

The influence of international bodies on the evaluation of Brazilian higher education

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ABSTRACT

This article aims to analyze how the narratives of international organizations about higher education and its evaluation were absorbed in Brazil with the approval of SINAES. The analysis was made in three sections: the first, analyzes the documents of published international organizations, since 1987, seeking to highlight the concept of higher education and evaluation; the second, discusses the different cycles of evaluation of higher education in Brazil until the emergence and modifications of SINAES; the third shows the alignment of SINAES with the guidelines of international organizations with the incorporation of principles and measures related to the structuring of higher education and its evaluation. The article concludes that the changes incorporated into SINAES, starting in 2017, ended up giving education a treatment of merchandise to the detriment of its right status.

KEYWORDS

international organizations; National Higher Education Assessment System; mercantilization of higher education.

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A INFLUÊNCIA DOS ORGANISMOS INTERNACIONAIS NA AVALIAÇÃO DA EDUCAÇÃO SUPERIOR BRASILEIRA

RESUMO

O presente artigo objetiva analisar como as narrativas de organismos internacionais sobre a educação superior e sua avaliação foram absorvidas no Brasil com a aprovação do SINAES. A análise foi feita em três seções: a primeira, analisa os documentos de organismos internacionais publicados, desde 1987, procurando destacar a concepção sobre educação superior e avaliação; a segunda, discute os diferentes ciclos de avaliação da educação superior no Brasil até o surgimento e modificações do SINAES; a terceira, evidencia o alinhamento do SINAES às diretrizes dos organismos internacionais com a incorporação de princípios e medidas relativas à estruturação da educação superior e sua avaliação. O artigo conclui que as mudanças incorporadas ao SINAES, a partir de 2017, acabaram por conferir à educação um tratamento de mercadoria em detrimento da sua condição de direito.

PALAVRAS-CHAVE

organismos internacionais; Sistema Nacional de Avaliação da Educação Superior; mercantilização da educação superior.

LA INFLUENCIA DE LOS ÓRGANOS INTERNACIONALES EN LA EVALUACIÓN DE LA EDUCACIÓN SUPERIOR BRASILEÑA

RESUMEN

Este artículo tiene como objetivo analizar cómo las narrativas de organismos internacionales sobre la educación superior y su evaluación fueron absorbidas en Brasil con la aprobación del SINAES. El análisis se realizó en tres apartados: el primero, analiza los documentos de organismos internacionales publicados, desde 1987, buscando resaltar el concepto de educación superior y evaluación; el segundo, discute los diferentes ciclos de evaluación de la educación superior en Brasil hasta el surgimiento y modificaciones del SINAES; el tercero muestra el alineamiento del SINAES con los lineamientos de los organismos internacionales con la incorporación de principios y medidas relacionados con la estructuración de la educación superior y su evaluación. El artículo concluye que los cambios incorporados al SINAES, a partir de 2017, terminaron por darle a la educación un tratamiento de las mercancías en detrimento de su carácter de derecho.

PALABRAS CLAVE

organismos Internacionales; Sistema Nacional de Evaluación de la Educación Superior; mercantilización de la educación superior.

INTRODUCTION

With the dismantling of world bipolarization, at the end of the 1980s, managerial solutions in public administration were proposed on a global scale, consigned in the Washington Consensus. The most essential characteristics of this abrupt change were two branches of a single movement: the cessation of State monopolies, and the inclusion of private initiative in the chain of activities in public services, expanding the influence of the market to serve collective interests (Bresser-Pereira, 1991).

In this context, international organizations such as the Organization for Economic Cooperation and Development (OECD), the World Bank (WB), the World Trade Organization (WTO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), categorized, in various documents, education as a *mezzachandise* (service) subject to commercial regulation by the WTO, essential to the internationalization of higher education.

With this understanding, the evaluation of higher education became the object of guidelines disseminated internationally and adopted by many countries, especially developing ones, given that the guidelines developed by these international organizations target the internal workings of the States. This framework went on to affirm, in the restructuring of their educational systems, the capacity of the State to finance assessment procedures to assess the quality of the educational institutions.

Brazil, joining the global mobilization to implant a neoliberal State model, inspired by a managerial perspective based on the assessment of activities and performance in the rendering of public services, gradually incorporated the guidelines from these international organizations, including the assessment of higher education at the undergraduate level, especially through Law No. 10.861, April 14th, 2004, which created and established the National System of Assessment in Higher Education (*Sistema Nacional de Avaliação de Educação Superior – SINAES*), adhering to market logic — competition — to a much greater degree than a logic of reflection on the improvement of the services rendered.

