

**PUBLIC POLICIES, THE BNCC AND THE CURRICULUM  
IN THE BILINGUAL SCHOOL FOR THE DEAF**

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**Abstract:** This article presents the Brazilian context in which Bilingual Education for the Deaf is inserted. We understand that such a context of linguistic minorities in deaf communities requires, in addition to the linguistic right in education, the construction of a bilingual curriculum, a reference for the insertion of the Brazilian Sign Language (Libras) as a curricular component. Such elements are fundamental in the integral process of schooling of deaf children, and they are in agreement with the evidence of international and national research according to which sign language in the curriculum should promote the consolidation of linguistic competence and the mastery of metalinguistic awareness of Libras, in order to constitute competent meanings in the languages that circulate in the school. In this paper, we aim to promote reflections on the context of implementing the Bilingual Education for the Deaf curriculum in line with the standardizing and guiding document for all Brazilian schools, the National Common Curricular Base. The focus is on this document, as an important ally for the construction of the curricula of bilingual schools for the deaf, in a perspective of guaranteeing the learning rights of these students.

**Keywords:** Bilingual Education for the Deaf. Common National Curriculum Base. Brazilian Sign Language - Libras.

**POLÍTICAS PÚBLICA, A BNCC E O CURRÍCULO  
NA ESCOLA BILÍNGUE DE SURDOS**

**Resumo:** Este artigo apresenta o contexto brasileiro em que se insere a Educação Bilíngue de Surdos. Compreendemos que tal contexto de minorias linguísticas de comunidades surdas, requer além do direito linguístico na educação, a construção do currículo bilíngue, referenciais para inserção da Língua de Sinais Brasileira (Libras) como componente curricular. Tais elementos são fundamentais no processo integral de escolarização das crianças surdas, e estão de acordo com as evidências de pesquisas internacionais e nacionais que comprovam que a língua de sinais no currículo deve promover a consolidação da competência linguística e o domínio da consciência metalinguística sobre Libras, de forma a constituir sentidos competentes nas línguas que circulam na escola. Neste recorte, apontamos para promover reflexões acerca do contexto da implementação do currículo da Educação Bilíngue de Surdos alinhados ao documento normatizador e orientador para todas as escolas brasileiras, alinhados a Base Nacional Comum Curricular (BNCC). O foco é neste documento, como aliado importante para a construção dos currículos das escolas bilíngues de surdos numa perspectiva de garantia de direitos de aprendizagem destes alunos.

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**Palavras-chave:** Educação Bilíngüe de Surdos. Base Nacional Comum Curricular - BNCC. Língua de Sinais Brasileira - Libras.

## LAS POLÍTICAS PÚBLICAS, LA BNCC Y EL CURRÍCULUM EN LA ESCUELA BILINGÜE PARA SORDOS

**Resumen:** Este artículo presenta el contexto brasileño en el que se inserta la Educación Bilingüe para Sordos. Entendemos que tal contexto de minorías lingüísticas en comunidades sordas requiere, además del derecho lingüístico en la educación, la construcción de un currículo bilingüe, referentes para la inserción de la Lengua de Señas Brasileña (Libras) como componente curricular. Dichos elementos son fundamentales en el proceso integral de escolarización de los niños sordos, y están de acuerdo con la evidencia de investigaciones internacionales y nacionales que demuestran que la lengua de señas en el currículo debe promover la consolidación de la competencia lingüística y el dominio de la conciencia metalingüística de Libras, con el fin de constituir significados competentes en los idiomas que circulan en la escuela. En este recorte, pretendemos promover reflexiones sobre el contexto de implementación del currículo de Educación Bilingüe para Sordos en línea con el documento de normalización y orientación para todas las escuelas brasileñas, la Base Nacional Común Curricular (BNCC). El foco está puesto en este documento, como un importante aliado para la construcción de los currículos de las escuelas bilingües para sordos en una perspectiva de garantía de los derechos de aprendizaje de estos estudiantes.

**Palavras-clave:** Educación Bilingüe para Sordos. Base Nacional Común Curricular. Lengua de Señas Brasileña - Libras.

### Introduction

Bilingual Education for the Deaf (BED) and/or schooling for the deaf, is part of a bilingual context of linguistic minorities, in this case, of deaf communities, who culturally identify themselves by identity bonds such as communicating in a natural language that represents the culture of its members (Article 1 of the Universal Declaration of Linguistic Rights, United Nations, 1996). According to Cavalcanti (1999, p. 388) deaf communities, as language minority groups, "are created in schools/institutions and are spread across the country" in a scenario of diverse indigenous and multicultural immigrant communities, and of existing linguistic minorities in Brazil<sup>3</sup> where monolingualism still prevails (CAVALCANTI, 1999, p. 388).

The multiplicity of social and cultural differences and the diverse linguistic communities, in addition to the existent bilingual contexts in the borders of the Brazilian territory, directly challenge quality learning in an equitable way in education. In addition to this very complex multicultural context, we live with alarming rates of learning delays in public education in

<sup>3</sup> Brazil is the fifth largest country in the world by land area. Source: <<https://www.ibge.gov.br/>>.

Brazil. The low level of education has serious consequences for social inequalities and people's integral development.

