

Article

Decree-Law 54/2018: Perspectives of Early Childhood Educators on Inclusion in Preschool Education

Abstract: In this study, we analyze the perspectives of Early Childhood Educators, working in various teaching sectors, on Inclusion in Preschool Education, following the publication of Decree-Law No. 54/2018, of July 6th, at a time when Learning and Inclusion Support Measures are being extended to all children, and when the SARS-CoV-19 (COVID-19) pandemic prevails in Portugal and worldwide. Based on a mixed-methodological approach and the application of a questionnaire survey to 250 Early Childhood Educators, we reflect on the implementation of the legal framework, the involvement of the Multidisciplinary Learning and Inclusion Support Team (EMAEI), teacher training, pedagogical/collaborative work, and support mobilized for Preschool Education children. The results obtained indicate quality and effectiveness in the pedagogical plan and collaborative work between teachers and specialist technicians, although higher education in the field of Inclusive Education does not seem to provide professionals with the necessary and in-depth knowledge on the subject. They also indicate that, alongside dissatisfaction with the insufficient support provided to Preschool Education children, the relevant Diploma is not fully applied, with doubts still remaining about its application.

Keywords: education; preschool education; inclusion; public policies

1. Introduction

In Portugal, the development of Early Childhood Education (ECE) emerged after the April 25th Revolution in 1974. As for guiding principles for childhood, they were only defined for the first time in 1997 in the Curricular Guidelines for Early Childhood Education (OCEPE), by the Ministry of Education (ME), and revised only in 2016, nearly two decades later. During this period, the pedagogical framework of ECE (1997) focused largely on the principles of Developmental Psychology. However, in the new version of OCEPE (2016), aspects of curricular nature were clarified with greater rigor, as a result of experienced difficulties and following contributions that emerged from a national debate, which supported all the work developed [1]. In this context, Ferreira and Tomás [2] (p. 80). argue that ECE has undergone greater institutionalization, advocating that in the last 30 years: “Has been drawing a trajectory in which the accumulation of disciplinary knowledge and content, centered on a didactic, standardized, and uniform type of individualized transmission, seems to aim at the acquisition of formal learning and school competencies. [...] This involves promoting increasingly early literacy, numeracy, technology, scientism, and multilingualism, exercised through the intensive use of school-type manuals and/or proposals for activities focused on the transmission of school content”.

According to the ECE Framework Law-Law no. 5/97, of February 10th, ECE corresponds to the first stage of basic education in the lifelong education process: “being complementary to the educational action of the family, with which it must establish close cooperation, favoring the formation and balanced development of the child, with a view to their full integration into society as an autonomous, free and supportive being” [3] (article 2, p. 670).

Pre-school education “is intended for children aged between 3 years and the age of entry into basic education and is taught in pre-school education establishments” [3] (article 3, p. 670). Although the legislation covers children from 3 years of age, not including the Crèche, the National Council of Education (CNE) reiterates that attendance is a right of all children. With the approval of Decree-Law (DL) no. 54/2018, of July 6 [4], with the changes introduced by Law no. 116/2019 [4], of September 13, in Continental Portugal and

with the publication of Regional Legislative Decree no. 11/2020/M [5], of July 29, which adapts the regimes set out in DL no. 54/2018 [6] and DL no. 55/2018 [7] to the Autonomous Region of Madeira, it globally defines what is intended by Inclusive Education. In the Autonomous Region of the Azores, Regional Legislative Decree no. 17/2015/A [8], of June 22, amends Regional Legislative Decree no. 15/2006/A, of April 7, which establishes the Legal Regime for Special Education and Educational Support that aims to “create conditions for the adaptation of the educational process to the requirements of children and young people with special educational needs or with learning difficulties” [9] (p. 4359).

Additionally, at the legal level, the RGAPA approves the Regulation of Administrative and Pedagogical Management of Students (Order No. 75/2014 of November 18) [10], including in Chapter VIII the Creation and Operation of Educational Support Programs and in Chapter X the Special Educational Regime. It should be noted that, currently, in the Azores, a pedagogical innovation pilot experience is being developed within the scope of Inclusive Education, as per Order No. 1811/2018 of October 12. It is also worth noting that a Legislative Proposal has already been presented for public discussion, aimed at organizing the Regional Education System, during the period from February 1 to March 1, 2022. With the publication of DL No. 54/2018, it can be inferred that the recent Diploma also includes the universe of children enrolled in EPE, and it can be read that “this DL applies to school clusters and ungrouped schools, vocational schools and private, cooperative and solidarity preschool and basic and secondary education establishments, herein-after referred to as schools” [6] (Article 1, point 3, p. 2918).

The pandemic situation (March 2020) coincides with the approval of the Legal Regime that regulates Inclusive Education in Portugal. The learning of children in EPE is systematically conditioned by other contexts of stimulation. “Participation and Involvement of Families” emphasizes that “there is no study that does not confirm it: quality preschool education is one of the best predictors of future school success” [11] (p. 5). Hence, we consider it vital for research to obtain more precise data on the experienced reality in portuguese schools about the phenomenon under study, considering the constraints caused by the spread of the SARS-CoV-2 virus. As well as understanding the impact and application of Public Policies on the subject under study, assuming as the main purpose of the study, the search for a better understanding of the respondents’ opinion about the application of DL n. º 54/2018 [6], the involvement of EMAEI, the quality of teacher training and pedagogical/collaborative work, and the supports mobilized for children in EPE.

The national legislation in question emanates from guidelines, conceptual bases and various assumptions agreed between member states [12,13,14,15]. There are several studies and documents guiding and evaluating their application (e.g. UNESCO; UNICEF; OECD; European Agency for Special Needs and Inclusive Education; European Commission's Directorate-General for Structural Reform Support - DG REFORM) [16,17] with the purpose of marking and guiding national legislation with supranational guidelines. Thus, the current research aims to contribute to the particular and national reflection with a global perspective in the European and international context in the framework of organizations with responsibility in evaluating and proposing changes regarding legislation and educational policies that relate (directly or indirectly) to special education and inclusion in early childhood education.

