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Public policies for the assessment of quality of the Brazilian higher education system

Políticas públicas de avaliação da qualidade no sistema brasileiro de ensino superior

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Abstract

The present article aims to perform a historical and political analysis of the emergence of the concept of quality education in the Brazilian educational system. To reach this goal, it examines the notion of the "right to education" or "educational public service" as a public good. This article also discusses the organization of the Brazilian educational system and the issues related to the restrictive and formal interpretations of educational assessment, especially in the context of the neo-liberal proposal that characterized the 1990s. It examines the concept of quality and the possibility of its implementation through the determinations established in the Brazilian Constitution according to a substantial interpretation of assessment policies.

Keywords: public policies; assessment policy; higher education, public service in Brazil; university autonomy.

Resumo

O presente artigo tem como objeto a análise histórica e política do surgimento da ideia de qualidade de ensino na organização da educação no Brasil. Para atingir este propósito problematiza a tomada do "direito à educação" ou "serviço público educacional" como um bem público. Discorre sobre a organização do sistema educacional brasileiro e tece considerações sobre o problema das interpretações restritivas e formais da avaliação educacional, principalmente nos termos da proposta neoliberal típica da década de 1990. Faz considerações sobre o conceito de qualidade e a possibilidade de sua efetivação por intermédio das determinações constantes na Constituição brasileira, segundo uma interpretação substancial das políticas públicas avaliativas.

Palavras-chave: políticas públicas; política de avaliação; ensino superior, serviço público no Brasil; autonomia universitária.

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1. INTRODUCTION

The present article aims to study the relationship between public policies that evaluate educational quality and the “public good” character assigned to education by the Brazilian constitutional legal system: education is sometimes provided as a public service and sometimes provided as a private economic activity. In Brazil, there is a difference between the legal system and the economic system of service provision. However, the assessment policies are the same for both sectors, implying a strong state intervention in regulating the sectors. In this context, the primary goal of the present study is to provide an answer to the following questions: How were the public policies that evaluate educational quality in Brazil established? Is the National Higher Education Assessment System (Sistema Nacional de Avaliação de Educação Superior - SINAES) the appropriate means to ensure the public character of education, as provided for in the Federal Constitution?

These seemingly simple questions are of crucial importance at the present moment. Increasingly, assessment has become an instrument to verify economic or merely managerial performance, with a preference for quantitative, estimative, and formal criteria, to the detriment of the establishment of an assessment based on effectively qualitative and substantial policy proposals. The proposed study demands a fundamentally deductive methodology, based on doctrinal and legislative research on the theme.

Interdisciplinary sources were chosen, taking as background the thoughts of certain important educators. To achieve the goal of this study, it was essential to consult legal authors who focus on public law, particularly within the context of fundamental rights, public services, and the educational legal system itself. It seemed important to present a brief initial exposition on education as a fundamental human right, which results in general principles derived from sources that extend beyond the Constitution itself. Next, elements that contextualize the educational public service within the organizational structure of the state were incorporated into the analysis. The aim was to highlight the notion that the state has the “duty” of not only providing but also fostering (supporting, defending, evaluating and protecting) education.

The core of the study focused on proposing the manner by which the assessment of the quality of education can be framed as an effective public policy to be implemented. This proposal occurs in both formal and material terms; that is, the assessment process is observed according to (but not exclusively) what the legal system

envisages. After all, there must be a social and political aspect of the evaluation that guarantees legitimacy to the set of rules on the matter. Based on this perspective, it becomes imperative to emphasize a critique of the restricted conception that is commonly applied to the current assessment policies that fail to result in an effective mechanism to improve educational quality in Brazil. The evidence of this fact is the terrible results that have been found in all educational levels (notably when focusing on higher education). What might be the role of evaluation policies in changing this situation? What would be its foundation?