Brazil is mobilized in a partnership network of public and private institutions of civil<sup>4</sup> society organizations, which, independently, aim at contributing and changing the quality of Basic Education (BE). Such actions are mobilized by State policies that want to improve the BE quality by focusing on access, permanence, learning, and equity.<sup>5</sup> The objective is to strengthen quality public education, emphasizing strategies that can overcome public's education low quality. We can see on the website of the organization *All for Education* (in Portuguese, *Todos pela Educação*) that "in Brazilian education, out of every 100 students who enter school, only 45 reach literate the end of the 3rd year of elementary school. In this scenario, if the student reaches the 4th grade without being literate, the chance of learning will be 'zero'. This reality undoubtedly is also reflected in deaf education.

In this context, BED requires studies and reflections for the construction of a bilingual curriculum, and references for the insertion of the Brazilian Sign Language (Libras) as a curricular component, for they are fundamental elements in the integral process of deaf children's schooling. Sign language (SL) directly involves deaf peoples' subjectivity. We can say that, in this process, SL has a comprehensive role that goes beyond the instrumental and functional character of the language. In addition to constituting a resource for teaching the Portuguese language to deaf students, it is foundational for the constitution of deaf peoples' identities.

SL in the curriculum should promote the consolidation of linguistic competence and the mastery of metalinguistic awareness, in our case of Libras, in order to constitute competent meanings in the languages that circulate at school. According to the contributions of this volume, supported by research and school experiences, international and national, it is shown that SL is the basis for the success of children's school performance. The linguistic elements present in BED are highlighted by the differentiated condition of using Libras as a language of instruction, interaction and communication and for circulating knowledge at school.

<sup>4</sup> See: All for Education (Todos Pela Educação): <<https://todospelaeducacao.org.br/quem-somos/#o-todos-pela-educacao>>.

<sup>5</sup> National Commitment to Basic Education MEC-CONSED-UNDIME: <[http://portal.mec.gov.br/images/11.07.2019\\_Apresentacao-ed-basica.pdf](http://portal.mec.gov.br/images/11.07.2019_Apresentacao-ed-basica.pdf)> (in Portuguese).

Our proposal in this paper is to reflect about the context of the BED curriculum implementation, in line with the standard and guidance document for all Brazilian schools, the National Common Curricular Base (BNCC) (BRASIL, 2017). Thus, we focus on this document as an important ally for the construction of the deaf bilingual school curricula, in a perspective of guaranteeing the learning rights of these students.

### **Legal and normative basis for the BNCC**

Learning rights are legitimate and are guaranteed in the Brazilian Constitution (BRASIL, 1988), our Magna Carta and highest Law of the nation. The mobilization for the rights to education, recommended in the Brazilian Constitution, is placed and guaranteed in the Law of Directives and Bases of National Education (LDBEN), the Law N° 9.394/96 (BRASIL, 1996).

In the organization of the Brazilian State, the educational matter is conferred by the Law N° 9.394/96, of the Directives and Bases of National Education (LDB), to the various federative entities: Union, Federal District, States and Municipalities, each of which is responsible for organizing its education system, and the Union is also responsible for coordinating the national education policy, articulating the different levels and systems and exercising a normative, redistributive and supplementary function (articles 8, 9, 10 and 11). With regard to Basic Education, it is important to highlight that, among the tasks prescribed by the LDB to the States and the Federal District, is to ensure Elementary Education and to offer, as a priority, Secondary Education to all who demand it. And the Federal District and the Municipalities are responsible for offering Early Childhood Education in Day Care Centers and Pre-Schools, and, with priority, Elementary Education. Despite, however, the autonomy given to the various systems, the LDB, in item IV of its article 9, attributes to the Union to establish, in collaboration with the States, the Federal District and the municipalities, competences and guidelines for Early Childhood Education, Elementary and Secondary Education, which will guide the curricula and their minimum content, in order to ensure common basic training (BRASIL, 2013, p. 07).

However, the reality expresses significant gaps in students' BE learning in Brazil, which reminds us of the need to pursue the goal of quality learning in Brazilian education. In this context, the BNCC implementation is a fundamental instrument for moving forward. However, to understand its relationship with the other regulations, it is worth noting that the LDBEN (BRASIL, 1996) is the highest law of the Brazilian education.

The LDBEN deals in a macro way with the organization of schools, pointing out in its text the obligations of the union, states, federal district and municipalities in relation to the right to education. It establishes collaboration between these entities in the offer of BE, and also defines as mandatory that all school-age students have opportunities and guarantees for their rights of access, permanence, learning and equity in education. In this sense, the LDBEN provides general guidelines for BE. It is from what is placed in it that each instance organizes its systems and adapts its realities and specificities, including the curriculum organization with the minimum common content for all Brazilian students.

To guide the education systems on what is stated in the LDBEN, the National Education Council (CNE) creates general norms such as: the General Directives for BE, the Specific Directives for each modality, and documents that serve as an axis for the functioning of the national system, both for offering and organizing curricula. When these norms are published, they have a general orientation character, and each system must define its own regulations, considering its specificities. This implies that the union, states, federal district and municipalities are responsible for elaborating the norms to consolidate their systems by their own legislation. The regulations also apply to the maintenance and provision of education in the country; that is, the implementation of public policies that guarantee the provision of basic, free and quality education for all.

In a pragmatic way, the union:

- coordinates the National Education Policy;
- articulates the different levels and systems – distributive, supplementary and normative functions;
- prepares the National Education Plan (NEP);
- establishes national curriculum guidelines;
- realises evaluation processes.

It's up to the states to:

- develop complementary norms for their education system;
- ensure primary education and offer secondary education as a priority to all who demand it;

- organize, maintain and develop the official bodies and institutions of their education systems; and
- develop and implement educational policies and plans, in line with national education guidelines and plans.