Thus, the assessment carried out from the point of view of embracing this international framework, foregrounds objective and quantitatively verifiable criteria, such as faculty titles, their academic production, their course load, as well as the performance of the student body in external exams promoted by State agencies or their delegates, in addition to students' employability, proximity to the market, the physical structures of the institutions, among other elements (Petrillo, Tomazeti Neto and Damasceno, 2014).

This phenomenon generates, among other things, two important negative effects:

- the homogenization of undergraduate educational processes worldwide, which ends up downplaying the characteristics of each nationality within their very own educational systems;
- the view of higher education, on the part of those who complete it, as a process of production that is indifferent to any other sector.

These two effects end up hindering a deeper look at the diversity of philosophical dimensions in higher education, which are indispensable for adequately

educating people and of politics — necessary elements in forming conscientious citizens. This then, due to the excessive focus on the technical dimension in professional education, driven primarily by market demands, makes it appear as if the key to world productivity was the most relevant philosophical, political, and technical purpose of higher education.

In recent years, chronologically associated with the publication of various guidelines by international organizations for higher education, a sharp change in SINAES is observed, with normative modification both in the form of presidential decrees and regulations as well as in the instrumentalization of the system — the legal dimension being the only one not to suffer these alterations. These modifications have direct implications on the way education is conceived and, consequently, the assessment process.

In light of this, it is pertinent to investigate how the recommendations of the international organizations have materialized within the changes made to SINAES — in the form of guidelines related to their criteria and systematic assessment, and the ways the changes contributed to the commercialization of higher education.

For this discussion, the remainder of the article is organized as follows: firstly, the guidelines from the international organizations are systematically analyzed with a focus on the assessment of higher education; secondly, the evolution of Brazilian higher education assessment norms are discussed to highlight the meaning of the changes that have occurred over time; thirdly, an analysis of SINAES' alignment with the international guidelines was carried out; and lastly, considerations regarding the effects of this alignment are interwoven with the consolidation of education as a commodity in detriment to it being held as a right, and regarding public policy on the assessment of Brazilian higher education.

THE EVALUATION OF HIGHER EDUCATION IN THE NARRATIVES OF INTERNATIONAL ORGANIZATIONS

Opening the discussion about assessing higher education, the OECD proposes the systematic discussion of higher education on an international scale in the book *Universities under scrutiny*, developed under the auspices of William Taylor for the OECD in 1987 (Taylor, 1987).

The first element discussed is the “crisis” of the universities within the member countries of the OECD, introducing elements such as employability into the discussion of higher education. In the second chapter, missions and agendas for the universities are presented in ten roles and functions, such as teaching, scholarships, and research. The identification of the elements of crisis points the way toward the flexibilization of initiatives under the State's responsibility in the regulation of higher education.

Higher education is seen from an essentially economic perspective, focused on professional education to the detriment of philosophical and political dimensions. This indicates that the OECD perceives education as a cog in the process of production and, therefore, a merchandise, to the detriment of the perspective of education as a right (a

good accessible through the offer of a free public service), a fact that is not surprising given the purpose of this international organization (Rizvi and Lingard, 2012).

Endorsing the OECD's narrative, the WB released the document *Higher education: the lessons of experience* (1994). The document presents criteria for future loans, based on the condition of results directed at economic growth or development. This document — the result of an analysis in 1992 — concluded that the loans granted by the organization had been more successful in situations in which the investment projects developed intervention initiatives in productive subsectors, in a utilitarian sense. Finally, this view is consolidated when registering the fact that the organization had provided financing for Higher Education Institutions (HEI) on a competitive basis, as was done at that time in many countries, including Brazil (World Bank, 1994).

In 2000, the WB published the document, *Higher education in developing countries: peril and promise*. Even while arguing about the importance of higher education in strengthening management and reducing poverty in these countries, it does not forward dimensions of a philosophical and political order in the discussion of evaluating higher education. Public interest in higher education is attributed to the effect that the number of the years of education leads to an increase of salaries in general, and an increase in productivity that this provokes on a national level, from a macroeconomic perspective (World Bank, 2000).

Meanwhile, in 2003, the document *Constructing knowledge societies: new challenges for tertiary education* highlights the support that the WB has given to higher education initiatives since 1963, making special reference to the support that was conferred on the efforts of various countries to undertake reforms in tertiary education. The change in the reference expression in the WB documents from “higher education” to “tertiary education” is aligned to the commercialization of higher education, as the organization acts in this sector according to two guiding axes, namely: institutional differentiation and diversification of funding sources (World Bank, 2003).