After setting the operational definitions and describing the central object of this study, a plausible answer to the initial and adjacent questions was sought by means of a preliminary definition of the idea of quality as established by one of the leading educational public policies (the SINAES). Although, methodologically, this study is not restricted to teaching, given that the policies of evaluation should also include research, extension, and management, one of the foci of the problematic assessment activities is definitely in this area (teaching), whose social-level projection justifies this preference). The large increase in demand for education in recent years in Brazil has highlighted the importance of the field, drawing the attention of national governments and international organizations to the issue of education. Furthermore, because the investment necessary for the maintenance of higher education in comparison to basic education is notoriously higher, the issue has gained particular importance, becoming part of the agenda of most social and democratic law states (as well as several international agencies).

2. EDUCATION AS A FUNDAMENTAL RIGHT AND DUTY OF THE STATE

The promulgation of the 1988 Constitution is responsible for inserting the concept of quality (as a key element to be considered) into the establishment of public educational policies. It is observed that Brazil, in addition to many contemporary states, was influenced by the positivization of fundamental rights, including the right to education, in the constitutional order. Dalmo Dallari states that the fundamental human rights are those whose validity is inviolable, timeless, and universal.¹ For this reason, they may be considered supra-constitutional rights, that is, they are above the Constitution itself. This notion is the prevailing idea in Brazil.

To think of supra-constitutionality is to accept that certain rights are incorporated into the juridical order because they are part of human ideals at the international level; therefore, they are considered to be above the Constitution. Currently, it is common

¹ DALLARI, Dalmo de Abreu. Um breve histórico dos direitos humanos. In: CARVALHO, José Sérgio (Org.). **Educação, cidadania e direitos humanos**. Petrópolis: Vozes, 2004. p. 35-37.

to understand this set of basic human rights as universal standards,² that inspire and influence domestic laws and the ideals of society.³ In this category are included the notions of freedom, equality, citizenship, sovereignty, republic, democracy, etc.

Such rights and guarantees are understood as intrinsic to all human beings and should not only be respected but also be provided by constitutional states that have opted for the social-democratic model.⁴ The Universal Declaration of Human Rights (UN, 1948) establishes the right to education as a means of human development. That is, this policy underlines the importance of educational quality as a right.⁵ It is in these terms that social services are established as indispensable obligations of state organization, the political entity responsible for the protection of fundamental rights. It is the state's duty to provide, manage, supervise, evaluate, and ensure the achievement of educational rights (a type of social rights). Fruit of the ideological transcendence of ancient classical liberalism, the welfare state (not to be confused with the socialist state)⁶ consists of certain fundamental elements: legal security, the protection of fundamental rights (civil, political, and especially social), the obligation by the state to organize society, and the guarantee of democratic self-determination.

Permeating the different versions of the Brazilian Constitutions, it is possible to verify the incorporation of a few generations (or, for some authors, the real "dimensions") of fundamental rights,⁷ not only with regard to political rights but also, and primarily, with regard to social rights. This real evolution, or as Fábio Konder Comparato suggests, "historical affirmation", did not occur as a merely internal phenomenon: it stems from a broader paradigm at the international level.⁸ It turns out that the affirmation of fundamental rights in political declarations is as relevant as the fact that Brazilian citizens effectively recognize the state as the legal entity responsible for providing

² About the universality of human rights, see: KROETZ, Flávia Saldanha. Between global consensus and local deviation: a critical approach on the universality of human rights, regional human rights systems, and cultural diversity. **Revista de Investigações Constitucionais**, Curitiba, vol. 3, n. 1, p. 43-58, jan./abr. 2016.

³ To understand how human rights were developed in non-European civilizations, see: BAEZ, Narciso Leandro Xavier; MARCO, Cristhian Magnus de. O surgimento dos direitos humanos fundamentais nas civilizações não europeias. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 13, n. 54, p. 185-206, out./dez. 2013.

⁴ BOBBIO, Norberto. **Dicionário de Política**. 12. ed. Brasília: UNB, 2002. p. 1193.

⁵ GORCZEVSKI, Clóvis. Direitos humanos, educação e cidadania. In: LEAL, Rogério; REIS, Jorge Renato dos (Orgs.). **Direitos sociais & políticas públicas**. Santa Cruz do Sul: EDUNISC, 2005. p. 1291.