It's up to the municipalities to:

- organize, maintain and develop the official bodies and institutions of their education systems, integrating them into the educational policies and plans of the union and the states;
- develop complementary standards for their education system;
- authorize, accredit and supervise the establishments of its education system; and
- offer early childhood education in day care centers and preschools, and, as a priority, elementary education.

In general, national laws and regulations establish principles, assign rights and obligations as guarantors of these rights. As for the national BE organization, including the organization of schools (education offer) and curricula among others, the following are in effect:

- General National Curriculum Directives for BE (Report CNE/CEB N° 07/2010 and Resolution CNE/CEB N° 04/2010).
- Review of the National Curriculum Directives for Early Childhood Education (Report CEB/CNE N° 20/2009 and Resolution CEB/CNE N° 20/2009).
- National Curriculum Directives for nine-year Elementary Education (Report CEB/CNE N° 11/10 and Resolution CEB/CNE N° 07/10).
- National Curriculum Directives for Secondary Education (Report CNE/CEB N° 03/2018 and Resolution CNE/CEB N° 03/2018).
- National Curriculum Directives for Secondary Technical Vocational Education (Report CEB/CNE N°. 11/2012 and Resolution CEB/CNE N°. 06/2012).
- Operational Directives for BE in rural schools (Report CNE/CEB N° 36/2001 and Resolution N° 01).
- National Directives for the provision of Youth and Adult Education (Report CNE/CEB N° 01/2021).

- National Curriculum Directives for Indigenous School Education (Report CNE/CEB N° 13/2012 and Resolution CNE/CEB N° 5/2012).
- Directives for the provision of school education for children, adolescents, and young people on mobile situations (Report CNE/CEB N° 14/2011 and Resolution CNE/CEB N° 3/2012).
- National Curriculum Directives for Quilombolo School Education (Report CNE/CEB N° 8/2020, Report CNE/CEB N° 16/2012 and Resolution CNE/CEB N° 8/2012).

All these regulations provide details on how states and municipalities should organize the functioning of schools at all their levels and modalities. Knowing the role of these documents, is essential to understand the rules that ensure the duties of the state and the rights of all BE Brazilian students. However, for the purposes of this article, we will stick to the directions that point directly to the BE organization and its relationship with the BNCC and the organization of bilingual schools for the deaf.

### **A Base Nacional Comum Curricular**

The BNCC (BRASIL, 2017) establishes standards for the preparation of curricula for the entire BE. As a normative document, it has guidelines and reports approved by the CNE<sup>6</sup>. Fundamentally, the BNCC establishes the learning rights of all students in BE. It brings together the principles and competences to be developed, as well as a set of knowledge that should compose the school curricula, although it is not the curriculum itself. The BNCC is a,

National reference for the formulation of the curricula of the school systems and networks of the States, the Federal District and the Municipalities and of the pedagogical proposals of the school institutions. [It] is part of the national Basic Education policy and will contribute to the alignment of other policies and actions, at the federal, state and municipal levels, referring to teacher training, assessment, development of educational content and criteria for offering adequate infrastructure for the full development of education (BRASIL, 2017, p. 08).

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<sup>6</sup> Report CNE/CP No. 15/2017, approved on December 15, 2017; and Resolution CNE/CP No. 2, December 22, 2017.

Understanding the role of the BNCC in the construction of the school curriculum, allows us to look at its contents as elements, the axes that should direct the construction of the curricular matrices of each system, and consequently, the curricula of each school.

With the approval of the BNCC, municipal and state schools are responsible for developing objective curricular proposals that allow teachers to be clear about what each student has the right to learn at each stage of Basic Education, as well as to create adequate working conditions so that teachers can follow the learning of each one, making specific interventions whenever necessary (ALTENFELDER, 2018, p. 45).

The axes of the BNCC are competences and principles - that is what the BNCC establishes - competences that every Brazilian student needs to develop throughout their training, and principles that should guide this training. It is necessary to understand it as a guide that signals possible paths to curricula development of the various education networks in Brazil.

In light of the BNCC, the Education Departments must define or review their pedagogical approaches and methodological concepts and translate the set of learnings listed in the BNCC to the various local contexts. Based on the new curricula, schools will be able to reformulate their political-pedagogical projects (MIZNE, 2018, p. 119).

The BNCC is the base for the entire Brazilian BE. It guides and allows choices for the construction of the curriculum respecting the specificities, the diversities of the region, of the teaching modalities; that is, the EJA, Indigenous Education, Quilombolo, Rural, Special Education, and the BED, the specifics of the state and municipal education networks, and of each school in particular, including the bilingual schools for the deaf. Thus, each school will organize its curriculum based on its local reality and specificities. In addition, the BNCC will guide the state and municipal regulations in order to provide ways to build the curricular matrix that will, in turn, guide their schools. Then, it is the schools that will organize their curricula, looking at their local reality and the specifics of their deaf students.

Simplifying the comparison, the BNCC contents can be considered as the “ingredients” of a recipe. For the construction of the school curriculum, it is necessary to make choices. Hence, defining what is essential for the public to be served, is about how to choose the ingredients for what you intend to serve, remembering, however, that deaf students have the rights to quality education guaranteed by the legislation.



With the Base, we will guarantee the set of essential learning for the Brazilian students, their integral development through the ten general competences for Basic Education, supporting the necessary choices for the realization of their life projects and the continuity of studies (BRASIL, 2017, p. 05).

The BNCC does not bring ready-made curricula. It points out what we need to understand in relation to the principles of the BE in Brazil, the competencies and skills that must be understood by all BE students, in order, from there, to organize the action of the education systems in updating the curricula of their networks and schools.

