

ORIGINAL ARTICLE

Attention to diversity in inclusive education: challenges and proposals within the ecuadorian legal framework

Atención a la diversidad en la educación inclusiva: desafíos y propuestas en el marco legal ecuatoriano

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This study analyzes the importance of inclusive Abstract education and attention to diversity within the Ecuadorian educational context, highlighting the relevance of a legal framework that ensures equitable education for all. The objective is to examine how inclusive policies and regulations are applied in educational institutions and to assess their impact on teaching practices. The methodology used was qualitative and descriptive, based on a review of theories and previous studies concerning the legal framework for inclusive education in Ecuador, complemented by surveys conducted with a sample of 25 teachers working with students with disabilities in an educational unit in Montecristi, Manabí province. Initial findings show that, although teachers have knowledge of educational inclusion, most perceive a lack of preparation regarding the regulatory framework to address specific cases requiring inclusive attention. Additionally, the need for innovative teaching resources to facilitate inclusive learning and promote an environment of respect for diversity is emphasized. The conclusions underscore that, although there has been progress in recognizing the right to inclusive education, its implementation is limited due to variability in the interpretation of regulations. It is concluded that strengthening teacher training in legal and methodological aspects is essential to ensure effective inclusive education that fosters equity and respect in the school environment.

Keywords attention to diversity, inclusive education, educational equity, teacher training, Ecuadorian legal framework.

El presente estudio analiza la importancia de Resumen la educación inclusiva y la atención a la diversidad en el contexto educativo ecuatoriano, destacando la relevancia de un marco legal que garantice una educación equitativa para todos. El objetivo es examinar cómo se aplican las políticas y normativas inclusivas en las instituciones educativas y evaluar su impacto en la práctica docente. La metodología empleada fue cualitativa y descriptiva, basada en la revisión de teorías y estudios previos sobre el marco legal de la educación inclusiva en Ecuador, complementada con encuestas aplicadas a una muestra de 25 docentes que trabajan con estudiantes con discapacidad en una unidad educativa de Montecristi, provincia de Manabí. Los hallazgos iniciales muestran que, aunque los docentes poseen conocimientos sobre la inclusión educativa, en su mayoría perciben una falta de preparación en cuanto al marco normativo para actuar en casos específicos que requieren atención inclusiva. Además, se destaca la necesidad de recursos didácticos innovadores para facilitar el aprendizaje inclusivo y promover un ambiente de respeto a la diversidad. Las conclusiones subrayan que, si bien existen avances en el reconocimiento del derecho a una educación inclusiva, su implementación es limitada debido a la variabilidad en la interpretación de las normativas. Se concluye que es crucial fortalecer la formación docente en aspectos legales y metodológicos para asegurar una educación inclusiva efectiva que fomente la equidad y el respeto en el entorno escolar.

Palabras clave atención a la diversidad, educación inclusiva, equidad educativa, formación docente, marco legal ecuatoriano.

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Introduction

Diversity is an inherent characteristic of educational environments and demands a comprehensive response from educators. This response aims to reduce learning barriers and promote education that not only adapts to the specific needs of students but also advances toward achieving the objectives of each educational stage. In this regard, inclusive education is considered essential as it ensures the holistic development of students, fosters equity, and contributes to social cohesion.

The purpose of this study is to analyze attention to diversity as a fundamental necessity at all educational stages and for all students, without being limited to specific groups. This involves understanding diversity not as an occasional adjustment but as a guiding principle of the educational process. Consequently, it is argued that educational policies and practices should align with the principles of normalization, flexibility in responses, early prevention, and personalized attention, providing a solid foundation for an inclusive and equitable educational environment.

Various studies have approached the issue of educational inclusion from different perspectives. For example, Larreátegui (2016) mentions that access for students with disabilities to educational institutions is limited due to the challenge of meeting the varied needs according to each type of disability. Inclusive education is guaranteed by the Constitution as a fundamental right for well-being; however, "the implementation of regulations has not reached the intended scope, as it depends on how they are interpreted and applied by the authorities of regular education institutions" (p. 1).