⁶ About the legal arrangements of the welfare state, see: RODRÍGUEZ-ARANA MUÑOZ, Jaime. La participación en el Estado social y democrático de Derecho. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 12, n. 48, p. 13-40, abr./jun. 2012; and also: MORAIS, José Luis Bolzan de; BRUM, Guilherme Valle. Estado Social, legitimidade democrática e o controle de políticas públicas pelo Supremo Tribunal Federal. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 16, n. 63, p. 107-136, jan./mar. 2016.

⁷ DIMOULIS, Dimitri; MARTINS, Leonardo. **Teoria geral dos direitos fundamentais**. 2 ed., São Paulo: RT, 2009, p. 31.

⁸ COMPARATO, Fábio Konder. **A afirmação histórica dos direitos humanos**. 4. ed. São Paulo: Saraiva, 2005.

access to social rights (Federal Constitution, art. 6).⁹ This is true not only at the administrative level but also at the juridical level itself (in this field, the participation of the prosecutor's office becomes highly relevant).¹⁰

Education is a right that guarantees other rights. Thus, the need for quality universal education becomes one of the main challenges for achieving a social and democratic state.¹¹ For this reason, it is currently possible to understand education as a "public good", that is, a fundamental human right that implies a duty on the part of the state to implement certain policies (including assessment) for its effectuation. This conception requires the understanding of education as a public service when provided by the state (even if the private sector is also free to provide this activity). In Brazil, public services typically provided by the state (such as energy, ports, telecommunications, transportation, postal service, etc.) are prohibited to the market. Such activities require a special delegation to be explored by a private initiative.

However, this is not the case with education. As Carlos Ari Sundfeld emphasizes, "the provision of such services [social services such as education] is an unavoidable duty of the state, and individuals are entitled not only to take advantage of them but also to provide them. The goal of the constituent to grant such powers to the government was not to make them exclusive but rather to make them mandatory".¹² Thus, it is a duty of the state to provide education, albeit in competition with the private sector.¹³

This is the proper context for understanding the fundamentals that legitimize the construction of public policies to assess education. These mechanisms need to reinforce the old maxim that education is a right for all and a duty of the public authorities. That is, the state is, and must be, the entity responsible for the entitlement of the service and for the guarantee of rights. However, only the regulation of its provision is an activity exclusive to the state. In other words, the state must act not only as a provider

⁹ HACHEM, Daniel Wunder. Processos administrativos reivindicatórios de direitos sociais – dever de decidir em prazo razoável vs. silêncio administrativo. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 14, n. 56, p. 147-175, abr./jun. 2014.

¹⁰ About the role performed by the Judiciary Branch in the effectuation of fundamental social rights, see: PESSOA, Flávia Moreira Guimarães; CARDOSO, Henrique Ribeiro. Possibilidade e limites do controle judicial das ações e das omissões da Administração Pública na Implantação de políticas públicas com sede constitucional. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 15, n. 61, p. 117-144, jul./set. 2015; SARLET, Ingo Wolfgang; ZOCKUN, Carolina Zancaner. Notas sobre o mínimo existencial e sua interpretação pelo STF no âmbito do controle judicial das políticas públicas com base nos direitos sociais. **Revista de Investigações Constitucionais**, Curitiba, vol. 3, n. 2, p. 115-141, maio/ago. 2016.

¹¹ About the principle of universality of public services in Brazil, see: HACHEM, Daniel Wunder. Direito fundamental ao serviço público adequado e capacidade econômica do cidadão: repensando a universalidade do acesso à luz da igualdade material. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 14, n. 55, p. 123-158, jan./mar. 2014.

¹² SUNDFELD, Carlos Ari. **Fundamentos de direito público**. 4. ed. São Paulo: Malheiros, 2001. p. 84.