2. Inclusion in Preschool Education in a Pandemic Context

Inclusive education is based on the principle of equity, allowing for the success of all children and students in accessing the curriculum and essential learning, promoting in each and every one of them what is recommended in the “Profile of Students at the End of Compulsory Education” [6]. In this regard, Correia [18] argues that Inclusive Education is conceptually based on pedagogical freedom and community sense, as well as collaboration and justice. Thus, it reinforces that pedagogical quality is fundamental in the inclusive process, seeking to address children’s needs through differentiation, taking into account the observed heterogeneity.

The law regulating Inclusive Education, approved in 2018, has given a broader scope to the concept of Special Educational Needs, as DL n.º 3/2008, of January 7 [19], only included children and young people with permanent special educational needs, based on an evaluation supported by the International Classification of Functioning, Disability and Health of the World Health Organization. DL n.º 54/2018 states that Inclusive Education is a “process that aims to respond to the diversity of students’ needs by increasing the participation of all in learning and school community life” [6] (p. 2919). It advocates for the abandonment of student categorization systems, namely, the category of special educational needs; Legislation aimed solely at special needs students guarantees a continuum of responses for all students, emphasizes educational responses rather than student categories, and ensures the mobilization, whenever necessary and appropriate, of resources from health, employment, vocational training, and social security [20].

The aforementioned legislation states that medical opinion is now optional, and that EMAEI can make decisions on the Mobilization of Measures to Support Learning and Inclusion (MSAI) at any point in the children’s and students’ academic path, according to their educational needs [6]. The current legal framework aims to strengthen the participation of everyone in the students’ learning process. Cecílio et al. [21] and Correia [18] assert that Inclusion involves involving everyone, enabling a broader and more effective education, where all children have a place, are welcomed, stimulated, and valued. Based on this principle, Castro [22], Vieira and Omote [23]), Cecílio et al. [21], Correia [18], and Esper et al. [24] ensure that Inclusion does not occur in isolation, meaning that it requires the participation of both families and professionals and the community to respond to the children’s conditions, ensuring new educational opportunities. Bonança et al. [25] (p. 8) emphasize that “looking at inclusion, therefore, implies understanding the concept of variability, mediating organizational transformations, in time and space and methodologies and materials, depending on the difficulties felt according to each student’s profile.

Defending a similar position, the study developed by Bulhões and Condessa [26] emphasizes the role of education professionals in mediating and protecting children in order to develop favorable conditions for their learning.

Regarding the constraints caused by COVID-19, the Global Education Monitoring Report points out that exclusion during this period is limited to: “Not only people with disabilities, but also others due to gender, age, place of residence, poverty, type of disability, ethnicity, indigeneity, language, religion, migration or displacement status, sexual orientation or gender identity expression, incarceration, beliefs and attitudes. It is the system and context that do not take into account the diversity and multiplicity of needs, which was also highlighted by the COVID-19 pandemic” [27] (pp. 9–10).

Boer and Assino [28], Correia [18], and Esper et al. [24] argue that during the pandemic, there was a huge effort on the part of the school community, however, accessibility to digital resources for less autonomous children contributes to the increase of inequalities in learning. The pandemic has infringed upon the right to education of millions of children, and therefore, the central issue of this problem should not be defined around the recovery of pandemic effects, but on changing public policies of various countries [18, 29]. In response to this conjecture, the CNE published a set of recommendations to reduce the impact of the pandemic, arguing that: “Although these recommendations are aimed at the school as a whole, their relevance is even greater the earlier the age of schooling and the

more precocious the ages worked with, starting from nursery and preschool and with a strong focus on basic education" [30] (p. 3).

Giving voice to this concern, a recent study published by UNICEF reports that 40 million preschool-aged children worldwide did not have access to education due to the COVID-19 pandemic, which caused the sudden closure of nurseries and schools [31].

Regarding the diploma that regulates Inclusive Education, many, including Early Childhood Educators, raised doubts due to "the fact that the measures provided in this Diploma are subject to multiple readings and forms of implementation, depending on interpretations" [32] (p. 2), generating a great heterogeneity of processes and putting into question the application of the decree, as well as the principles of equity and inclusion, enshrined in its text. Correia [18] also did not spare criticism of the new model of Inclusive Education, stating that the ambiguities presented in this diploma act as a brake on the success of children with Special Educational Needs. "[...] DL 54/2018, of July 6, which is nothing more than a decree whose rhetoric not only intends to sell us a concept of inclusion (total inclusion) that has nothing to do with its scientific genesis and interpretation, but also takes the opportunity to extinguish concepts such as special education, special educational needs, and special needs, among others, simply to pursue the 'fashion' that total inclusion brings additional benefits for all students, including those with SEN, or even to satisfy personal interests. That is, we are faced with two types of beliefs. One, objective, which fits into scientific truth, empirically confirmed, and the other, subjective, which relies on a wordy discourse borrowing from science what it cannot ensure" [18].

The criticisms and contradictions previously highlighted greatly justify the objectives and obvious need to know, in more detail, the degree of implementation and respective implications in context on the phenomenon under study.

Public Network of the Ministry of Education and Training of Childhood Educators

The recent results released in the "Inclusive Education Questionnaire 2020/2021" translate and support the tumultuous reality of exclusion that also extends to EPE children enrolled in Portuguese public schools, due to the reduced number of children covered by Selective and/or Additional Measures and the low number of teachers and technicians to support children and students who need greater academic support, at a time when we are still suffering from the impact of the pandemic crisis. According to the conclusions of this study, there were 78,268 EPE children and students enrolled in public schools in the ME network, for whom Selective and/or Additional Measures for Learning and Inclusion Support were mobilized. Of the total number of children and students referenced, only 3,474 EPE children were covered by Selective and/or Additional Measures.

Let us focus on the prevalence rates of Selective and/or Additional Measures, with a particular focus on EPE children enrolled in public schools. From reading the data, we can see that 2.1% of children benefited from Selective Measures, 0.1% solely benefited from Additional Measures, and 0.5% were benefiting from both Selective and Additional Measures [33].