The approval of the BNCC comes to help the education systems. If well implemented, it should ensure that all students have access to the ideal knowledge for each BE stage. Such knowledge also means access to higher quality education, which, in turn, does not mean erasing the knowledge of the singularities of each region, state, municipality, traditional communities; nor the knowledge of the deaf communities that need and should be worked on.

The BNCC establishes knowledge, skills and abilities that students are expected to develop throughout basic schooling, guided by the ethical, political and aesthetic principles that were outlined by the National Curriculum Directives for Basic Education. It puts the student at the center. Thus, instead of saying ‘what the teacher is going to teach’, it says ‘what the student should learn’. It does not refer to ‘what to teach’ (the content) but to the principles (political, ethical and aesthetic) that should guide the teacher's choices and practices. It directs the school to think about the content that needs to be taught.

The BNCC shifts the school's objective to view its content not merely as ‘the content to be taught’ but as a tool for human formation. Thus, knowledge must serve for the human and social development of the student, allowing the “reading” of what is ‘around me and in the world’. This knowledge must serve the student to understand the place he/she occupies in the world.

Developing students’ competences is not a new proposal by the BNCC. Jacques Delors, in a document commissioned by Unesco in 1999, already said that the four pillars of the 21st century education should aim to developing the student’s skills of learning to know, learning to do, learning to live together, and learning to be. In other words, these pillars are directly related to the principles that are currently defined by the BNCC.

Our students need to achieve in knowledge and school training, to learn to do, to realize, to bring attitudes that can generate a better society for them and for others, to know how to live together, to work and live in groups, to position themselves without harming others, and to learn to be better people for themselves and the society in which we live. The school's role in integral schooling is not to certify but to educate for life!

### **Public Policies and Legislation and the Bilingual Education for the Deaf**

The BED in its legal basis brings together a set of legislation that includes the Federal Constitution (BRASIL, 1988), the LDBEN (BRASIL, 1996), the Decree N° 5.626/05 and, recently, and the Law 14.191/21 (BRASIL, 2021). This latter, changed the Law N° 9.394, of December 20, 1996 (the LDBEN) and made the BED one of the teaching modalities to be contemplated in the Brazilian educational systems, in addition to other legislation and international agreements that ensure differentiated school attendance and make special reference to the insertion and valorization of SL and the right to bilingual education, and to differentiated education based on deaf children's linguistic specificities. In particular, each of these legal instruments makes clear the need for a new educational organization to serve this public. In this sense, BED is the path to be followed from now on.

The Law 14,191 of August 3, 2021, which amends the Law No. 9,394 of December 20, 1996 (the LDBN) in order to provide the BED modality, in its Chapter V-A of the BED, in Art. 60-A defines the BED:

For the purposes of this Law, bilingual education for the deaf is understood to be the type of school education offered in Brazilian Sign Language (Libras), as a first language, and in written Portuguese, as a second language, in bilingual schools for the deaf, bilingual classes for the deaf, in common schools or in poles of bilingual education for the deaf, for students who are deaf, deaf-blind, with signaling hearing impairment, deaf with high abilities or giftedness or with other associated disabilities, opting for the bilingual education modality for the deaf (BRASIL, 2021).

The education offered in SL is supported by a broad Legal Framework. The Law No. 10,436/02 defines Libras as a visuospatial modality, as a legal means of communication and expression used by deaf and hearing people, and determines institutionalized forms of

supporting its use and dissemination are guaranteed, as well as the inclusion of the Libras unit in teacher training courses as an integral part of the curriculum.

This reference is of significant importance for the respect and construction of current educational proposals for this population. In the 6th. art., it is established that “[...] Public education institutions must guarantee, when requested, the presence and use of the Brazilian Sign Language, in the teaching-learning process, from early childhood education to the highest levels of the educational system.” (BRASIL, 2002).

On December 22, 2005, the Decree 5,626 regulated the Law 10,436 and made the teaching of Libras mandatory for students in the teaching profession, in Speech-Language Pathology, Language and Literature, and in Pedagogy and Special Education courses. From 2014 to present, we have three fundamental references that ensure the BED as a right of the deaf person and a duty of the state; the Law No. 13.005/2014, the Law No. 13.146/2015, and the Law No. 14.191/21 which we discuss below. The Law No. 13.005/2014, which deals with the PNE (2014/2024), refers to the goal 4 and the strategy 4.7:

[...] 4.7) guarantee the provision of bilingual education, in Brazilian Sign Language - LIBRAS as a first language and in the written modality of Portuguese as a second language, to deaf and hearing impaired students of 0 (zero) to 17 (seventeen) years old, in bilingual schools and classes and in inclusive schools, pursuant to art. 22 of the Decree No. 5.626, of December 22, 2005, and to arts. 24 and 30 of the Convention on the Rights of Persons with Disabilities, as well as the adoption of the Braille Reading System for the blind and deaf-blind (BRASIL, 2014, p. 56).

The Brazilian Law for the Inclusion of Persons with Disabilities (BRASIL, 2015) is established as a new Statute of Persons with Disabilities and encourages debates and actions on the care of deaf people when, in chapter IV, paragraph 28, article IV, it guarantees the “offer of bilingual education, in Libras as the first language and in the written modality of Portuguese as a second language, in bilingual schools and classes, and in inclusive schools” (BRASIL, 2015).