¹³ MENEGAT, Fernando. Serviço público e concorrência: ensaio para uma quebra do princípio da titularidade estatal exclusiva. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 12, n. 49, p. 207-246, jul./set. 2012.

of education (in conjunction with the private sector) but also as the controller/regulator of both sectors: its provision through state entities and through private entities linked to the market or to the third sector.¹⁴ This regulatory duty significantly reduces the university's autonomy (which is a constitutional guarantee but which, in practice, has very weak implications when compared with the autonomy of institutions of foreign countries such as those in Europe and North America).

3. THE ORGANIZATION OF HIGHER EDUCATION IN BRAZIL

The organization of education in Brazil follows the regulatory provisions in several Laws of Guidelines and Bases of National Education (Leis de Diretrizes e Bases da Educação Nacional - LDB). Chronologically, it is possible to identify three main LDBs: Law 4,024 of 1961, Law 5,692 of 1971, and the new LDB, Law 9,394 of 1996.

The first law established a primary education cycle lasting four years in duration. After an entrance examination, the student could enroll in junior high school. The junior high school cycle also lasted four years, and the collegiate high school cycle included three years of instruction. The duration of the higher education cycle varied according to the type of undergraduate course. It should be noted that the junior and collegiate high school cycles were divided into branches of education: high school, commercial, industrial, agricultural, and others. In 1971, the law established the division into first degree, second degree, and higher education (third degree).

Currently, Law 9,394/96 is responsible for the structuring of education, which is divided into the basic level and the higher level. The institutions of the educational network are classified according to the level of education being provided to the individual, and they may be public or private. Basic education is comprised of early childhood education, secondary education, and high school, with several instructional modalities. Schools are responsible for early childhood and secondary education; colleges are the establishments that provide high school education and vocational training. Other terms may be found for the designation of educational institutions, e.g., center, institute, group, etc. However, these titles derive from the old educational formats, the culture, or local customs. Brazilian higher education institutions are isolated colleges, university centers, and universities (Federal Decree 5,773 of 2006).¹⁵ With regard

¹⁴ PORTANOVA, Rogério Silva; MEDEIROS, José Augusto. As Agências Reguladoras. Entre o velho, o novo e o que se anuncia: do paradigma econômico ao paradigma ecosófico. **Revista de Direito Econômico e Socioambiental**, Curitiba, v. 6, n. 2, p. 156-183, jul./dez. 2015. p. 161-162.

¹⁵ About the Brazilian higher education system, see: DOTTA, Alexandre Godoy. A estrutura e o financiamento da pós-graduação no Brasil no contexto do desenvolvimento do serviço público de educação. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 14, n. 56, p. 229-245, abr./jun. 2014; COSTA, Rafael Santiago. Ações afirmativas no ensino superior: uma abordagem da realidade brasileira sob o enfoque legislativo e jurisprudencial. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 11, n. 44, p. 191-223, abr./jun. 2011.

to higher education, it is now formally divided into undergraduate degrees, graduate specialization courses, and master's and doctoral programs.

New conceptions of public goods management are being incorporated in Brazil by the legal and administrative apparatus, based on recent reforms that have been promoted in the model established in the 1988 Constitution. According to the process initiated by the Master Plan of State Apparatus Reform of 1995, state-owned companies were privatized; several educational public service concessions were made; and new partnerships between the public and private sectors have been established in the area.¹⁶ The state performs general supervision, and the newly created regulatory agencies monitor public services granted in concession. With regard to social services, the state, motivated mainly by international organizations, has established a growing relationship with the so-called third sector (non-profit private sector), although this relationship is highly criticized.¹⁷

Deise Mancebo notes that Law 11,079 of 2004 became representative in the sector. It establishes general rules for public-private partnerships in the context of public administration, including education, in addition to other public services that are increasingly being relegated to a typical system of private initiative.¹⁸ Therefore, the contemporary moment seems to be leaning towards a reverse path from the one taken in the 20th century. At that time, the state was held responsible for the management and provision of public education services, recognizing it as a fundamental and universal human right. What is observed today is a result of the influence of the neo-liberal schools of thought, which tend to oppose the state-like character of social rights (which become less and less "rights" and less and less "public services").¹⁹

