

## **Policies for Evaluation and Regulation of Higher Education in Brazil (1995-2010)<sup>i</sup>, supporting the expansion of private higher education.**

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### **Abstract**

*This paper analyzes the routes of the evaluation of higher education in Brazil, from 1995 until 2010.*

*In 1995, during Fernando Henrique Cardoso's administration, higher education began a process of expansion through private enterprise. At that time, evaluation had a key role. The focus was the evaluation of courses conducted by the Ministry of Education by the application of an assessment test to measure the quality of the system. With the results of this test, a ranking of institutions was created, and used later by these institutions for publicity purposes.*

*Since 2003, after Luiz Inácio Lula da Silva assumed the Presidency of the Brazilian Republic, the evaluation of higher education has been revised and institutionalized with the establishment of the National Higher Education Evaluation System (SINAES). This system displays a shift in the focus of evaluation, from institutional competition to quality improvement.*

*However, since Lula's second administration, evaluation has had extra features: new indices have been created and the rankings have arisen again, this time conducted by the Ministry of Education itself.*

*This paper examines the role of evaluation at those different moments, in Brazil, according to the context of changes resulting from globalization processes.*

**Key words:** Higher Education, Evaluation of Higher Education, Regulation of Higher education, Brazil

Evaluation is a theme which has been present in higher education debates in Brazil since the 1960's. In spite of that, it was only in the 1980's that systemic evaluation proposals would come to light.

They present two different conceptions of evaluation. In one of them, evaluation had a formative function and was not linked to the subsidy, being an internal process. In the other, evaluation had a strictly regulatory role: its results had implications for financing and, moreover, it was performed by external agents.

In this text, higher education policies developed between 1995 and 2010 will be analyzed considering the context of State and higher education reforms in which they were developed in during two administrations: Fernando Henrique Cardoso's and Luiz Inácio Lula da Silva's. The prevalence of one or another conception of education during the period aforementioned will also be considered (formative or regulatory)

### **Fernando Henrique Cardoso's administration: the evaluative State**

In 1995, when Fernando Henrique Cardoso assumed the Brazilian presidency, an implantation of a State Reform was begun. He established that the State should not render services which were not exclusively under its domain, and should diminish, significantly, the political mismanagement in the technical regulation of economic activities. Several regulatory authorities were created and mainly characterized by their state-related autonomy, and had as goals: to ensure private competition, defend consumers' interests, stimulate private investment, ensure investment reward, raise quality with cost-reduction, resolve conflicts between economical agents and inhibit abusive economical power. It was deployed the neoliberal model of administration.

According to Freitas (2004), from the 1990s, the influence of international policies of rich countries was felt in countries such as Brazil through the fiscal adjustment, the payment of the external debt, the State minimization, the privatization as a way of increasing local and international competitiveness, which led to a fragmentation of social movements and generated a conformist position. The education field has not been blinded to this context; through neoliberal public policies it now has a "neotechnicist" position. In this scenario, issues such as skills / abilities, equity and evaluation have become commonplace.

The neoliberal model of administration presents harmful effects on education, favoring the privatization and commodification of educational systems and the surfacing of a school management model based on business management. These changes have made the educational service more unequal and selective, since these policies have been accompanied by a declining investment in public education, teachers' deprofessionalization, the emphasis on a discourse of strengthening local democracy, accompanied by an increase in forms of control. As reported by Beckmann, Cooper, Hill

Education is being de-democratised and education workers' rights and securities eroded. The education workforce has become increasingly casualized and there has been decreased autonomy over the curriculum, pedagogy and assessment. These developments have been accompanied by increases in levels of report writing, testing, accountability, monitoring and surveillance both by in-house local management and by government external agencies. (Beckmann, Cooper, Hill 2012, p.312)

The neoliberal policy explains Hill (2003), is based on the increase of inequality and selectivity in all fields, including the educational, which brought as a result of the privatization of education, the cut of state resources, the encouragement of competition, having as ideology the discourse of efficiency and control.

These changes decreased the autonomy of schools and teachers on topics such as curriculum, assessment and teaching methods, which was followed by an increase in the discourse of accountability of educational institutions. For Hill (2006), another consequence of this policy was the casualization of teaching work, which had their rights diminished by the weakening of trade unions and the replacement of local wage agreement by national ones, which caused a distinction on these professional wages and strengthened the creation of a category of teachers called "temporary".

Under pressure from local and international capitalism the education was restructured, causing, according to Hill (2003), the commodification of education and reducing their concerns about goals, motivations and quality standards. The education opening to the market has made giant organizations start to manage the education, gradually increasing the privatization of education.