Regarding teachers who perform specific functions of learning and inclusion support, by recruitment group, we found that there are only 6,611 affiliated with recruitment group 910; 242 belong to various recruitment groups; 157 belong to group 920, and 112 belong to recruitment group 930, totaling 7,122 teachers in schools supporting children and students in their learning in all portuguese schools. This means that on average, each teacher performing functions of learning and inclusion support has 11 children and/or students.

As for specialized technicians working in schools, we were able to determine that the prevalence lies with psychologists (634.9), speech therapists (366.0), and occupational therapists (137.4), totaling 1,138.3 specialized technicians in schools. The number of specialized technicians working in portuguese schools totals a value of 1,508.9, a number far below expected, given the number of children and students identified with Selective and/or Additional Measures for Learning and Inclusion Support. This means that on

average, there is one specialized support technician for 51.9 children and/or students. In addition to this reality surrounding differential care for EPE children, we have identified inconsistencies in the Mobilization of Measures Educational measures established in the referred Diploma. Let's see what DL no. 54/2018 [6] tells us about the extension of Educational Measures to children and students:

The measures to support learning and inclusion aim to adapt to the needs and potential of each student and to ensure the conditions for their full realization, promoting equity and equal opportunities in access to the curriculum, attendance, and progression throughout compulsory education [6] (Article 6, paragraph 1, p. 2921).

However, following an FAQ [20] issued by the Directorate-General for Education, we find that MSAI are limited to younger children in EPE, namely the Mobilization of Selective and/or Additional Measures, as follows: "are all measures of Decree-Law No. 54/2018, of July 6, appropriate for Pre-School Education? No. Pre-school education is the educational level in which the curriculum is developed with full articulation of learning, in which spaces are managed flexibly, in which children are called to actively participate in planning their learning, and in which project method and other active methodologies are routinely used. The inclusion of all and each of the children in pre-school education is naturally carried out through the adoption of differentiated pedagogical practices that respond to individual needs and characteristics, and it is the educator's competence to plan and design educational action based on a holistic reading of the evidence collected. Considering the above, selective and additional measures are not suitable for EPE, and all possibilities that a universal and preventive approach offers should be exhausted" [20] (s/p).

Another aspect that does not bode well for inclusion is teacher training, specifically that of early childhood educators. Craveiro [34] and Esper et al. [24] demonstrate the non-existence of initial training systems that guarantee the development of the necessary competencies for future early childhood educators to meet all the demands related to their professional activity and, consequently, the needs of children. They suggest improvements such as: an adequate balance between the components of knowledge; the development of theory and practice; the promotion of crucial competencies in enabling students to carry out their future professional functions, and the training and development of reflective and investigative practices.

3. Method

In the methodological framework, a mixed nature study, descriptive and inferential, was chosen, using a questionnaire survey applied in mainland Portugal and the Islands (Madeira and Azores archipelagos), involving a sample of 250 participants. The questionnaire (see supplementary materials) consisted of a limited number of closed-ended questions and one open-ended question, composed of three distinct parts, the first part referring to the research topic, research objectives, anonymity, and confidentiality. The second part included the sample characterization and data on the school situation of preschool children. Finally, the third part of the questionnaire included 24 closed-ended questions globally coded according to a Likert Scale (24) and one open-ended question (1).

The study addressed the research question, "What is the impact of Decree-law no. 54/2018 on the inclusion of preschool children?"

Based on this research question, the following objectives were chosen: General Objective: To analyze the perspectives of early childhood educators working in various teaching sectors on inclusion in EPE; Specific Objectives: 1. To understand the perspectives of early childhood education professionals on the application, principles, and definitions advocated in Decree-law no. 54/2018; 2. To analyze the involvement of the Multidisciplinary Support Team for Inclusive Education (EMAEI) resulting from the approval of the aforementioned Diploma; 3. To know the opinions of respondents regarding the training of early childhood educators; 4. To assess the perception of early childhood

educators regarding pedagogical work, collaboration, and support mobilized for EPE children.

The results were statistically analyzed to explore and deepen the problem already described. According to the defined research questions, we used the SPSS 24.0 Program for closed-ended questions. We applied the Kruskal-Wallis test to measure differences in opinions among early childhood educators from various teaching sectors. Simultaneously, in the interpretive analysis of data, we considered relative and absolute frequencies.

For the open-ended question, content analysis was used, summarizing the collected information based on the categorization process, using the QDA Minor Program. It allowed us to organize the data based on an analogical sense of the chosen registration units, which grouped them into categories and subcategories. The fidelity of the results was obtained through the degree of internal consistency (Cronbach's Alpha), with the questionnaire survey presenting a coefficient value of 0.863, falling under the "Good" category.

Sample Characterization

The sample consists of 250 respondents who completed the questionnaire, which was validated (pre-test) and placed *online* (via *Google docs*) to address difficulties arising from the COVID-19 pandemic. We found that 96.8% (n = 242) of the participants are female and 3.2% (n = 8) are male, with ages ranging from 41–55 years old, representing 59.6% (n = 149) of the sample. The majority of respondents reside in the "North" region of Portugal 29.2% (n = 73), followed by the "Metropolitan Region of Lisbon" 28.8% (n = 72) and the "Center" 25.6% (n = 64). As for academic qualifications, we observed that the incidence falls on participants with a "Bachelor's degree" 69.2% (n = 173) and those with a "Master's degree" 27.2% (n = 68); 71.6% (n = 179) of respondents work in the "Public Education" sector and 58.8% (n = 147) have between 6–25 years of service (Table 1).

Table 1. Characterization of the sample.