Finally, and of paramount importance for understanding the current scenario of the responsibilities and challenges of caring deaf students in Brazil, we have the Law 14.191/21 (BRASIL, 2021). It amended the Law No. 9,394 (BRASIL, 1996) and made BED a teaching modality to be contemplated in the Brazilian educational systems. Accordingly:

[...] Alters the Law no. 9,394, of December 20, 1996 (the Law of Directives and Bases for National Education) to provide for the modality of bilingual education for the deaf. [and] Art. 78-A. The teaching systems, in collaboration, will develop integrated teaching and research programs to offer bilingual and intercultural school education to students who are deaf, deaf-blind, signers with hearing impairment, deaf with high abilities or giftedness or with other associated disabilities, with the following objectives: I - provide the deaf with the recovery of their historical memories, the reaffirmation of their identities and specificities and the appreciation of their language and culture; II - guarantee the deaf access to information and technical and scientific knowledge of the national society and other deaf and non-deaf societies.

However, the advances and the legally consolidated achievements do not make less complex the reality and the needs required in the process of deaf people's inclusion in the educational and/or social spheres; nor will their impositions, by themselves, transform their legal provisions into real practices. It is necessary to overcome the difficulties of an effective implementation, of what is already in place, inside and outside schools.

The perspective of a differentiated BED is already guaranteed in national and normative public policies. However, this does not guarantee its implementation and the challenges are of several orders. Starting with the fact that thinking about bilingual education for deaf students,

[...] in addition to reflections on the interlinguistic game, it involves social issues, which materialize in the enunciation, but which refer to ways of understanding and denoting the world and its cultural contents. And, this shift, greatly compromises the possibilities of making the schools of the networks bilingual environments, and evokes an instrumental character for Libras, which disregards its linguistic status [the language that constitutes the subjectivity of deaf students enrolled in schools] (MENEZES, 2014, p. 128).

According to Lodi (2013, p. 58),

[...] only the discursive displacement of Libras recognition is not, by itself, sufficient to change the principles that support the ideology of social/school organizations, which promote the maintenance of Libras and the group that uses it in a subordinate place to that of Portuguese speakers.

In order not to run the risk of being simplistic in the reflections on these issues, which are essentially of language, we need to stress the linguistic aspects in a broader spectrum, looking at the word circulation modes. We realize that the ways of "including and dealing with Libras in schools, from its erasure in political-pedagogical projects to everyday practices and

interactions, reflect sociopolitical and ideological clashes in relation to deafness and (with living with deaf people” (MENEZES, 2014).

Considering this even more broadly, we have issues such as discussions and struggles for linguistic rights as fundamental human rights.

It is important to point out the contradictions that these laws and other public policies materialize, because with everything they establish, they directly confront the preserved monolingual and cultural model. As an agent of policies for the protection and promotion of diversity and linguistic rights, Brazil still maintains the logic of a national state based on the maxim *one Nation, one Language*, in which the Portuguese language is one of the main symbols of its national identity. For Zimmermann (2011, p. 31), “otorgar un derecho lingüístico sin garantizar la condición social de su existencia significa reducir este derecho a un derecho vacío<sup>7</sup>”.

Bilingual education for deaf people constitutes a territory of disputes in which Libras and the Portuguese language are under constant tension in verbal interactions, since these languages are marked by explicitly asymmetrical power relations in the school space (FERNANDES, MOREIRA, 2014, p. 60).

Although thinking about these contradictions is not the focus of this work, it is not possible to erase them, as they are part of the difficulties in implementing public policies in BED implementation.

[...] these linguistic rights can be guaranteed by laws, although the mere existence of legislation is not sufficient for the full realization of language policies that aim to guarantee them, just as the mere existence of these policies does not guarantee that these rights are respected when confronting the reality (RODRIGUES, 2018, p. 34).

In addition to guaranteeing access, permanence and quality in education, BED is legally guaranteed and the schools are legitimate in organizing their space and professional training. However, we need to move forward, both in terms of specific public policies that guide the functioning of specific schools - the bilingual schools for the deaf; and in terms of guidelines

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<sup>7</sup> Portuguese translation by the authors: “conceder um direito lingüístico sem garantir a condição social de sua existência significa reduzir esse direito a um direito vazio” (In English: “granting a linguistic right without guaranteeing the social condition of its existence, means reducing this right to an empty right”).

for this new modality, concerning both the structure and functioning, as well as the curricula that practically materialize the PPP of each institution. It is not simply about the technical, didactic or methodological challenges.

[...] the pillars of bilingual education for the deaf defend the right and the need for these individuals to acquire Sign Language as their first language in contact with deaf adult users of Sign Language, active participants in the educational process of their peers. However, this education based on and built on Sign Language is seen in a dimension that goes beyond the merely linguistic and methodological aspect; that is, the simple access to two languages - Sign Language and Portuguese (in the case of Brazil) – assuming a political and ideological stance of respect for ethnic, cultural and linguistic minorities (LODI, 2004, p. 64).

The curriculum requires that the BED organization considers the specificities and linguistic singularities of deaf students. This involves thinking in detail of inserting Libras as a component in the school curriculum.

The realization of the BNCC will take place in the implementation process when, as a reference, it starts to be considered in the elaboration or revision of the curricular proposals of schools and networks, based on the critical and creative work of teachers and other education professionals; when it starts to be taken as a reference in the elaboration and selection of books and teaching materials (CALLEGARI, 2018, p. 67).