With the exception of Colombia, Brazil boasts the highest proportion of private education enrolments of any Latin American country. According to figures available in 2001, private enrolments as a percentage of total enrolments were: Colombia, 61 per cent; Brazil, 60 per cent; Nicaragua, 41 per cent; Peru, 31 per cent; Chile, 28 per cent; Guatemala, 19 per cent; Mexico, 17 per cent; and Argentina, 16 per cent (Patrinos, 2001)...Expansion of the private education industry in Latin America continues at a breakneck pace. (Hill, 2006, p. 38)

The private sector is involved with education in all countries whose capitalist logic prevails. However, this privatization takes various forms in different countries, in some, peripheral services such as the cleaning of educational institutions and the nourishment of students have already been completely privatized, it is the example of the UK, which beyond these sectors has also privatized the school inspection. (Hill; 2006)

As for Education, in Brazil, effectively, no regulatory authority such as the others was created. Not to mention that, at that time, some social actors believed the National Education Council could be such an authority. Edson Nunes<sup>v</sup> (2002) for instance, proposed that the Council should be reformed to work as a regulatory authority, with a strictly technical aspect.

Contrary to the expectations, instead of creating a regulatory authority in order to withdraw regulatory functions from the Ministry of Education, it was actually reinforced. In 1995, it was created the National Education Council (CNE), as a transformation of an antique Federal Council of Education. In this institutional design, the CNE “was planned to work predominantly on the guarantee of the State evaluating functions” (Gomes, 2002, p. 279). So this was done and it was its duty to deliberate upon the curricula guidelines, university statutes, and the accreditation and re-accreditation of institutions and approval of courses. Also, the Ministry of Education gained the duty of “formulating and evaluating the national education policy, dealing for the quality of education” (9131/95 Law) and it was prescribed the execution of the National Course Evaluation, known as “Provão”<sup>vi</sup>

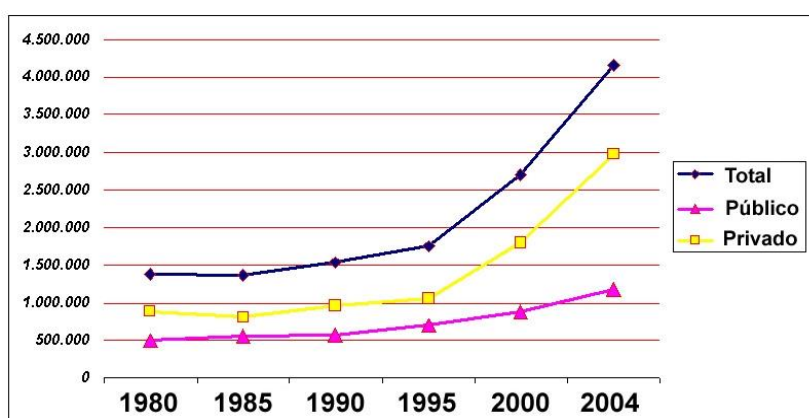
In 1996, the Law for National Education Basis and Guidelines (Lei. 9493/96) was promulgated. In the context of State Reform, this law facilitated higher education reforms which came to change the profile of this level of education.

In Brazil, private higher education exists since XIX century, but was in 1970 that private enrollments will surpass the public ones. During the 1980, it was a stagnation of enrollments but a big demand on vacancies. From 1968 two types of institutions exist: universities and faculties, but the ideal type was the university and the faculties were considered a previous step to become an university

Thus, the new legislation facilitated the expansion of higher education via the private sector, based on the diversification and creation of new institutional designs<sup>7</sup>, and based on application of periodical evaluations of institutions and authorization and acknowledgement of courses, as well as the accreditation of higher education institutions for a limited duration.

All these “specific reforms” (Sguissardi, 2006) in higher education, led to an exponential growth in student enrolment in higher education/ university courses, as shown in the graph.

**Graph I. The Growth in Student Enrolment in Undergraduate Courses Brazil 1980-2004**



Source: Barreyro (2008a)

We highlight that the LDB attributed to the Ministry the function of:

[...] applying periodical evaluation to institutions and higher education courses, employing comprehensive procedures and criteria on the diverse factors which

determine the quality and the efficiency of teaching, research and university extension (art. 3º).