Blanco (2016) emphasizes the fundamental principles of quality in the Education Law for all students, regardless of their conditions and circumstances. This legal framework also underscores equity as a pillar to ensure equal opportunities, educational inclusion, and non-discrimination, acting as a compensatory element for personal, cultural, economic, and social inequalities, with special emphasis on those related to disabilities. Similarly, Arnaiz (2019) highlights the importance of implementing flexibility in the educational system to adapt content to the diverse abilities, interests, expectations, and needs of students, while also considering changes experienced by both students and society at large.

On the other hand, Villacís (2019) underscores the importance of distinguishing between the concepts of integration and inclusion. According to his study, integration is limited to placing students within the system without real adaptation of teaching methods to respond to their needs, implying that students must adapt to existing norms and practices. In contrast, "inclusion encompasses many excluded groups and generates profound transformations in teaching processes and interactions within the educational environment".

Many authors stress the importance of differentiating be-

tween integration and inclusion in education. Villacís (2019) notes that, while integration often limits itself to inserting students into the system without real adaptations to teaching methods, inclusion involves a broader approach, which results in "profound transformations in teaching processes and in the organizational practices of educational institutions" (p. 13). This distinction is essential for studies like the present one, as it provides a framework for analyzing inclusive practices.

From Alcaín Martínez's (2015) perspective, the role of teachers is essential in addressing diversity, as they must foster an inclusive and integrative classroom environment where all students can develop in an equitable setting. In turn, Castro, Sierra, and Fresquets (2018) affirm that recognizing education as a social right establishes a strong legal link to political decisions, which must be reflected in public policies. This recognition represents not only an axiological principle of the state but also a foundational clause of any rule of law, under which the principles of progressivity, equality, and non-discrimination must be prioritized.

Sierra and García (2020) reinforce this view, noting that "the importance of recognizing the right to education as a fundamental right, and therefore enshrined in the constitution, obliges the state to ensure its guarantee in the legal sphere" (p. 134). Similarly, Peña, Peñaloza & Carrillo (2018) argue that the state must create the necessary conditions for implementing an inclusive educational policy, which includes teacher training, the provision of specific material resources, and monitoring the process through control mechanisms. They also highlight the need for jurisdictional guarantees that allow citizens to demand compliance with these rights and, if necessary, resort to the courts.

Given these precedents, the importance of addressing educational inclusion from a legal framework in Ecuador becomes evident. Achieving the dissemination and application of these regulations to enable the development of competencies and values that ensure equal opportunities for all remains an ongoing challenge, preparing students for social integration and contributing to national progress.

Materials and methods

Hernández & Fernández (2014) state that the qualitative research method focuses on a deep understanding of phenomena, analyzing studies from the perspective of participants in their natural environment and based on their context. Thus, this method relies on observation, followed by interpretation and analysis of meanings. Consistent with these principles, this research adopted a qualitative approach, facilitating adaptation to the various contexts and references arising from the research problem.



A descriptive research methodology was employed, analyzing theories and studies related to the legal framework of inclusive education within the Ecuadorian educational system from different contexts. For data collection, a survey was used to obtain a detailed view of the opinions of the professionals surveyed. Data analysis was conducted through a categorization matrix, highlighting key opinions of teachers concerning the dimensions and objectives outlined in the research.

A sample of 25 teachers working with students with disabilities at the "Jorge Jeremy Cantos Cedeño" Educational Unit, located in the community of La Sequita, Montecristi canton, Manabí province, was selected for this study. The results reflect how inclusive education addresses the diverse needs of students and demonstrate the importance of implementing and applying legal regulations within the Ecuadorian educational system. This facilitates respect for diversity,

promotes tolerance, and fosters greater solidarity in the educational environment.