In this sense, to accommodate especially the first of these axes, a new expression is necessary, that allows HEI to be conceived separate from the conception of the universities, which are strongly tied to the idea of the offer of higher education as a right. Thus, the WB acts to promote the commercialization of the sector from three dimensions: financial, assessment, and the private-public relationship (Mota Júnior, 2019). Thus, the concern about new mechanisms for guaranteeing quality in the global market arises, and with a reduced focus on traditional elements, such as the qualification of the faculty and student selection criteria, but rather more on the technical-professionalizing skills acquired by the graduates during the educational process.

Thus, the extortion of the States becomes clear with regard to performance in the sense of establishing a vertical regulatory evaluation system that accounts for institutional diversification — embracing less expensive alternative agencies to the universities — and of a financing system that is also verticalized, which accounts for the alleged need for the diversification of sources of financial resources — creating State financing programs or articulating financial support for different situations (World Bank, 2003).

The creation of the WTO, in 1994, is articulated with this movement by the WB both from the chronological point of view and from the point of view of the content. In this new multipolarized commercial scenario, the *Global Agreement on Trade of Services* includes higher education on the list of international marketable goods (Abreu, 2005; Maués and Bastos, 2016).

This regulation is designed to structure and establish priorities as demanded by the “knowledge economy”, from the conception that holds education primarily as the engine of economic growth. This, especially due to the impact that professional accreditation and research has in the production sector, with the potential and dangerous effect of transforming education from a right to a mere commercial service (Borges, 2009).

Extending the rationale regarding financing, the narrative of the WTO influences the management of the HEI toward embracing a business logic, and, especially, enabling the securing of funds, even from stocks and futures, which have clear repercussions on the way they are managed. This stance, in turn, generates an inclination toward employing indicators of quality control that are common to product merchandising business management, which are insufficient to understand the complex reality of the public management of guaranteed rights.

This view of the market by the WTO is articulated with the view of the OECD and of the WB, ratifying fundamentals in the discussions about the politics of higher education. Moreover, expressions such as “reduction in the contribution of public funds”, and “adoption of business practices” in addition to “search for alternative funding”, are present in OECD, the WB, and the WTO.

Thus, the assessment for regulation exercised by each State regulator, constitutionally supported by the neoliberal-inspired model, finds ground in the charade of a supposed concern for quality, faced with the proliferation of so-called diploma “factories”. ‘Supposed concern’ because, once again, the organizations are dedicated to optimizing the circulation of wealth through commerce, in an approach aligned with their economic nature and not to the specific sectorial approaches that must go beyond this approach.

The circulation and articulation of ideas related to higher education among the different international organizations also include the participation of UNESCO, of humanitarian origin. In 1995, UNESCO published the *Strategies for change and development in higher education: policy paper on higher education*, whose content presents important similarities with the aforementioned document released by the WB in 1994. Identifying tendencies in higher education, it addresses funding and resource constraints and the diversification of structures and forms, adding discussions about the quantitative expansion and the development of internationalization. It then includes higher education within a context of changes in the world, highlighting the imperatives of economic and technological development that demand higher education relation with the rise of new strategies. From a new point of view, three elements are underscored, namely:

- the relevance/pertinence from the point of view of the productive and work dimension;
- the quality of higher education;
- the internationalization of higher education in the sense of cooperation for access to knowledge and work on behalf of academic excellence.

The document closes with the presentation of a “UNESCO framework” for higher education comprised of four dimensions: an increase in access and participation, a broader search for sources of funding, greater relevance/pertinence and quality, and the expansion of international cooperation. The chronological alignment of this document with the WB, and the WTO, and also of the content with that of the WB is hardly imperceptible (UNESCO, 1995).

Later, UNESCO promoted the World Conference on Higher Education, between the 5th and the 9th of October 1998, having as one of their main outcomes, the document *World Declaration on Higher Education for the Twenty-First Century: vision and action*. Of its seventeen articles, two draw attention for their similarity with the content evidenced here, up to this point:

- article 13, which deals with the “Strengthening higher education management and financing” through appropriate planning and policy-analysis;
- article 14, which deals with “financing higher education as a public service” through the mobilization of public support for higher education and research, together with involvement among the public and the private sectors (UNESCO, 1998).

With this document, UNESCO formulates various propositions aimed at higher education, articulating issues of regulation and assessment directly to the discussion of quality. The document explicitly states that quality higher education cannot be disassociated from assessment and regulation (Polidori, 2009). Thus, the discourse of the organization presupposes that to ensure quality, criteria must be established from the State’s power to exercise a regulatory function through an assessment process that facilitates adherence to these criteria (Mello, 1991).

Another important outcome of this event is its work document, that identifies four central themes for the addressing of actions proposed by the organization for the international community:

- pertinence;
- quality;
- finance and management;
- cooperation.

