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Perspectives of guardians/parents in Portugal: interpreting the inclusive education policy through lived school practices

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Introduction: In Portugal, the Legal Framework for Inclusive Education (Decree-Law 54/2018) replaced the Legal Framework for Special Education (Decree-Law 3/2008), which applied exclusively to students with permanent difficulties in accessing the curriculum. The new framework introduced changes to school organization aimed at addressing the diversity of needs of all students. These changes align with the personalization of the educational process, particularly through the multi-level approach (MLA) to the curriculum and the increased involvement of the educational community, where the role of the guardian becomes increasingly central. The impact of these changes remains insufficiently particularly from the perspectives of guardians/parents.

Methods: The article analyses how the changes mentioned are interpreted and translated in practice, following the theoretical-methodological proposal of Stephen Ball's policy cycle and the thematic analysis method. Semi-structured interviews were conducted with eight guardians of students whose school trajectories are currently shaped by selective (MS) and/or additional (MA) measures within the MLA established by Decree-Law 54/2018, and which had previously been shaped by the support framework provided by Decree-Law 3/2008. Participants were drawn from four school clusters located in different regions of mainland Portugal (Centro; Lisboa e Vale do Tejo; Alentejo; Algarve), ensuring a degree of geographical diversity in the data collection process.

Results: The results indicate progress compared to the previous policy repealed by Decree-Law 54/2018, particularly in the identification of educational measures better aligned with students' needs and in the development of more collaborative decision-making processes between schools and the families. However, the translation of these advances into effective learning opportunities both in terms of quality and equity has been constrained or hindered by structural challenges, namely the lack of adequate human resources and the limited autonomy of schools.

Discussion: This study highlights how inclusive education policy evolves through the interaction of various contexts within the policy cycle, emphasizing the role of institutional actors in the context of practice, who interpret,

translate and enact the policy in diverse ways. At the same time, it reveals that a lack of resources and limited school autonomy serve as significant barriers to fostering more inclusive educational environments across the schools examined. These challenges, as pointed out by guardians/parents, highlight the need for greater investment and enhanced local autonomy if the changes introduced by the current Legal Framework for Inclusive Education are led to meaningful educational transformation that effectively address the diverse needs of all students.

KEYWORDS

inclusive education, perspectives of guardians/parents, multi-level approach, participation of the educational community, promotion of autonomy, policy cycle

Introduction

The struggle against inequalities in access to education and learning opportunities, advocated by the global Education for All movement (UNESCO, 1990, 2000), is reaffirmed by the 2030 Agenda (UN, 2015) and the Incheon Declaration (UNESCO, 2015). These initiatives established a commitment to address all forms of exclusion and marginalization, as well as disparities and inequalities in access, participation and learning outcomes (UNESCO, 2015), with respect for the diversity of needs of all students. In Portugal, the recognition of the need to restructure school organization in order to recognize the diversity of needs of all students, in the legislative instance, is identified mainly with the Legal Framework for Inclusive Education (RJEI, DL 54/2018). This framework assumes the curriculum as the first instrument to promote inclusion and equity within an education system (Torres et al., 2022), and, consequently, to reduce school and social exclusion (Sánchez, 2005). In line with this, this legislation aims at ensuring that all students have a qualified level of education and training that fosters their full social inclusion. In this sense, the RJEI repealed the Legal Framework for Special Education (RJEE) (DL 3/2008), which had limited the personalization of the educational process to students with ‘special educational needs (...) resulting from functional and structural alterations of a permanent nature’ (Portugal, 2008). This categorization relied on a clinical assessment based on the International Classification of Functioning and led to two main issues: (i) it excluded other students from access to a flexible curriculum, and (ii) it reinforced a rigid separation between regular and special education.

Rejecting the imperative to categorize in order to intervene (Portugal, 2018), the RJEI introduced changes to school organization aimed at designing school trajectories with curricular significant learning experiences (Cosme, 2018) for all students, with respect for their multiple singularities - an educational approach that moves away from the idea of standardization and homogenization of competences, abilities and interests (Hurtado et al., 2023) and requires an educational practice based on the multiplicity of differences and a pluralist ontology (Ocampo, 2018). Among these changes, we highlight the adoption of a flexible curriculum model through the Multilevel Approach (MLA) and

the strengthened involvement of the educational community¹, particularly through the creation of the Multidisciplinary Support Team for Inclusive Education (MSTIE)—both of which were positively noted by UNESCO (2020). The MLA is a methodology within the framework of Measures to Support Learning and Inclusion (MSAI), designed to address the needs of all students, regardless of the nature of their learning barriers, and to ensure effective conditions for inclusion and equity.

The MSAI are organized into three levels of intervention – (i) universal measures (MU), (ii) selective measures (MS) and (iii) additional measures (MA) – and different levels can be adopted in different subjects of the curriculum. The MU include educational responses to promote the participation and improvement of learning of all students (Article 8, *idem*); the MS aim to address needs not met by the application of universal measures (Article 9, *idem*); and the MA include responses to marked and persistent difficulties in communication, interaction, cognition or learning, requiring specialized resources to support learning and inclusion (Article 10, *idem*). The adoption of MS and MA requires a Individualized Learning Support Plan (RTP) to be drawn up by the MSTIE, which justifies the need for these levels of intervention and defines a strategy for their implementation. Each MSAI intervention level includes different intervention strategies, and in the context of this study, it is important to highlight:

- (i) within the MS, non-significant curricular adaptations (ACNS) (Article 9(b), *idem*), that do not compromise the learning provided for in the national curricular documents;
- (ii) within the MA, the significant curricular adaptations (ACS) that do not ensure the learning provided for in the national curricular documents, and therefore require the introduction of substitute learning (AS) (Article 10(b), *idem*);
- (iii) the construction of an individual educational plan (PEI) (Article 24, *idem*). Three years before the age limit for compulsory schooling (18 years), the PEI must be complemented with an individual transition plan (PIT)

¹ We adopted Formosinho et al. (1988) concept of the educational community, which includes guardians/parents, teachers (including middle leaderships), students, and other organizations in the community (such as other schools, local authorities and associations).

(Article 10(c); Article 25, *idem*) designed to promote post-school life and, where possible, professional activity.

