

Research articles

Decree 10.502/20 and deaf education: a dialogical discourse analysis

O Decreto nº 10.502/20 e a educação de surdos: por uma análise dialógica do discurso

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Abstract

The article aims to analyze meanings of deaf education present in Decree 10.502/20, through which it was intended to institute, in Brazil, the National Policy on Special Education: Equitable, Inclusive, and Lifelong Learning, replacing the 2008 policy. Although the decree has been revoked, its content expresses and refracts concrete realities and social discourses that remain contested in the educational field. The methodology used is based on the dialogical analysis of discourse, grounded in the ideas of the Bakhtin Circle. The analysis shows that Decree 10.502/20, despite addressing historical demands of groups involved with deaf education, makes little progress in affirming the rights of these individuals and reinforces ableist, meritocratic, and privatizing discourses. Even though the decree included Bilingual Deaf Education, this modality appears subsumed by the logic of Special Education, in contrast to the recognition of LIBRAS and deaf people as a linguistic minority.

Keywords: deaf education; right to education; public policies in education.

Resumo

O artigo tem como objetivo analisar possíveis sentidos sobre educação de surdos presentes no Decreto nº 10.502/20, que pretendia instituir, no Brasil, a Política Nacional de Educação Especial: Equitativa, Inclusiva e com Aprendizado ao Longo da Vida, em substituição à de 2008. Embora o decreto tenha sido revogado, seu conteúdo expressa e refrata realidades concretas e discursos sociais que permanecem em disputa no campo educacional. A metodologia utilizada baseia-se na análise dialógica do discurso, fundamentada nas ideias do Círculo de Bakhtin. A análise demonstra que o Decreto nº 10.502/20, apesar de contemplar pleitos históricos dos coletivos envolvidos com a educação de surdos, avança pouco na positivação dos direitos desses sujeitos, assim como reforça discursos capacitistas, meritocráticos e privatizantes. Embora o decreto tenha contemplado a Educação Bilíngue de Surdos, essa modalidade se apresenta subsumida à lógica da Educação Especial, em contradição ao reconhecimento da Libras e dos surdos como minoria linguística.

Palavras-chave: educação dos surdos; direito à educação; políticas públicas em educação.

INTRODUCTION

"Opacity does not refer to some mystery. It is, rather, that of every text that while 'closed,' cannot tell us exactly the openness from which it comes, the openness of its possible readings, the openness of which it does not speak" (Frederic François apud Amorim, 2001, p. 93).

On September 2020 in Brazil, during the Bolsonaro administration, the issued Presidential Decree No. 10,502 which established the National Policy on Special Education: Equitable, Inclusive and with Lifelong Learning (PNEE/2020), replacing the National Policy on Special Education from the Perspective of Inclusive Education (PNEE/2008). In general terms, through

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this regulation, the aim was to reestablish two alternatives for “Special Education”: inclusive regular schools and specialized schools.

Having been drafted based on a discourse that goes against movements in favor of inclusive education, its publication motivated numerous collective actors to speak out against this policy and, aiming to halt its effect, present Legislative Decree Projects to the Chamber of Deputies and the Senate. However, before such Projects were processed in the two houses of the National Congress, the Federal Supreme Court (STF), in view of the Direct Action of Unconstitutionality (ADI) No. 6,590 filed by the Brazilian Socialist Party, suspended its effectiveness at the end of 2020. The measure had not yet become final when, upon President Lula’s inauguration on January 2023, the regulation was revoked by Decree No. 11,370/23.

If, on the one hand, the publication of Decree No. 10,502/20 sparked a counter-mobilization among different social actors —representing people with disabilities — and members of academia who research and/or work in Special Education; on the other, in the field of deaf education, provisions of this regulation sparked enthusiasm among a large part of the groups involved since they brought to light one of their main demands: the implementation of bilingual schools and/or classes as a public policy, spaces understood as responsible for education in Brazilian Sign Language (LIBRAS).

Given the markedly regressive nature of the policies issued by then federal administration and the Deaf’s position in relation to PNEE/2020, we ask: what possible meanings about deaf education can be constructed from a dialogical analysis of Decree 10.502/20?