In this scenario, education evaluation acquired an important role. Firstly, it referred to the application of an assessment test (National Course Exam 'Provão') to graduating students, however *in loco* evaluation procedures of graduation courses and institutions were then inserted due to the resistance of the academic community and student movement. The academic community, making use of media and of traditional means of scientific knowledge dissemination, denounced that evaluating institutions of higher education by a test performed by their students would be insufficient to evaluate both, teaching and other activities of higher education institutions. In turn, students through demonstrations and boycotts to the test denounced the test insufficiency for assessment, as well as they refused the result of each individual student grade was placed on their transcript, even after the Ministry of Education retreat the idea that individual grade was public, student movement leaderships continued to oppose examination and propose a boycott to testing.

Nevertheless, the Provão continued to be the main instrument in higher education evaluation. (Rothen e Schulz, 2007.) The Provão conceptually consisted of an evaluation, which was a product of higher education institutions and worked as reference for state and market regulation.

For Madaus (1988), the external evaluation has its basis in the control and comparison. The tests are constructed by specialized agencies and often guide policy decisions. According to the author, the way these tests are being used make the negatives aspects outweigh the possible gains, the tests have become "masters" and not instruments of education improvement. "The tests can become the ferocious master of the educational process, not the compliant servant they should be". (Madaus, 1988, p. 85)

This conception of external evaluation associated with control, comparison and competition among educational institutions is part of a wider educational policy. For Peroni (2009), capitalism is going through a period of crisis and to overcome it uses devices like globalization, productive restructuring and Third Way policies.

The emphasis on large-scale evaluation was intensified along with the redefinition of the role of the state that started to decline the investment in social areas, encouraged

partnerships and started to perform the role of "Appraiser State" (Sousa and Oliveira, 2003). Within this context arises the justification to control the quality of service, "the Appraiser State" assumes the role of coordination and control of the results taking into account the market as a parameter, therefore the assessments contents are externally determined and presented as the guiding principle competencies and skills required by productive restructuring.

Madaus (1988) states that tests represent symbolic power, because they are covered in objectivity and impartiality, promoting an idea of progress, that something is being done for education, as if the very act of assessing was a symbolic solution to the educational problems, ignoring that no assessment itself changes the status of an educational institution. "Any measurement of the status of an educational institution, on matter how well designed and well intentioned, inevitably changes its status." (Madaus, 1988, p. 89)

Stecher (2002) states that another adverse effect of large-scale evaluation is the narrowing of the curriculum, which causes the deletion of some contents, that are not covered by the tests, or the decreasing of the workload of a particular discipline.

Those effects will be negative when they focus on specific features of test content or format that are not broadly reflective of the domain. For example, reallocation of classroom time to emphasize topics covered by the test can be beneficial if the coverage that was reduced or eliminated is on topics that are clearly less important than those given added emphasis. (Stecher, 2002, p.89)

For Stecher (2002), the tests make teachers focus on one area more than another, which causes the exclusion or reduction of subjects that are not part of the program of external evaluations. Other techniques commonly used to increase the score in external evaluations and that does not reflect an increase in the quality of education, are: a training to answer the test, focusing on its format, and the exclusion of students with difficulties, encouraging their absence on assessment day.

Apparently, contrary to the ideas of managerial reform defenders - ideas which ideologically supported FHC's administration<sup>vii</sup> - there was invigoration of state bureaucracy, especially the Higher Education Secretariat (SESu). In 1997, the Institute of Pedagogical Studies (INEP) was turned into an autarchic organ<sup>viii</sup>; in this due to this change, the Institute was attributed with the function of developing higher and lower education evaluation systems, and with the function of "coordinating the process of

evaluation of the undergraduate courses” (Art. 1º inc. VI). The idea of creating a regulatory agency, in education, was concretized in the attempt to create an evaluation agency and distribute the regulation processes between the SESu and the CNE.

With the installation of the evaluation policy, the Ministry created – via ministerial ordinance – the Specialists Commission, with the purpose of creating quality criteria for each knowledge area. This option raised the “peer review” model, commonly used and recognized by the academia. These “Specialist Commissions” legitimated the evaluations, due to their technical/academic aspects. While centralizing higher education evaluation, the Ministry decentralized among the several specialists commissions the attribution of defining the quality standards which graduation courses should respect. The diversity of standards and instrument structure occurred not only in the National Course Exam but also in the *in loco* evaluation of courses and institutions.

The Education Ministry, in carrying out higher education evaluation, had as one of its main procedures the publication of results by the press, especially the results of the National Course Exam (Provão). The Provão results were all presented at once and with simplified information which allowed comparisons of institutions by the press. Each course was attributed with a concept which would vary from “E” to “A”. The reference was taken from the courses which had their percentage of correctly answered questions near the average, and this were attributed with the concept “C”, which meant their approval; the concepts “E” and “D” meant “failure” and the concepts “B” and “A” the “excellence”.