Characterization of the Sample	Absolute and Relative Frequencies (n = 250)
AGE	
Less than 25 years old	1 (0,4%)
[26, 40] years old	49 (19,6%)
[41, 55] years old	149 (59,6%)
Older than 56 years old	51 (20,4%)
GENDER	
Female	242 (96,8%)
Male	8 (3,2%)
RESIDENCE AREA	
Alentejo	16 (6,4%)
Algarve	6 (2,4%)
Madeira Archipelago	3 (1,2%)
Azores Archipelago	16 (6,4%)
Center	64 (25,6%)
North	73 (29,2%)
Lisbon Metropolitan Region	72 (28,8%)
ACADEMIC QUALIFICATIONS	
Bachelor's degree	7 (2,8%)
Graduate degree	173 (69,2%)
Master's degree	68 (27,2%)
Doctorate degree	2 (0,8%)
SECTOR OF EDUCATION	
Cooperative Education	15 (6%)
Private Education	17 (6,8%)

Public Education	179 (71,6%)
IPSS (Institution of Social Solidarity)	39 (15,6%)
YEARS OF SERVICE	
Less than 5 years	14 (5,6%)
[6, 25] years old	147 (58,8%)
More than 26 years	89 (35,6%)

In summary, the convenience sample from digital platforms dedicated to the topic of inclusion was the solution found to overcome the constraints and sanitary impositions resulting from the limitations and sanitary rules related to SARS-COVID-19 (during the data collection period) and the restrictions of the GDPR (still in force) regarding the contact information of Early Childhood Educators in the Continent and Islands regarding the matter under consideration.

4. Results and Discussion

Regarding the characterization of children’s groups (Table 2), we found that 74% (n = 185) of the respondents indicated that their group is composed of children of different ages, with groups of heterogeneous ages prevailing. About 81.2% (n = 203) of respondents stated that they have children identified with MSAI; 55.2% (n = 138) are referred to with Specific Health Needs (NSE); 72.4% (n = 181) benefit from Universal Measures, and 52.8% (n = 132) benefit from Selective and/or Additional Measures. These data indicate that there is a very significant number of children who have been mobilized with MSAI. We highlight, therefore, that the majority of children benefit from Universal Measures. However, there is a considerable percentage of children with Selective and/or Additional Measures, including those with NSE.

Table 2. Characterization of groups of children.

Characterization of Groups of Children	Yes	No
Is your group composed of children in the same age range?	65 (26%)	185 (74%)
Are there children identified with measures to support learning and inclusion?	203 (81.2%)	47 (18.8%)
Are there children flagged with Specific Health Needs?	138 (55.2%)	112 (44.8%)
Are there children benefiting from universal measures?	181 (72.4%)	69 (27.6%)
In the group, are there referenced children with selective and/or additional measures?	132 (52.8%)	118 (47.2%)

Next, we present a descriptive and inferential summary of the results obtained in the study, according to the Research Questions defined for this investigation. In Research Question 1: “What are the perspectives of early childhood education professionals on the application, principles, and definitions of Decree-law no. 54/2018?” we found that:

When asked the question “Is the decree fully implemented in schools?”, we found that 52.7% (n = 132) of respondents disagreed or strongly disagreed. When asked to give their opinion on whether “Educators show difficulties/doubts in applying the decree?”, 75.5% (n = 189) of participants agreed or strongly agreed. Regarding the item “Is this decree bureaucratic?”, the majority, 85.1% (n = 213), indicated that they agreed or strongly agreed. With regard to the question “Is this Decree-Law functional, taking into account the pedagogical practices developed in preschool?”, 38.6% (n = 97) of participants disagreed or strongly disagreed; 36.9% (n = 92) agreed or strongly agreed, and 24.5% (n = 61) responded that they had no opinion. When asked if “This decree brought something new to the inclusion of preschool children?”, 38% (n = 95) of respondents disagreed or strongly disagreed, 37.7% (n = 94) agreed or strongly agreed, and 24.4% (n = 61) were neutral on this issue.

In the open-ended question, we were able to identify a high level of dissatisfaction among preschool teachers regarding the implementation and knowledge of the law, expressing that “there is still a lot of ignorance about the DL”; “most of the school groups do not

put into practice what the law provides for and this is the real obstacle." In the opinion of the respondents, it is a bureaucratic diploma, registering that *"the decree at this moment functions as mere bureaucracy"*.

When the Kruskal-Wallis test (non-parametric test used in the comparison of three or more independent samples) was applied, we found that regarding the question *"Is the diploma fully implemented in schools?"*, the opinions among educators from different teaching sectors do not differ (*disagree, p-value = 0.078*). Similarly, regarding the statement *"Do you consider that educators show difficulties/doubts in applying the diploma?"*, we found that the opinions converge (*agree, p-value = 0.765*). Regarding the assertion *"Is this diploma bureaucratic?"*, we found that opinions do not differ among preschool educators (*agree, p-value = 0.908*). As for the question *"Is this Decree-Law functional, taking into account the pedagogical practices developed in preschool?"*, we verified that there are no significant differences in opinions among preschool educators about this item (*no opinion, p-value = 0.901*). In the question *"Did this diploma bring something new to the inclusion of preschool children?"*, we found that the opinions among educators from different teaching sectors also do not diverge (*no opinion, p-value = 0.057*).

Previous studies, namely Monteiro et al., argue that *"there is still a lack of knowledge about the DL by the majority of school professionals"* [35] (p. 76), with the participants in the present research expressing insecurity and confusion: *"I am completely confused"; "I don't feel secure"*, highlighting, as expected, the lack of preparation of educators and teachers regarding the analyzed Diploma. As for the existing doubts, *"those that nobody clears up, almost afraid to ask the authorities because they are not consistent in their answers, it depends on who you ask"* [35] (p. 83), with the bureaucratization process presenting itself as a hindrance in the inclusion process. The results of this research corroborated the data we obtained and analyzed. Furthermore, regarding Research Question 1 and emphasizing the Principles and Definitions advocated in the analyzed Diploma, we found that:

Regarding the statement *"Are educators enlightened about the guiding principles of this Decree-Law?"*, it was possible to verify that 51.5% (n = 129) of participants disagree or totally disagree. With regard to the assertion *"Do educators understand the nomenclature of the diploma?"*, we found that 47.1% (n = 118) of respondents disagree or totally disagree. When asked if *"Educators are informed about the Multilevel Model?"*, 59.7% (n = 149) stated that they disagree or totally disagree with this item. Also, with regard to the question *"Do preschool educators understand the principles of Universal Design for Learning?"*, 45.3% (n = 113) of respondents stated that they disagree or totally disagree. Regarding the item *"Do you consider that selective and/or additional measures are not suitable for preschool education, and that all possibilities offered by a universal and preventive approach should be exhausted?"*, 40.3% (n = 101) agree or totally agree and 39.8% (n = 99) disagree or totally disagree, with 19.9% (n = 50) having no formed opinion on this assertion.