To learn about research already conducted on the issue at hand, we performed a search on the Capes Periodicals Portal using the term “Decree No. 10,502,” which located 28 studies published between 2020 and 2024¹. Of these, only the article by Freitas, Araújo and Nascimento (2021) specifically addressed deaf education under the aforementioned document. Certainly, this aspect suggests the importance of expanding the investigation on the topic. However, given that said regulation has already been revoked, it is important to highlight the relevance of maintaining it as an object of academic study. Thus, we argue that this normative act, as discourse, is part of a social reality and integrates an uninterrupted chain of statements (Volóchinov, 2021). Although it no longer generates legal effects, its content, by expressing and refracting the concrete reality in which it was published, solidifies disputed social discourses — both those that preceded the decree and those that circulated at the time of its issuance —, while enabling the production of new statements that may contribute to intensify the already tense relation between Special Education and Deaf Education. It is understood, therefore, that the meanings regarding deaf education present in PNEE/2020 materialize political-social conflicts of the historical ground in which it was drafted which, even after its repeal, continue to echo in the actions and discourses of/in the educational field.

Thus, this article investigates possible meanings about deaf education present in Decree No. 10,502/20 based on a dialogic discourse analysis of statements constituting the legal sign field that, like every statement, belong to the ideological sphere.

METHODOLOGICAL PATHS

From the point of view of discursive aesthetics, the legal text presents itself as a monological text, given its normative and unilateral character which expresses the legislative will of one or more Powers. Hence it *attempts* to erase, in a centripetal movement, the different discourses and voices that produced it; however, this claim to objectivity is illusory, since every text embodies within itself a “microcosm of social conflict” (Brandist, 2024, n.p.).

From this perspective, to achieve the proposed objective we chose the dialogic discourse analysis as methodology which, anchored in the Bakhtin Circle² studies and the discussions

¹ The search was conducted in July 2024, with the following number of articles identified between 2020 and 07/2024, respectively: 1, 10, 6, 10 and 1.

² This was a collective of intellectuals, with different backgrounds, who met regularly between 1919 and 1929 in Soviet Russia and who had in common a “passion for philosophy” and “for language” (Faraco, 2020, p. 14). Among the participants, the following stand out: Mikahil M. Bakhtin, Valentin N. Voloshinov and Pavel N. Medviédev.

about their works, has the potential to reveal contradictions, ideological conflicts and social meanings manifested in texts — in this case, Decree No. 10,502/20.

To carry out the analysis, we sought initially to situate, albeit in general terms, the document in its context of enunciation, since “(...) every ideological sign (...) is determined by the social horizon of an era and a social group” (Volóchinov, 2021, p. 110). In a second moment, seeking to understand the text beyond its own “limits” — that is, beyond what is apparent (Amorim, 2012) —, the decree was compared with its production context to explore its implications and, thus, interpret the possible meanings of deaf education present in the legal document.

(CON)TEXT OF DECREE NO. 10,502/20: NEOFASCISM AND FISCAL ADJUSTMENT

The rise of an ultraconservative and ultraneoliberal government in 2019 in Brazil, as lucidly highlighted by Leher and Santos (2023), was not a “thunderbolt from a clear sky”³; rather, it appeared as a phenomenon closely related to the social and political fabric that preceded and made it possible, dialoguing with national and international actions/orientations⁴. The authors assess that the Coup that removed, through impeachment proceedings, President Dilma Rousseff in 2016, despite having counted on the far-right, was led by the bloc in power⁵ and its private hegemonic apparatuses⁶ which, in turn, legitimized reactionary mobilizations and banners. Other elements must be considered in this analysis as well, such as Lava Jato and the arrest of then presidential candidate Lula da Silva. However, situating the rise of Bolsonarism (Sena Júnior, 2022) within the “great temporality” (Bakhtin, 1997), Leher and Santos (2023) state that the “driving force” behind the scenario of great social setbacks was the coup process, “whose historical substrates have deep roots in dependent capitalism (...) and in the particular manifestations of the crises that have been transforming world capitalism” (p. 10).

Moreover, far from being antitheses, the neo-fascist dimension of the Bolsonaro administration was functionally related to ultra-neoliberal assumptions and practices, albeit with contradictions and divergences (Fontes, 2020; Mattos, 2020; Leher; Santos, 2023). In this scenario, although neo-fascists manage to conduct their agendas with a certain autonomy in relation to the dominant classes, they are unable to completely disassociate themselves from the agenda of capital (Leher, 2021). On the other hand, although not all radical neoliberals are necessarily defenders of neofascism, they end up, dialectically, dependent on the bourgeois autocracy⁷, enabling a vehement attack on rights (Leher, 2021) — human and natural; this is because in a context of combined neoliberalism and neoconservatism, the ideology based on the positivization of rights which guides social movements cannot be taken forward. Thus, capital, seeking to maintain income concentration, sinks “human [and natural] rights in the soup of neoconservative morality composed of Old Testament doctrine, defense of the free market, intimidation and severe punishment against all who represent any danger to the liberal Christian order” (Sierra; Veloso; Zacarias, 2020, p. 63-64).