The curriculum matrix is the first step in the construction of school curricula by state and municipal systems, but we need to take a step forward in local policy to insert Libras in the curriculum organization of the bilingual schools for the deaf. The BNCC deals with the learning rights of all students. Thus, it is also a learning right for our deaf students. It is not because they are deaf that we are going to reduce teaching for these students. The BNCC comes to defend this right: every student must be prepared for life.

### **The BNCC and Libras in the Curriculum in Bilingual Education**

The BNCC will support this construction on guaranteeing the right to Libras. However the SL teaching reality still resembles, in practice, the research report developed in the mid-70s about the SL in Sweden and the consequences in the bilingualism of the deaf (SVARTHOLM, 2009). According to the author, many consequences interfere in the lives of the deaf because of

the conditions of school bilingualism. Although this study is developed five decades ago, its results are still relevant to the conditions of the deaf education in Brazil.

Svartholm (2009, p. 15) points out that, although there are indications that the deaf can develop *functional bilingualism* with the use of SL for teaching purposes, some studies have shown that there have been educational failures, given the teachers' language proficiency in the interaction with his/her deaf students. According to deaf students' returns, the teacher encouraged a slow and tiring schooling, in view of the effort they had to undertake to understand the dialogues with their teachers.

The discussions on deaf bilingualism in Brazil have intensified since the last decade of the 90s. During this period, many have emphasized the importance of L1 and L2 studies among others (KARNOPP, 2004; FERNANDES, 2006; PEREIRA, 2007) as a fundamental support in enabling a quality bilingual environment for the deaf. However, there were few advances in the proposals of bilingual schools for the deaf.

The importance of teaching and learning Libras as an L1 in the teaching and learning processes of an L2 in deaf education is an undeniable fact. However, deaf children who enter school, in their majority, arrive without an acquired SL, a condition that reflects the gaps of L1 literacy processes and those of the development of L2 skills that refer to written Portuguese. It is worth mentioning that the existence of an isolated SL in schools does not benefit the learning of an L1 and L2. Although we cannot refute the importance of a SL in the meetings among the deaf at school, we cannot deny that the school's role in educating the deaf also depends on the success of teaching the languages metalinguistically.

There are questions about the content proposed by the BNCC as a basis for the curricula of bilingual schools for the deaf, since it is a recurrent topic in teachers' talk that the BNCC does not mention deaf students or Libras. So, how can we structure the curricula of Bilingual Schools for the Deaf following the BNCC?

Libras is cited directly in the BNCC (BRASIL, 2017) in seven topics that we highlight as following (emphasis in bold is added):

- 1) GENERAL SKILLS OF BASIC EDUCATION [...] 4 - Use **different languages** - verbal (oral or visual-motor, such as Libras and writing), corporal, visual, sonorous and digital - as well as knowledge of artistic, mathematical and scientific languages, to express and share information,

experiences, ideas and feelings in different contexts, and produce meanings that lead to mutual understanding (p. 9).

2) THE LANGUAGE AREA [...] **Human activities are carried out in social practices mediated by different languages:** verbal (oral or visual-motor, such as **Libras**, and writing), corporal, visual, sonorous and, contemporaneously, digital. **Through these practices, people interact with themselves and with others, constituting themselves as social subjects.** In these interactions, knowledge, attitudes and cultural, moral and ethical values are imbricated (p. 63).

3) SPECIFIC LANGUAGE SKILLS FOR ELEMENTARY EDUCATION [...] 3 - **Use different languages – verbal (oral or visual-motor, such as Libras, and written), corporal, visual, sonorous and digital – to express and share information, experiences, ideas and feelings in different contexts and produce meanings that lead to dialogue, conflict resolution and cooperation** (p. 65).

4) 4.1. THE LANGUAGE AREA/4.1.1. PORTUGUESE LANGUAGE [...] **The Portuguese Language component is, therefore, responsible for providing students with experiences that contribute to the expansion of literacies, in order to enable significant and critical participation in the various social practices permeated/constituted by orality, writing and other languages** (p. 67-8) [...] Similarly, intertwined with the issue of multiliteracies, this proposal **considers cultural diversity as one of its premises.** Without adhering to a reductionist classificatory reasoning, [...] **in order to guarantee an expansion of the repertoire and an interaction and deal with the different** (p. 70).

**Still in relation to cultural diversity, it is worth mentioning that it is estimated that more than 250 languages are spoken in the country – indigenous, immigration, signed, Creole and Afro-Brazilian, in addition to Portuguese and its varieties.** This cultural and linguistic heritage is unknown to a large part of the Brazilian population (p. 70).

**In Brazil, with the Law nº 10.436 of April 24, 2002, the Brazilian Sign Language (Libras) was also made official, making it possible, at the national level, to hold discussions related to the need to respect the linguistic particularities of the deaf community and the use of that language in school environments** (p. 70).

5) 5. THE SECONDARY EDUCATION STAGE/THE SECONDARY SCHOOL BNCC/CURRICULUM: BNCC AND ITINERARIES/ [...] I – languages and their technologies: **deepening of structuring knowledge for the application of different languages in social and work contexts, structuring curricular arrangements that allow studies in vernacular, foreign, classical and indigenous languages, Brazilian Sign Language (LIBRAS), arts, design, digital languages, corporeality, performing arts, scripts, literary productions, among others, considering the local context and the possibilities offered by the education systems** (p. 477).