To distribute the concepts to each one of the Areas of knowledge the *Gaussian curve* used to be used, that is, 40% of the courses from the central part of the curve used to receive the concept C (approval), 18% from the courses with the best results used to receive the concept B and the following 12% concept A (excellence), on the other hand 18% of the courses with the lowest performance used to receive the concept D (failure) and the remaining 12%, the concept E. This formula’s misconception is found when comparing the results from different areas. This criterion assumed that in each Area of Knowledge there would be both good and bad courses, but the analysis showed that there are areas with homogenous results, showing no significant differences between the best results compared with the worst ones, due to this, good courses used to be reprovved even if their performances were close to the courses considered to be excellent, on the



contrary, there are areas which the results are too heterogeneous and courses whose performances were too far from the best ones were approved. (Rothen, 2003).

One of the distortions of this practice was that, mandatorily, in every area there would be courses with negative evaluation and courses with positive evaluation, that is, even in areas which the performance of students of all courses were high, there would still be courses evaluated negatively, and the contrary would happen as well. Also, there was no clear signalization of what the minimum acceptable quality standard was. In this context, evaluation would be an instrument to stimulate the competition among several courses. In the view of the Ministry, institutions with the worst results would be closed whether by the state or by the “invisible hand of the market”.

In 2001, the Institute of Pedagogical Studies (INEP), that had been attributed the function of evaluating undergraduate and lower education systems, in 1996, reinforced its function as an evaluation agency was reinforced by the Decree 3.860, which altered the regulation of the Federal Education System. In this decree, the Ministry of Education was responsible for the evaluation coordination, and INEP was responsible for its organization. In order to operationalize the evaluation, INEP elaborated manuals for the evaluation of graduation courses and institutions, defining quality indices. In this technical activity, the institute actually defined what the quality standards of higher education should be.

The importance attached to goals and the setting of quality standards external to education is not limited to Brazil, it is a tendency in all countries ruled by neoliberal logic. Although each one presents particularities in this process, the base and the results are the same, the legitimization of inequality.

With improvement through standards and control, the emphasis is on 'standards not structures' and on supposedly non-ideological technical efficiency. Governmental and managerial control over education has been increased, and reinforced by punitive measures - for example, **through increasing use of compulsory testing**; setting measurable targets; centralised control of the school and ITE curriculum; surveillance and monitoring of pupils, teachers and those involved in 'initial teacher training'; punishment of 'failing' teachers, schools, Local Education Authorities (LEAs), teacher training departments...(Hill, 2001, p.06)(emphasis added)

As attested by the studies of Hill (2001), the neoliberal logic is also present in the British government that advocates the improvement of education through increased controlling regulations, punitive measures and external evaluations. Thus, the English educational system impoverished in the past 30 years, which affected the fairness, the democracy and workers' rights (Beckmann, Cooper and Hill, 2012).

Since 1979, the autonomy of the educational system in England has decreased thanks to intensified surveillance and controlling mechanisms, accomplished through assessments, development of performance tables with the intention of shaming and blaming the schools, which has often led to closure or privatization of some educational institutions and merit pay for education professionals. This approach has led to an increasing pressure on teachers and students and a difficulty to recruit new professors to work in education (Beckmann, Cooper and Hill 2012).

According to Beckmann, Cooper and Hill (2012), British universities are succumbing before a neoliberal management based on competitiveness, deregulation of government privatization of educational services and a fragmented view of the human being. For the authors, the college student is seen as a customer. The resources available for higher education have declined, pushing universities to enter into partnerships, resulting in a fusion of academic values with trade values.

In this new context, there is a decrease in the discourse of ethics and of critical consciousness and an emphasis on the competitiveness issue, external indicators and a growing bureaucracy. The academics are being pressured to join the market, conducting researches often ordered and having difficulty in achieving funding for researches that are not interesting for the market, it is what might be called the commodification of culture. (Beckmann, Cooper, Hill, 2012 )

Hill (2003) highlights that according to the "White Paper" of higher education of 2003, only a few universities can be devoted to research, most of them should be just devoted to teaching, i.e., within the neoliberal context it is not appropriate all universities produce knowledge, it is enough to distribute them. The universities designed to research aimed to meet the elite. In Brazil this view is explicit in legal changes aimed to diversify the institutional models in order to replace the single model of institutions that link education to research.

Britain, the U.S., Australia and New Zealand turned their education systems into a profitable product, increasing social inequality. There was a hierarchy of universities. In Britain, the best universities started to charge an admission fee that complements the amount subsidized by the State, which excludes the poorest population of the university (Hill, 2003).