Within education, the (de)funding process and the “cultural war”— marked by denialism, anti-science and anti-progress (Accioly; Moreira; Silva, 2023) — have intensified the already profound educational inequalities. This scenario was further aggravated by the COVID-19 pandemic, in the face of which the government not only failed to act but also boycotted

³ Leher and Santos (2023, p. 9) allude to the expression used by Marx in *The 18th Brumaire of Louis Bonaparte* to clarify that even the most unusual historical events are not “floating in space and time.”

⁴ See, for example, the documents: *A fair adjustment: analysis of the efficiency and equity of public spending in Brazil* (Banco Mundial, 2017), by the World Bank Group and *Uma ponte para o futuro* [A bridge to the future] (Partido do Movimento Democrático Brasileiro, 2015), by the then PMDB, published by the Ulysses Guimarães Foundation.

⁵ Based on Poulantzas’ concept, Leher (2019, p. 3-4) clarifies that, in Brazil, the power bloc “is made up of the fractions that operate capital, money trade, agribusiness, the commodities sector, services in a monopolistic process and industrial fractions.”

⁶ In Gramsci’s terms, as an instrument of class domination the State manifests itself not only in the sphere of political society, but centrally in the spaces of civil society where private hegemonic apparatuses (PHAs), whose objective is to preserve the status quo of capitalist society, operate (Fontes, 2021).

⁷ Concept by Florestan Fernandes (1975), presented in *A Revolução Burguesa*, used by Leher (2021).

actions to combat it. Such dark situation was compounded by the fiscal adjustment process that had gained momentum under the Temer administration, especially after approval of the “Spending Cap Amendment” — EC 95/16 (Brasil, 2016) — which continued under Bolsonaro and produced negative effects that impacted the maintenance and development of social public policies, including educational ones. According to Sardinha and Souza (2023), in 2021, “Education had a reduction of 41.6 billion reais compared to expenses incurred in 2014” (p. 170). Thus, said amendment and other policies of freezing and cutting funding for education (and in so many other areas) enabled meeting most of the National Education Plan – PNE goals (Dourado, 2018), impacting all students. After all, an austerity policy also presupposed a policy of adjustment in the educational sector.

Early in his term, Bolsonaro reformed the MEC’s regulatory structure, changing positions and functions. Among the changes, the extinction of the Secretariat of Continuing Education, Youth and Adult Literacy, Diversity and Inclusion (Secadi) stands out, which, in addition to structural limitations (“insufficient budget, personnel, regulation, monitoring, participation, evaluation”), had been operating under pressure from sectors of society as to “ensure the right to quality and equitable education, with public educational policies aimed at social inclusion” (Taffarel; Carvalho, 2019, p.85). In its place, two Secretariats were created – Literacy and Specialized Modalities of Education, the latter organized into three directorates: Special Education, Specialized Modalities of Education and Brazilian Cultural Traditions, and Bilingual Deaf Education Policies (DIPEBS).

The creation of DIPEBS was not a new demand among deaf groups and professionals working in the field of deaf education, and its need was already included in the Report on the Linguistic Policy for Bilingual Education – Brazilian Sign Language and Portuguese Language (Thoma et al., 2014), prepared by deaf and hearing researchers, designated by MEC/Secadi ordinances No. 1,060/2013 and No. 91/2013.

Notably, the Government Proposal of the Social Liberal Party (PSL) for the Presidency (Partido Social Liberal, 2018a) makes no reference to Bilingual Deaf Education (BDE), Special Education and Inclusive Education. In fact, by indicating that education should “purge” Paulo Freire (Partido Social Liberal, 2018a, p. 46), the document aligned itself with the oppressive agenda and the attack on historically achieved social rights. It turns out that, during the campaign for the second round of the elections, Bolsonaro signed a *Commitment Term with the Brazilian Deaf Community* (Partido Social Liberal, 2018b) when he received, through his wife (who had worked as a LIBRAS interpreter in a church), deaf leaders who supported his candidacy — apparently linked to neo-Pentecostal denominations⁸.

It is, therefore, in this context that Decree 10,502/20 needs to be read.

