

Chilean Regulatory Framework for Inclusive Education: approach to story analysis

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Abstract

The Chilean regulations on Special Education were created in 1990, three decades ago, different governments, modifications and the existence of multiple guidelines, which determine the actions of educational establishments. In the context of the right to education and respect for diversity, it is relevant that the narrative used in the regulations is coherent, egalitarian, with equity and avoids enhancing difficulties for its application, understanding that written texts have a communicative purpose and regulate the act of people. This study, whose objective was to analyze a corpus of Chilean legal documents, current and repealed, referring to special education, was developed from a qualitative approach, a documentary investigation, where the regulations were reviewed, with a hermeneutical design and documentary analysis technique. The results show that there are in the regulations, diverse structures in extension, outdated, incoherent and contained concepts between the medical and the socio-anthropological approach, a deficit in the educational perspective, among other findings. The intersection with the conventions, which supports school inclusion and theoretical references, support the discussion and conclude on the need for revision and updating in the account of Chilean educational public policies, associated with the educational modality studied. This work was based on antecedents and contextualization, evolution and government policy of special education.

Keywords: educational policy, special education, government policy, right to education

Introduction

A country's public policies regulate and organise different areas that make up the country. They are called regulatory frameworks because they delimit, delimit and specify the area in question. Special education in any nation also requires guidelines or directives and although inclusion cuts across other social areas, such as housing or transport, in terms of its policies, this study focuses on government documents in the education sector.

Inclusion, which was born from a rights-based approach, has come to change deeply rooted paradigms and this must be visualised in the language used in texts. Written texts have a purpose associated with modifications and manifestations in people's behaviour. In this sense, special education regulations also have the same intention. For this reason, the analysis of specific Chilean legal documents, both current and repealed, made it possible to determine and characterise elements that will serve as background for the creation, modification or updating of regulations in the context of public policies.

To achieve this study we used a qualitative approach, an emergent design, through documentary research and the technique of content analysis of a corpus composed of legal texts, specifically special education decrees issued by the Ministry of Education of Chile.

This article is structured in sections for the referential review: problem statement,

Published/ publié in *Res Militaris* (resmilitaris.net), vol.12, n°3, November Issue 2022

background and contextualisation of the regulatory frameworks of special education, evolution of special education in Chile and Chilean educational policy on special education and inclusive education, to continue with the methodology, results, discussion and conclusion.

Problem

The right to education is one of the fundamental rights of individuals, as stated in the Declaration of Human Rights (United Nations, 1948) and the International Covenant on Economic, Social and Cultural Rights (ICESCR, United Nations, 1966), directly linked to principles such as respect for diversity, universality, equity and quality of education. These are made visible in the Chilean General Education Law (LGE), in force since 2009 and before that in other regulations, which in this brief study will be presented and contrasted in order to analyse the discourse of the corpus, demonstrating the advances in the context of the regulations coming from the Chilean State on special education and school inclusion.

In the perspective of the right to education, from the tradition of International Human Rights Law, educational inclusion has its roots in "education for all", which is a term that was coined internationally in 1990 at the World Conference on Education For All in Jomtien, Thailand, led by UNESCO (1990) in which 155 countries participated. This movement implied a focus on universal access and equity of education, with special attention on the human right to education and on improving the quality standards of teaching and learning. Ten years later, at the World Education Forum in Dakar (2000), a stocktaking exercise was carried out and the countries attending reaffirmed their commitment to continue working towards the implementation of "education for all" by 2015. Six common goals were established through the Dakar Framework for Action. For our purposes, Theme I, on improving the quality and equity of education, which includes attention to special educational needs, appealing to the right to a common education within their environment, stands out.

The search for quality education is closely associated with the right to education, equity and respect for diversity, an issue that has been addressed in Chile through the increase in recent years of government regulations and guidelines that complement each other. However, it is questionable whether real inclusion is achieved, with quality learning (Mena et al., 2015). Until now, educational establishments have had to adapt to the idea of education for all, with the challenge of promoting attention to diversity and providing opportunities in formal classrooms (Cardona et al., 2010).