Results and discussion

In this stage of the research, a survey was conducted to gather teachers' opinions on inclusive education within the context of Ecuador's educational legal framework. The results revealed that while teachers possess foundational knowledge to promote inclusive education, only 60% reported rarely feeling prepared regarding the legal framework to act appropriately in cases involving students requiring inclusive education. Nevertheless, teachers integrate ethical and cultural components into their pedagogical practices. They also create inclusive learning environments for all students and encourage the use of innovative teaching materials that facilitate inclusive learning (Table 1).

Table 1. Survey Results

Importance:

Do you consider inclusive education an effective strategy for addressing and responding to the diverse needs of students?

Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
0%	5%	10%	15%	70%

Motivation:

Do you believe inclusive education requires the incorporation of innovative teaching resources to encourage student participation and commitment in the learning process?

Always	Occasionally	Never
20%	80%	0%

Communication:

Do you believe it is essential to use teaching resources that strengthen communication in the classroom and promote a favorable learning environment for all students?

Always	Often	Occasionally	Rarely	Never
65%	80%	7%	3%	0%

About the Educational Legal Framework:

Do you consider it essential to apply and comply with legal regulations in inclusive education within the Ecuadorian educational framework to promote respect for diversity, tolerance, and strengthen solidarity in the school environment?

Always	Often	Occasionally	Rarely	Never
75%	20%	5%	0%	0%

Teacher Preparation in the Legal Field:

Do you consider yourself adequately prepared regarding the legal framework of the Ecuadorian educational system to handle legal situations involving students requiring inclusive education?

Always	Often	Occasionally	Rarely	Never
10%	15%	25%	50%	0%



The survey results reflect teachers' perception of inclusive education as an effective strategy for addressing students' diverse needs. A significant 70% of respondents strongly agreed that inclusive education is an effective strategy for meeting these needs, while 15% agreed. About 10% were neutral, and 5% disagreed, with none selecting "Strongly Disagree." These percentages indicate a general positive trend towards implementing inclusive education to achieve equitable and adaptive learning.

Teachers' responses highlight that the legal framework for inclusive education is essential and relevant for addressing academic challenges, providing a robust basis for future public educational policy design in this field.

Inclusive education is based on the recognition that each student presents diverse characteristics, interests, abilities, and learning needs, and it is the educational system's responsibility to adapt to this variability. According to the data collected, 80% of surveyed teachers indicated that inclusive education "always" requires the integration of innovative teaching materials to promote student participation in their learning process. The remaining 20% considered this necessary "occasionally."

To achieve high-quality inclusive education, it is essential to invest in teaching materials that are not only innovative but also designed to motivate students and enable comprehensive assessment of their progress, considering their individual abilities.

Communication plays a crucial role in the teaching and learning process and is particularly relevant in the context of inclusive education. In this regard, 65% of the surveyed teachers believe it is "always" necessary to use teaching resources that promote communication development in the classroom, facilitating a favorable learning environment for all students. An additional 25% noted that it is "often" necessary, while 7% considered it relevant "occasionally," and 3% stated it is rarely a priority.

In the context of inclusive education, learning is viewed as a comprehensive, critical, and multidisciplinary process where the teacher serves as a guide and constant support, adapting their teaching to address each student's motivations and needs while fostering a communicative and inclusive environment.

In the academic setting, ensuring equitable education for all students is essential. Thus, inclusive education must be adopted as a fundamental principle, aimed at addressing the diversity of needs, including students with learning difficulties as well as those with high abilities and motivation to learn. In this survey, 75% of the teachers indicated that it is "always" necessary to implement and enforce the legal regulations set out in Ecuador's educational framework to foster respect for diversity, tolerance, and greater solidarity.

Another 20% reported that this is needed "often," while 5% noted it is necessary "occasionally."

In this context, it is crucial to recognize that the role of 21st-century educational institutions cannot be understood without proper inclusive education. Therefore, teachers must have the necessary tools and training to facilitate this process, upholding non-discrimination and inclusive education as essential values.