We found that, at the time of this questionnaire survey, preschool educators were not adequately enlightened about the guiding principles of the Decree-Law, had difficulties in understanding the nomenclature, doubts about the Multilevel Model, and about what is advocated by Universal Design for Learning, data that reflect the need for a transition period between DL n.º 54/2018 and DL n.º 3/2008 [36].

Furthermore, in light of the collected data, in the open-ended question, we found that regarding the terminology, *"the novelty will be the terminology of more specific supports, but INCLUSION cannot be decreed. It has to 'happen'."* The situation becomes more complex when participants perceive compromising data that reflect the unstable situation experienced in preschool, stating that *"no colleague with a degree or master's degree has any idea what is expected, they sign the documents presented to them blindly, few do not know how to fill them out and assume commitments they are unaware of"*, implying, therefore, educators' lack of knowledge about the principles and definitions of the analyzed Diploma.

Regarding the results of the Kruskal-Wallis test, we found that for the item *"Are educators knowledgeable about the guiding principles of this Decree-Law?"*, opinions

among educators from different teaching sectors do not differ (*disagree*, $p\text{-value} = 0.234$). Concerning the statement “Do educators understand the terminology of the diploma?”, all teachers disagree with this item, except for public school professionals who have no formed opinion, with differing opinions among teachers from various teaching sectors. In the question “Are educators knowledgeable about the Multilevel Model?”, private school educators have a divergent opinion (completely disagree with the statement) from other educators. The remaining teachers disagree about the statement of the item. Regarding the question “Do early childhood educators understand the principles of Universal Design for Learning?” we found that opinions among educators do not differ (*no opinion*, $p\text{-value} = 0.225$). Concerning the item “Do you believe that selective and/or additional measures are not suitable for preschool education, and that all possibilities offered by a universal and preventive approach should be exhausted?”, we found that opinions among educators from different teaching sectors converge (*no opinion*, $p\text{-value} = 0.155$).

Corroborating with the data, Bonança et al. [36] argue that it is of utmost urgency to empower the entire educational community on the principles and terminology of the Diploma, raising the quality of educational practices, supported by Universal Design for Learning (UDL). Regarding the Multilevel Model, Colôa argues that in “the legislation now under consideration, the multilevel model presents itself as a hybrid conceptualized from a perspective of organizing educational measures that are configured as circumscribed and prescriptive responses to the expected diversity of students that make up 21st-century schools” [37] (p. 34), implying, as confirmed by the data from our study, that educators and teachers are not properly informed about the Multilevel Model that defines MSAs.

Regarding Research Question 2 “What is the involvement of the Multidisciplinary Support Team for Inclusive Education (EMAEI) in the implementation of the current diploma?”, we found that:

Regarding the item “Does EMAEI prioritize proximity to educators?”, 38.4% ($n = 96$) agree or strongly agree; 36.7% ($n = 92$) of respondents disagree or strongly disagree, and 25% ($n = 62$) responded that they have no formed opinion. Regarding the statement “Does EMAEI regularly and effectively monitor measures to support children’s learning and inclusion?”, 41.3% ($n = 103$) disagree or strongly disagree, and 36.1% ($n = 90$) agree or strongly agree. When asked if “Does EMAEI provide training to preschool educators?”, 62.8% ($n = 157$) of respondents disagreed or strongly disagreed. Regarding the question “Does EMAEI take into account the opinions of parents or guardians?” 51% ($n = 128$) agreed or strongly agreed. Finally, regarding the assertion “Does EMAEI value the opinion of other variable elements besides parents?” 50.8% ($n = 127$) agreed or strongly agreed. In our open question, we found that “there are EMAEI teams that refuse to refer preschool children, only accepting severe and visible cases” and that “many educators, schools, and EMAEIs consider that Decree 54 does not apply to preschools”. Therefore, support is provided by ELI and the lead educator, “EMAEI says that now they will only have support from ELI, and ELI says that they only give instructions (indirect support).”

When applying the Kruskal-Wallis test to the statement “Does the EMAEI prioritize proximity with educators?”, we found that educators from different sectors of education do not have a formed opinion on this item, except for private sector professionals who do not agree. Regarding the item “Does the EMAEI regularly and effectively monitor measures to support children’s learning and inclusion?”, the opinions among educators do not differ (*no opinion*) ($p\text{-value} = 0.532$). Concerning the question “Does the EMAEI provide training for early childhood educators?”, we found that the opinions among educators converge (*disagree*) ($p\text{-value} = 0.694$). Regarding the question “Does the EMAEI take into account the opinions of parents or guardians?”, we found that the opinions among educators from different sectors of education do not differ (*no opinion*) ($p\text{-value} = 0.107$). Regarding the item “Does the EMAEI value the opinions of other variable elements besides parents?”, we found that the opinions among educators also do not differ (*no opinion*) ($p\text{-value} = 0.203$).

The results of the study conducted by FNE [32] differ from those of our research regarding the evaluation of EMAEI's participation of parents or guardians in the inclusion process.

Regarding Research Question 3 "What are the respondents' opinions on the training of early childhood educators?" we found that:

Regarding the item "Do university curricula provide adequate scientific knowledge about Inclusive Education?", 52.4% (n = 131) of respondents disagree or strongly disagree. In response to the question "Do educators feel the need for continuous training?", we found that 95.5% (n = 239) agree or strongly agree. Regarding the statement "Do you believe that the lack of training for educators is a hindrance to the implementation of the principles of the law?", 77% (n = 193) agree or strongly agree.