The main question addressed by this study is whether there is coherence in the narrative used in public policies on special education with respect to the focus on rights and educational inclusion, with the aim of analysing a corpus of Chilean legal documents, both current and repealed, in the aforementioned modality.

3. *Background and Contextualisation of Special Education Policy Frameworks*

The right to education is a duty of the State for all citizens; this study focuses on special education and inclusive education. Regulatory frameworks are understood to be all those provisions in the Chilean legal system: laws, decrees with force of law, resolutions, guidelines, manuals, guides, instructions from, in this case, the Ministry of Education. Let us remember why it is framed? It is framed to provide guidelines for action, to focus and unify criteria around a theme, to show the importance given to it by a government, what it declares and manifests in this area. This will make it possible to delimit the study, the concepts addressed in this analysis and to present the most important milestones of special education and inclusive education in Chile.

The LGE N°20.370/2009, proposed an Education Quality Assurance System, which became a reality in 2011 with the current Law N°20.529, which created two bodies, the Education Quality Agency and the Superintendence of Education, which join the Ministry of Education and the National Education Council to fulfil the objective of ensuring access, equity, quality of education for all students, through a comprehensive evaluation, monitoring, support and constant guidance to the establishments. On the other hand, Law No. 20.422/2010 establishes the rules on equal opportunities and social inclusion of persons with disabilities, stating that educational establishments must incorporate innovations and curricular adaptations, infrastructure and support materials required to allow and facilitate access to courses or levels for persons with disabilities, ensuring their permanence and progress in the educational system (Art.36).

The Ministry of Education is the lead agency in Chile for the National Quality Assurance System (2011), and among its objectives is to propose and implement public education policy, as well as some fundamental tools for the management of the education system, such as standards and indicators of educational quality (Supreme Decree of Education No. 73/2014).

The regulations, which were used for this analysis, are limited to the field of special education and inclusive education, considering as a basis the right to education, the principles of the LGE and the quality of education. It is therefore relevant and necessary to present the conceptual definitions to which this essay subscribes, with the consequent problematisation.

Special education is defined in two documents in the same way, the National Policy of Special Education of 2005 (Mineduc, 2005) and the LGE/2009, article 23°, which states it as "a modality of the educational system that develops its action in a transversal way in the different levels, both in regular and special education establishments" (p.35), including services, resources and technical and pedagogical knowledge for children and young people with temporary or permanent special educational needs throughout their schooling. This similarity is questionable, as it could have incorporated some updating or improvement in the conceptualisation, as it considers the term "Special Educational Needs", which highlights the difference, which enhances from the use of questionable terms for a narrative of inclusive order.

Inclusive education according to Mena, (2015 p.22) is understood as an "Education adapted to the needs of the students" in contrast to Integration, which refers to the "incorporation of students into the school". It is based on the right to education for all people, a human right, which does not exclude anyone on the basis of their abilities and needs. Unesco, 2005 states that it is conceived as a process that responds to the diversity of characteristics of each individual, especially in learners. Unesco (2017) defines it as a "process of strengthening the capacity of the education system to reach all learners". Within the latest standards, the 2030 Agenda for Sustainable Development (United Nations, 2016), in goal 4, specifies and promotes ensuring "inclusive and equitable quality education and promoting lifelong learning opportunities for all" (p.27). All this highlights the importance of the concept and the implementation of actions to achieve and improve real inclusive education.

The Inclusion Index (Booth, Ainscow, 2000), a benchmark for inclusive education, establishes within its dimensions the creation of inclusive cultures in educational establishments and from the perspective of inclusive language it discards the use of the concept of "Special Educational Needs", because it is associated with a limitation and considers it as a possible barrier to inclusive practices in educational establishments.

From the perspective of the right to education, which means that the State is responsible for it, the LGE/2009 establishes in the second paragraph, article 4° "Education is a right of all persons. Parents have the right and the duty to educate their children; the State has the duty to grant special protection to the exercise of this right (...)". Within the same context, international organisms and conventions such as the Human Rights Convention ratify it, Art. 26 of the Human Rights Convention (United Nations, 1948), states that "Everyone has the right to education. Education shall be free, at least as far as elementary and fundamental instruction is concerned. (...)". The Rights of the Child (United Nations, 1989) Art. 28 "States Parties recognise the right of the child to education and, in order that this right may be exercised progressively and on the basis of equal opportunity" and furthermore in letter a) it considers the implementation of compulsory primary education free of charge for all.