Certainly, from this perspective, the assessment policies ultimately reduce their focus, concentrating on eminently economic, statistical, and restricted factors. Despite this trend, under the infraconstitutional framework are the legal norms conditioned to the principles of the Federal Constitution and, therefore, outside the scope of public authorities, providing a system of resistance. The legislature is responsible for establishing general rules that are materialized in the form of law. The executive provides for these laws via its institutions with decrees, ordinances, and guidelines. Lastly, the judiciary fulfills the functions of monitoring all issued laws and deciding in concrete cases.

¹⁶ PEREIRA, Luiz Carlos Bresser. **Crise econômica e reforma do Estado no Brasil**. São Paulo: 34, 1996. p. 269.

¹⁷ MONTAÑO, Carlos. **Terceiro setor e questão social: crítica ao padrão emergente de intervenção social**. 2. ed., São Paulo: Cortez, 2002. *passim*.

¹⁸ MANCEBO, Deise. Reforma da educação superior no Brasil: análises sobre a transnacionalização e privatização. **Diálogo Educacional**, Curitiba, vol. 7, n. 21, p. 103-123, maio/ago. 2007. p. 107.

¹⁹ SADER, Emir (Org.). **Pós-neoliberalismo: as políticas sociais e o Estado democrático**. São Paulo: Paz e Terra, 1998.

This legal and institutional scenario is in accordance with constitutional public policy and the specific rights they regulate (which, despite being constantly challenged, still serve as a fundamental guarantee). From this perspective, it follows that all public and private educational institutions must follow the guidelines set by the state (though always critically and reflectively).

4. THE ASSESSMENT OF THE QUALITY OF EDUCATION

In the 1988 Constitution, the quality of education is cited in four places: 1. All education will be provided under the principle of quality standard guarantees (art. 206); 2. Quality evaluation shall be performed by the public power – the state (art. 209); 3. A minimum quality educational standard will be equalized by a federal educational system (art. 211); and 4. The national education plan should seek to improve the quality of education (art. 212). Consequently, the infraconstitutional documents edited by the legislative establish quality assurance, as observed in the first articles of the LDB (which reinforce the principles of the Constitution) and in art. 70, which envisages the performance of studies and research aimed at improving and expanding education.

The National Education Plan, established by Law 10,172 of 2001, enacts several actions to improve teaching at all educational levels. This normative set depicts the Brazilian state interventionist model in the educational field. This model can be framed as an effective public policy, in accordance with its general concept, that is, as “the co-ordination of the means available to the state to harmonize state and private activities to achieve socially relevant and politically determined objectives”.²⁰

Assessment policies consist of general policy specifications. However, the actual issue is not the mere normative identification of the advocated model but the method for interpreting the concrete mechanisms of assessment policies, removing its eminently rhetorical burden for the purpose of putting the policies into practice to create education as a public good that is typical of the social state.²¹ Obviously, it can be asserted that legal recognition does not always result in public policies that contribute to improving the quality of education.

The Brazilian situation is an example of this fact. Among several other sources, Marilena Chauí notes that Brazil is recognized internationally as a country with low levels of educational development.²² The old and inadequate discrepancy between

²⁰ BREUS, Thiago Lima. **Políticas públicas no Estado constitucional**: problemática da concretização dos Direitos Fundamentais pela Administração Pública brasileira contemporânea. Belo Horizonte: Fórum, 2007. p. 219.

²¹ JIMENEZ TELLO, Pilar. Regulación a través de la evaluación: auditoría y calidad en las Administraciones Públicas. **Revista Eurolatinoamericana de Derecho Administrativo**, Santa Fe, vol. 1, n. 1, p. 247-274, ene./jun. 2014. p. 261-265.

²² CHAÚÍ, Marilena. As humanidades contra o humanismo. In: SANTOS, Gislene. (Org.). **Universidade, formação cidadania**. São Paulo: Cortez, 2001. p. 16-19.