The document itself relates them, respectively, with attending to the needs of the world of work, internal and external assessment, binomial autonomous resources, and joint action in an environment of internationalization (UNESCO, 1999).

In 2009, UNESCO promoted another world conference on education, consolidating its recommendations in the *World Declaration on Higher Education: the new dynamics of higher education and research for societal change and development*. The first aspect that draws attention in the Introduction is the reference to the various pressures under which higher education finds itself in the knowledge society, in the sense of promoting academic freedom, qualified work and good governance, among other demands (UNESCO, 2009).

In this way, although UNESCO seems to diverge from the other organizations due to its humanitarian origins, and by recognizing education as a public good, the depth of the analysis in its narrative shows that the organization considers higher education as an input for the world of production. Thus, on proposing assessment in the direction of promoting excellence, this excellence is related to its relevance and pertinence to economic production, stimulating the embracing of private organizations in the segment and defending that the role of the State should be linked to international cooperation, international scale financing, and the regulation of private organizations, in the same commercial sense found in the OECD, the WB, and the WTO discourses.

After this systematization, it is possible to perceive that there is, among the international organizations, a homogenous and refined discourse, which is attuned to higher education and its assessment, with the potential to strongly influence various countries, especially developing ones, such as Brazil, given that the States constitute the natural environment for the materialization of international norms.

THE ASSESSMENT OF HIGHER EDUCATION IN BRAZIL

Public policy on assessment in higher education in Brazil can be classified in successive cycles:

- the first, from 1983 to 1992, characterized by various initiatives to organize an assessment process, with the existence of isolated assessments of a non-national character, such as the Assessment Program for University Reform (*Programa de Avaliação da Reforma Universitária* — PARU);
- the second, from 1993 to 2003, focusing on the elaboration of policies, and substantiated in the Institutional Assessment Program for Brazilian Universities (*Programa de Avaliação Institucional das Universidades Brasileiras* — PAIUM), also marked by the consolidation of the government proposal of the National Exam of Courses and of the Mega-examination (*Exame Nacional de Cursos e do Provão* — ENC/Provão);
- the third, from 2004 to the present, denominated SINAES.

In the first cycle of assessment, higher education was conceived as a public service, based on the debate carried out by public universities to understand how the university reform implemented by the military government occurred through Law No. 5.540/1968. Among these initiatives, the National Commission for the Reformulation of Higher Education (*Comissão Nacional de Reformulação do Ensino Superior* — CNRES) of 1985 was created. In 1986, the Executive Group for the Reform of Higher Education (*Grupo Executivo para a Reforma do Ensino Superior* — GERES) was also created. Debates were carried out about the assessment of higher education, between 1987 and 1988, with the intention of composing a public policy on them and the sector. From this, documents were produced that suggest institutional diversification, hierarchization, curricular flexibility, based on labor market demands and financing conditions, including public financing, to the achievement of goals. These implementations provoked strong reactions from the

Council of Chancellors of the Brazilian Universities (*Conselho de Reitores das Universidades Brasileiras* — CRUB) and the National Union of Professors of Higher Education (*Sindicato Nacional de Docentes das Instituições de Ensino Superior* — ANDES/SN), which essentially manifested themselves through documents during 1988 with the aim of offering an opposing view, critical of these implementations (Weber, 2010).

The second assessment cycle, which was short, sought to discuss the crisis in Brazilian universities. In this scenario, the National Commission of Assessment emerged, created by the Ministry of Education through Ordinance No. 130, of July 14th, 1993, aiming to establish guidelines, enable and implement the institutional assessment process for Brazilian universities. Among the ramifications of the actions of this Commission, an important initiative was the creation of ENC, aka “*Provação do MEC*”, through Law No. 131, November 24th, 1995.

Next, PAIUB is created, through Decree No. 2.026, of October 10th, 1996, which details the assessment process of the HEI, focusing on the quality of the education provided, especially at the undergraduate level. It delegated the establishment of criteria for assessment of the Master’s and Doctoral courses to the Commission of Professional Development of Personnel in Higher Education (*Comissão de Aperfeiçoamento de Pessoal de Nível Superior* — CAPES).

Soon after, Law No. 9.394, of December 20th, 1996, currently the Law of Guidelines and Bases for National Education (*Lei de Diretrizes e Bases da Educação Nacional* — LDB), revoked Law No. 4.024, of December 20th, 1961 — the first LDB. This norm constituted the concern with the assessment of scholastic achievement as a positive element and as a way of defining objectives and achieving quality education (art. 8, VIII). On the other hand, the indication of “raising statistics on studies and research” as instruments to subsidize the “improvement of quality and expansion” of higher education (art. 70, IV) established in the norm a strong relation with quantitative assessment and measuring, focusing on regulatory ends, and failing to present the qualitative and educational dimension, which focuses on the improvement of the educational process.