DECREE 10,502/20: DRAFTING AND POSITIONS

As previously discussed, Decree No. 10,502/20, as an official legal statement, is limited to the monological sphere. But its imposing nature can also be recognized by the way in which the regulation was drawn up, that is, without the effective participation of social movements and entities representing the cause.

According to the document that address the implementation of PNEE/2020 (Brasil, 2020b), published days after the decree, this policy began to be outlined in 2018, still under the Temer administration, and would have considered “observations, dialogues and findings resulting from visits by specialist consultants, from different Brazilian universities, carried out in the five regions of the country” (Brasil, 2020b, p. 15). However, as Rocha, Mendes and Lacerda (2021, p. 4) warned, the institutions visited and the consultants responsible for preparing the draft policy were not revealed, “already creating impasses regarding the content of the document and its representativeness.” Moreover, according to these scholars, the public consultation process conducted online had a reduced number of participants.

But according to the *Support and Clarification Note on the Decree of the National Policy on Special Education*, prepared by the National Federation of Deaf Education and Integration (Feneis)

⁸ In this regard, see the video of the meeting held on October 21, 2018: Folha Política (2018).

(Federação Nacional de Educação e Integração dos Surdos, 2020) and sent to the then Minister of Education, the entity “effectively participated in the public consultation” conducted by MEC in 2018 (Federação Nacional de Educação e Integração dos Surdos, 2020, p. 6). Apparently, during the Bolsonaro administration, DIPEBS would also have helped formulate PNEE/2020, as suggested by the congratulations made by Feneis in the Note, referring to the “magnificent work” (Federação Nacional de Educação e Integração dos Surdos, 2020, p. 6) conducted by that institution in including demands from deaf groups in the document. It can be inferred, therefore, that although without due public disclosure, the PNEE/2020 continued to be prepared and debated within the constituent directorates of the Secretariat of Specialized Modalities of Education, having been published in 2020 with wording different from the draft written in 2018, appearing as a “simplified version with several items suppressed” (Rocha; Mendes; Lacerda, 2021, p. 5).

PNEE/2020 general scope violated principles enshrined in the 1988 Federal Constitution, in Decree No. 6,949/09 (Brasil, 2009) (which functions as a Constitutional Amendment), in the current Law of Guidelines and Bases for National Education (LDBEN) — Law No. 9394/96 (Brasil, 1996) — and in the Brazilian Law for the Inclusion of Persons with Disabilities (LBI) — Law No. 13,146/15 (Brasil, 2015). But despite the mandatory aesthetics of Decree No. 10,502/20 (manifested in its compositional form) and its authoritarian tone (expressed by its anti-democratic position), one can find, through a dialogic textual analysis, the social voices and discourses on which it relied and to which it opposed itself.

These are recipients — immanent interlocutors — who act within the text itself (Amorim, 2001) and who find themselves, in concrete reality, disputing projects, practices and meanings that involve Special Education, Inclusive Education, Deaf Education, and the very concept of education. Education professionals and researchers, students with disabilities, pervasive developmental disorders (PDD) and high abilities, deaf students and family members may be cited here.

Those who signed this regulation were then-President Jair Bolsonaro, Presbyterian pastor Milton Ribeiro, as Minister of Education, and Damara Regina Alves, pastor of the Quadrangular Church and Minister of Women, Family and Human Rights. It can be seen, therefore, that the then president was clearly linked to the Evangelical Parliamentary Front⁹ and, despite declaring himself Catholic, was baptized by Pastor Everaldo, president of the Social Christian Party at the time (Mattos, 2020). Moreover, he aligned himself with the ultraconservative discourses of neo-Pentecostal denominations, emphasizing the religiosity of his wife, Michelle Bolsonaro — a member of a Baptist Church denomination (Mattos, 2020), in which she worked as a LIBRAS interpreter¹⁰. Regarding the cited minister's administration, among other devastating legacies, the defense of physical punishment in the educational process, family education, a university “for the few” (Ribeiro, 2021a) and the prejudiced conception that children with disabilities, when included, “did not learn” and “hindered the learning of others” (Ribeiro, 2021b) stand out. Both ministers were at the center of the “cultural war” (Leher; Santos, 2023; Accioly; Moreira; Silva, 2023) and played a key role in transferring public financial resources to NGOs linked to religious groups (Leher; Santos, 2023; Cunha, 2022).