Hill (2003) points out that the universities in Britain eased their statutes so that they could charge whatever they wanted of their students and were able to be self-management, which also occurred in the U.S. through the privatization of the public system and the implementation of the voucher system study.

Market language replaced the common language of the educational system, the teacher must deliver a product, operationalising this delivery and facilitating the costumers learning (Hill, 2003, p.34). All this followed by the idea of quality management, in which students are considered customers and the development of skills valued by the labor market is more important than the development of a critical consciousness.

In Fernando Henrique Cardoso's administration, the government policy in relation to higher education evaluation, changes the formative institutional auto-evaluation practices, by an examination to regulate and control institutions via the market; that is: the examination results would be the information about the quality of courses which the Ministry offered the higher education consumers' market.

### **Lula's first administration (2003-2010): University Reform and SINAES**

Luiz Inácio Lula da Silva's Inauguration, in 2003, was filled with changing expectations in relation to the previous administration, mainly by belonging to a left party which was based on the trade union movement and was radically critical of the neoliberal thesis.<sup>ix</sup>

In the electoral campaign education proposals were manifested in the document "Uma escola do tamanho do Brasil" (A School as Big as Brazil).

In the part of the Program dedicated to higher education, the idea of higher education as a fundamental part in a project of national development is clearly expressed, and for

that, Universities and Research Institutes should be valued. The Program recognizes the access to higher education as social demand and indicates that:

It is necessary to break the established logic in which vacancies at public schools are reserved to the poor ones during basic education, and the access to low quality private colleges and universities, while the elite is granted access to qualified private schools which will prepare students to achieve better results in admission tests which will give them the best vacancies in Brazilian public universities, where the highest level of education is (Programa De Governo: p.3).

The most relevant proposals of the Program are: expansion of vacancies (to serve 30%, 18~24 age group) and expansion of vacancies in the public sector to 40% of the total. (Programa De Governo, p. 18-23) Yet, the Program emphasizes the commitment to the public institutions, whose role is considered strategic for the country development, and which would be the reference for the group of higher education institutions, whose vacancies should be expanded as a priority. The Plan highlights the “expansion of funding to the public sector” (p. 21). Yet, the Program proposes a revision on the higher education evaluation and the implantation of a national evaluation system based on the principle that the assessment is a process conducted by the Higher Education Institutions and the disclosure of its results is an institutional policy, an idea that is identified in Brazil with the "Federal Universities, the Program of Institutional Evaluation of Brazilian Universities (PAIUB).

One of the first acts of the new government was the installation of a commission to elaborate a new proposal of higher education evaluation. The “Special Commission for Evaluation” (CEA), composed in the majority by public institution academics (many had participated in the PAIUB), presented an evaluation proposal with an emancipatory approach, which received the designation of National Higher Education Evaluation System (SINAES). However, there was an argument in the government backstage between the Minister of Education, Cristovam Buarque, who defended the maintenance of Provão, and the Special Commission for Evaluation. Contrary to the CEA, the Minister proposed to institute the National Higher Education Progress and Evaluation System (SINAPES), which targeted the publication of evaluation results expressed by the Higher Education Development Index (IDES)

With the ministerial reform, implemented at the beginning of 2004, there was a change of Minister of Education, and Tarso Genro assumed the post. An important part of the

Commission's proposal was used in the procedure of the Temporary Act in the National Congress which instituted the evaluation system. The SINAES Law was sanctioned, and the evaluation was established at three levels: institution, course and students. In the legislation, it was prescribed that these three levels would be interdependent to obtain more complete information. The declared goal of the evaluation was to improve quality, and to expand the public mission of higher education<sup>x</sup>. The results, yet, constituted "basic reference of regulation and supervision processes of higher education", defining such processes as "accreditation, renovation, the authorization, the acknowledgement and acknowledgement renewal of graduation courses"<sup>xi</sup>. With the SINAES, the separation of evaluation from regulation was objectified, although the first one was the supporting element for the second one.

