medical report in the practice context



Source: Prepared by the authors

The two governmental spheres do not consider attention disorders and learning disorders (dyscalculia, dyslexia, dysorthography, among others), and in the municipal sphere, the coordinator explained that for these students there is another team prepared to assist them in the Municipal Department of Education. The state educational system explained the need for a medical report with the International Classification of Diseases (ICD) that categorizes the type of disability set forth in the legislation defining the PAEE.

When Special Education managers were questioned about the consideration of students with rare syndromes without an explicit report of comorbidities in the disability areas, the state

network manager answered: *"No, he only enters when he has a specific report for some disability. If he doesn't, we don't register him."* The coordinator of the municipal network explains: *"[...] I did a survey and there were many rare syndromes, many students with malformation that also require care"*. She also points out the limitation of the insertion of student data in PRODESP literally to the definitions of the PAEE exposed in the legislation.

This fact disregards the specificities of each case, with literal interpretations that make it difficult to finance actions for this public excluded from the PAEE, and any other initiative, remaining unassisted by the public power. It is necessary to consider that, according to the Technical Note issued by the Ministry of Education and Culture No. 04 of 2014, which dealt with the orientation of the supporting documents of PAEE students in the School Census, the presentation of the medical report cannot be analyzed as essential, considering the SES (Specialized Educational Service) a constitutional pedagogical service (BRAZIL, 2014, p. 4), which also reiterates:

The requirement of a clinical diagnosis for students with disabilities, global developmental disorders, and high abilities/superadaptation, in order to declare them, in the School Census, a target public for special education and, consequently, to guarantee them the attendance of their specific educational needs, would denote the imposition of barriers to their access to the educational systems, constituting discrimination and curtailment of rights.

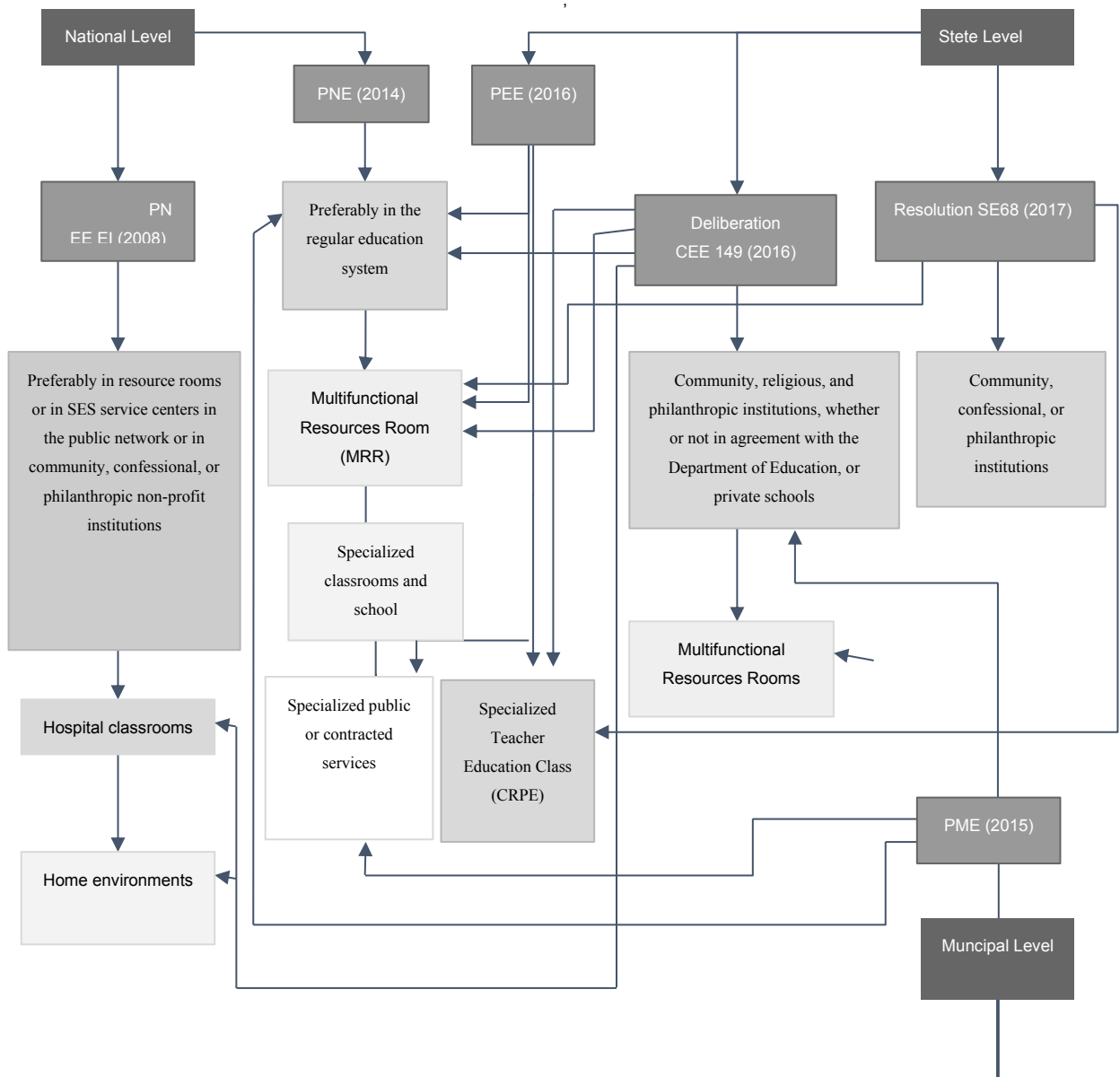
However, it is necessary to consider that to the extent that the Technical Note exempts the presentation of reports proving the deficiencies, it refers to the citation of Resolution CNE/CEB, No. 4/2009, which in its article 4, considers the PAEE the same as highlighted in the PNEE-EI (BRAZIL, 2008) and in the PNE (2014), however, without the requirement of clinical diagnosis as a definer of the rights to the AEE and to the pedagogical and structural adaptations necessary for schooling. Therefore, the municipal sphere in this aspect interprets the legislation in order to meet the educational needs of the students, being in legal compliance, despite not computing such enrollments in the PRODESP and making it impossible to receive the funds intended for these students.