Despite the above, what is important for reading the document's context of production is not the influence of each of these actors individually, but the “generic tradition” (Bakhtin apud Amorim, 2001, p. 112) transmitted by them through the regulations they signed. In other words, it entails understanding the worldviews they carry, formed in the process of social interaction and recorded in the text in terms of the presence (and also absence) of social discourses. The clearly ableist emphasis embedded in Milton Ribeiro's speech was not isolated; on the contrary, it was reflected in other social discourses, in addition to being endorsed by Bolsonaro

⁹ This is a non-partisan group, composed of congressmen linked to different evangelical churches, both from the historical or missionary branches as well as from Pentecostal and neo-Pentecostal, who would work together to approve or reject legislation of religious interest and guide various discussions in the Brazilian parliament (...). The evangelical wing emerged with the election of the Constituent Assembly, at the end of 1986, already with a very marked characteristic that remains to this day: it is not politically or ideologically homogeneous, but it is, in general, conservative” (Prandi; Santos, 2017, p. 187).

¹⁰ It is worth remembering that, at the inauguration ceremony of the aforementioned government, the first lady Michelle Bolsonaro gave a speech in LIBRAS. From then on, all of the President's official speeches were interpreted simultaneously in Brazilian Portuguese and LIBRAS.

in January 2021, in a statement made to a supporter at the Planalto Palace: “People think that by putting everyone together, things will work out. They won’t. People tend to follow the path of the least intelligent. It levels everyone down. That’s the Brazilian spirit” (Bolsonaro *apud* Moreira; Silva; Silva, 2021, p. 142).

Considering the context in which Decree No. 10,502/20 was conceived, written and edited, therefore, reveals that it contains a position refractory to the PNEE/2008, whose prerogative was (and still is) to endorse the perspective of education as a right to all, aiming to combine “equality and difference as inseparable values” (Brasil, 2008, p. 1). PNEE/2020, in turn, opposed the idea of *public* (in its Latin meaning, that which belongs to all the people), establishing an alternative route (of rejection) for those who, according to the legislation, “would not benefit” from inclusion in “inclusive regular schools” (Brasil, 2020a, item VI of art. 2). Its text thus sought support from voices that criticize the way in which school inclusion is conducted (not necessarily from those that oppose inclusion as a principle), while interacting with discourses contrary to human rights. In this way, it sought to offer a simple solution to a very complex issue — in fact, something characteristic of the “cultural war” perpetrated by the Bolsonaro administration (Leher, 2020): segregation disguised as “self-sustainability” (Brasil, 2020b, p. 49).

Thus, ableist (Soares; Ribeiro, 2023) and meritocratic discourses dialog in the articles of the legal act, obscuring social inequalities, the multiple obstacles to participation in society, and the daily processes of oppression to which individuals with disabilities and PDD and deaf people are subjected. Decree No. 10,502/20 embodies, therefore, the opposite of the biopsychosocial perspective assumed by the Brazilian Inclusion Law (LBI), focusing on these (individualized) subjects the responsibility for their “life project” (Brasil, 2020b, p. 42), that is, for their formative trajectories, and exempting the State from its duty to guarantee quality education for *all*.

There are also other symbolic traces in the document that help us reflect on the discourses outlined in the (im)posed policy in 2020, such as equity and lifelong education, present in its title, and which echo guidelines present in national and international documents¹¹.

The first term — *equity* — appears only once in the PNEE/2008 and, strictly speaking, in the dynamics of this statement, its meaning dialogs with the principle of *equality* as it pertains to the issue of *differences*. In Decree No. 10,502/20, in turn, the term appears only in one paragraph and without reference to the word *difference*. But it is precisely in the sections where the regulations seek to erase social conflicts that ideologies appear. The word *equity*, unable to “(...) be entirely freed from the influence of the concrete contexts of which it is a part” (Danon-Boileau *apud* Amorim, 2001, p. 133), assumes in/through the norm its symbolic mark, linking itself to the meritocratic and individualistic idea that each student must achieve “their best results” (Brasil, 2020a, item III, art. 2). In other words, instead of social justice, ideologically saturated *equity* prioritizes individual performance and “choices” over collective and structural solutions.

This semantic load that the term carries is not, of course, inaugurated by the 2020 regulations. In a work published in the early 21st century, Estêvão (2001, p. 77) already denounced the neoliberal guise of the word equity, linked to the ideas of “controlled management of equalities,” “concertation” and “agreements between individual interests.” Evaluative emphasis is put on discourses of productivity and meritocracy, even though there is an appeal to individual autonomy.