In the open question, we found that the lack of training is a barrier in the inclusion process, with participants expressing that "without basic training for Educators of Infancy and more human resources, it will be difficult to fulfill what is on paper."

Based on the Kruskal-Wallis test, we found that for the statement "*Do university curricula ensure proper scientific knowledge about Inclusive Education?*", the opinions among educators from different teaching sectors do not differ (*disagree*) ($p\text{-value} = 0.254$). Regarding the statement "*Do educators feel the need for continuous training?*", educators from private and public teaching sectors agree with the statement, while professionals from cooperative education and social solidarity institutions (IPSS) strongly agree with it. In the statement "*Do you consider the lack of training for educators to be a constraint in implementing the principles of the diploma?*", we found that the opinions among educators from different teaching sectors do not differ (*agree*) ($p\text{-value} = 0.694$).

The data from this study on the initial and ongoing training of educators finds resonance in the extensive review of the specialized literature [37, 39, 40].

In Research Question 4, which seeks to analyze "What perceptions do early childhood educators have regarding pedagogical and collaborative work and the supports mobilized for preschool education children?", we found that:

In the question "Do preschool educators plan respecting the learning rhythms of children with greater difficulties?" 72% (n = 180) agree or strongly agree. Regarding whether "Preschool educators carry out pedagogical differentiation in the classroom context", 74.8% (n = 187) agree or strongly agree. Facing the question "Do you consider collaborative work among different technicians and specialists to be an enrichment for preschool educators?" 86.8% (n = 217) agree or strongly agree. When asked if "Do you consider the supports provided to children with greater difficulties to be adequate?" 58.4% (n = 146) disagree or strongly disagree. Regarding the question "Are the supports provided by the school sufficient to overcome the difficulties of children in preschool education?" 79.2% (n = 198) disagree or strongly disagree. Regarding the item "Are there children who were left without support after the approval of Decree-Law no. 54/2018?" 47.2% (n = 118) agree or strongly agree. However, we obtained a significant number of participants who do not have a formed opinion on this matter, namely 31.2% (n = 78).

In the open-ended question, there are significant data confirming the lack of support for preschool children: "Many don't even get support. Because special education teachers are insufficient for so many children in need. More and more"; "The support teams for children with special needs still can't respond to the real number of children who unfortunately need it"; "the approval of the decree has meant that preschool children have no type of support, except for that provided by the teacher"; "there are preschool children with pathologies that require additional or selective measures already at an early age." As for the extension of more restrictive measures to preschool children, respondents believe that "preschool children cannot have selective, let alone additional, measures, so the children are deeply prejudiced. I just regret it!" Regarding collaborative work, they make the following accusation "as for EMAIE, they don't even bother to hold meetings with all fixed members, the coordinator presents what she can offer and it's take it or leave it. So, I regret the opportunism that this decree made possible."

According to the Kruskal-Wallis test, we verified that regarding the statement “Do early childhood educators plan while respecting the learning rhythms of children with more difficulties?”, cooperative education, public education, and IPSS holders agree with the statement, while private education professionals claim not to have a formed opinion on this item. Regarding the question “Do early childhood educators carry out pedagogical differentiation in the classroom context?”, cooperative education, public education, and IPSS holders agree, while private education professionals claimed not to have a formed opinion on this question. In relation to the assertion “Do you consider collaborative work among different technicians and specialists an enrichment for early childhood educators?”, the opinions among early childhood educators from different educational sectors do not differ (agree) (p -value = 0.845). When analyzing the item “Do you consider the supports provided to children with more difficulties adequate?”, we ascertained that the opinions among teachers do not differ (disagree) (p -value = 0.979). When asked whether “The supports provided by the school are sufficient to overcome the difficulties of children in preschool education”, we ascertained that the opinions among teachers do not differ (disagree) (p -value = 0.489). Finally, regarding the question “Have there been children who have been left without support after the approval of Decree-Law No. 54/2018?”, we also found that the opinions among early childhood educators from different educational sectors do not differ (no opinion formed) (p -value = 0.520).

5. Conclusions

Based on the data collected, we can conclude that there is still a long way to go regarding the inclusion of children in Early Childhood Education. Firstly, we list the main results that require intervention and future improvements: 1. High dissatisfaction among early childhood educators regarding the implementation of DL n.º 54/2018, five years after its approval; 2. Incomplete implementation of the studied DL, with doubts and difficulties persisting regarding its application; 3. The high bureaucracy foreseen in this DL is a disadvantage in the inclusion process; 4. Educators do not feel adequately informed about the nomenclature and guiding principles of this DL, as well as the principles stated in Universal Design for Learning; 5. The supports provided for children in Early Childhood Education are manifestly insufficient to meet their needs; 6. The EMAEI should monitor children with MSAI more regularly and efficiently; 7. There is a need to improve and reinforce initial training of educators in the area of Inclusive Education; 8. There is a need to strengthen ongoing training of professionals. These last two (7 and 8) are significant limitations in implementing the principles advocated in the Diploma.

We also present the main results for which there are no conclusive and significant data that raise future intervention and concern: 1. The DL seems to be relatively functional for the pedagogical practices developed in preschool; 2. The DL brought something new to the inclusion of EPE children; 3. Selective and/or additional measures seem to be suitable for EPE; 4. There are no substantial differences of opinion regarding the understanding of the nomenclature of the Diploma, although public sector teachers have a divergent opinion, and the degree of clarification on the Multilevel Model; 5. The EMAEI prioritizes proximity to educators.

Finally, we highlight not only that the EMAEI significantly welcomes the opinions of parents or guardians, but also the overall quality of the pedagogical work developed by Educators of Infancy, both in planning activities and in pedagogical differentiation for children who need more support and assistance in their learning development. Collaborative work between technicians and specialists is seen as an enrichment of the inclusive process as a whole.

We strongly believe that there is an urgent need to carry out a comparative study in the near future on the legislation produced in the European context on special education and inclusion and similar legislation in other continents, based on the scientific literature, legislation and international reports produced in the last decade.