It is necessary to reiterate the gap in the text of Technical Note No. 4 of 2014 with the PRODESP categorizations, insofar as the fields define the deficiencies and not the educational needs of the students. This fact makes it impossible to fund the education of many students, insofar as it is not up to the school to diagnose the disabilities or disorders. Therefore, if the SES is educational and not clinical and there is no need for the presentation of a medical report according to the legislation, the school PRODESP could also follow the pedagogical and not

the clinical attributes, thus making possible the financing applicable to all students, guaranteeing the constitutional right to education.

Configuration of the Specialized Educational Service (SES)

Figure 3 – Offering SES in the context of text production

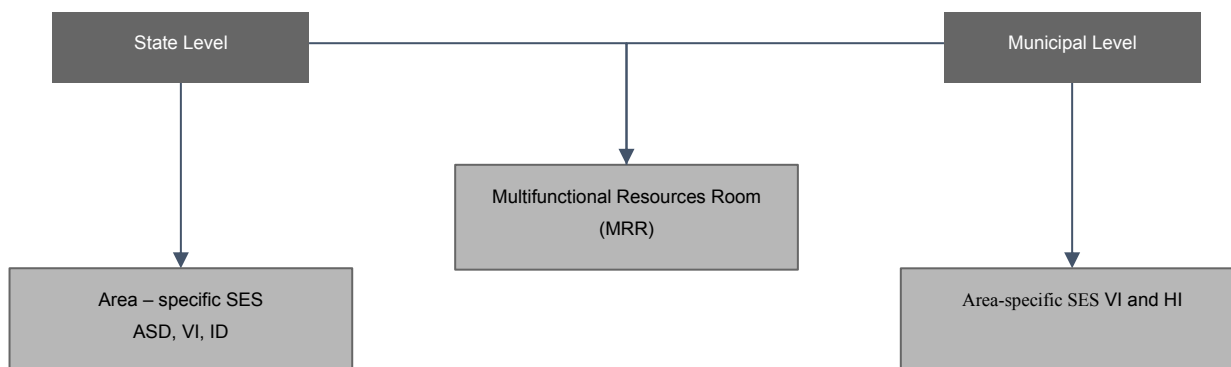


Source: Prepared by the authors

Figure 3 shows that the term "preferentially" used to determine where the SES would be offered was used in all three government spheres, allowing for local interpretation as to the organization of this service in specialized institutions. It is also evident in the state sphere the occurrence of the possibility of CRPE (Class Run by Specialized Teacher) in all the legislation analyzed, despite the non materialization of this action in the context of the state education network practice. It is also possible to observe the mention of itinerant service when there is no MRR (Multifunctional Resource Room) or specialized institution for the SES

The municipal level follows precepts ratified at the national and state levels, according to its legislative interpretation and the on-site conditions for the implementation and realization of the provisions, however, it does not provide CRPE, as provided in the state level.