Teacher training in the legal field is a key aspect of inclusive education and an important focus of this study. The results show that teachers feel a lack of preparation in this area. Half of the respondents stated that they "rarely" feel prepared regarding the legal framework of the Ecuadorian educational system to handle legal situations involving students with inclusive needs. Twenty-five percent said they feel prepared "occasionally," 15% "often," and only 10% stated they "always" feel prepared in this area.

Legal training is crucial for building an inclusive educational environment where all students' rights are respected, and the risk of discrimination is minimized. Teacher training should cover not only pedagogical and methodological aspects but also an understanding of the rights and regulations that protect students in diverse contexts, reinforcing inclusion as a cross-cutting axis throughout the curriculum.

Inclusive education is also a fundamental way to overcome forms of social exclusion stemming from socioeconomic, cultural, and gender factors that unfortunately still persist in educational institutions. Intentionally promoting the acceptance and appreciation of differences helps build an environment where all students feel valued and respected. This involves fostering mutual understanding and a perception of interdependence, respecting pluralism, tolerance, and peace as central values of school coexistence.

Importance of the Legal Framework in Inclusive Education

Based on the results obtained, it is highly relevant to explore and substantiate the principles of inclusive education within the context of Ecuador's educational legal framework. Education, understood as a fundamental right, implies a transformation in how the relationship between the main actors in the educational process—especially children and adolescents—and the state, which acts as the guarantor, is conceived. This approach promotes a rights-based perspective that goes beyond mere public policy, which could be subject to discretionary decisions, and positions it as an inherent and enforceable right.

According to Alvarado and Álvarez (2015), "inclusion is a way of life that compels the general population to recognize, understand, respect, and tolerate differences; tolerate in terms of fulfilling and enforcing the basic rights and principles



of humanity" (p. 207). This philosophy should begin with recognizing difference as an essential aspect of humanity, where tolerance and respect form the core of any analysis of this current issue.

Bermúdez and Navarrete (2020) emphasize that the right to education, recognized as a fundamental human right under international law, necessitates, whether from an ethical standpoint or through binding international regulations, the design of public policies aligned with the principles of inclusive education. This underscores the importance of promoting legal education in this context, ensuring that decision-makers integrate these critical elements into their actions, which are inherent to any educational system.

Guevara and Vélez (2020) adopt a similar perspective in their study on this issue, noting that both the education of the future and social changes throughout history show that diversity and difference—related to social, economic, sexual, racial, gender, cultural distinctions, or disabilities and special educational needs—can be sources of societal conflict. In this context, "the right of all to access education under equal conditions is a right that every human being enjoys, based on the recognition of human diversity" (p. 86).

These authors also point out that discussing disabilities involves addressing various barriers that hinder or impede learning, encompassing a wide range of individuals and situations. However, the traditional idea persists of associating "special education" solely with students with disabilities, without considering other students with different needs. Additionally, not all "special educational needs" require specialized services or resources beyond those used in a standard classroom; many can be addressed through innovative and transformative teaching practices.

Arnaiz (2019) further emphasizes that there are numerous social areas to be strengthened for people with disabilities, with education serving as a cross-cutting axis for both individual and collective progress. The concern lies in the lack of trained personnel capable of promoting high-quality inclusive education that meets the special educational needs of each person, whether child, youth, adult, or elder. This population requires an appropriate educational system that transforms knowledge, teaching-learning methodologies, educational environments, and, above all, promotes inclusion in educational institutions, recognizing and respecting this right in terms of both access and quality.

Coral (2019) notes that, within the context of these policies, early childhood education is making progress in the inclusion of children with specific characteristics. However, many of these efforts have not achieved the desired success. Although there are laws that promote classroom inclusion, the implementation process has not fostered the educational creation and innovation needed for a profound change in the vision of inclusion. Consequently, aspects such as pedago-

gical practices, assessment processes, and teacher-student relationships have experienced updates but have not been meaningfully intervened in or transformed.