With regard to equality, Decree 100/2005, which establishes the consolidated, coordinated and systematised text of the Political Constitution of the Republic of Chile (2005), states in Article 1 that "persons are born free and equal in dignity and rights" (p.1) and in Article 19 "equality before the law" and that no one may establish arbitrary differences. Likewise, the Convention on the Rights of the Child, ratified by Chile in 1990, in Art. 2 on non-discrimination ensures its application to all children "without distinction of any kind, irrespective of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". Likewise, Article 4 of the LGE/2009 states that "it is the duty of the State to ensure equal opportunities and educational inclusion, especially promoting the reduction of inequalities arising from economic, social, ethnic, gender or territorial circumstances, among others".

The National Policy on Special Education (2005) establishes five principles, the first of which is "education is a right for all". Likewise, the LGE/2009 highlights the State's duty to provide "free, quality education, based on a public, secular educational project, that is, respectful of all religious expression, and pluralist, which allows access to it for the entire population", promoting social inclusion and equity. It is also the State's responsibility to ensure the quality of education, establishing the necessary conditions for this purpose and permanently verifying compliance; to carry out supervision, provide pedagogical support to establishments and promote professional development of teachers. It is the state's duty to maintain and provide disaggregated information on the quality, coverage and equity of the education system and institutions.

The National Policy for the Social Inclusion of Persons with Disabilities 2013-2020 of the Ministry of Social Development establishes in one of its associated objectives "to ensure access of persons with disabilities to an inclusive education system with equal opportunities at all levels" (p.18). And within its principles of equal opportunities where "the equality of persons with disabilities is recognised in relation to persons without disabilities, in dignity and rights" (p.21). In this regard, it is interesting what Oliva (2017, p. 408) states, who points out that "in the political act, laws fulfil a function of guaranteeing equality (...) However, when situating the problem in Chile, the persistence of educational inequality is observed" this study seeks to find aspects in the text that demonstrate these facts.

Another concept to consider corresponds to Politics, which is understood by the RAE as "Art, doctrine or opinion referring to the government of States" and as "orientations or guidelines that govern the actions of a person or entity in a specific matter or field". Beltrán cited in Oliva (2008, p. 208) states that "politics has to do with the construction of public space". It is understood as the essential guidelines that guide a country in all issues in order to build a common space. Therefore, the Education Policy will be the guidelines proposed by the

State with respect to all levels of education, seeking the welfare of the people.

Another concept to be considered is the quality of education. In this regard, the LGE in Article N°34, specifically in consideration of special education, determines that the Ministry of Education shall "define (...) criteria and guidelines for curricular adaptation that allow educational establishments to plan relevant and quality educational proposals for these students", regardless of whether they belong to special schools or to regular education establishments in integration programmes. On the other hand, the UNESCO Regional Bureau of Education for Latin America and the Caribbean (OREALC) determined five dimensions, Blanco (2007) considering that if any of these is missing, it would be a cause of a misconception to understand quality education:

Relevance: education must effectively meet the needs, desires, aspirations, expectations and interests of the group on which it is focused. It is realised by selecting learning that is meaningful and targeted to the local group.

Relevance: Education must be context-specific, whatever the context, being flexible, e.g. with teaching methods that are adapted to each individual, with his or her particularities, considering education for those who need it.

Equity: education must be accessible to whoever needs it, regardless of their physical, social or cultural condition. It is directly related to equal opportunities.

Effectiveness: education with this dimension must ensure that the principles of equity, relevance and pertinence are achieved, which implies constant evaluation.

Efficiency: education requires the allocation of public resources and their proper distribution and management.

When considering the definition of quality and the minimum dimensions for achieving quality in education, it is easy to agree that what is sought in quality education is more complex and multidimensional, especially in educational institutions.