A few months later, in response to pressures of the private sector, Decree No. 2.207, of April 15th, 1997, established the diversification of higher education institutions: universities; university centers; full-time colleges; colleges; and Institutes of higher education, and Schools of higher education.

A little over two years later, Law No. 9.870, of November 23rd, 1999, inaugurating the Brazilian system of higher education, enables the participation of private for-profit entities, including open capital, which significantly expanded the possibilities of participation of private initiative. This fact brought new concerns with regulation and assessment, which turned out to be the only resources capable of preventing that the lucrative gains of these organizations could distort the educational training process offered. Thus, it is clear that the educational reforms carried out in the 1990s, in Brazil, including those in higher education, were marked by a neoliberal economic direction with the incorporation of principles, guidelines, and organizational arrangements that minimized the role of the State in the direct promotion of higher education and opened spaces increasingly broader for a redef-

inition of the social actors linked to the private educational market. This change is easy to perceive, especially considering the matrices of expansion to access and assessment held by Law No. 9.394/1996, of the Guidelines and Fundamentals of the National Education, which through a process of decentralizing the role of the State opened space for the marketing angle in the operations of higher education. More than that, the decentralization of higher education policy could not conjure the de-bureaucratization or autonomize teaching institutes, but to reiterate a part of the State's competences and transfer it to the subjects involved in the process, under regulation and supervision of the State (Lima and Mendes, 2006).

Some years later, in order to qualify and strengthen this assessment system, especially due to the expansion effect of private institutions with Law No. 9.870/1999, the third cycle is inaugurated with the promulgation of Law No. 10.861, of April 14th, 2004.

Then, SINAES is created, aimed at Brazilian undergraduate education, joining the ideas of institutional assessment, originating from PAIUB, of the assessment of majors, originating from the assessment of teaching conditions, and of student assessment, made concrete through "*Provaão*". The system was regulated by Decree No. 5.773/2006, known as the "bridge-decree", which organized a "legislative house-cleaning" in the regulatory norms, revoking previously pulverized decrees and defining competences and assessment tasks, regulation and supervision (Barreyro and Rothen, 2007).

Aiming to reconcile the need for regulatory assessment, due to the strong presence of private HEI, with formative/emancipatory assessment, at the level of State policy, the law ended up causing ambiguity in the definition of the assessment proposition and, consequently, the criteria and procedures to be adopted to carry it out. The attempt to include a formative and emancipatory perspective in the assessment system, however, already constituted an advance faced with the exclusive regulatory perspective that characterized the initiatives of the previous assessments (Hass, 2017; Rothen, 2019).

The National Higher Education Assessment System, under the terms of the law that created it,

aims to improve the quality of higher education, the orientation of the expansion of its offerings, the permanent increase in its institutional efficiency, and social and academic effectiveness and, especially, the promotion of the deepening of the social commitments and responsibilities of the institutions of higher education, by valuing its public mission, promoting democratic values, respecting differences and diversity, affirming autonomy and institutional identity. (Brasil, 2004, author's emphasis)

The conception of SINAES has as a central focus on the institutional assessment, which constitutes the process of collective reflection aimed at globally assessing the institution (Polidori, 2009), taking into consideration the various elements that form the educational institution from its own pedagogical-policy

proposal for implementation. The goal here, then, is to make decisions from the diagnostic of the institutional reality (Paraná, 2010).

Composed of the institutional assessment, the majors, and student performance, the system recognizes, at least normatively, the importance of ensuring that internal and external institutional assessments consider “the global and integrated analysis of dimensions, structures, relationships, social commitment, activities, outcomes, and social responsibilities of the institutes of higher education and their majors”, “the public character of all procedures, data, and results of the process of assessment”, “respect for the identity and diversity of institutions and courses”, and “the participation of the student body, faculty, and technical-administrative staff of the higher education institutions, and the civilian society, through their representations” (Brasil, 2004).

The highlight is that the results of these assessment procedures, in the realm of the regulation process, are conditioning factors for the accreditation and re-accreditation of institutions, or rather, for the regularity of their functioning (Brasil, 2004). The law created, still, an agency destined to conduct the assessment process of Brazilian higher education undergraduate courses, whichever ones they may be, whose competence were attributed by the law itself, fulfill the functions of coordinating and supervising the activities undergone within the environment of SINAES (Brasil, 2004).