Supplementary Materials: Questionnaire.

Institutional Review Board Statement: Not applicable.

Informed Consent Statement: Informed consent and voluntary participation all subjects were obtained, and anonymity.

Data Availability Statement: All data generated or analysed during this study are included in this published article.

Conflicts of Interest: The authors declare no conflict of interest.

References

- Cardona, M. J. Um referencial curricular para as crianças dos 3 aos 6 anos. A realidade portuguesa. *Debates Em Educ.* **2021**, *13*, 113–128. <https://doi.org/10.28998/2175-6600.2021v13n33p113-128>.
- Ferreira, M.; Tomás, C. “O pré-escolar faz a diferença?” Políticas educativas na educação de infância e práticas pedagógicas. *Rev. Port. De Educ.* **2018**, *31*, 68–84. <https://doi.org/10.21814/rpe.14142>.
- PORTUGAL. Lei n.º 5/97, da Assembleia da República. Diário da República, I Série A, p. 670-673. 1997. Available online: <https://dre.pt/dre/detalhe/lei/5-1997-561219https://dre.pt/dre/detalhe/lei/5-1997-561219> (accessed on 12 November 2022).
- PORTUGAL. Lei n.º 116/2019 da Assembleia da República. Diário da República, 1.a Série, n.º 176, p. 12-35. 2019. Available online: <https://dre.pt/dre/detalhe/lei/116-2019-124680588> (accessed on 12 November 2022).
- PORTUGAL. Decreto Legislativo Regional n.º 11/2020/M da Região Autónoma da Madeira-Assembleia Legislativa. Diário da República, 1.a Série, n.º 146, p. 6-30. 2020. Available online: <https://files.dre.pt/1s/2020/07/14600/0000600030.pdf> (accessed on 12 October 2022).
- PORTUGAL. Decreto-Lei n.º 54/2018 da Presidência do Conselho de Ministros. Diário da República, 1.a Série, n.º 129, p. 2918-2928. 2018. Available online: <https://files.dre.pt/1s/2018/07/12900/0291802928.pdf> (accessed on 1 July 2022).
- PORTUGAL. Decreto-Lei n.º 55/2018 da Presidência do Conselho de Ministros. Diário da República, 1.a Série, n.º 129, p. 2928-2948. 2018. Available online: <https://files.dre.pt/1s/2018/07/12900/0292802943.pdf> (accessed on 22 October 2022).
- PORTUGAL. Decreto Legislativo Regional 17/2015/A da Região Autónoma dos Açores-Assembleia Legislativa. Diário da República, 1.a série-A, n.º 119, p. 4359-4367. 2015. Available online: <https://files.dre.pt/1s/2015/06/11900/0435904367.pdf> (accessed on 15 November 2022).
- PORTUGAL. Decreto Legislativo Regional n.º 15/2006/A da Região Autónoma dos Açores-Assembleia Legislativa. Diário da República, 1.ª serie A, n.º 70, p. 2685. 2006. Available online: <https://dre.pt/dre/analise-juridica/decreto-legislativo-regional/15-2006-652897> (accessed on 15 November 2022).
- PORTUGAL. Portaria n.º 75/2014, de 18 do Ministério da Educação. Diário da República, 1.a Série, n.º 127, 2177-2266. 2014. Available online: <https://www.spra.pt/wp-content/uploads/2013/02/I-127-2014.pdf> (accessed on 15 November 2022).
- Mata, L.; Pedro, I. Participação e Envolvimento das Famílias: Construção de Parcerias em Contextos de Educação de Infância. Ministério da Educação/Direção-Geral da Educação. 2021. Available online: <https://www.dge.mec.pt/sites/default/files/ElInfancia/documentos/participfamilias.pdf> (accessed on 30 November 2022).
- Comissão Europeia. (2010). Estratégia Europeia de Deficiência 2010-2020: um compromisso renovado com as pessoas com deficiência. Available online: <https://ec.europa.eu/social/BlobServlet?docId=6179&langId=pt> (accessed on 25 April 2023).
- European Agency for Special Needs and Inclusive Education. (2012). TEACHER EDUCATION FOR INCLUSION Profile of Inclusive Teachers. Odense, Denmark: European Agency for Special Needs and Inclusive Education. Available online: <https://www.european-agency.org/sites/default/files/Profile-of-Inclusive-Teachers.pdf> (accessed on 25 April 2023).
- Schildmann, U., & Busch, T. (Eds.). (2016). Special Education in Europe: Legal and Policy Perspectives. Bloomsbury Publishing.
- European Agency for Special Needs and Inclusive Education. (2017). Special Education in Europe: Policies and Practices. Odense, Denmark: EASNIE.
- European Agency for Special Needs and Inclusive Education, 2020. Teacher Professional Learning for Inclusion: Phase 1 Final Summary Report. (A. De Vroey, S. Symeonidou and A. Lecheval, eds.). Odense, Denmark. Available online: https://www.european-agency.org/sites/default/files/TPL4I_Final_Summary_Report_EN.pdf (accessed on 25 April 2023).
- European Agency for Special Needs and Inclusive Education. (2022). Definições Legislativas Relativas às Necessidades dos Alunos-Síntese 2022. Bruxelas. Available online: <https://www.european-agency.org/sites/default/files/LD-PolicyBrief-PT.pdf> (accessed on 25 April 2023).
- Correia, L.M. Inclusão total de alunos com necessidades especiais significativas: uma mera ilusão. *J. Público* 2022. Lisboa.
- PORTUGAL. Decreto-Lei n.º 3/2008 do Ministério da Educação. Diário da República, 1.a Série, n.º 4, p. 154-164. 2008. Available online: <https://files.dre.pt/1s/2008/01/00400/0015400164.pdf> (accessed on 30 November 2022).
- FAQ. Decreto-Lei n.º 54/ 2018, de 6 de julho. Available online: https://www.dge.mec.pt/sites/default/files/faq_-_dl_54_-_versao_4.pdf (accessed on 30 November 2022).
- Cecílio, A.I.; Rodrigues, J.B.; Silva, L.L.; Morgado, E.M.G. Técnicas e estratégias de intervenção pedagógica direcionados a crianças e jovens com problemas de audição e surdez. *Br. J. Ed., Tech. Soc.* **2022**, *15*, 65–74. <https://doi.org/10.14571/brajets.v15.nse1.65-74>.