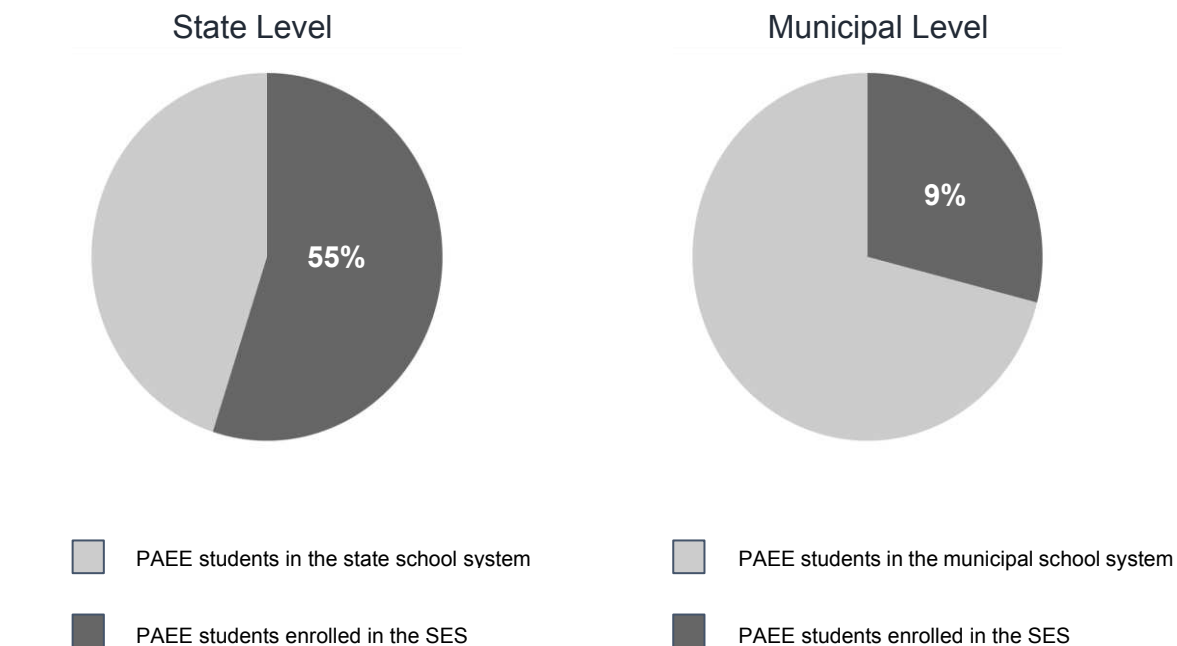
Figura 4 – Configuration of Resource Rooms in the context of practice



Source: Prepared by the authors

The similarity adopted in both governmental spheres is noticeable, with the option for two types of multi-functional rooms: type 1 (one) and type 2 (two). As for the organization of the resource rooms, the Special Education manager of the state system reiterated: *"They are multifunctional, but the SES service is offered by specific classes per area of disability"*. The state school system was divided into: Autistic Spectrum Disorder (ASD), Visual Impairment (VI) and Intellectual Disability (ID). The municipal education network was divided into: Visual Impairment (VI) and Hearing Impairment (HI).