Meanwhile, although SINAES did not suffer any alteration in its legal dimension, it did undergo dozens of other modifications in its regulatory and instrumental dimensions, which move toward accommodating the interests of the private higher education institutions, especially those with profit motives. These became nominally inexistant in 1999 — until Law No. 9.870 (1999), only non-profit entities could exist, although in practice they were lucrative —, to the tune of about 50% of the registered students over 20 years (Brasil, 2017a).

This evolutionary analysis, when compared to the narratives of international organizations, presented in the previous section, seems to move in the same direction, which requires a reflexive effort in order to analyze the degree of influence the framework of international organizations have on the Brazilian normative assessment. This is the subject of the following section.

ALIGNMENT OF SINAES WITH THE NARRATIVES OF INTERNATIONAL ORGANIZATIONS

The analysis of SINAES' alignment with the framework of international organizations on higher education and its assessment is important to show that, in practice, the insertion of assessment in the agenda, and the elaboration of solutions to attend to the needs identified by different educational actors had been increasingly internationalized.

In the sense indicated by the documents *Higher education: the lessons of experience*, of 1994, by the WB, and *Strategies for change and development in higher education: policy paper on higher education*, of 1995, by UNESCO, both previously mentioned, the modifications instituted through the evolution of the Brazilian normative are

aligned with these guidelines in the direction of establishing a competitive reality that is linked to the market, and structured by the ranking of institutions (Hood, 2004; Rothen, 2019).

This phenomenon can be recognized as transnational regulation, which is characterized by the influence of a set of outcomes of the international consultative and decision-making forums, based on understandings originated from central countries, which end up being adopted at the national level, generally through the establishment of programs of cooperation and development that are applied uniformly among many peripheral countries (Carneiro and Novaes, 2009).

The meaning of this alignment which entails the transnationalization of higher education constitutes the opening of this market to international capital, pointing to the commercialization of the sector in Brazil, which puts the social purposes of higher education on the back burner, as well as its treatment as an inalienable right, thereby subverting, in practice, the very treatment that should be given to it (Haas, 2017).

The alignment of Brazilian normative with international guidelines on what higher education should be for society is evidenced in the fact that the documents *World Declaration on Higher Education for the Twenty-First Century: vision and action*, of 1998, by UNESCO, and *Higher education in developing countries: peril and promise*, of 2000, by the WB, were relevant guidelines for the elaboration of Law No. 10.172/2001, the first National Education Plan of Brazil. Within the commitments established by this Plan, the Union was responsible for establishing a national system of education assessment, including higher education (Brasil, 2001), which was materialized through SINAES.

With the understanding that this phenomenon is widespread and does not appear only in the legal sphere, it is worth mentioning Decree No. 5.773, of May 9th, 2006, which was denominated “bridge-decree” by inaugurating, in the normative realm, the union between assessment and regulation, in addition to considering supervision as well. Article 1, § 3, establishes that the assessment of higher education defined by SINAES became the basic reference for regulating and supervision activities by the Public Power, with the objective of improving the quality of education.

To this end, this decree promoted the revocation of many other decrees, establishing, in general terms, the normative power of the Governor in Chief — the President of the Republic —, the powers of the Ministry of Education (MEC), of the National Council of Education (*Conselho Nacional de Educação* — CNE), CONAES, and the Anísio Teixeira National Institute of Educational Studies and Research (*Instituto Nacional de Estudos e Pesquisas Educacionais Anísio Teixeira* — INEP) in the scope of assessment of higher education. This was held in line with their organizational characteristics and with the legal normative of reference, namely, the law that created SINAES.

In general, then, one can clearly see the influence of international organizations on the formation of an assessment system that attributes the preponderance of regulatory function to the State, over its role as a direct provider and embraces various formats of HEI in response to the demand for diversification and flexibility

spurred by private institutions. Other important aspects were the stability and the predictability brought by SINAES, which contributed to checking the security of the HEI' execution of their programs — a special demand from the private institutions.

Another important regulation was Decree No. 5.786, of May 24th, 2006, which established the requirements for the composition of university centers — a minimum course load, and degree title — and relevant competencies — to create, organize and extinguish, in its headquarters, courses, majors, and programs of higher education, as well as redirecting vacancies or increasing vacancies in existing courses or majors —, creating a very desirable organizational situation beyond what was normatively permitted to “College” HEI.

This normative indirectly served the guidelines of OECD and the WB in the sense of flexibilization and autonomy of HEI, including private ones, extensively exploiting the constitutional postulate of an autonomous university.

From the perspective of the present article, it is worth citing Decree No. 6.303, of December 12th, 2007, which, in general terms, incremented the predictability of the assessment process, which contributed to the call for more “legal protection”, rallied by the private sector. This measure favored the perspective of professionalization of management, defended by the WB, as well as serving the predictability demanded by commercial activities, which were aligned with the WTO.