The Problem Is Not Creating More Laws

One of the critical aspects in analyzing inclusive education within Ecuador's legal framework is the ineffective application of legal and regulatory principles in educational institutions. Despite the existence of regulations, the implementation of these principles has not reached its full potential due to how they are interpreted and applied by the authorities in regular educational institutions. These institutions face the challenge of meeting diverse needs related to different types of disabilities, which requires ensuring the right to inclusion with all necessary resources. This section delves into the right to inclusive education from the perspective of Ecuador's legal framework.

The Constitution of the Republic of Ecuador and Inclusive Education

As the supreme law, the Constitution of the Republic of Ecuador establishes the fundamental principles of the state and the rights of all citizens, including the right to inclusive education.

Article 26

Education is a right for all people throughout their lives and an inalienable duty of the state. It is a priority in public policy and state investment, ensuring equality and social inclusion as fundamental conditions for well-being. Individuals, families, and society have both the right and the responsibility to actively participate in the educational process (Constitución de la República del Ecuador, 2008)

Article 27

Education in Ecuador aims for the comprehensive development of individuals, with a human-centered approach based on respect for human rights, sustainable environmental practices, and democracy. It must be participatory, mandatory, intercultural, democratic, inclusive, and diverse, ensuring quality and warmth. It should promote gender equity, justice, solidarity, and peace. Through education, critical thinking, art, physical culture, individual and community initiative, and the development of competencies and skills for creation and work must be fostered. Education is vital for acquiring knowledge, exercising rights, and building a sovereign country, serving as a strategic axis for national development (Constitución de la República del Ecuador, 2008).

Article 47

The state commits to implementing disability prevention policies and, in collaboration with society and families, promoting equal opportunities for people with disabilities and



their social integration. People with disabilities are entitled to: 7. Receive education that enhances their abilities and skills for integration and equal participation. Their education will be guaranteed within the regular system, with differentiated treatment in regular educational institutions and, when necessary, specialized education in dedicated centers. Educational institutions must comply with accessibility standards and offer a scholarship system that considers the economic conditions of this group (Constitución de la República del Ecuador, 2008).

Article 156

National councils for equality are the bodies responsible for ensuring the full exercise and enforcement of rights established in the Constitution and international human rights instruments. These councils have the authority to formulate, integrate, supervise, monitor, and evaluate public policies related to gender, ethnicity, generations, interculturality, disabilities, and human mobility, as stipulated by law (Constitución de la República del Ecuador, 2008).

Inclusive Education in the Framework of the Childhood and Adolescence Code

Children and adolescents with disabilities, as a priority attention group, are protected by special laws in alignment with the Constitution and international instruments. In this context, the Childhood and Adolescence Code establishes:

Article 37 - Right to Education

Children and adolescents have the right to quality education. This right requires an educational system that: 4. Ensures that children and adolescents have access to qualified teachers, teaching materials, laboratories, facilities, and resources, and that they enjoy a supportive learning environment. This right includes effective access to early education from zero to five years old, promoting flexible and open programs and projects that respond to the cultural needs of learners (Código Orgánico de la Niñez y Adolescencia, 2015).

The Organic Law on Disabilities and the Right to Inclusive Education

The Organic Law on Disabilities, in its mission to protect priority attention groups, establishes the right to inclusive education in the following articles:

Article 27 - Right to Education

The state shall guarantee that persons with disabilities can access, remain, and complete their studies in the National Education System and the Higher Education System. This education may be provided in specialized institutions or regular educational establishments, as appropriate (Ley Orgánica de Discapacidades, 2012).

Article 28 - Inclusive Education

The national education authority shall take the necessary measures to promote the inclusion of students with special educational needs who require technical, technological, or human support, such as specialized personnel, either temporarily or permanently, as well as curricular and physical accessibility adaptations in learning environments. To this end, the national education authority shall formulate, issue, and supervise compliance with national regulations, updating them annually and including specific guidelines for the care of persons with special educational needs, emphasizing pedagogical recommendations for each type of disability. This regulation shall be mandatory for all institutions within the National Education System (Ley Orgánica de Discapacidades, 2012).