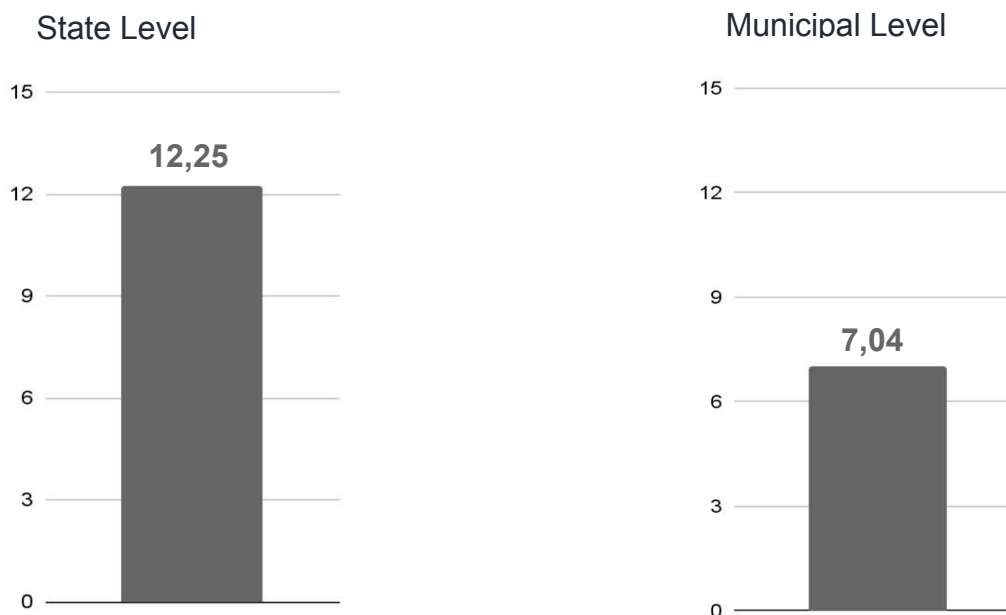
Graph 1 – Percentage of access of the PAEE students in the SES



Source: Prepared by the authors based on the analysis of the documents made available by the education systems

According to the data extracted from documents provided by the state and municipal education networks, the state sphere is able to attend the SES students in the AEE on a larger scale: (55%), compared to the municipal sphere, which attends (29%) of these students in the AEE. However, it must be considered that the municipal system reported the services related to the stages of Early Childhood Education and the Early Years of Elementary School, lacking data on Youth and Adult Education, which is also their responsibility. In the document made available, it was pointed out that "There is an urgent need to expand the number of places for SES, and the Secretariat of Education is currently waiting for a position from Human Resources to open an immediate Public Tender," according to the manager of special education in the municipal education network.

Graph 2– Proportion of students enrolled in the SES by resource room



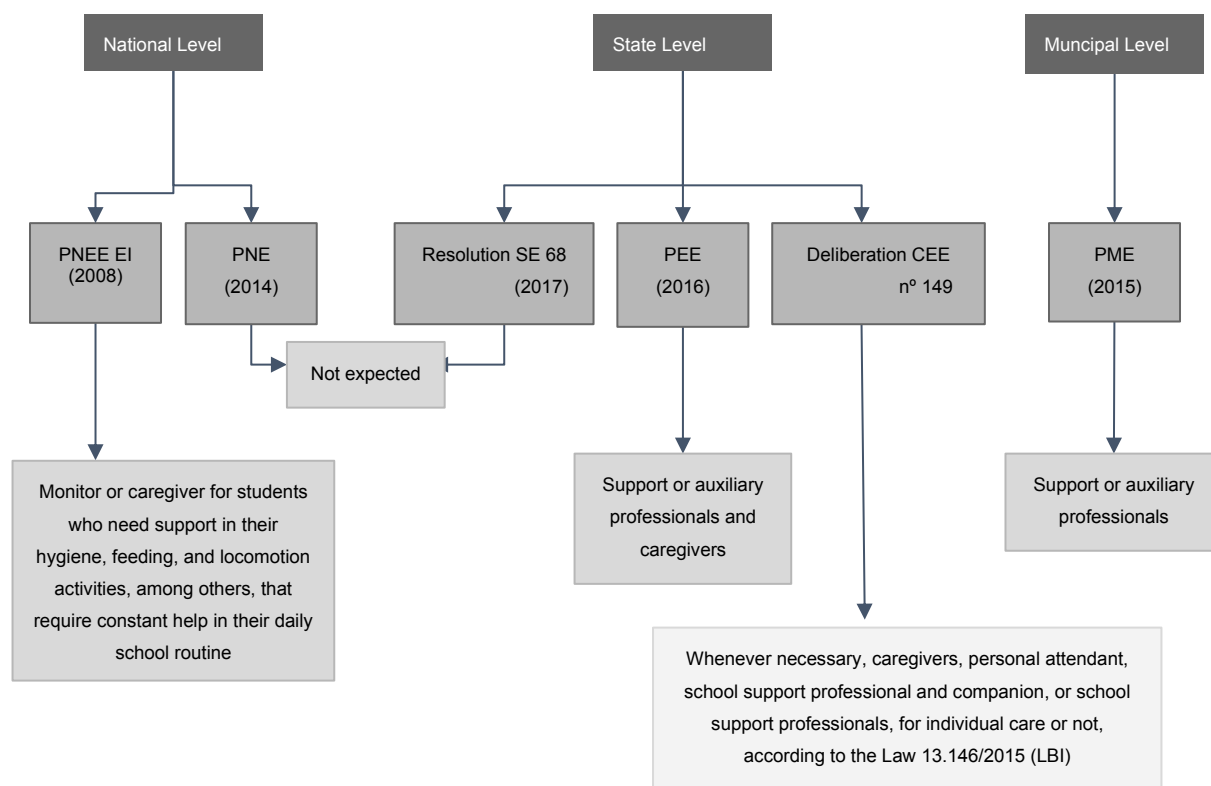
Source: Prepared by the authors based on the analysis of the documents made available by the education systems