Underlying public policy is a concept of quality in education that underpins the evaluation, monitoring, guidance and support it provides. One of the central elements that characterises the concept of quality in education, which underpins the work of the Quality Assurance System, is comprehensiveness. Thus, the School Quality Assurance Plan states that quality education is a comprehensive, person-centred educational process, "promoting a consistent and integrated development of all dimensions, including the spiritual, ethical-moral, cognitive or intellectual, affective, artistic and physical development, among others" (Ministry of Education [Mineduc] 2016, p.16), considering that opportunities for development and social integration are promoted for children, young people and adults, in an equitable and inclusive manner, preventing any type of discrimination and segregation. En síntesis, este estudio se contextualiza en el enfoque de derecho, la conceptualización de los marcos normativos, política, calidad, principios de igualdad y equidad. A continuación, se abordará el proceso histórico de la educación especial chilena.

3. *Historical Evolution of Special Education In Chile*

Special education in Chile started in 1852 with the creation of the first school for the deaf in the country, specifically in Santiago (Godoy, 2004; Caiceo, 2009; González, 2013) without having a specific governmental regulation for special education, until 1927, 75 years

later, until President Ibáñez del Campo promoted a new Educational Reform (National Library, 2018; DFL 7500/1927) "in which he incorporated Special Education" (Godoy, 2004 p.15), specifically in Art. 17, which presents four types of school, according to the needs of the students and the locality (rural, farm, urban and home for indigent, weak and organically inferior, abnormal and mentally retarded children).

Jaime Caiceo (2009) in *Esbozo de la Educación Especial en Chile: 1850-1980* shows, as pointed out in an-interview by Professor Alfonso Brito, a classification made by him, by periods or moments of special education in Chile:

- A. Period of the emergence of Special Education and of the great efforts (1852-1926).
- B. Period of development and of the main precursors of Special Education (1927-1964).
- C. Period of Consolidation and Major Scientific Achievements (1964-1980).
- D. C.1. Concern for mental handicap and diversification of diagnostic centres and special schools.
- E. C.2. Formalisation of plans and programmes.

The Ministry of Education (2003), in the Sample Study on the quality of the integration process, details other aspects of the historical evolution, where it is stated that in the early 1980s, attempts were made to systematise the integration process in schools. In 1990, Decree No. 490 was presented and then Law No. 19.284 on the Social Integration of Persons with Disabilities and its regulation Supreme Decree No. 1 of 1998, which replaces Decree No. 490, except for Article 4, which provides guidelines and strategies for the organisation of Integration Projects. In 1999, the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities (Organization of American States) was signed, which reaffirms the "same human rights and fundamental freedoms" as all persons, which stems from the dignity and equality that corresponds to every human being.

In 1999, the Regulations for the operation of special groups (Decree No. 291), two Decrees associated with classrooms and hospitalised schoolchildren (No. 374 and No. 375), which means that the State pays attention to children with complex illnesses. In the same year, Resolution N°434 approving its own plans and programme for the first basic cycle of the Dr. Jorge Otte G. School for the Deaf was issued, marking a milestone in achieving curricular autonomy for a special school in the first cycle.

In the year 2000 the Ordinary N°702 of the Ministry of Education, sends technical-administrative orientations for schools and hospital classrooms. In 2001 the School for the Deaf Dr. Jorge Otte G. achieves Resolution N°434 which approves its own Plans and Programme for the second basic cycle. In 2002, a new Decree appears for the attention of students with specific language disorders. Therefore, the State continues to provide care for hospitalised children or those with highly complex illnesses. The Dr. Jorge Otte School once again sets advanced internal pedagogical management processes for the second cycle.

The year 2005 marks a milestone with a document from the Ministry of Education, called the National Policy for Special Education, which presents a plan of action for the period 2006 - 2010. In the same year, Instruction No. 610 on the care of students with specific language disorders was presented.

In 2006, Decree No. 01398 was drafted, which establishes procedures for granting a basic education licence and certificate of competence to students with disabilities in special schools and establishments with school integration, option 3 and 4 of Article 12 of Supreme Education Decree No. 1 of 1998. The following month, the Instructive N°521 for the

application of the Exempt Decree N°01398 appears. This marks a milestone in special education, since before that date, even when students with disabilities attended a basic school, they were not granted the corresponding certification, as this was completely discretionary in each establishment. In addition to two instructions, one on Deaf Students and Co-Educators (N°1127) and the other on Integration Projects (N°191). The documentary analysis up to this point makes it possible to establish aspects of access to education and administrative aspects associated with integration.