Following the same perspective, we find the expression *lifelong education* which, according to Gadotti (2016), has been assuming, based on international guidelines, a “mercantile ethos” despite allegations to the contrary. This ethos seems to be confirmed in PNEE/2020 by reducing Special Education to the offering of seventeen “services” and “resources” set out in art. 7 — whose (supposed) choice would be a “decision of the family or the student” (Brasil, 2020a) —, thus enhancing “the sense of cohesion and sustainability in relation to the

¹¹For example: the International Convention on the Rights of Persons with Disabilities (promulgated by Decree No. 6,949/09 (Brasil, 2009); the LBI, Law No. 13,146/15 (Brasil, 2015); Law No. 13,632/18 (Brasil, 2018), which amended the LDBEN; the Incheon Declaration: Education 2030 - towards inclusive and equitable quality education and lifelong learning for all (UNESCO, 2016); and Constitutional Amendment No. 108 (Brasil, 2020c), which includes lifelong learning as the ninth educational principle within the scope of the Constitution.

sociability of capital” (Garcia; Michels, 2021, p. 18). Among said services and resources, as is the case with the Incheon Declaration: Education 2030, promoted by UNESCO (Organização das Nações Unidas para a Educação, a Ciência e a Cultura, 2015), are strategies that assume “diffuse learning with broader dimensions in relation to practical and everyday life, distancing itself from a process of appropriating scientific knowledge related to schooling processes” (Garcia; Michels, 2021, p. 16).

Considering this general framework, we must still reflect on the privatizing nature of Decree No. 10,502/20. As Fontes (2020) points out, liberal ideology encourages the ruling classes to invent paths within the State, so that they can appropriate public activities and goods to, in this way, obtain profits and private returns. In this sense, the legal system embodies this dispute over public funds: it omits reference to the term “public” itself; it establishes “voluntary adherence” in art. 13 (Brasil, 2020a) by administrative spheres, without guaranteeing State technical and financial support — the entity with the highest revenue¹²; and it preserves space for the private/philanthropic sector, which can even expand its actions (Rocha; Mendes; Lacerda, 2021). Policies aimed at people with disabilities, PDD and high abilities, as well as the deaf population, thus lose “their status as a right, when the State itself deteriorates its public supply, inducing its demand in the market” (Sardinha; Souza, 2023, p. 166).

DECREE 10,502/20 AND DEAF EDUCATION: TENSIONING MEANINGS

As signifying units of language, the words “law,” “education,” “deaf” are of an “impersonal order, they do not belong to anyone and are not addressed to anyone” (Bakhtin, 1997, p. 320); but, in the enunciative engineering of Decree 10,502/20, they have authorship and, therefore, are pregnant with meaning.

In the previous section we unveiled the manifest refusal in PNEE/2020 to understand the (regular) school space as a right to *all*: it would only be for those “who benefit” from this *locus* (Brasil, 2020a). The meritocratic, individualistic, ableist and privatist perspective that permeates all textual materiality is also related to the way in which deaf education was included and understood in the document; this is because, despite a theoretical government recognition of LIBRAS and the specificities of the deaf population — embodied, namely, by the then first lady — and DIPEBS’ participation in including deaf demands in the document (Federação Nacional de Educação e Integração dos Surdos, 2020), the government chose to address the education of these subjects within a policy that concerned Special Education and not on a specific educational linguistic policy. Thus, although the provisions relating to deaf education appear, to a certain extent, separate from those relating to the education of people with disabilities, PDD and high abilities, they are still related to the general scope of the document. Said bricolage thus brought into play conflicting ideological approaches — Special Education, Inclusive Education and Bilingual Deaf Education —, resulting in contradictions and inconsistencies specific to the context in which the document was produced, which we intend to reveal here.

First is the launch of PNEE/2020, which took place in September 2020, month in which agendas linked to the rights of the deaf gain greater visibility¹³. At the “launch” ceremony, delivering a speech in LIBRAS, Michelle Bolsonaro, then president of the Board of the Pátria Voluntária Program, paid tribute to the deaf and congratulated the Portuguese Sign Language Translators and Interpreters (TILSP) “for recognizing their craft and their effort and service for national accessibility” (M. Bolsonaro, 2020). Nine months earlier, however, the opening of federal public positions to fill this position (and many others) had been vetoed by Presidential Decree No. 10,185/19¹⁴ (Brasil, 2019), in a clear act of fiscal austerity.