Decree No. 8.142, of November 21st, 2013, also important, among other arrangements, evidenced the issue of financing, arguing that MEC should promptly adopt precautionary measures in the exercise of its regulatory and supervisory functions in case of imminent risk or threat to the interests of students, or to ensure the budgetary health of Federal programs to access and encourage education, such as the programs “Student Financing” (FIES), and “University for All” (PROUNI). The two programs are examples of important initiatives to implement the guidelines for diversifying the funding offered by the State for higher education, according to the OECD and WB recommendations.

Closing this analysis of regulatory dimension, the second version of the “bridge-decree” revoked all the aforementioned decrees, having been brought to the table by Decree No. 9.235, of December 15th, 2017. This decree indicated an accentuation of the inclination by the interests of the biggest private institutions of higher education, for:

- modifications in the requirements for the composition of the teaching staff, reducing the level of degree status (title) and course load necessary, which resulted in the reduction of the payroll for personnel;
- the possibility of meeting the requirements of providing bibliographies in digital form;
- extending the possibilities of dispensing on site evaluations;
- facilitating the transference of maintenance.

These aspects serve to lead higher education more clearly in the direction of commercialization and, consequently, in service to the frameworks of the international organizations, especially the OECD, the WB, and the WTO.

In the instrumental dimension, Normative Ordinance No. 40, of December 12th, 2007, of MEC, which created the “e-MEC” in its first version, was the first broad procedural systemization of the assessment process and of its effects on the State’s regulation and supervision of assessment. Thus, the flow of the assessment system established by SINAES was embraced by the creation of the “e-MEC” system, which allowed a more detailed monitoring of all the HEI in the country’s Federal system. HEI maintained by the State, Federal, or district governments were not obliged to join SINAES.

The initial period of the system’s functioning generated intense debates in the sector, motivated especially by private initiatives, and specifically about difficulties in its operation, and the bureaucratization of the assessment process which, despite expected, mitigated the freedom of HEI by providing a more elaborate control platform (Fagundes, 2010).

On December 29, 2010, 3 (three) years after the first version of Normative Ordinance No. 40, of December 12th, 2007 — MEC, a second version was published in the Official Daily of the Union, in an act that was classified as “republication for errata”. Among the alterations in the writing of the *apparati*, the most relevant was the revocation of article 35, which established that the process had begun as a preliminary pilot, and the later versions constituting essential procedural adjustments. Along with the revoking of *apparati* from the first version of the ordinance, there were revocations of no less than 110 (one hundred and ten) other ordinances, sharply advancing in the process of the normative consolidation on the process of assessment of higher education.

These measures catered to pressure by private HEI, contributing to the flexibilization defended by all of the international organizations mentioned in the present study, dampening the effects of the assessment process regarding the market positioning of these institutions (Fagundes, 2011).

Another relevant modification to this normative was brought by Normative Ordinance No. 23, of December 20th, 2016, which excluded inputs for the calculation of the Preliminary Course Concept (*Conceito Preliminary de Curso* — CPC), and consequently the General Index of Courses (*Índice Geral de Cursos* — IGC) the mention of the “faculty, infrastructure, pedagogical-didactic resources, and other inputs” and determined that “the information referring to inputs used for the purposes of calculating the quality indicators would be made available to the institutions in a restricted access environment in the e-MEC system, for appreciation, and eventual manifestation” (Brasil, 2016).

These modifications permitted that, even with small investments, HEI could be assessed, which contributed to the consolidation of a business logic of cost reduction and proximity to the market in Brazilian higher education, corresponding with the OECD’s and WB’s discourse.

On the occasion of the implementation of Decree No. 9.235/2017, mentioned above, Normative Ordinance No. 040/2007-MEC, in its second version, is revoked. This act is substantiated in the publication of Normative Ordinances No. 20, 21, 22, and 23, all of them from December 21st, 2017. The first of them innovated by disciplining the procedures and the decisionary standard about accreditation and reaccreditation of HEI, as well as about the authorization, recognition, and renewal

of recognition of higher education courses, and, even, regarding the increase in course vacancies. The predictability running through this was well received by private HEI, which asking for more “legal security”, providing improvement to the instruments of management and consolidation of the business direction for academic management.

The second wave of normative ordinances focused exclusively on the organization of the e-MEC system, which was the central objective of the previous ordinance, treating aspects that were essentially procedural.

The third wave of ordinances dealt with supervision, under the responsibility of the Secretary of Regulation of Higher Education (*Secretaria de Regulação da Educação Superior* — SERES), under the terms of Decree No. 9.235/2017, inserted before the sanctioning procedure, a preparatory procedure destined to clarify the facts and, in case of confirmed deficiencies, gave the opportunity, in second place, to correct the procedure, and thus destined to apply corrective measures.