In 2009, Decree 170 came into force, which is the Regulation of Law No. 20.201/2007 and sets the rules for determining which students with SEN will be beneficiaries of the special education grant. This decree delimits in detail aspects of the diagnosis, professionals indicated according to the characteristics of the students, in order to apply for the subsidy.

In 2011, the Supreme Decree N°332 that determines minimum ages for entry to Special or Differential Education, Adult Education modality and curricular acceleration adaptations. In the same year, Law No. 20.529 Sistema de Aseguramiento de la Calidad de la Educación (Education Quality Assurance System) was passed, which aims to ensure equity, access to quality education for all students in the country.

The analysis carried out shows that from 2009 onwards, the LGE incorporates the concept of inclusion, both social and educational. Between 2015 and 2018, the governmental guidelines demonstrate the concern for inclusive pedagogical practices and the difficulties of specialised implementation roles that educational psychologists have in schools. Indeed, Chilean regulations give them important attributions regarding diagnosis in Decree N°170, in order to apply for subsidies, and there is no explicit participation in specific decrees on intervention or pedagogical support. In 2015, the Inclusion Law No. 20.845 and Decree No. 83 approving criteria and guidelines for curricular adaptation for students with SEN in kindergarten and basic education were presented. In 2016, an Ordinary "Reports on the combination of courses in the Special Education modality". In 2017, two guidelines, one on diversified teaching strategies for basic education for Decree N°83/2015 and the other on Guidelines for inclusive educational communities. In addition, Ordinary No. 07/863, entitled "Authorisation to psycho-pedagogues for the exercise of the teaching function in PIE", and Ordinary No. 986, which "Sends guidelines on the creation of special courses in establishments with PIE". At the beginning of 2018, attention continued to focus on the situation of psychopedagogues in regular and special schools, presenting two ordinary letters associated with the subject of psychopedagogues, No. 05/035, which points out the functions of psychopedagogues in educational establishments, and No. 05/119, which refers to the participation of psychopedagogues in the diagnosis of SEN.

In the current year, in January 2021 the Law N°21.303 of the Ministry of Social Development and Family, modifies the Law N°20.422, which establishes rules on equal opportunities and social inclusion of persons with disabilities, to promote the use of sign language, which implies an important advance for the inclusion of the deaf community in Chile.

This review shows how regulations of different types have increased in the field of special education, on inclusion in its broad spectrum, which shows progress, especially in the field of access to education.

3. *Chilean Policy on Special Education and Inclusive Education*

Public education policies in Chile, in the area of special education, began with the aim of providing assistance, associated with a medical approach, since it was incorporated in the

Educational Reform of 1927. In that year, the then Ministry of Justice and Public Instruction was separated into the Ministry of Justice and the Ministry of Public Education was created. It also established the creation of new institutions, which allowed the education system to begin to expand and organise itself.

At that time, the concept of special education, as such, was not yet incorporated. In order to consider it, it appears with the incorporation of a school modality, according to the needs of the students and the locality. Of these four types of school, three correspond to the locality and one to the social (indigent children) and medical (weak and organically inferior, abnormal and mentally retarded) characteristics, as boarding and segregated homes.

The government of Pedro Aguirre Cerda, between 1938 and 1941, was in full agreement with his campaign slogan "to govern is to educate", and stood out for the expansion of coverage to more than 1000 schools, new posts for 3000 teachers, with an increase in enrolment to 620,000, in line with the growth of infrastructure. He promoted the welfare line of education with the use of boarding schools, which provided children with food, clothing, hygiene and free education.

In the government of Juan Antonio Ríos, between 1942 and 1946, the first ideas about a curricular line were introduced, specifically about the common plan, variable plan and complementary plan, applied in the experimental lyceums created in the same period. This would later be used in some of the special education decrees. It thus laid the foundations for more flexible training options in education levels and systems. He also promoted rural education. At the end of his government, new special schools for the "mentally handicapped" were established.