The Organic Law of Intercultural Education (LOEI) states

Article 47 - Education for Persons with Disabilities

Both formal and non-formal education must consider the special educational needs of individuals in affective, cognitive, and psychomotor aspects. The National Education Authority is responsible for ensuring that these needs do not become barriers to accessing education. The Ecuadorian state shall guarantee the inclusion and integration of persons with disabilities in educational establishments, removing obstacles to their learning. All students must be assessed, when necessary, to identify their educational needs and determine the characteristics of the education they require. The education system shall promote the early detection and attention to learning problems and other factors that may put schooling at risk, applying measures to foster recovery and prevent lag or exclusion.

Educational institutions are obliged to admit students with disabilities, create necessary physical, curricular, and promotional support and adaptations, and seek teacher training in specific methodologies and assessments for quality, inclusive teaching centered on inter-learning. Educational centers exclusively for people with disabilities are justified only in exceptional cases, that is, only when all previous measures have been exhausted without achieving effective inclusion (Ley Orgánica de Discapacidades, 2012).

Regulations of the Organic Law of Intercultural Education (LOEI) and the Right to Inclusive Education

The Regulations of the LOEI reinforce the right to inclusive education in the following articles:

Article 227 – Principles

The National Education Authority, through its decentralized and central management levels, promotes access to educational services for persons with special educational needs,



whether or not associated with a disability, either through attendance at a specialized educational center or inclusion in a regular school (Regulations of the LOEI, 2011).

Article 228 - Scope

Students with special educational needs are those who require temporary or permanent support or adaptations to access quality educational services suited to their conditions. These supports may include learning, accessibility, and communication adaptations.

Special educational needs associated with disability include:

Intellectual, physical, auditory, visual, or mental disabilities; Multiple disabilities;

Pervasive developmental disorders (such as autism, Asperger syndrome, and Rett syndrome, among others). (Regulations of the LOEI, 2011)

Article 229 - Attention

Care for students with special educational needs can be provided through specialized educational centers or their inclusion in regular schools, ensuring they receive the necessary support for learning and development. (Regulations of the LOEI, 2011)

Angenscheidt & Navarrete (2017) highlight that one of the main challenges of inclusive education is accessibility, understood as the infrastructure and pedagogical resources needed for people with disabilities to enter, move, orient themselves, and communicate in school activities. They also emphasize the importance of promoting awareness of the rights of students with disabilities, as these rights represent the means to meet their needs.

Bermúdez & Navarrete (2020) define inclusion as a set of processes aimed at increasing student participation in school culture, curriculum, and communities. For these authors, inclusion requires schools to critically analyze how they can improve the learning and participation of all students.

Dueñas (2010) states that increasing awareness of social inequalities and the advancement of human rights, particularly the right to education, equal opportunities, and respect for diversity, have fueled the concept of inclusion in contemporary society. Inclusion seeks to extend integration to all areas of life, with the social sphere being key, standing in opposition to social exclusion. This concept transcends the educational domain, becoming a cross-cutting principle applicable to various contexts: school communities, families, and society as a whole.

Villacís (2019) underscores that in an inclusive educational system, each student is valued as an individual with specific potential and needs, rather than being classified as part of a category. Inclusive classrooms foster natural support ne-

tworks among peers, collaborative teacher groups, circles of friends, and teaching teams, promoting integrative relationships within the educational community. There are numerous reasons—ethical, sociological, and legal—to support inclusive education, emphasizing the importance of how children are educated rather than where.

La Porta (2019) points out that it is crucial to address inclusive education beyond legal requirements, viewing it as a process to remove barriers that impede learning and participation in school activities. The interaction between students with disabilities, their peers, and teachers must be equitable and discrimination-free. Only by understanding inclusion in this way can actions be taken to integrate children and young people who are excluded from the educational system due to social, cultural, gender, or economic reasons, addressing their needs and promoting the reduction of educational exclusion.