6) 5. THE SECONDARY EDUCATION STAGE/5.1. THE AREA OF LANGUAGES AND ITS TECHNOLOGIES [...] **In Elementary Education, in the different components of the area, the BNCC sought to guarantee students the expansion of language practices and repertoires, the diversification of the fields in which they work, the analysis of the artistic,**



**bodily and linguistic manifestations and how these constitute social life in different cultures, from local to national and international.**

**In Secondary Education, the area is responsible for providing opportunities for the consolidation and expansion of skills in using and reflecting on languages** – artistic, bodily and verbal (oral or visual-motor, such as Libras, and writing) -, which are the object of their different components (Art, Physical Education, English and Portuguese). (p. 481-82).

7) 5. THE SECONDARY EDUCATION STAGE/5.1. THE AREA OF LANGUAGES AND ITS TECHNOLOGIES [...] Considering that a semiosis is a system of signs in its own organization, it is important that young people, **when exploring the expressive possibilities of different languages**, can carry out reflections that involve the exercise of analysis of discursive, compositional and formal elements of utterances in different semioses - visual (static and moving images), sonorous (music, noises, sonorities), verbal (oral or visual-motor, such as **Libras**, and writing) and corporeal (gestural, scenics, dance) (p. 486).

For these specific references of Libras in the BNCC, it is important to make some notes such as the fact that there is no deletion of Libras in the document (following the aforementioned quotes). On the contrary, Libras is part of the *The general competences of Basic Education* and the entire axis of the *Languages Area*, concerning the primary and secondary education.

Another important aspect that raises criticism to the BNCC is the direct relationship of Libras with *language codes*<sup>8</sup> (in Portuguese, *linguagens*). For this point in particular, it is worth noting that we have the clear presence of BNCC contradictions, in view of other legislation in force, when it is pointed that **“In Brazil with the Law nº 10.436, of April 24, 2002, the Brazilian Sign Language (Libras) was also made official, [...]”**, while the Law No. 10,436/02 establishes Libras not as a language but as a form of communication and expression of the Brazilian deaf communities (BRASIL, 2002). That is, Libras is not ‘officialised’ but it is recognized. As for the content of the document itself, despite the recurrent relationships between *Libras and the language codes*, when dealing with the curricular component of the

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<sup>8</sup> A translation note: in Portuguese, the term *linguagem* can be translated as *linguagem* or as *language*, but they refer to different meanings. The term *linguagem* refers to the various resources, instruments, modes or systems of communication used to transmit the information between the sender and recipient. It also refers to the cognitive ability of representation that underlies, together with other cognitive functions, the communication process. The term *language* refers to the natural languages, and hence the linguistic systems that naturally emerge in their speech communities. Professionals dedicated to Deaf Studies in Brazil tend to advocate the use of the term *sign language*, since *language* is the term used to refer to other natural languages such the *Portuguese Language*, *English Language*, *Spanish Language*, and so on. Thus, they do not accept the term *linguagem*. For this reason, the term *language code* is used to denote the term *linguagem*.

Portuguese language, it addresses that “[...] Still in relation to cultural diversity, it is worth mentioning that it is estimated that more than **250 languages are spoken in the country** – indigenous, immigrant, signed, [...]”. On the topic of the secondary education stage, it says “[...] languages and their technologies: deepening of structuring knowledge [...] that allow **studies in vernacular, foreign, classical and indigenous languages, Brazilian Sign Language (LIBRAS)**” (p. 477). These are references that give the proper language, according to several studies in the area (to name a few: FERNANDES et al., 2015; FERNANDES, 2018; QUADROS et al., 2021; PIZZIO, QUADROS, 2015; QUADROS, KARNOOP, 2004).

Now, how do we criticize documents such as the BNCC and others for pointing to it (Libras) as a *language code*? This fact does not weaken the law for a BED because, in the past, there was the force of deaf movements, and today these same movements now have by their side the Law No.14.191/21 which amended the LDBEN (BRASIL, 2021) and highlights the BED as an education modality.

But if we take literally the Law no. 10,436/02, one has to question that,

[...] Any environment to be bilingual depends on the fact that there are two languages at stake – it is not a linguistic garment, but a discursive gear in which the official discourse materializes with the force of law. In this scenario, it is important to look critically at the position of Libras, as a means of communication for the Brazilian deaf community, and to think that current legislation (BRASIL, 2002; BRASIL, 2005; BRASIL, 2008), even if it denotes clear advances in matters of social rights for this community, at the same time, it represents norms of conduct and confers authority and legitimized power, which, in turn, impose arguments of various contours to sustain a justified pseudo-monolingualism, among others, with arguments of identity and national unity (MENEZES, 2014, p. 125).

Well, having pointed out these aspects, which deserve many discussions and specific publications, it is essential to reaffirm that the BNCC is the basis for all Brazilian BE, which includes the BED offer, and in this way, it is necessary that each school must adapt the elaboration of its curriculum in a way that respects the specificities of the institution, considering, mainly, the public to be served. We are the ones who need to establish a movement to propose local policies. We need norms that are adequate to policies that establish the relationship between the BED and the BNCC.

In this sense, it is important to highlight that discussions and experiences already exist (in chronological order: ALBRES, SARUTA, 2012; PREFEITURA DA CIDADE DE SÃO PAULO, SME, 2019; MERTZANI, TERRA, DUARTE, 2020; STUMPF, LINHARES, 2021). As an example, among some other experiences in Brazil concerning the BED that offer organization and curriculum based on the principles of the BNCC, we bring the state of Goiás<sup>9</sup>.