The MSTIE functions as a middle-leadership structure within the school organization, composed of both permanent and variable members of the educational community. Its primary role is to analyze school situations where barriers to learning and/or inclusion are identified (Article 21, *idem*), and to personalize each student's educational process. This includes the mobilization of appropriate MSAI, ensuring ongoing monitoring, developing the RTP, and, where applicable, the PEI and the PIT. The permanent members include a teacher who assists the headmaster, three members of the Pedagogical Council representing different levels of education, a psychologist and a special education teacher, one of whom is appointed by the headmaster as coordinator of the MSTIE. The variable members must include the class head teacher and the guardian, as well as other elements that the MSTIE coordinator considers, such as professionals from other areas who work directly with the student and who may be educational actors outside the school. The formal inclusion of the guardian in the MSTIE has been in place since Law 116/2019, which marked the first amendment to the RJEI. This legislative revision recognized the right and duty of parents or guardians to be fully engaged in their child's educational journey, thereby creating the conditions for meaningful participation in decision-making process, which is considered a key factor in fostering inclusive school environments (UNESCO, 1994; INCLUD-ED Consortium, 2009; WHO and WB, 2011; Barr and Saltmarsh, 2014; European Agency for Special Needs and Inclusive Education [EASNIE], 2014, 2021, 2022).

Despite the clear intent to ensure the participation of parents and guardians, a study by the National Federation of Education (Federação Nacional da Educação [FNE], 2019) on the implementation of the RJEI revealed that their involvement in decision-making processes concerning their children's educational pathways remained very limited. This finding suggests a departure from a social engineering model of inclusive education, in which political texts directly shape practices and outcomes (Stoer and Magalhães, 2005). An analysis of the preamble to the RJEI also shows that among the eight organizations consulted on its preliminary draft, there are no parent/carer organizations, and the absence of these actors also reflects the role assigned to them at national level in the construction of this policy proposal. Therefore, although the international guidelines (UNESCO, 1994; WHO and WB, 2011; European Agency for Special Needs and Inclusive Education [EASNIE], 2014, 2022) for inclusive education policy point to educational processes being built in a relationship in which parents/guardians play a prominent role, the process of drawing up educational policies takes place in a dialectical relationship between the transnational, national and local levels (Veiga, 2012), open to interpretation and recontextualization by the different actors involved (Ball et al., 2012).

Based on this premise, we convened Stephen Ball's Policy Cycle (PC) for our research, a theoretical-methodological framework that conceptualizes the political process in the interconnection of five contexts of elaboration/action, in which groups of people participate and interact and the product of this interaction also incorporates politics (Veiga, 2012). Initially presented by Bowe et al. (1992) with the contexts of influence, text production and

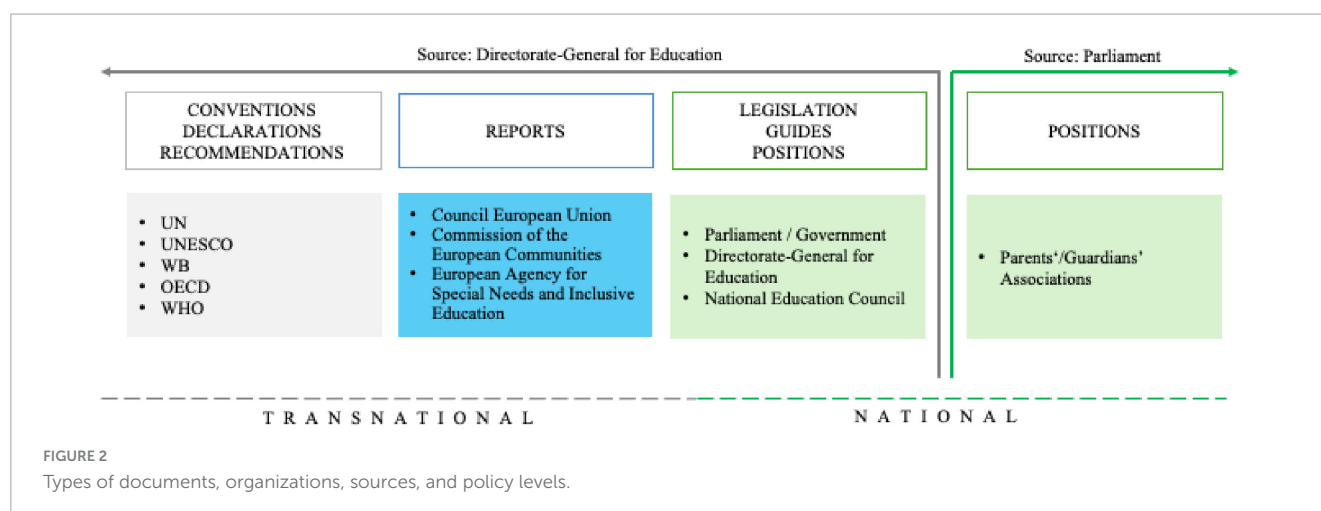
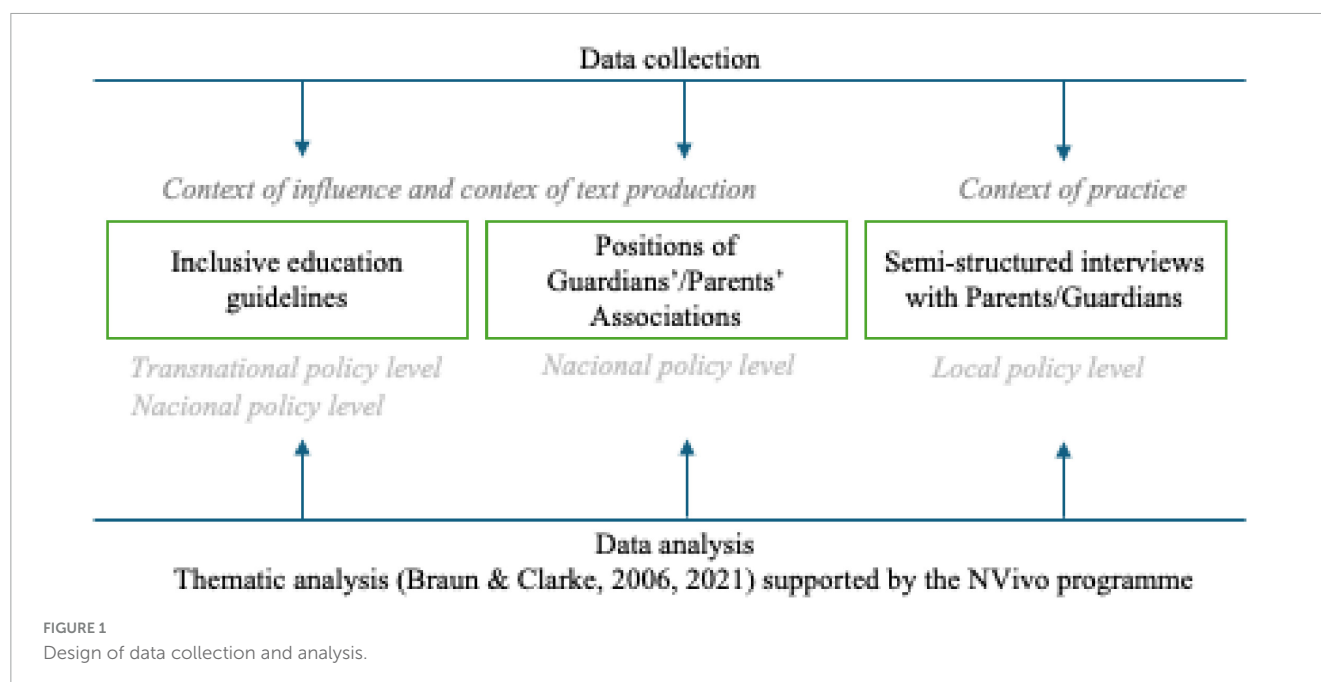
practice, the PC was expanded by Ball (1994) with the contexts of effects (results) and political strategy, the latter two being based on *feedback* from the context of practice (Veiga, 2012, 2014). The context of influence and the context of textual production are interlinked (Bowe et al., 1992), with the former referring to ideas that gain legitimacy and are disseminated as solutions by international organizations, usually at conferences where the results of studies are shared and proposals for action are discussed, and the latter referring to the texts that emerge from these debates, such as conventions, declarations, recommendations, legal documents, etc. The context of practice is the space where policy is interpreted and adapted by local actors, assuming that the orientations of policy texts can be accepted, partially accepted, rejected, ignored or deliberately misinterpreted (Bowe et al., 1992), generating effects and consequences that can lead to significant changes and transformations in policy. The context of effects is associated with what the practices change, i.e., whether they promote standards of access, opportunities, social justice, etc. The political strategy context, on the other hand, deals with the effects of the policy (Veiga, 2012, 2014) and the need to redefine the aims.