In the years to come, ministerial guidelines would focus on increasing the number of special schools, with the consequent expansion of coverage, with psycho-pedagogical attention and greater family participation, the training of special education teachers, which began in 1964 at the University of Chile, training that would be joined by other houses of study in the 1970s and the emergence of groups of researchers in the field. To achieve consolidation in the 1980s with specific decrees for each different ability (Godoy, 2004; Caiceo, 2009). Therefore, this period stands out as a political criterion in the process of transition from a lack of definition of public education to a definition, categorisation or sectorisation of special education.

Currently, the Education for All approach has allowed inclusive education to be implemented and reformulated in the country, with multiple guidelines that have sought to support and guide pedagogical processes. Bellei, Contreras and Valenzuela (2010) affirm the above, focusing on the issue of selection and stating that the purpose of education is to assist children in developing their talents and maximising their capacities.

Pedagogical management is of concern to national authorities and in 2015, with Decree N°83 focuses attention on the implementation in the classroom of attention to diversity. This is the first to establish a way of proceeding in the classroom, from the theoretical point of view, bringing together two opposing educational approaches: integration (promoting the use of curricular adaptations) and inclusion (use of the Universal Design for Learning).

The Report for Educational Policy of the Diego Portales University of April 2015, reflects on current educational options, determining that the existing offer presents inconsistencies and is "not very organic" (p.8). It highlights the exponential growth of students identified as having special educational needs, greater growth of special schools and, to a lesser

extent, the growth of integration programmes. He reaffirms at that time, the existence of specific decrees for disability, which is complex to reverse. However, Decree N°83/2015 repeals Decrees N° 86, 87 and 89 all from 1990 and N° 637 from 1994, which corresponds to nursery and basic education ages, leaving in force only what refers to work training, until the processing of the document for secondary education on curricular adaptations.

Over the last five years, between 2016 and 2021, a number of documents and briefing books have been presented that clarify the transition from the integration model to the inclusion model. One example is the book entitled *Orientaciones para la Construcción de Comunidades Educativas Inclusivas* (Mineduc, 2016), whose purpose is to guide educational establishments to implement the "inclusion support plans" established by Law No. 20.845/2015, allowing them to generate actions that promote inclusive practices in management instruments. The creation of these plans promotes the active participation and responsibility of the professional teams in the establishments.

Another example is the Exempt Decree N°1085 of October 2020, which modifies Decree N°1.300/2002, which approves study plans and programmes for students with specific language disorders, establishing that special language schools must be governed by the curricular bases and technical-pedagogical guidelines for kindergarten education, the framework for good teaching and Decree N°170 (to apply for state subsidies).

The generation of public policies in the field of special education in Chile has increased, hence the concern about the analysis of texts. Moreover, currently, the review and design of public policies includes, among other aspects, the analysis of the story (discourse and narrative), as mentioned by Fantova (2015, p.165) as superstructural aspects (cognitive, emotional and cultural), which he considers "complex and multidimensional (...) not only obtain impact in function or through their operational or management processes, but also through the ideas, affects and values that they incorporate, forming a constitutive part of the policies".

Metodology and Results

The aim of this study was to critically analyse elements of the form and narrative (language and conceptual and/or technical content) of current and repealed Chilean legal documents on special education. The specific objectives were: (1) To determine the historically existing regulations in Chile in the educational context of special education; (2) To establish the periodicity in the creation of government documents; (3) To characterise the texts and the corpus of Chilean regulations with constituent elements, with respect to the rights approach.

In this study it is understood that written texts have communicative purposes, with intentional discourses, which regulate behaviours, because each person who interacts, through reading, constructs their own knowledge, which "is stored in the memory of readers/writers and speakers/listeners in a complex representational format", (Parodi, 2008, p.6), therefore, they guide the actions of people, through discursive conventions, based on their experiences and cultural, social and cognitive context of the people. According to Parodi, texts share features, organisation and characteristics that are specific to the nature of each one, which will allow us to consider categories for an analysis of the language, constituting a corpus, in which the technique of Content Analysis (CA) will be applied, which focuses specifically on the content of the texts (Ruiz Oalbuénaga, 2009; Vieytes, 2004). Applying CA to state documents (laws, decrees, guides, manuals, instructions, among others), allows, as Van Dijk pointed out, to recognise the propositions and the interpretability or truth in the discursive sequences of

sentences or phrases, which manifests "the necessary conditions and satisfactoriness for sequences of actions" (1980, p.329), considering how communicational formats can arise in people, in the execution of procedures and in specific contexts.