For the institutional evaluation, ten dimensions were defined (art. 3<sup>o</sup>). The process would start with a self-evaluation, and for its execution the legislation established the creation of an Evaluation Commission at each institution, with the attribution of organizing such processes, granting a relative level of independence. The self-evaluation would be complemented with an external evaluation, performed by registered members, qualified by the Ministry of Education. The evaluation of courses would be executed considering three dimensions: profile of faculty, infra-structure, and didactic-pedagogical organization (art. 4<sup>o</sup>), as established in the Evaluation of Education Conditions, in the previous administration. As for the Student Development National Exam (ENADE), the Law prescribed that the contents, abilities and competencies to be evaluated should be expressed in the curricula guidelines (art.5 §1)<sup>xii</sup>. Yet, in the Law, it was prescribed that the concepts would be organized in a scale, having as reference the "minimum standards defined by specialists of different knowledge areas" (Art. 5 § 8<sup>o</sup>). The ENADE, different from Provão, would be sample-based, applied to students of the first and last years of the courses which would triennially integrate the exam.

The INEP – autarchic organ which already carried out the evaluation process instituted by Fernando Henrique Cardoso's administration – would be held responsible for "defining the criteria and technical procedures for the application of the Exam".

With the implantation of the SINAES, a new organ was created, the National Commission for Higher Education Evaluation (CONAES), whose functions were the coordination and supervision of SINAES. Differing to other similar agencies, it was part of the Ministry and was linked to the Minister's Office. The CONAES was neither a regulatory authority, nor did it perform the evaluations: it was a commission which *advised* about evaluation *technical questions*: especially, it would provide guidelines for the preparation of instruments which would be used in the selection of evaluators who perform external evaluations.

Simultaneously, during Lula's first administration and with Tarso Genro in charge of the Ministry of Education, a Project of *University Reform* was elaborated, whose first version was presented in December, 2004. At its presentation, it was manifested that the "foreproject" was a "position document", but open to public consultation in order to receive suggestions for the final version. It was asserted that the proposal would "reestablish the role of the state as a supporter of Federal Institutions of Higher Education and regulator of the Federal System of Higher Education (BRASIL, 2004a:1). It was intended to assure autonomy to institutions, having as correlates the evaluation and democratic management. It stated the government's commitment to public university and "expressed the political view stated in Lula's government program." (p.1.)

The most polemical issue of the foreproject was the proposal of "social control" of the institutions (art. 20 e 21). According to this the universities would work with civil society representatives, via creation of a social communitarian council, which would ensure the participation of the wider society. In this council there should be public authorities, "always with major participation of representatives of technological and scientific fomentation organisms, corporate entities, class associations, syndicates and civil society." (art. 20).

The publicity leaflet for the reform announced: "1. Reform to strengthen the Public University and 2. Reform to stop the marketization of higher education". On the same leaflet, a chart with the title: "Against Higher Education Marketization" indicated that "the Ministry of Education adopted, in 2004, a series of legal measures to regulate the expansion of private higher education towards a qualified, regional-development-directed, and social-interest-concerned education." (MEC 2004b:4)<sup>xiii</sup>.

The University Reform proposal, as the previous analysis depicts, was presented with a rhetoric which showed some questioning of the conception of higher education as commodity. The first version of the project faced reactions, especially from the private sector, which generated the National Free Educational Initiative Forum, set up by the most important organisms of this sector, with the purpose of participating in the university reform debate. With their active intervention on the public consultation, the University Reform underwent substantial alterations. Even so, the third version presented characteristics of “strengthening the federal public sector and the regulation of the federal public and private sector system” (SILVA JR.; SGUISSARDI, 2005: 24). There was a fourth version (by the Presidency) which was sent to the National Congress (Bill 7.200/06). Almost 400 requests for amendment were presented to the Project, which remain, since then, unappreciated `unappreciated? Unaccepted? Undiscussed? in the Chamber of Deputies (lower house of the congress).

Without waiting for the debate in the Congress, Lula’s administration executed, partially, a *university reform*. The regulation issue was addressed by the Federal Decree n° 5773/06, in which procedures to execute the functions of regulation, supervision and evaluation of courses and institutions were set out. For the first time in the law, there was a definition of such functions. The regulation would be executed via “administrative acts for the operation of courses and institutions”<sup>xiv</sup>. The supervision would be executed in order to “ensure conformity of higher education offer to the applicable legislation”<sup>xv</sup> (that is, control for the compliance with norms). The evaluation would be “basic reference for the higher education regulation and supervision processes” to promote quality improvement<sup>xvi</sup>.

The Decree 5773/06 established that in the evaluation executed by the SINAES the quality standards would be elaborated by the CONAES, which would establish the guidelines for the creation of the instruments. After the elaboration of the instruments by the INEP, this Commission would approve of and send them to the ratification of the Minister<sup>xvii</sup>.