Alcaín Martínez (2015) stresses that inclusive education requires a wide range of instructional strategies that enable all students to recognize and appreciate differences in intelligence, learning styles, skills, and limitations. Such strategies include cooperative learning, peer tutoring, hands-on activities, outdoor learning, and the use of educational technology. It is also essential to have legislation and policies supporting these principles and ensuring they are effectively applied in practice.

Inclusion aims to secure the full participation of all individuals in various life aspects. It is now understood that social exclusion is not limited to poverty but also includes the lack of opportunities for personal development, the absence of a life plan, limited social participation, and restricted access to protection and welfare systems. Blanco (2016) asserts that a more inclusive society depends largely on ensuring full access to education and eliminating all forms of discrimination against children based on their social, ethnic, religious backgrounds, or other factors.

Arnaiz (2019) argues that modern education must prioritize integration by offering services in a shared educational environment that adapts to each student's learning needs without limiting special education to specialized centers. This requires addressing each student's unique needs by adjusting programs, methods, and resources in the regular education setting to achieve a personalized educational response (p. 23).

Juárez & Comboni (2016) suggest that inclusive education requires identifying both individual and group characteristics, potential, and obstacles. Educators should reconstruct natural learning environments and transform them into inclusive spaces. "The challenges to be addressed in the medium and long term involve moving beyond the concept of integration schools to inclusive schools" (p. 59). Educational



inclusion is therefore measured by how well a school community accepts all as full members and values their contributions, highlighting each person's right to participate in society.

Conclusions

The study concludes that adopting an inclusive approach in Ecuador's educational system is essential to address the diversity of student needs, as established by current legal frameworks. It is observed that although teachers possess general knowledge about inclusion, most report feeling insufficiently prepared regarding the legal framework to manage situations requiring specific inclusive attention. This lack of training in legal aspects limits their ability to effectively apply principles of equity and non-discrimination in the classroom.

Additionally, the study reveals that teachers consider the use of innovative teaching resources essential for facilitating inclusive learning, boosting student motivation, and strengthening classroom communication. However, results show that these resources are only occasionally implemented due to limitations in material provision and training for their effective use.

It is concluded that strengthening teacher training in both legal and methodological competencies, as well as in the use of inclusive teaching tools, is necessary. Despite progress in the legislative framework, its practical application in educational institutions remains limited. Therefore, continuous training policies for teachers are recommended to promote an educational environment that is equitable and respectful of diversity, thereby fostering inclusive education that adequately meets the needs of all students.

References

- Alcaín Martínez, E. (2015). La Convención Internacional Sobre los Derechos de las Personas con Discapacidad. De los Derechos a los Hechos. Valencia: Tirant Lo Blanch.
- Alvarado, M., y Álvarez, M. (2014). Inclusión educativa: ¿un reto o una utopía? Mendive. *Revista de Educación*, *12*(2), 205-210. http://mendive.upr.edu.cu/index.php/MendiveUPR/article/view/663
- Angenscheidt, L. y Navarrete, I. (2017). Actitudes de los docentes acerca de la educación inclusiva. *Ciencias Psicológicas*, 11(2), 233-243.
- Arnaiz, P. (2019). *La educación inclusiva en el siglo XXI. Avances y desafíos*. https://www.um.es.Leccion+Santo+Tomas+2019+-+Pilar+Arnaiz+.pdf