This study forms part of a broader research project that analyses inclusive education policy in Portugal through the lens of the policy cycle. Based on this framework, we aim to explore how the key ideas of the RJEI (e.g., the adoption of a flexible curriculum model and the strengthening of community participation) are recognized and interpreted by various stakeholders, including national policymakers, school head teachers, MSTIE coordinators, and guardians/parents. In this article, we focus specifically on the parents' perspectives, examining how they perceive and interpret the changes introduced by the current inclusive education policy.

This paper aims to analyze both the context of influence and the context of text production within the inclusive education policy cycle, with the goal of understanding how the changes introduced by the RJEI entered the national political agenda. Additionally, it seeks to examine the context of practice by exploring the perceptions of parents and guardians from diverse school settings, in order to assess whether and how these policy changes, in comparison to previous legislation, have led to more appropriate educational responses to the diverse needs of students. These objectives are addressed through the following research questions: (1) How do the changes proposed by the RJEI, namely the Multilevel Approach (MLA) and the Multidisciplinary Support Team for Inclusive Education (MSTIE), reflect and incorporate national and international guidelines on inclusive education? and (2) How do these changes, from the perspective of parents and guardians, contribute to the development of a more inclusive education system?

Materials and methods

In this section we present (i) the process of collecting and analyzing the data we mobilized in this study, which we have outlined in Figure 1; (ii) the characterization of the materials we used to examine the context of influence and text production of inclusive education policy, taken from government sources in Portugal, and the informants in the context of practice, to examine the context of practice; (iii) and the method of data analysis.



As the Directorate-General for Education (DGE) is the government body responsible for implementing, monitoring, and evaluating policies related to primary and secondary education (Portugal, 2012), we initially chose to analyze the international and national documents highlighted in the 'Inclusive Education' section of its official website (at the time of data collection). These documents were treated as key references for guiding the development of a more inclusive education system. However, our analysis revealed a notable absence of the voices of parents and guardians. This gap prompted us to extend our data collection to other governmental sources to better assess the contributions of these stakeholders in the context of policy text production. Specifically, on the Portuguese Parliament's website, under the "Parliamentary Activity" section and within parliamentary appraisal 68/XIII/4, we identified three documents submitted by parent and guardian associations that offered input on the revision of the RJEI. These documents were incorporated into our analysis. Figure 2 presents a characterization

of this document set, detailing the organizations involved, the type of submissions made, the policy level addressed, and the sources consulted.

Table 1 shows the international/national documents from which we accessed the context of the influence and text production of the CP on inclusive education.

Participants

We carried out eight semi-structured interviews with guardians/parents from four school clusters (SC), as shown in Table 2.

Assuming the feasibility of the study and aiming to capture geographically diverse school contexts across mainland Portugal, four school clusters (SC) were selected through convenience sampling. Three of these SCs maintain collaboration protocols with the Observatory of Life in Schools (OBVIE), a structure

TABLE 1 Documentary corpus.

Organizations	Documents
United Nations (UN)	Universal Declaration of Human Rights (1948)
	Standard Rules On The Equalization Of Opportunities For Persons With Disabilities (1993)
	Convention on the rights of persons with disabilities (2006)
	Sustainable Development Goals (SDG) (2015)
United Nations Educational, Scientific and Cultural Organization (UNESCO)	Jomtien Declaration (1990)
	Declaração de Salamanca (1994)
	Dakar Declaration (2000)
	Incheon Declaration (2015)
	A Guide for ensuring inclusion and equity in Education (2017)
Organization for Economic Cooperation and Development (OECD)	Education at a Glance (2006)
	Education Policy Outlook (2014)
World Health Organization (WHO) and World Bank (WB)	World Report on Disability (2011)
Council of the European Union (CUE)	Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on Inclusion in Diversity to achieve a High Quality Education For All (2017)
Commission of the European Communities (CCE)	Efficiency and equity in education and training systems (2006)
European Agency for Special Needs and Inclusive Education ¹ (EASNIE)	Reports (2009, 2017)
Parliament	Basic Law of the Education System (LBSE) (1986)
	Evaluation System Law (2002)
	Law 116/2019
Government	Decree-Law 3/2008 – Legal Framework for Special Education
	Decree-Law 54/2018 – Legal Framework for Inclusive Education
	Decree-Law 55/2018 – Autonomy and curricular flexibility
Member of the Government or Head of a Public Service	Order 147-B-ME-96 – Priority Intervention Educational Territories
	Order 5908/2017 – Implementation of the curricular autonomy and flexibility project for basic and secondary education
Directorate-General for Education (DGE)	Towards Inclusive Education - A Manual to Support Practice (2018)
National Association of Professors of Special Education (ANDEE)	Lisbon Declaration on Educational Equity (2015)
National Education Council (CNE)	Recommendation (2014)
Associação do Movimento Pais e Amigos para a Inclusão em Portugal (MPAI)	Position (MPAI, 2019)
Associação Pais-em-Rede (PeR)	Position (PeR, 2019)
Associação Bengala Mágica (ABM)	Position (ABM, 2019)