In short, during Lula’s first administration, there was an institutionalization of the evaluation via the ratification of the law which instituted the SINAES, changing the focus of the evaluation from a centralized assessment test to an institutional evaluation

with other instruments. A formative evaluation with community participation through the institutional auto-evaluation executed by the CPAs was fomented. The SINAES law stated the aspect of higher education as a public good, differing to the market conceptions adopted by the previous administration.

The new legislation continued the tendency from the previous administration, regarding the maintenance of evaluation and regulation processes at the ministerial level. The INEP continued to be an autarchic organ, focusing on the publication of educational information and statistics and emphasis on the evaluation<sup>xviii</sup>, and after the SINAES law, the INEP reasserted its identity as an agency in charge of executing evaluations, concentrating all the evaluating procedures (institutions, courses and students) and the finalities (entry or permanence in the system).

### **Lula's second administration (2007- 2010): the return of the rankings**

During the second administration, the regulatory conception of evaluation was consolidated in the practices of the Ministry of Education. Back in the first administration the published official guidelines whether adopted the formative view or the regulatory view, pointing to the divergence of conceptions within the Ministry.

Despite keeping the denomination SINAES, procedures which were contrary to it were established in 2007; supervision procedures were created based on the results of the assessment test ENADE, disregarding the results of institutional and course evaluations. Thus, courses such as Law, Medical Studies, and Pedagogy which presented results inferior to 3 on the ENADE were the only ones to host *in loco* evaluations, a mandatory procedure common to all graduation courses according to the SINAES law.

However, in September 2008, the return of competition mechanisms was started, having as a reference the evaluations executed by the Ministry. In fact, at that moment the Preliminary Course Concept (CPC) was created, fundamentally based on ENADE results, and inputs such as: institutional infra-structure, organization of teaching plans and faculty qualification, and dedication to course. These inputs were obtained from student's answers to the social-economical ENADE questionnaire, replacing *in loco* evaluations. Only 1800 - out of the expected 3000 per year - *in loco* evaluations were executed, and the visits were to courses which reached results no higher than 3,



consequently not complying with the valid law nor with one of the SINAES axis: the formative evaluation.

Along with the creation of simplified indices, also in 2008, the Institution Courses General Index (IGC) was created, composed by the weighted average of the evaluated courses of each institution and the weighted average of results published by CAPES in the evaluations from Post-Graduate Programs.

The IGC was presented at the public announcement of the 2007 ENADE results as a ranking elaborated by the Ministry and widely divulged by the press. At the publication of the ENADE results, in 2009, there were two alterations: the diminution on the importance of the ENADE results for the composition of the CPC and of the IGC, and the non-elaboration of the ranking by the Ministry. As in FHC's administration, in 2009 the press itself elaborated a ranking with the official data (ROTHEN & BARREYRO, 2011)

In short, during Lula's second administration, the prevalence of the ENADE results in the system supervision and the creation of Concepts and Indices have indicated a gradual return to the conceptions of evaluation for regulation. The divulgation of the ranking of institutions – for the first time, elaborated by the Ministry – brings back the competition practices, which was a mark of the Provão, in the previous FHC administration.

## **Conclusions**

During FHC's administration, coherent with the State Reform proposed at that time, a higher education reform based on the expansion of this level of education via private sector was started. The system was planned to have evaluation as a regulation system via market. Thus, it can be said that a private higher education state policy was created.

In the beginning of Lula's first administration, having as reference the critics of the Government Plan to higher education evaluation, there was an attempt to create an evaluation system based on the PAIUB. After external reactions and divergences even inside the government, the SINAES was instituted. Also, a University Reform proposal was sent to Congress, but was not voted on.

During Lula's second administration, there was an expansion of the system via public sector, but it was not enough to stop the preponderance of the private sector, which in 2007 still had 75% of the enrollments. The ascendancy of the private sector and the urgent necessity of regulation which the SINAES did not offer, the Ministry of Education returned to the ranking practice, based on the super-appreciation of large-scale exam results, ENADE, which, along with other data, allowed the divulgation of easy-understanding results through indices and rankings. Such was the consolidation of the Higher Education Reform during FHC's administration: expansion via private sector and control via evaluation.

The privatization of public services in education area has created a competitive market for services that should promote social welfare, making the educational market by market marked by selection and exclusion, which reinforces the growth of inequalities. The privatization is accompanied by a cut in the budget for spending on education, which is a characteristic of neoliberalism. According to Hill (2003), the ideology of neoliberalism argues that market rules (and privatization) may be compatible with the education sector.

For Hill (2003), this association between market (privatization), and education is a farce whose goal is to promote exclusion and increase inequality. For the author, education is not a commodity to be bought and sold, what can be purchased are the means for education, but not the learning itself. Education and the capitalist market have (or should provide) each other, since the capitalist market foresees the exploitation of the weakest for the benefit of the strongest; and education should promote equal opportunities.