¹²According to art. 14, “For the purposes of implementing the National Policy on Special Education: Equitable, Inclusive and with Lifelong Learning, the Union may provide the federative entities with technical support and financial assistance, in the manner to be defined in a specific instrument for each program or action” (Brasil, 2020a, emphasis added).

¹³In this month, known as Blue September, the following dates are celebrated: September 10th (World Sign Language Day), September 26th (National Day of the Deaf) and September 30th (International Day of the Deaf and of the Professional Sign Language Translator and Interpreter/LP).

¹⁴Decree No. 10,185/19, among other actions, terminated a series of vacant or potential permanent positions

Another point of contention concerns the fact that, in the text of Decree 10,502/20, Bilingual Deaf Education (BDE) was contemplated as a form of school education — a change that would only be incorporated, within the LDBEN, in August 2021 —, endorsing, in this point, one of the central elements of the agenda of social movements led by deaf people. As analyzed by Rocha, Mendes and Lacerda (2021), the term “*deaf* (as well as words related to this public, specifically: language, LIBRAS, Portuguese language, bilingual schools and bilingual classes)” (p. 11) stands out in the document when compared to those related to people with disabilities, PDD and high abilities. However, the guarantees of Deaf education built from Libras, in bilingual schools and/or classes — as established in the PNEE/2020 (Brasil, 2020a, section II of art. 2) — followed the provisions of previous legislation, such as Decree No. 5,626/05 (Brasil, 2005); Law No. 13,005/14 (Brasil, 2014), which approves the PNE; and Law No. 13,146/15 (Brasil, 2015), which establishes the LBI (Lodi, 2020; Rocha, Mendes & Lacerda, 2021), which still open up the possibility for this education to also take place in inclusive schools/classes.

Despite allocating several moments to BDE, the articles relating to the PNEE objectives (art. 4) and the target audience (art. 5) listed “students with disabilities,” “pervasive developmental disorders” and with “high abilities” (Brasil, 2020a), with no mention of deaf people. Moreover, bilingual deaf schools were listed in the document alongside specialized schools, as if they were equivalent proposals.

Regarding this aspect, as there is no alibi for existence (Bakhtin, 2012), consequently there is no alibi for the enunciative act. What is left unsaid — that is, the lack of explicit reference to deaf subjects — is not, of course, something neutral or accidental, but a constitutive part of the normative body of the Decree, bearing implications and meanings. Such omission, therefore, reflects (still) dominant social relations and discourses that situate deaf people in the field of disability¹⁵. This perspective goes against the discourse that recognizes deaf individuals as a linguistic-cultural minority and values LIBRAS in the educational processes of this social group. This contradicts section II of article 1 of Decree No. 10,502/20, which states that BDE is a type of education separate from Special Education.

Another aspect that reiterates the above statement is the way in which the legal document describes BDE:

I – bilingual deaf education – a type of school education that promotes the linguistic and cultural specificity of deaf, hearing-impaired and deaf-blind students who choose to use Brazilian Sign Language – LIBRAS, *through specialized educational resources and services*, available in bilingual deaf schools and in bilingual deaf classes in regular inclusive schools, based on the adoption of Libras as the first language and as the language of instruction, communication, interaction and teaching, and of Brazilian Portuguese in written form as a second language (Brasil, 2020a, art. 1, emphasis added).

Thus, according to PNEE/2020, BDE should take place in bilingual schools, understood as specialized schools, through *specialized educational resources and services*. In this regard, such resources and services are ensured within the sphere of Special Education by Specialized Educational Assistance — “understood as the set of activities, accessibility and pedagogical resources institutionally and continuously” (Brasil, 2011, Art. 2, §1). In that document, therefore, BDE was subsumed under Special Education and, distancing itself from its regular educational context, reduced to complementing or supplementing the education of students with disabilities.

Nonetheless, the deaf population did gain a visibility lacking in previous documents. But if the Bolsonaro administration was extremely hostile to rights and the issue of differences, as

in the federal public administration, prohibiting the opening of public tenders and the filling of additional vacancies beyond those provided for in the notice. Among the vacant (or soon-to-be vacant) positions that were terminated was that of “Translator and Interpreter” and, among the positions for which the opening of public tenders and the creation of additional vacancies were prohibited, was that of “Sign Language [*sic*] Translator and Interpreter” (Brasil, 2019) — a professional whose hiring and appreciation are long-standing demands of groups involved in deaf education.