¹Up to 2014 it was named the European Agency for Development in Special Needs Education (EADSNE).

of the Centre for Educational Research and Intervention (CIIE), where the authors are based. In one region where OBVIE had no existing partnerships, an SC was selected based on prior work conducted there by one of the authors. To explore changes in the context of practice resulting from the implementation of the RJEI, we targeted guardians of students whose educational pathways were previously governed by Decree-Law 3/2008 (now repealed), and who are currently covered by the Support Measures (MS) and/or Additional Measures (MA) outlined in Decree-Law 54/2018. The SCs identified guardians fitting this profile who were also open to being contacted to learn more about the study. In total, fifteen guardians were approached, eight of whom agreed to participate in an interview. All informants are guardians of students with characteristics that

constitute barriers to learning the national curriculum and who benefit from the Measures to Support Learning and Inclusion (MSAI) detailed in Table 2. To ensure confidentiality and protect the identity of participants, we agreed not to disclose specific information about the students' profiles and to use male pronouns when referring to both the guardians and their children.

The interviews were carried out according to the availability of each participant and using the Zoom Colibri *online* platform. During transcription, notes were taken that served as an initial analysis of the data obtained in the interviews (Rapley, 2014). The transcripts were then sent to the participants for review and validation, ensuring that the data accurately reported their perceptions of their experiences. This option was also intended

TABLE 2 Characterization of the research participants.

Profile of guardians	SC/regions	Codes	MSAI
Guardians of students whose school situation was framed in DL 3/2008 and who currently are framed in the MS and/or MA of DL 54/2018	SC Algarve	EEA001	MS: ACNS
		EEB001	MA: ACS, AS, PEI, PIT
	SC Alentejo	EEA002	MA: ACS, AS, PEI
		EEB002	MA: ACS, AS, PEI, PIT
	SC Lisboa e Vale do Tejo	EEA003	MS: ACNS
		EEB003	MS: ACNS
	SC Centro	EEA004	MA: ACS; AS; PEI
		EEB004	MA: ACS; AS; PEI

to involve the actors as much as possible in the research process, recognizing the importance of their voices being authentically translated in the results. Each transcript was given a code (see Table 2), which is used as a reference in the quotes presented in the results of this article.

Data analysis process

The data, documents and interviews were analyzed according to Braun and Clarke's Thematic Analysis (TA) (2006; 2013; 2019; 2021a), a method that encourages the researcher's reflexivity in the production of knowledge (Braun and Clarke, 2019). Based on the guiding principles (e.g., universal educability, inclusion, personalization, flexibility, parental involvement) enunciated in the RJEI (Portugal, 2018), we carried out an inductive TA of the international documents, moving backwards and forwards in recognizing ideas and naming themes. In analyzing the national documents and interviews, we were guided by the themes generated previously, which contributed to a deductive dimension of the analysis. This inductive and deductive process is pointed out as a factor that contributes to increasing rigor in data analysis (Fereday and Muir-Cochrane, 2006; Braun and Clarke, 2013). In addition, the data was analyzed by both authors of the study, agreeing with the thesis that whenever more than one researcher participates in this process, this contributes to the objectivity, veracity and validity of social research (Denzin, 2009). To store and analyze the data, we used the NVivo programme, which helped us organize, identify and systematize the information (Zamawe, 2015; Allsop et al., 2022). After importing the set of texts (documents and interviews) into NVivo, we guided the analysis through the six phases² of TA proposed by Braun and Clarke (2006), Braun and Clarke (2021a), Braun and Clarke (2023): familiarization with the dataset (1); coding (2); generating initial themes (3); developing and reviewing themes (4); refining, defining and naming the themes - a phase that was supported by concept maps generated in NVivo software from the selected statements that contributed to the identification of each theme/subtheme, which allowed in-depth reflection on how the ideas are articulated (5); and writing up (6)

which, being an integral part of the whole analytical process, served as an opportunity to refine the analysis by integrating literature (Braun and Clarke, 2023).

The thematic analysis of the data enabled us to explore the interconnections between the themes of "curricular flexibility" and "participation of the educational community" and other related themes and sub-themes that underpin the political process of inclusive education. These relationships are illustrated in the conceptual map presented in Figure 3. In this framework, "curricular flexibility" emerges as a sub-theme of "promoting autonomy," whose implementation is contingent upon the "decentralization of decision-making power" and "access to resources." Similarly, the theme of "participation of the educational community" is supported by two key sub-themes: the "mobilization of the local community" in designing measures to support learning and inclusion, and the "right of parents to participate in decision-making" regarding students' educational pathways.

Results and discussion

The research aims are examined through the lens of the Policy Cycle (PC), drawing on the thematic analysis of both documents and interviews. The decision to present and interpret the data simultaneously—structuring the results and corresponding discussion within a single section—follows the reflexive approach proposed by Braun and Clarke (2021b), and is further supported by other scholars (Creswell and Poth, 2018; Yin, 2018).

Contexts of influence and text production

The analysis of the contexts of influence and text production provided valuable insights into how curricular flexibility, facilitated by the MLA, and the participation of the educational community, through the MSTIE, emerge as key themes and subthemes underpinning the inclusive education policy process. Actually, several inter/national organizations (UN, 1948, 1993; UNESCO, 1990, 2000, 2017; Conselho Nacional da Educação [CNE], 2014; National Association of Special Education Teachers [ANDEE], 2015) stress the need to fight inequalities related to access to education, participation and learning outcomes, which implies ensuring that individual and social circumstances do not

² A more comprehensive description of the phases of the Thematic Analysis has been presented in previous publications as part of this research and can be found in the article Inclusive Educational Systems: The Struggle for Equity and the Promotion of Autonomy in Portugal (Carvalho et al., 2023).