Another policy commonly used within the neoliberal model of administration is the valorization of testing as a way to measure the knowledge and stimulating unequal levels of quality for education.

The evaluations are being used as an educational barometer, through this policy, the government insists upon results from schools and universities, ignoring that is possible and common to increase the score without making it implying on the increasing of knowledge domain. For Stecher (2002), who knows the curriculum has performed well in tests, but not always who has performed well in tests knows the curriculum, once it is

possible to perform the skills training that are charged and ignore the rest. The test performance is an important issue for politicians, but not

It is necessary to investigate the effects of these assessments at different levels of education, for example, there is the episode of the state of Texas cited by Stecher (2002) that had a considerable increase in the retention and subsequent abandonment of African students to avoid poor performance in external evaluations. Therefore, it is unclear the relationship between external evaluation and quality education.

It is in this sense that Madaus (1988) states that social areas can not be evaluated mechanically and externally, as this type of procedure distorts the education process, reducing the quantitative aspect, stimulating the manipulation of results and increasing the level of marketing education. In this sense the author quotes an episode of Japan, which promotes preparatory courses for different types of external evaluation to which students are subjected, which created a new market.

Freitas (2004) corroborates Madaus (1998), Stecher (2002) and Hill (2001, 2003 and 2006) affirmations and emphasizes that the exclusion happens according to the cultural background of the student; the exclusion started to occur more subtly in the interior of the school (or university). There was a change in the form of exclusion, it happened before in basic education due to lack of vacancies, now it happens gradually at different levels of education, what happens with lower political costs, because you can always blame the students themselves

The Brazilian educational policy favors the external assessment at different levels of education, focusing on competition among different schools and /or among teachers, as if "the quality of the product was very competitive and not a collective." (Freitas, 2004, p.148)

The formative evaluation, focused on the quality improvement and the participation was developed by the SINAES. Evaluation as way of controlling was with the Provão and was regained with the indices and rankings in Lula's second administration.

It is important to highlight that in Lula's higher education policy, differing to FHC's, evaluation was not central. Thus, we can conclude that, although some "supervision"

processes were started by the Ministry of Education in 2008, there was *state regulation with market strategies over the private sector*. In the varying practice of the higher education evaluation policy, indices and rankings win the dispute when compared to formative evaluation.

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## Notes

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<sup>i</sup> This text has been elaborated with contributions from the research: “Avaliação da educação superior: concepções e atores”, developed by Gladys B. Barreyro, supported by FAPESP (Fundação de Amparo à Pesquisa do Estado de São Paulo) and by José Carlos Rothen.

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<sup>vi</sup> “Provão” means “Big Test”

<sup>vii</sup> The position of Bresser Pereira (1998) directed an important part of the reforms undertaken by FHC’s administration.

<sup>viii</sup> Via Temporary Act 1.568 de 14/2/1997, converted by the National Congress into the Law 9.448, 14/3/1997.

<sup>ix</sup> Luiz Inácio Lula da Silva was a union automotive leader in São Paulo, Brazil, in the late 1970 during brazilian military government. In 1980 Lula and a group of intellectual, academics and union leaders founded the Workers Party (Partido dos Trabalhadores) with left ideas. Lula was a presidential candidate in the 1989 election (the first to elect a president by direct popular vote since 1960), but he was not elected. In 1994 and in 1998 he was also a candidate but he lost to Fernando Henrique Cardoso. It was only in 2002 that Lula and the Workers Party, arrived to the presidency

<sup>x</sup> Law 10861, art. 1° § 1°

<sup>xi</sup> Law 10861, art. 2°, one section only.

<sup>xii</sup> In an attempt to make the organization of graduation courses more flexible, the LDB/1996 prescribed that these courses should be regulated by Curricula Guidelines; thus, complying with the general principles stated by the Guidelines, the institutions could structure their courses more freely and according to their necessities.

<sup>xiii</sup> The listed ordinances are n°1217, 1263, 1264, 2477 and 3065, from 2004, all of them aiming higher education regulation procedures; an allegedly attempt to control the uncontrolled expansion.

<sup>xiv</sup> Decree 5.773/06, art. 1°§ 1

<sup>xv</sup> Decree 5.773/06, art. 1° §2°.

<sup>xvi</sup> Decree 5.773/06, art. 1° §3°

<sup>xvii</sup> Decree 5.773/06, art. 8.

<sup>xviii</sup> Decree 4.633/03