The last of these four normative ordinances structured the flow of the accreditation and reaccreditation of the institutions, and the authorization, recognitions, and renewal of recognition of courses in the sphere of higher education, as well as its respective addendums. In particular, the transference of maintenance.

This normative package deepened the adoption, by the assessment system of Brazilian higher education, of the private management logic defended by international organizations, without offering any indication of the conception of education as an instrument of social development, in addition to economic development.

Finally, also in 2017, intensifying the flexibilization, quantitative references were left out of the instruments of assessment, which promoted significant alterations in IGC calculations due to the fact that CPC constituted the main input. The measurement had been established in 2008, having been followed by small variations up to 2015, with a certain stability in the requirements for titling and the course load for the faculty, as well as in the demands for the composition of the bibliographic archive.

At that moment, the flexibilization of the assessment criteria allowed for a certain regulatory slackening, from an objective point of view, showing that the alterations were directed to attend to the demand for the sensibilization of the assessment process to the diversity of the arrangement of HEI. In the context of higher education in Brazil, this change especially served private institutions, considering that the public ones, be they universities or Federal Institutes of Technology, which consolidate, also at an instrumental level, the attention to the guidelines of the international organizations of economic in the sense of the incentive to diversify the formats of HEI — of the OECD, in *Universities under scrutiny* of 1987; of the WB, in *Higher education: the lessons of experience* of 1994, in the *Higher education in developing countries: peril and promise* of 2000, and in *Constructing knowledge societies: new challenges for tertiary education* de 2003 and of the WTO, in the *Global Agreement on Trade of Services* of 1994.

Focusing essentially on the expansion of the access associated to the improvement in the direction of the articulation with the educational need for the world of work, the international guidelines of UNESCO — contained in the *Strategies for change and development in higher education: policy paper on higher education* of

1995, in the *World Declaration on Higher Education for the Twenty-First Century: vision and action* of 1998, and in the *World Declaration on Higher Education: the new dynamics of higher education and research for societal change and development* of 2009 — appear in the assessment instruments external to HEI and Courses, defining aspects relative to the composition of the faculty. For example, criteria that refers to titles — to the composition of the educational proposals of the student body — such as transversely related contents from the perspective of the interdisciplinary character, such as education in human rights, education for ethno-racial relations, and environmental education, the dimensioning of labs, accessibility for people with special needs, the proximity with the labor market in the face of the mitigation of the impact titling has on professors (Brazil, 2017b).

The alterations of SINAES indicated in the present section show a sense of progressive alignments and, more recently, accentuated with the guidelines drawn from the international organizations indicated.

CONCLUSION

The chronological alignment, as well as the alignment of content and meaning, within the discussions promoted by the aforementioned international organizations on higher education and its assessment and SINAES is undeniable, evidencing that its very emergence and, more recently, the reforms promoted in its criteria and procedures, constitute effective compliance with the guidelines of international organizations.

Moreover, it is important to register that a significant number of Brazilian normative measures on the assessment of higher education, especially at the undergraduate level, were taken, in general lines, shortly after the presentation of the guidelines on the theme by international organizations, highlighting the concentration of measures in the 1990s, which paved the way to their legislation or regulation.

In this sense, the 2000s set up the consolidation of a Brazilian higher education assessment system, capable of dealing with the scenario that had been stimulated, and in which reforms were implemented from the previous decade. It demanded that the 2010s be refined, at an instrumental and regulatory level, based on evaluative criteria and procedures, taking into account the predictability customarily required by economic agents, including open capital, which came to comprise the greatest part of the sector of higher education in Brazilian undergraduate programs.

This mobilization of reforms occurred, intensively, in 2017, which is marked by establishing, simultaneously, the deepening of the instrumental systematization and the disciplining of the themes approached by them. The effect of this, sharpened in 2017, was to promote clarity and predictability about the assessment and supervision process, as well as about the respective regulatory effects. These characteristics hold typical concerns for private HEI, as can be seen from the contemplation in this normative system of their own characteristics — such as the disciplining of the responsibilities of maintaining and being maintained before the e-MEC — and the significant rise in the offer of elements apt to guarantee its juridic security.

The rise in predictability in the management of these institutions lead to compliance with the postulates of the international organizations — especially the

WB — incrementing the use of management tools in the realm of academic planning of higher education, conferring a business logic to the management of institutions.

This alignment contributed to the draining of meaning of higher education as a right, in the pragmatic field, ending up conferring it an undistinguishable treatment from that of a merchandise (service), which injures its conception as a human right, on an international scale, and as a fundamental right, on a national scale.

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