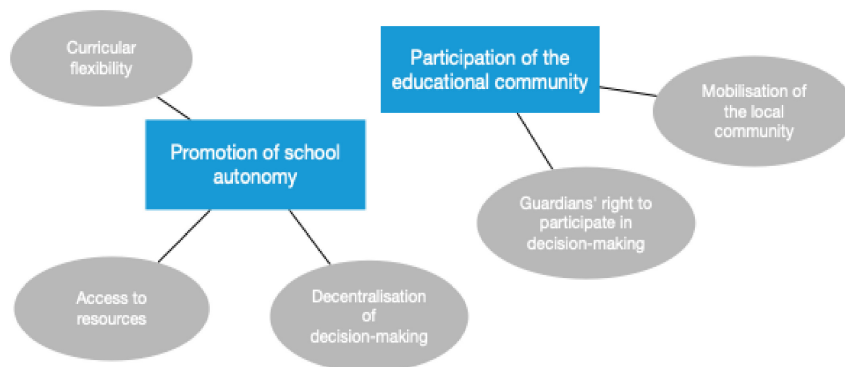


FIGURE 3
Map conceptual (generated in the NVivo software).

constitute an obstacle to realizing one's educational potential (Field et al., 2007).

In this context, the conceptualization of more flexible curricular pathways (UN, 1993; UNESCO, 2017; UNESCO, 1994, 2015; OECD, 2006) and the increased autonomy granted to schools to implement them through the decentralization of decision-making powers and responsibilities (UNESCO, 1994; Comissão das Comunidades Europeias [CEC], 2006; OECD, 2014) have been recognized as strategies to enhance the inclusivity of education systems. Reflecting this perspective, UNESCO recommended the development of national action plans to significantly boost investment in education (UNESCO, 2000, Article 45), while the Comissão das Comunidades Europeias [CEC] (2006) advocated for greater school autonomy in defining curriculum content and in decisions concerning access to, and management of, human resources and budgets. This view of empowering schools to manage their own resources was later echoed by the WHO and WB (2011), UN (2015), Conselho da União Europeia [CEU] (2017), who emphasized the need for increased resource allocation to schools to ensure that, although learning paths may differ, all students can access high-quality education. However, diverging from this approach, the RJEI stipulates that MSAs must be implemented using the resources already available within each school (Article 6, No. 2), and through cooperation agreements with local authorities and other community institutions (Article 19). Consequently, the quality of educational responses to diverse student needs and abilities depends both on the resources available at each school and on the partnerships established with community organizations (Centre for Studies on Inclusive Education [CSIE], 2002; European Agency for Special Needs Inclusive Education [EASNIE], 2017, 2022; UNESCO, 2021).

Although the RJEI does allow for the exceptional allocation of "additional" resources for students whose curricula include MS and/or MA, such requests must be formally submitted and justified by the school headmaster to the Ministry of Education, which holds the authority to approve or reject them (Articles 9, Nos. 4 and 5; Article 10, Nos. 7 and 8). This centralization of decision-making and the emphasis on school centrality advocated by transnational organizations and echoed in national policy texts appears to undermine the autonomy of school leadership in making the curriculum more flexible. For instance: "The

recognition of the decisive role of schools and teachers in students' educational processes leads the Ministry of Education to adopt a subsidiary role" (Preamble, DL 55/2018); and "Curriculum management must be flexible and contextualized, recognizing that educational autonomy is only fully realized when it extends to curriculum decisions" (Preamble, Order No. 5907/2017). In 2019, parent/guardian associations such as MPAl, PeR, and ABM raised concerns about the insufficiency of resources in schools to ensure meaningful curricular pathways for all students. MPAl (2019) proposed revising the RJEI, specifically Article 9, No. 5, to mandate that substantiated requests from school leaders for additional resources be automatically met by the Ministry. They also suggested amending Article 1, No. 2, to include "hiring all necessary professionals and providing all pedagogical resources tailored to the needs of children and students" as part of the decree's scope. These proposals, however, were not adopted in Law 116/2019 and remain absent from the current version of the RJEI.

The participation of the educational community is recommended (UNESCO, 1994, 2015; European Agency for Development in Special Needs Education, 2009; OECD, 2012) for the design of better personalized educational responses, namely through partnerships between schools and local political leaders and with other institutions in the community and greater collaboration between schools and families. In Portugal, the importance of fostering strong connections with the community (e.g., through collaboration with local authorities and partnerships with community institutions and business entities) has been increasingly emphasized in legal frameworks (e.g., Order 147-B/ME/96; Law 31/2002). These developments are gradually reshaping schools into more pluralistic organizations, involving a broader range of actors in educational processes and reinforcing the relationship between schools, local governance, and the private sector. They also reflect a trend toward greater decentralization in the management of resources. In this regard, the Conselho Nacional da Educação [CNE] (2014), in its Recommendation issued at the request of the Assembly of the Republic (Deliberation No. 2-PL/2014), advocated that "educational response mechanisms and strategies should be developed in the school and with the school (...) by establishing partnerships with community institutions," thereby supporting the view that solutions should be locally grounded and territory-based.

Conversely, the involvement of parents and guardians received only limited recognition in earlier legal texts, such as the LBSE (DL 46/86). However, their role has been progressively strengthened in various subsequent regulations, particularly following the Salamanca Statement (UNESCO, 1994). The WHO and WB (2011) also underscored the need to increase family participation in education as a means to promote more inclusive school practices. The RJEI (DL 54/2018) reinforced this trajectory by formally recognizing the rights and responsibilities of parents/guardians to *“actively participate and cooperate in all matters related to their child’s education, as well as to access all information in the student’s individual file, particularly concerning measures for learning support and inclusion”* (Portugal, 2018). In support of this participatory model, the DGE (2018) issued a Practice Support Manual aimed at assisting the educational community—especially parents/guardians—in implementing the new inclusive education framework. In the original version of the RJEI, participation in MSTIE (Multidisciplinary Support Teams for Inclusive Education) meetings was considered a right of parents/guardians (Article 4, No. 2, point a), DL 54/2018); however, they were not recognized as formal members of the MSTIE (see Article 12, *ibid.*). This limited involvement led to calls for greater parental empowerment from associations such as MPPI (2019), PeR (2019), and ABM (2019). In response, MPPI (2019) demanded that parents/guardians be formally included as members of the MSTIE, with the right to contribute to the drafting and evaluation of both the RTP (Response to Intervention Plan) and the PIT (Individual Transition Plan), and to request their revision. These demands were ultimately reflected in the amendments introduced by Law 116/2019, now part of the current version of the RJEI. Additionally, PeR (2019) advocated for the inclusion of parents/guardians in the monitoring and evaluation teams established under Order No. 9726/2018, which are responsible for overseeing the implementation of the RJEI.