- Bermúdez, M., y Navarrete, I. (2020). Actitudes de los maestros ante la inclusión de alumnos con discapacidad. *Ciencias Psicológicas*, 14(1), 33-48. http://www.scielo.edu.uy/scielo.php?script=sci_arttext&pid=S1688-42212020000101203&lng=es&nrm=iso
- Blanco G., (2016). Rosa La Equidad y la Inclusión Social: Uno de los Desafíos de la Educación y la Escuela Hoy Reice. *Revista Iberoamericana sobre Calidad, Eficacia y Cambio en Educación, 4*(3), 1-15 https://www.redalyc.org/pdf/551/55140302.pdf
- Castro, G., Sierra, J., y Fresquest, M. (2018). La formación inicial del maestro primario para la atención a escolares con implante coclear. Mendive. Revista de Educación, 16(3), 365-380. http://mendive.upr.edu.cu/index.php/MendiveUPR/article/view/1420
- Código Orgánico de la Niñez y Adolescencia. (2015). Registro Oficial 737 de 3 de Enero del 2003.
- Constitución de la República del Ecuador. (2008). Registro Oficial 449. 6. Fecha: 20-oct-2008.
- Corral, K. (2019). Educación inclusiva. Concepciones del profesorado ante el alumnado con necesidades educativas especiales asociadas a discapacidad. Revista de Educación Inclusiva, 12(2), 171-186. https://revistaeducacioninclusiva.es/index.php/REI/article/view/439
- Donoso, D. (2013). La educación inclusiva en el marco legal de Ecuador: ¿responden las leyes ecuatorianas a las necesidades del modelo inclusivo? (Tesis de maestría). Universidad Complutense de Madrid, Madrid, España.
- Dueñas, M. (2010). Educación inclusiva. *Revista Española de Orientación y Psicopedagogía, 21*(2), 358-366. https://www.redalyc.org/pdf/3382/338230785016.pdf
- Guevara, L., y Vélez, L. (2020). Primeras aproximaciones sobre la realidad de la inclusión en la educación en Colombia. *Boletín Redipe*, *9*(3), 85-100. https://revista.redipe.org/index.php/1/article/view/933
- Juárez, J. y Comboni, S. (2016). *Educación Inclusiva:* retos y perspectivas. https://www.slideshare.net/EsperanzaSosaMeza1/educacin-inclusiva-retos-y-
- La Porta, A. (2019). La comunicación como método jurídico: hermenéutica y analítica en la teoría comunicacional del derecho. (Tesis doctoral). Universidad de Córdoba, Córdoba, España.
- Larreátegui, P. (2016). Derecho a una Educación Inclusiva para estudiantes discapacitados según la aplicación del Reglamento de la LOEI. (Tesis de pregrado). Universidad Central del Ecuador, Quito, Ecuador.
- Ley Orgánica de Discapacidades. (2012). Registro Oficial Nº 796 -- Martes 25 de septiembre del 2012
- Ley Orgánica de Educación Intercultural. (2011). Jueves 31 de Marzo del 2011 -- Nº 417



Peña, G., Peñaloza, W., y Carrillo, M. (2018). La educación inclusiva en el proceso de formación docente. *Revista Conrado*, *14*(65), 194-200. http://conrado.ucf.edu.cu/index.php/conrado

Reglamento de la ley organica de educación intercultural (2011). Registro Oficial 417 del 31 de marzo de 2011

Sierra, J. y García, O. (2020). La educación inclusiva. Su componente normativo desde los organismos internacionales y las políticas públicas nacionales. *Mendive. Revista de Educación*, 18(1), 134-154. http://scielo.sld.cu/scielo.php?script=sci_arttext&pid=S1815-76962020000100134&lng=es&tlng=es.

Villacís, F. (2019). Políticas educativas para garantizar el derecho humano a la educación inclusiva de niñas, niños y adolescentes con trastorno del espectro autista. (Tesis de maestría). Universidad Andina Simón Bolívar, Quito, Ecuador.

Conflicts of interest

The authors declare that they have no conflicts of interest.

Author contributions

Yanet Samada Grasst, Paola Azucena Hernández Pico and Mariuxi Becerra Ordóñez: Conceptualization, data curation, formal analysis, investigation, methodology, supervision, validation, visualization, drafting the original manuscript and writing, review, and editing.

Data availability statement

The datasets used and/or analyzed during the current study are available from the corresponding author on reasonable request.

Statement on the use of AI

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