22. Castro, G.C. Educação inclusiva em tempos de pandemia: desafios para a inclusão. *Margens* **2021**, *15*, 275–290. <http://dx.doi.org/10.18542/rmi.v15i24.10102>.
23. Vieira, C.M.; Omote, S. Atitudes sociais de professores em relação à inclusão: formação e mudança. *Rev. Bras. De Educ. Espec.* **2021**, *27*, 743–758. <https://doi.org/10.1590/1980-54702021v27e0254>.
24. Esper, M. V.; Araújo, J. S.; Santos, M. A.; Nascimento, L.C. Atuação do Professor de Educação Especial no Cenário da Pandemia de Covid-19. *Rev. Bras. Ed. Esp.* **2022**, *28*, e0092. <https://doi.org/10.1590/1980-54702022v28e0092>.
25. Bonança, R.; Botelho, T.; Medeiros, T. As perturbações da aprendizagem específica e os princípios da educação inclusiva. In *Referencial de boas práticas*; Disbedo: Guarda, Portugal, 2020.
26. Bulhões, P.C.; Condessa, I.C. O impacto do brincar/jogar em atividades de tempos livres no envolvimento, satisfação e interação de crianças e jovens. *Revista INFAD De Psicologia. Int. J. Dev. Educ. Psychol.* **2019**, *1*, 51–62. <https://doi.org/10.17060/ijodaep.2019.n2.v1.1670>.
27. UNESCO (2020). Relatório de Monitorização Global de Educação. Inclusão e Educação: Todos, Sem Exceção. **2020**. Available online: https://unesdoc.unesco.org/ark:/48223/pf0000373721_por (accessed on 30 November 2022).
28. Boer, P.J.; Asino, T.I. Learning design experiences of the Namibian teachers during the COVID-19 pandemic: an ethnographic perspective. *Tech.Trends* **2022**, *66*, 29–38. <https://doi.org/10.1007/s11528-021-00684-8>.
29. Carmo, R.M.; Tavares, I.; Cândido, A.F. Observatório das Desigualdades, CIES-Iscte. In *Um Olhar Sociológico sobre a Crise Covid-19 em Livro*; Observatório das Desigualdades: Lisbon, Portugal, **2020**. <https://doi.org/10.15847/CIESOD2020covid19>.
30. CNE. Conselho Nacional de Educação. Recomendação Escola no Pós-Pandemia: Desafios e Estratégias. Lisboa. 2021. Available online: https://www.cnedu.pt/content/deliberacoes/recomendacoes/REC_A_Escola_no_pos-pandemia.pdf (accessed on 20 October 2022).
31. Gromada, A.; Richardson, D.; Rees, G. Childcare in a Global Crisis: The Impact of COVID-19 on Work and Family Life. UNICEF Office of Research–Innocenti. **2020**. Available online: <https://www.unicef-irc.org/publications/pdf/IRB-2020-18-childcare-in-a-global-crisis-the-impact-of-covid-19-on-work-and-family-life.pdf> (accessed on).
32. FNE. Federação Nacional da Educação. Consulta Nacional Educação Inclusiva. Lisboa. 2019. Available online: https://fne.pt/uploads/documentos/documento_1575631457_1855.pdf (accessed on 20 October 2022).
33. ME. Educação Inclusiva 2020/2021 Apoio à Aprendizagem e à Inclusão, Escolas da Rede Pública do Ministério da Educação. Ministério da Educação. 2022. Available online: [https://www.dgeec.mec.pt/np4/%7B\\$clientServletPath%7D/?newsId=1363&fileName=EI2021_BreveSinteseResultados.pdf](https://www.dgeec.mec.pt/np4/%7B$clientServletPath%7D/?newsId=1363&fileName=EI2021_BreveSinteseResultados.pdf) (accessed on 1 July 2022).
34. Craveiro, C. Formação inicial de Educadores de Infância, realidade e identidade profissional em análise. *RELAdeI* **2016**, *5*, 31–42.
35. Monteiro, S.; Sanches-Ferreira, M.; Alves, S. Implementação do Decreto-Lei n.º 54/2018: Experiências e perceções de uma equipa multidisciplinar. *Sensos-E* **2020**, *7*, 70–86. <http://dx.doi.org/10.34630/sensose.v7i3.3679>.
36. Bonança, R.; Castanho, M.J.; Morgado, E. O Decreto-Lei n.º 54/2018: um desafio para a inclusão. *Br. J. Ed. Tech. Soc.* **2022**, *15*, 135–143. <https://doi.org/10.14571/brajets.v15.nse1.135-143>.
37. Colôa, J. As oportunidades da nova lei em Portugal-Dita que é a (nova) inclusão. In *Educação Inclusiva: Atitudes que Transformam*; I. Sanches (Coord.), Ed.; Edições Universitárias Lusófonas: Lisboa, Portugal, **2021**; pp. 17–43.
38. Horta, M.H. A (atual) formação inicial de educadores de infância: questões e ambições. *Cad. De Educ. De Infância* **2015**, *106*, 4–7, 2015.
39. Rodrigues, M.J.; Vieira, R.M. Programa de formação de educadoras de infância: Seu contributo para a (re)construção de concepções. *Rev. Electrónica Enseñanza Las Cienc.* **2012**, *11*, 501–520.
40. Oliveira, W.A.; Silva, J.L.; Andrade, A.L.M.; Micheli, D.; Fernández, J.E.R.; Dellazzana-Zanon, L.L.; Silva, M.A.I.; Santos, M.A. Adolescence in times of pandemic: integrating consensus into a concept map. *Estud. Psicol.* **2020**, *25*, 133–143. <https://doi.org/10.22491/1678-4669.20200014>.