Although parents’/guardians’ associations played a relevant role in the parliamentary debate surrounding Law 116/2019 — particularly by advocating for increased resources and more formal involvement in decision-making — not all of their proposals were incorporated into the final legislation. Overall, the analysis of the contexts of influence and text production reveals that international organizations — such as the UN, UNESCO and the OECD — exerted a predominant influence on the inclusive education agenda adopted in Portugal. Their recommendations are consistently echoed in national legal texts, particularly with regard to curricular flexibility, the diversification of learning pathways, and the promotion of community participation. In contrast, the influence of national actors (e.g., parents’ associations and the DGE) was more visible in the later stages of the policy process, notably during parliamentary scrutiny and the development of implementation guidelines.

Context of practice

The analysis of the context of practice, through the thematic analysis of semi-structured interviews with parents, allowed for a more in-depth understanding of whether and how curricular flexibility and the participation of the educational community translate into more equitable and inclusive practices, compared to previous legislation.

Guardians’ and parents’ perceptions of the changes introduced by the RJEI vary in relation to several aspects: the quality of the educational responses aimed at addressing the diverse needs, potential, interests, and expectations of their children; the degree of their involvement in the identification of MSAI; and the role of the local community particularly in the implementation and effectiveness of partnerships in mobilizing MSAI.

The EEA001, EEB001, and EEA003 shared the perception that the RJEI has promoted more inclusive school practices, namely increasing the participation of EEs in discussions and decisions about their learners’ school trajectory, through the MSTIE, and the selection of more appropriate educational responses to students’ needs, through the MLA. Nevertheless, EEB001 and EEA003 showed that the operationalization of MA and MS, respectively, was undertaken without adequate resources, which resulted in unequal learning opportunities for all students whose curriculum is developed without the need for these measures. Below, we mobilize statements from these three EEs that allow us to infer this analysis.

EEA001

I could be asked, informed and even consulted (...) but my opinion didn’t have (before the RJEI) the weight that it has now, I now also feel that I decide as happened for example in the choice of the location of the work-based training, they listened to my suggestion, the possibility was debated and I made the contact myself.

I don’t think this success would have been possible without this team (MSTIE) and this new model (MSAI). Firstly, because the more people are involved in this process, the more people realize the difficulties. Because the meetings discuss the difficulties and the strategies, what needs to be done. Before, it wasn’t like that, it was just one teacher who was aware of the situation.

(...) today (anonymized) frequents a normal class, so he has the adapted curriculum but he’s in a class. (...) if it was still according to the previous decree-law, he’d always be in a special classroom, subject to support only by those teachers. (...) And the fact that he’s been given a special education course is very important. (...) And the fact that he was placed in a normal class enabled him to retain more knowledge, according to his abilities, of course, respecting his limitations, but there was content that he was able to retain, others that he wasn’t able to retain, but if he hadn’t been there, he wouldn’t have retained anything. (...) Even more important than the content he learnt was the fact that he was in normal circumstances, socializing, feeling that he belonged there, feeling normal, feeling that he was like the others, that he was in the same class as the others, that he had friends, that there were crushes, relationships, all of that.

EEB001

Now, since the change in the law, I see that there’s even greater care for me to also plan together with the team (the MSTIE) and when proposals are made they’re really proposals to be discussed, nothing is decided. (...) Now at these (MSTIE) meetings we all talk, we’re all there, all the teachers who take part in the PEI too. And since I’m there too, everything is built together, there’s no longer any question of me agreeing with what’s being done because I’m doing it too. These aspects have certainly been improved.

Because although it continues (as in DL 3/2008) with an adapted curriculum, now with these measures (MSAI) it has other

possibilities, there are subjects, for example, that it can follow with the class and that will one day appear on its certificate, before it only went to the class for physical education practically, (anonymized) it didn't have friends in the class, now it does. It wasn't even really a curriculum, it was just functional learning but nothing academic, now it's very different. (...) In the programme (PEI), in addition to the subjects with the class, there's a part of the curriculum that's developed with subjects (substitute learning) that aren't with the class but there are other students there. These subjects (substitute learning) (...) it's just that they're not continuous and that's a shame. One year you have one, the next year you have another, there's no continuity. I was learning Spanish and then there wasn't any the following year. Because the schools aren't given teachers to do this (develop substitute learning), so from year to year the subjects available for these students will depend on the teachers that each school has with a reduced timetable. (...) This is unfair. From the moment a curriculum is defined for these students, the school should have the autonomy to have teachers to ensure it, just as it has to for the other students, but it doesn't. The school asks (the ME) to make a decision. The school asks (the ME) and the answer is that they have to manage with the resources they have.

EEA003

(...) the fact that now (after the RJEI) it's a team (...) I think that makes a difference (...) there was a discussion of the case in an extended team, including the school management and us parents, in which (...) it was decided together what the best solutions would be (...)

I think the big change that's really visible in the school is that he's no longer "the Special Education student" but "every teacher's student." In other words, he left the classroom and went to the Special Education teacher (...). Whereas now it's different, isn't it? Now it's the Special Education teacher who's behind all the other teachers and they're the ones who have to implement the measures. (...) for (anonymized) it was great because he hated leaving the classroom to go to Special Education. He hated being different. And so, in social terms, for the kids, I think it's an asset.

In terms of resources, over these 12 years at the school, for a child with special educational needs, what I can say is that of the resources given to the group at ministerial level, they've managed to optimize them. (...) So I believe they've done the best they could with what they had. But the resources were insufficient.

(...) the big impediment (anonymized) has to do with the fact that he can't acquire reading and writing. (...) that's what makes it impossible for him to progress further. (...) What happened was that when he had to read books, initially, in the early years (...) which were small books, I was the one who read the book to him. (...) there are no resources in the audio school for them to be able to learn. (...) When the books began to be other larger works, the teachers stopped asking him to read them. In other words, they opted for the perhaps simpler path, or the accessible path. which was "you don't do that part" and "you're not assessed in that area."

The experience shared by EEB003 identifies elements that point to excluding school practices. In short, this EE reported not having received any clarification about the RJEI or the existence of the MSTIE, not having had a voice in the discussion process about the MSAI, having difficulty accessing information about their child's educational process, and stating that the resources for mobilizing

the measures had diminished. The accounts below are examples of these statements.

EEA003

I think I even learnt about the change (to the DL) on the internet. I never heard about it at school level. (...) So it's like this, I don't even know if this school has it (the MSTIE) implemented because I've never heard of it. I don't even know what it is. Multidisciplinary team is what? (...)