Considering that the state system includes 39 resource rooms in contrast to 21 in the municipal system, the data showed that the state rooms have a higher number of students enrolled in relation to the municipal rooms.

In this way, regarding the access of the special education students to the SES, it is possible to verify the concern of the municipal network of education regarding the increase of the offer, however, at the moment it is waiting for a public contest to define the teachers that will take on such services. Thus, the Bilingual Education provided for in the PNEE-EI (BRAZIL, 2008) had not been implemented in the state and municipal spheres of education in the municipality studied.

Support services offered in the education networks

Figure 5 – Configuration of support professionals in the context of text production



Source: Prepared by the authors

According to the legislation analyzed, the three governmental spheres foresee support professionals, monitors, interns and caregivers for some of the SEN students. However, the national and state legislation allows a dual interpretation of the situations in which these professionals are needed. To the extent that the PNEE-EI (BRASIL, 2008) points out the possibility of these professionals "in other activities that require constant assistance in daily school life" and the Deliberação CEE n° 149 (SÃO PAULO, 2016) begins its text with the terms "whenever necessary", it opens space for diverse interpretations both in the educational sector and in the legal sector, causing an increase in judicialization in the state and municipal spheres of education.

As for the judicialization of requests for support professionals, monitors, interns, and caregivers, in the state sphere, the manager points out *"It has grown a lot. Very beneficial. Wow, it's been great. I've been following up and monitoring the schools, and the work has been fantastic"*. In this context, the judicialization in the state system is considered an educational advance, to the extent that these professionals have facilitated the pedagogical work and the development of students. As for the municipal sphere, the coordinator of Special Education

says that: "[...] I have many students with caregivers judicially and who would not really need them". Therefore, in the municipal system, the judicialization issue is considered harmful to the educational system, as there are many students under the care of these professionals who don't need this monitoring in fact, besides not computing double enrollment due to the rigidity of PRODESP's registry. In this way, the growing demand of family members by the Public Prosecutor's Office leads to an increase in the judicialization in both governmental spheres, which can evidence both the guarantee of the rights of the PAEE students, and the excessive request of these professionals, unnecessarily, causing the concession to other students with attention disorders and learning disabilities.

Thus, this article sought to reflect the vulnerability of diagnoses and evaluations of such needs, the scarcity of public policies related to this other public, and the division of funding for the PAEE, making it difficult to apply funding for Special and Inclusive Education in other aspects and attributes necessary in everyday school life. The state system does not have a team to assess the need for these professionals, but instead meets the legal cases of family members who seek the Public Defender's Office. In the municipal sphere, there is an evaluation by the school team, using an interview with the parents and a questionnaire to verify the need or not of this professional. Therefore, this action does not reduce the judicialization process in the municipal system.

Final Considerations

Considering the distinct forms of organization that result from options attending the context *in loco*, the present work allowed the analysis of the contexts of text production and practice in the studied municipality. Thus, it was verified that the state and municipal education networks differ in their political interpretations and in the implementation of their actions, despite following the same national legislation, explaining the different forms of organization according to their different contexts and possibilities, presenting many discrepancies and contradictions.

Considering the different interpretations of the legislation, it was found that there are many challenges for the fulfillment of goal 4 of the PNE (BRAZIL, 2014), and many impasses in the implementation that are conditioned by economic, political and cultural barriers of each governmental sphere, as highlighted, the absence of indicators explained by the state network, the shortage of professionals involved in Special Education in the municipal network and the awareness of common classroom teachers regarding the responsibility with the education of

these students in the classroom. Therefore, it is suggested that other studies should be carried out in municipalities and states for further deepening on the theme.

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