This study made it possible to compile a large number of documents from the Ministry of Education that refer to general and special education. These are distributed from 1927 with the Reform of President Ibáñez (Godoy, 2004) until 2018. The technique used was the documentary research strategy (Valles, 1999).

In the first instance, from the universe indicated in the preceding paragraph, a sample was determined according to the following criteria, which made it possible to form the corpus of the study. Texts were collected in digital and physical versions. The types of documents found were: Law, Exempt Decree, Supreme Decree, Instructions, Resolution, Ordinary, guides and manuals. An Excel spreadsheet was prepared with basic information on dates of creation, type, organisation to which it belonged, origin, country and validity. Information was collected and a total of 92 Chilean and foreign documents were found, with some difficulties in obtaining complete information.

Then, as a first criterion, those for which the year of elaboration was available were filtered, leaving 90. Then, as a second criterion, we filtered by national documents, finding 77 texts from different Ministries, related to general education, disability and special education. The documents were grouped by 9-year periods between 1960 and 2018, in order to determine the frequency of elaboration and number of documents (see table N°1). The first text associated with special education was considered to be the 1927 Reform.

Table N°1: *Periods of creation of special education regulations*

Period	Number of years	Number of documents.	Mean number of year
1927 – 1958	31	1	--
1959 -1968	9	0	0
1969 – 1978	9	5	0,5
1979 – 1988	9	7	0,7
1989 – 1998	9	17	1,8
1999 – 2008	9	20	2,2
2009 – 2018	9	26	2,8

Source: Author

As a third criterion, documents from the Chilean Ministry of Education (executive branch) were filtered, leaving 50 documents, and from these a corpus of 6 texts in the area of learning, hearing and language was determined, with the category of Decree, as these regulations develop, explain and operationalise the general principles of the laws. Three legal texts prior to 1990, in repealed condition (Decree N°457/76 Differential Groups; N°148/80 Communication Disorders and N°15/81 Hearing Disorders) and three in force (Decree N°1300/03 Language; N°170/09 Diagnosis and Subsidies and N°83/2015 Curricular Adaptation for Special Educational Needs).

Considering the decrees as a type of discursive genre, subscribing to the definition of genre as "multidimensional constructs in which it is possible to identify at least three dimensions: cognitive, social and linguistic" (Parodi et al., 2009 p.77), associated with the superstructural aspects (cognitive, emotional and cultural), which Fantova (2015) points out, three categories were established for the analysis,: structure of the norm (format-categorisation-

extension), language (key words-main ideas-concepts) and technical content (educational paradigms and models, areas or fields of development), whose most relevant and noteworthy results are the following:

Structure of the standard:

- a) Regarding the format, the repealed regulations N°148 and N°15 are presented in form and detail with study plans and programmes, which include suggestions for activities. Unlike Decree No. 457, which is only synthetic and regulates educational processes in a minimal way. In the current regulations, there are only differences in length, use of annexes and rationale.
- b) Regarding the structure or categorisation of the texts analysed: there are similarities in the six Decrees, the structure of the regulation that includes the "Whereas" and "Citation" and differences in the use of "Titles", since only Decree No. 170 uses them, and the number of "Articles", which fluctuate between 4 and 98 with a low number of articles (7, 9 and 4 respectively).
- c) In terms of length, the number of pages was considered, which fluctuates between 2 and 35 pages. In the repealed decrees and those in force Impressive are the differences in the number of pages.