So, as far as I know, the person who decides things (the MSAI) is the special education teacher with the head teacher (...) If I don't ask, I don't have any information at all. (...) I can't understand it, so I don't really see any changes. I could almost say it was for the worse, couldn't I?

(...) there's practically no more special education support (...) there's no more (support), I've even had to hire support outside the school (anonymized).

In the experiences shared by EEA004, EEB004, and EEB002, inclusive school practices are recognized in terms of acknowledging learners' needs; however, challenges persist in defining curricular responses (such as substitute learning) that are appropriately tailored to their individual profiles. According to these guardians/parents, their perspectives have consistently been considered both before and after the implementation of the RJEI. Nevertheless, they note that PEI, when developed based solely on the resources available within the school, fail to provide learning opportunities that fully support the learners in reaching their maximum developmental potential. Below, we present selected statements that substantiate this interpretation:

EEB004

My opinion is worth the same as it was before (the RJEI) (...) the school has always been open to this, to listening to us and finally to thinking together, as a team, with all those involved (...) But this is not then reflected in an adequate curriculum for (anonymized) to develop more skills and exploit the abilities he has, neither before nor now, because the school only has the teachers who are allocated to the classes, because they are allocated according to a certain number of students. When the school asks for teachers from areas other than special education for these students, they are denied by the Ministry of Education. That's why I don't see a change from what used to be done to what is now done. There has been a change in the law, but in order to change practices it's not enough for the school to want to, the Ministry has to allow it.

EEA004

(...) it (the involvement of the guardian) was already done without the multidisciplinary team. (...) In the end we have very nice reports, but in practice, for the student, it (the analysis of the situation by the various players) was already done without the multidisciplinary team.

(...) the teacher had (...) extra support classes that were included in her timetable as a permanent teacher at the school. (...) I was amazed when I asked why (...) a new Spanish teacher had been appointed and why my son had lost that hour (...). And the answer I got from the school principal was "legally we can only request the number of hours the teacher has with the class." (...) So now my son's classes and those of his classmates who should have this

support are not part of the teacher's timetable? What is to be done about it? The Ministry doesn't authorize the school to hire these hours, it only authorizes the hours with a class. (...) For the Ministry, it's no longer a teaching hour, it must be, I don't know, someone in that Santa Casa, they must think that the teacher at that time is joking. (...) Maybe someone thinks that you can work without human resources.

The Ministry's response is "use the resources you have." (...) In other words, fairness here is about giving everyone what they need, but according to the resources the school has. (...) And it's frustrating to see a board of directors concerned, committed, to see people giving reasons and asking for resources and being denied. The Ministry's response is "use the resources you have." So, if the school doesn't have them, it has to ask. Where is the school's autonomy? (...) Maybe someone thinks you can work without human resources." That's another question to ask: where is the school's autonomy?

EEB002

Regardless of the child's limitations, I don't think sticking cutlery inside a paper parcel at eight in the morning is motivating for anyone. (...) This was the PIT. It was the work of preparing the packets of cutlery for the canteen. (...) Then I insisted a lot that it was important for him to go out into the community and work on inclusion (...) And that's it, and the school didn't have the means to do it, so that's the feedback they gave us: they didn't have the resources to do it. In fact, he always needed someone to accompany him so that the task could be carried out with some success. (...) And the school tried to find other answers within the school space, but it wasn't anything relevant.

I made several proposals, I made several suggestions, the school studied them and then made the decisions it had to make. (...) Were my proposals put into practice? No. (...) I think the school tries, but the school works with the resources it has, so I think this is a question that goes beyond each school. It's a political issue. And since it's a political issue, it depends on central decisions. And those central decisions look at numbers, they don't look at people. It's my child, not theirs. And so, there's no approximation to the reality of families and the real need. If you ask me, do you think that would have made a difference to your son's development? I think it would have made all the difference to my son's development.

In fact, a very critical point in our school career was that from a certain point onward, (...) the operational assistant who accompanied him from one activity to another was taken away. She was taken away and moved to another school to deal with other special education pupils and my son was on his own without this support. And at the time, it was quite a delicate moment, because he'd had a foot operation and was in a wheelchair. So he was often forgotten in the corridor.

The EEA002 didn't highlight any changes resulting from the RJEI. In his view, he has always felt (before and after the MSTIE) part of the team who discusses and makes decisions about his child's school trajectory and considers that the measures mobilized have always been the most appropriate.

EEA002

I didn't see any difference, honestly no, I didn't think there was any kind of change (...) there was a meeting to say that there was

going to be a transition, that the law was going to change, that the decree-law instead of being called the 2008 decree-law was going to be 54, yes. (...) but we've always been part of that team.

(...) We all get together, I'm called by the head teacher, the special education teacher, the technicians, which is the therapists, the psychologist, to see and assess (anonymized) (...) progress, to see what improvements have been made, to see what can be done better for him, to see if he's really (...) progressed, if he hasn't, if (...) he's regressed in some way, what can be done, there it is, a team. And it's all done, there have always been meetings along these lines, and when the need arises, we meet and talk and debate (...).

Among the factors pointed out by guardians/parents as facilitating the development of adequate educational responses to the diversity of students' needs, the structure and functioning of the MSTIE stands out. As other studies have highlighted, interdisciplinary teams made up of various educational actors - including professionals from different areas of specialization - can support a more rigorous analysis of the student's school situation and more appropriate planning of measures and strategies (Franco, 2023; Ainscow et al., 2006; European Agency for Special Needs and Inclusive Education [EASNIE], 2021). For participants EEA001, EEB001 and EEA003, the diverse composition of the team and its collaborative approach enabled a more accurate identification of barriers to learning and the definition of more appropriate educational strategies. These guardians also noted that their direct involvement in MSTIE meetings led to a better alignment between the measures implemented and their learners' specific needs. This finding is consistent with international research showing that the active participation of families is a key factor in developing inclusive educational practices (Barr and Saltmarsh, 2014; UNESCO, 2020).

In addition, the MLA's three-level system of measures was identified as an innovation contributing to the personalization of educational responses. Participants such as EEB001 and EEA001 pointed out that the implementation of selective or additional measures allowed for curricular adaptations more closely aligned with the students' characteristics, thus promoting more meaningful learning experiences and greater integration within mainstream classrooms. These advances were recognized as a positive development compared to the practices in place before the RJEI. The idea that flexible curricula support more equitable education systems is supported by various international studies (Field et al., 2007; UNESCO, 2017), which argue that differentiated educational responses are essential for addressing diverse student needs.