¹⁵On social media, in the first year of his term, the then President posted in honor of National Day of the Deaf — established by Law No. 11,796/08, during Lula’s government —, indicating that his government sought to “increasingly value the *hearing impaired [sic]*” (Bolsonaro, 2019).

previously indicated, what is the point of bringing the demands of deaf groups to the fore? In this regard, we argue that deaf education was not introduced in the PNEE/2020 in the wake of social rights, but in the wake of a logic of charity and focused, privatizing actions and the State's lack of responsibility for public order issues. While celebrating LIBRAS as the teaching language for the deaf, the decree did not guarantee State support for developing the policy, whose adherence by the federated entities, as already indicated, would be "voluntary"¹⁶ (Brasil, 2020a, art. 13).

Moreover, during the DIPEBS administration (2019-2022), there was no provision for specific federal budgetary support for the creation and expansion of bilingual deaf schools. On the contrary, according to the *Technical Guide/Instructions for Adherence to the National Program of Bilingual Deaf Schools* (Brasil, 2022), published in the last year of the Bolsonaro administration (2022), the construction, expansion and renovations of these institutions by the municipal, state and district systems — although linked to the Articulated Action Plan — were conditioned (according to the Guide) on "adherence to the PNEBS"; on "classification of a School as a Bilingual Deaf School"; on "*financial availability*"; and on "demand" (Brasil, 2022, p. 4, emphasis added). The bilingual educational policy for the deaf population, of a targeted nature, through adherence and without due financial assistance from the Union, embodied in Decree 10,502 of 2020, continued thus to be the tone until the end of Bolsonaro's term.

CONCLUSION

Analysis of Decree No. 10,502/20 from the perspective of the Bakhtin Circle enabled understanding the complexity of discourses and tensions constitutive of deaf education in Brazil. Its composition and objectives express contradictions that point to a policy centered on ableist practices and a lack of accountability from the State.

PNEE/2020 put forth guidelines aligned with an ultra-neoliberal agenda that prioritizes individual accountability for educational results to the detriment of creating universal and collective public policies. State's failure to provide technical and financial support for implementing the measures provided for in the policy provisions seemed a movement toward privatization and commodification of education regarding people with disabilities, those with PDD, those with high abilities, and deaf people.

Regarding the meanings of deaf education, if, in a first reading of the decree, the recognition of the educational rights of these individuals may be shown to be incoherent in the face of regressive policies, at a later moment, through a dialogical understanding of the discourse, said statement, strictly speaking, remained coherent with this context since the education of this linguistic minority was treated by the government much more as a *benefit* — led by the president of the Council of the Pátria *Voluntária* Program —, than as a social right.

In this regard, there was no planning for the area, nor a consistent national contribution of resources, with performative actions standing out (such as launching the PNEE during Blue September) and specific and isolated policies (like the partnerships with municipal systems for creating and/or renovating deaf-specific schools). Moreover, the meanings of BDE, in many moments, were confused with that of Special Education, mischaracterizing and including it into the ableist discourses that (re)clothed the legal act.

Finally, we highlight that the suspension of the decree's effectiveness back in 2020 did not put an end to social movements or silence the social voices in dispute. On the contrary, during 2021, the STF and the National Congress witnessed ideological confrontations that brought to light a plurality of discourses on Bilingual Deaf Education, Special Education, and Inclusive Education. In this scenario of constant contradictions, approval of Law No. 14,191 that amended the LDBEN to establish the school modality Bilingual Deaf Education, in August of that year, can be seen as a new statement that makes up the uninterrupted chain of discourses and practices surrounding deaf education, reflecting the historical struggles of the collectives

¹⁶According to a survey by Costa and Machado (2022), in 2022, 37% of institutions specifically intended for deaf individuals in Brazil were private or philanthropic; 36%, municipal; 25%, state; and 2%, federal. Thus, a large part of the provision of deaf education is carried out by the private network and another large part by municipalities, federated entities that, in percentage terms, collect the least taxes — 7% of the total (Pinto, 2012, p. 161).

mobilized by the agenda of educational linguistic rights — and opposing other political positions that are at stake in the educational field. Among them, the discourses circulating in society that reinforce the idea of PNEE/20, that the regular school is no place for students with disabilities, including the deaf and PDD students.

Despite legislative gains, the meanings surrounding deaf education continue to be constructed, reconfigured, and disputed in the ever-living and active dialog between social actors. After all, each statement, even if it seems closed, leaves gaps through which new meanings and disputes emerge.

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