Language:

- a) Regarding concepts and key words, concepts of use in the medical approach such as rehabilitation, deficit, diagnosis, treatment and disorder were reviewed. The analysis of these words shows that these meanings are still used, and in the socio-anthropological approach, terms such as inclusion, opportunities, equality and equity are still used. In the study, these terms appear mostly in the decrees subsequent to the LGE/2009. The concept of equity is not found in any regulation. Only one decree, No. 15, mentions equality and two do not use opportunity. Regarding the consideration of the family, five of the six decrees reviewed incorporate the family in the processes. The one that does not is Decree N°457 of 1976.
- b) Regarding the main ideas, the repealed decrees determine that students must achieve the minimum contents in order to progress, reinforcing the idea that students must approach "normality"; however, two of them tend towards integration if they achieve the necessary behaviours. On the other hand, two out of three of the current ones, especially Decree N°83, aim at inclusion. Decree N°1300 of 2003 maintains the notion of integration. Decree 170 refers to diagnosis, a nomenclature that corresponds to the medical model.

Technical-pedagogical content:

- a) Regarding educational approaches and models: in the repealed regulations, content associated with the medical model can be clearly appreciated insofar as the use of the aforementioned concepts is pointed out. In the current regulations analysed, there are aspects of the medical model and the socio-anthropological model.
- b) Regarding areas or fields of development: four decrees are aimed at classroom work and of these, three provide curricular guidelines with study plans and programmes (areas,

fields, objectives, contents). From the curricular aspect, the repealed texts are not associated with official curricular frameworks, while the decrees in force associate the development of general education plans and programmes, with the same nomenclature as the areas of development.

In summary, documentary research was carried out, analysing 6 special education decrees in three categories for analysis: form, structure of the regulation, language and technical content, each with subcategories, which show the need for the unification of criteria for the development or modification of regulations on inclusive education.

Discussion and Conclusion

In the last three years, the state has focused its efforts on promoting legislation to establish a vision of inclusion, and there has been significant progress in terms of ministerial regulations that promote inclusive education; however, little attention has been paid to inclusive pedagogical practices and how to implement education policy appropriately. The analysis of the corpus identified aspects of the narrative, such as coherence, equal treatment, equity and implementation of regulations, among others. Some associated inconsistencies and differences in form, language and technical pedagogical content were identified. Likewise, the results aim to determine the increase in government regulations found in periods of time, the change in the formulation of the texts and some topics on content.

From the perspective of the limitations of the analysis, these can be focused on the choice of the concepts to be searched, which could include other terms. They can also be extended to include regulations that cover the broad spectrum of inclusion.

The results, in particular those corresponding to the language used and some technical elements, considering references such as the LGE/2009 and the Inclusion Index (Booth, Ainscow, 2000), show the need for updating. Furthermore, the regulations analysed in the area of hearing and language, both repealed and in force, maintain concepts that are associated with models that are currently centred on "deficit", "disability", "diagnosis", among others. Therefore, there are inconsistencies at the conceptual level, which increase the confusion of those who apply the regulations. This will contribute to its consideration and improvement of the narrative in future regulations, considering that there are concepts that are ascribed to the medical model and other concepts to the socio-anthropological model. Likewise, there is a lack of depth in other aspects such as permanence and graduation from the school system, as established by Law No. 20.422/2010.

After what has been analysed, there are doubts about the existence and promotion of the right to education, therefore, students must be diagnosed, which implies a "label" to receive the subsidy. This diagnosis persists within educational establishments, which also generates some discrimination, especially with those children who do not manage to enter the School Integration Programme. There are two conflicting regulations in force, the one that calls for "diagnosis" and promotes respect for diversity and therefore inclusion, and then the one that maintains the term "special educational needs" and offers the option of "curricular adaptations", which contradicts the meaning of inclusion. Educational inclusion promotes the acceptance of people's individual characteristics, diverse rhythms and speed of learning, among others.

The use of Universal Design for Learning (UDL) strategies recognises respect for diversity and therefore an inclusive approach. The implementation of UDL is a tool that, when used well, can offer real advances in inclusion and quality education. This issue could be

considered in future research.

Government guidelines on inclusion are already incorporated in regulations and in educational establishments, which implies that progress has been made in access to education, with permanence and graduation still to be resolved. On the other hand, there is a need to promote the implementation of good management and inclusive pedagogical practices, with greater supervision and on-the-ground support from state agencies.

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