The Center is affiliated with the State Education Network and serves only deaf students and first-degree relatives of people with hearing impairments. In its new project, all classes will be taught in Libras, without the mediation of interpreters, following teaching methodologies that are designed to meet the specifics of the deaf person. In addition to these important advances, which strengthen the deaf community's struggle for their BED right, the new curriculum is already aligned with the BNCC, offering in a complementary way units in Libras and Deaf Culture, guaranteeing to students knowledge about deaf history and culture, in addition to basic learning content and rights.

In practice, the BNCC impacts BED when we talk about the curriculum of bilingual schools for the deaf, because, by right, it must have Libras as a curricular component at all education levels, involving the teaching of its morphology, syntax and semantics. In addition, when constituting the curriculum, there must be a guarantee that Libras must have the same value as a curricular component. In other words, it cannot be seen as an instrumental means, or else, a means of accessing and learning the Portuguese language only.

In addition to these points, it is worth mentioning that Libras is the specificity of the bilingual school for the deaf, although we cannot neglect the learning rights that the BNCC guarantees for all students. For example, when we refer to the performance of the deaf in Portuguese, we are talking about a historical linguistic prejudice, because if they have problems in writing, it is because they were not taught properly in written Portuguese and with quality; this learning depends on the practices developed at schools.

The deaf student must learn the Portuguese language in its written form, which must be taught from the teaching perspective of an L2. Also, the relationship of deaf students with it is similar to the teaching of a foreign and even to an ancient language like Latin, since its learning

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<sup>9</sup> For more details consulte (in Portuguese): <<https://site.educacao.go.gov.br/noticias/1101-goias-tera-escola-bilingue-para-surdos-com-aulas-lecionadas-em-libras.html>>.

is based exclusively on print (CALDWELL-HARRIS, 2021; HOFFMEISTER, CALDWELL-HARRIS, 2014). If students are not taught properly, the situation reduces their conditions of accessing and critically understanding information and knowledge, a situation that in turn affects their expression and interaction with reality. This situation is a serious one, as it affects their social participation and fully exercising their citizenship.

We need to think about the bilingual school curriculum from the point of view of the real student, who often arrives at school without access to SL and/or to spoken language. Finally, it is necessary to have a critical and realistic view of the school's organization and curriculum (of each institution). Specific curricula need to be built based on the principles and competencies of the BNCC but according to the local reality, and for this reason, they need to be expressed in the school's PPP. These latter need to involve what to teach and how to teach, or else, how to use content as tools to improve the lives of deaf students. Re-signifying curricula requires re-signifying practices. Thus, it is essential to think of differentiated practices that guarantee respect of students' linguistic, cultural and social specificities.

In the bilingual school for the deaf, as mentioned above, in most cases, students arrive at school with a delayed linguistic development and the school needs to assume responsibility for the child's Libras acquisition. This latter needs to be considered in the construction of the school's curriculum. Thinking about the curriculum does not mean thinking only about its content, but also about the choices that will be prioritized for educating the deaf students. It also means thinking of the curriculum as a project that trains these students in alignment with what the school's PPP.

In the educational planning, it is necessary to look at the learning content, remembering the fundamental skills that the student must develop through knowledge, and political, ethical and aesthetic principles. It is necessary to think about how the content can contribute to the student's development and prepare him/her for life, not just about obtaining a certificate of schooling. This changes the logic. Thinking about the educational planning, the content turns into a tool.

The construction and reflection on the curriculum of the bilingual school for the deaf requires: the organization of the teachers and the school's technical team, considering the recognition of the deaf students' rights to learn their language and the sociolinguistic reality in

which they live; the organization of the curriculum in the educational levels and stages, considering Libras in the educational process and at school, which, in turn, means working with Libras in a functional, communicational perspective and as a curricular component aiming at developing metalinguistic awareness.

The BED must have as its fundamental axis the recognition that SL constitutes them as subjects. This does not exclude the BNCC and its indicated learning rights, for deaf students have the same rights as all other Brazilian BE students. They form a minority sociolinguistic group and have the right to learn in their language and in an appropriate way. For this reason, we need to advance studies and initiatives in building curricula for bilingual schools for the deaf. We need to provoke the systems at building specific BED public policies by using the demand for and importance of a curriculum to pressure the construction of local public policies of specific curricular matrices for bilingual schools.

Finally, closing this article but not the reflections and debates on the subject, we suggest readers to get to know and study the proposals recently developed in Brazil, prior to the Law 14,191 in August 3, 2021 (the Bilingual Curriculum of the City of São Paulo<sup>10</sup> and the Libras Curriculum of the city of Rio Grande<sup>11</sup>) since they are based on the BNCC. Also, they may access the international experiences and studies (as described in this volume in relation to the SL school curriculum construction). It is necessary to reflect on the role of the leaders of the various educational systems and schools in this context, and to exercise on identifying limits, possibilities and responsibilities of each towards the student.

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<sup>10</sup> The Libras Curriculum is available at the link: <<https://educacao.sme.prefeitura.sp.gov.br/wp-content/uploads/2020/03/CC-da-Ed-Especial-LIBRAS.pdf>>. See also in this volume the article by Felipe Venâncio Barbosa that discusses a comparison between these curricula.

<sup>11</sup> For example, in the case of the Libras Curriculum of Rio Grande, the SMEd establishes the Reference for Early Childhood Education and Elementary Education (based on the BNCC), which guides teaching in all schools in the Municipality, including the bilingual schools for the deaf. The Libras Curriculum does not replace any of these guidelines. It presents a curricular component in the area of languages, which in this case Libras is included and with which students will be able to appropriate their language and, thus, understand the knowledge proposed by these guidelines (MERTZANI, TERRA, DUARTE, 2020).

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