Regarding factors that hinder or prevent educational responses that support an inclusive and equitable school path, most guardians/parents (EEB001, EEB002, EA003, EB003, EEA004, EEB004) pointed to the constraints schools face in accessing human and material resources, especially in adapting the national curriculum or designing AS. Among the five guardians/parents whose learners follow a curriculum with MA, four (EEB001, EEB002, EEA004, EEB004) reported that AS were often discontinued due to a lack of resources. This discontinuity limits students' progress in acquiring knowledge and reaching their full developmental potential. These guardians argued that the resources available to schools for the development of AS are generally those already allocated to the running of classes and are therefore not enough to guarantee the construction of a personalized curriculum as required by the application of ACS/AS.

The analysis of the interviews revealed a diversity of parents' perspectives, with some participants perceiving clear improvements in the way their learners' educational trajectories were managed, highlighting their effective inclusion in decision-making processes through the MSTIE and the provision of more appropriate educational responses under the MLA. At the same time, others reported that their participation remained limited or merely formal, and pointed to the persistent lack of resources as a barrier to effective change. These perceptions appear to result from context-specific dynamics within each school cluster, which is consistent with the findings of a previous study (Carvalho and Veiga, 2024) highlighting the central role of the MSTIE in the interpretation, translation and the enactment of inclusive education policy in each school context. The contrasting experiences reported by guardians highlighted the tensions between the intentions expressed in legal texts and their actual enactment in schools. These tensions are reflected in the way schools respond to contextual constraints and can be understood, following Ball's policy cycle, as effects emerging within the context of practice. In particular, the extent of parental involvement in decision-making, the appropriateness of the support measures implemented, and the discontinuity of pedagogical responses due to resource shortages all illustrate how the enactment of the new legal framework has both enabled and limited meaningful change.

Furthermore, even when SC justify the need for additional resources to the Ministry of Education, the requests are often denied, preventing the effective implementation of the necessary MSAI. This echo concerns raised by the WHO and WB (2011) who note that the success of inclusive education policies depends on the availability of adequate resources and support systems within schools. Similar findings are reported by Rodrigues et al. (2024), who identify the lack of human and material resources as key obstacles to the implementation of inclusive practices.

By focusing exclusively on the perspectives of guardians and parents and drawing on a small, non-representative sample, this study is limited in scope. However, it provides valuable insights into how inclusive education policy is interpreted and recontextualized within individual school contexts. While the findings cannot be generalized to all school clusters in Portugal, they offer a deeper understanding of the tensions between legal frameworks and institutional practices. The voices of guardians and parents illuminate how inclusion is experienced by families and how schools implement the key principles of the current legal framework under constrained conditions. These perspectives carry both analytical and political significance: analytically, they reveal the gaps between policy intentions and practice; politically, they highlight the urgent need to strengthen family participation and ensure that schools are adequately resourced to guarantee all students' right to quality education.

Conclusion

This study highlights the interdependencies of the political process of inclusive education in Portugal. In response to the research questions, it can be concluded that the MLA and the MSTIE incorporate transnational guidelines (e.g., UN, UNESCO, OECD), such as curricular flexibility and the participation

of the educational community, respectively. According to the guardians/parents' perceptions, these guidelines translate into mechanisms with the potential to generate more personalized, curriculum-relevant, and inclusive educational responses. In this respect, significant advances have been made in relation to the legislation repealed by the RJEI, such as the identification of MSAIs that are more in line with students' needs and more shared decision-making processes.

However, the translation of these aspects into effective learning opportunities, in terms of quality and equity, is conditioned and/or impeded by structural obstacles, namely insufficient resources and the limited autonomy of schools. In line with this, points out that a key condition for the development of inclusive education policy is the provision of appropriate adaptations, support and resources to address the diverse needs of students.

The analysis of the text production context revealed that, during the development of the RJEI, parent/guardian associations were not included among the entities consulted. The Ministry's centralized control over resource allocation, as later criticized by these associations, weakens schools' ability to effectively implement MSAI, a criticism echoed in the context of practice. The analysis of the statements from guardians/parents converges in identifying the lack of human resources as one of the main obstacles to mobilizing the MSAI necessary for their learners to have access to curriculum-relevant learning. This obstacle has repercussions on the discontinuity of the SA previously defined in the PEI of students whose curriculum is developed with ACS. The shortage of human resources, a challenge common to the four school clusters (SC) analyzed in this study, illustrates how policy priorities related to the inclusion of all students are constrained by centralized decision-making processes, particularly regarding funding. This centralization limits the effective autonomy of schools in accessing and managing the resources they need. As a result, the existing funding proves insufficient to ensure inclusion and equity, as defined in the RJEI.

Finally, while the data analysis offers an in-depth understanding of the experiences and perceptions of guardians/parents regarding the implementation of the current inclusive education policy in compulsory schooling, it is important to acknowledge that the study may not fully capture the diversity of school practices experienced by the broader population of Portuguese guardians/parents.

It is therefore recommended that future research expand the scale and scope of the sample potentially incorporating quantitative or mixed-methods approaches to include a broader range of schools, a larger number of parents or guardians, and other key actors involved in the implementation of this policy. Recognizing that inclusive education is a dynamic process requiring continuous refinement based on feedback from its various stakeholders (Obah, 2024), we also suggest consulting other studies (e.g., Carvalho et al., 2023; Carvalho and Veiga, 2024) developed within the broader scope of this research project. These studies explore the perspectives of additional relevant actors within the inclusive education policy cycle. Triangulating these diverse viewpoints may offer a more comprehensive understanding of the effects of the legislation and the varied ways in which it is interpreted and recontextualized in the context of practice (Ball, 1994).

Data availability statement

The original contributions presented in this study are included in this article/supplementary material, further inquiries can be directed to the corresponding author.

Ethics statement

The studies involving humans were approved by Ethics committee of the faculty of Psychology and Education Sciences of the University of Porto. The studies were conducted in accordance with the local legislation and institutional requirements. The participants provided their written informed consent to participate in this study.

Author contributions

AC: Funding acquisition, Writing – original draft, Formal analysis, Writing – review & editing, Conceptualization, Validation, Methodology, Data curation, Investigation. AV: Methodology, Formal analysis, Supervision, Writing – review & editing, Writing – original draft, Investigation, Conceptualization, Funding acquisition, Validation.

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Conflict of interest

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

Generative AI statement

The authors declare that no Generative AI was used in the creation of this manuscript.

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