“should be” and “be”, between what the norm establishes and what occurs in practice, is evident. Nevertheless, there is a clear political and scientific consensus on the need for the establishment of public policies for educational assessment – and also that such policies should not be dominated by the economic rationality.

Several theorists, not only in the legal-political field but also, and mainly, in academic and scientific fields, agree on the importance of evaluating the quality of public education with the aim of achieving citizens’ fundamental right to receive an education from the state. Despite this initial consensus, at the annual meeting of the National Association of Graduate Studies and Research in Education (Associação Nacional de Pós-Graduação e Pesquisa em Educação – ANPED) in 1995, Paul Singer rightly noted that, in reality, there are two “opposing visions of the educational purposes of education and how to reach them”.²³ Therefore, at this point, a problem that warrants being a constant object of reflection remains; after all, would it be appropriate to accept that the ends justify any means to achieve them?

If education is taken merely as an economical right and considered a simple “service to be provided by the market”, then the fundamentals of the assessment process of educational quality change substantially (resulting in the unconstitutionality of the process because this is not the normative content present in the 1988 Brazilian Constitution).

The fact that education is a public good does not necessarily mean that it is a service that should be provided directly by the state because it is not an activity exclusive of the public power. However, even when it is provided in different manners, its nature is not substantially modified, at least according to the system chosen by the constituent legislature to govern the matter.

The public policies socially demanded and recognized in the Brazilian Federal Constitution are evidence of the right to education and the need to improve its quality as a necessary consequence. The challenge is in the following point: In addition to ascertaining the standard concept of the quality of education itself, how are the mechanisms for its material and not merely formal effectiveness to be found? How is education to be assessed by means of criteria that exceed market requirements?

The Constitution of the State of Brazil raises a number of concerns that are manifested mainly in the obligation of public policies (which involve the provision of services) and social rights. Nevertheless, despite the deep establishment of rights, policies, and services for the area, the fact is that this extensive normative set, although very important, lacks greater critical reflection, especially with regard to its practical application.

²³ SINGER, Paul. Poder, Política e educação. **Conferência de abertura da XVIII Reunião Anual da ANPED**, Caxambu, out. 1995. p. 5.

José Dias Sobrinho warns that “the same way as it happens in many other countries, the propensity towards a quantitative growth combined with a worrying lack of quality is observed in Brazil”.²⁴ Whether because of the difference between theory and practice or on account of its “perennially unfinished” condition due to a controversial, procedural, and evolutionary nature, it seems clear that the verification of the standard of educational quality is one of the main challenges for Brazilian education. Furthermore, it is important to remember that there is no precise semantic delimitation for the term educational quality, that is, the term quality may have a distinct meaning depending on the context.²⁵ Nevertheless, the fundamental problem remains that the various assessment methodologies created by the state do not appear to be sufficient for gauging quality, and therefore, new assessment experiences are demanded.²⁶

Chauí notes that, in general, the composition of the quality indicators of education follows a model of international guidelines based on quantitative parameters: how much is produced, how long does it take to be produced, and at what cost. Education is administered and assessed according to criteria that could be used for a private company. However, the quantitative indicators do not take into account the quality of the instruction.²⁷ Although the set of constitutional and infraconstitutional standards institutes certain guidelines, the fact is that they are imprecise and allow the variation of governmental policy with different perspectives on the practical application of public policies.

The neo-liberal paradigm of the 1990s still has influence in this area and affects state intervention in the sector according to its “managerial” foundations.²⁸ Ângela Siqueira states that the educational sector is estimated to move two trillion dollars annually. This volume of resources has drawn the attention of several for-profit companies. For this reason, the discussion on the necessity of regulating commercial education in the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO) has gained importance. However, with “education [regularized as a service by] GATS, there is a risk of its transforming into a simple commercialization process”²⁹. This economic dimension, so present in contemporary education, is another variable

²⁴ DIAS SOBRINHO, José. Políticas de avaliação, Reformas de Estado e da Educação Superior. In: ZAINKO, Maria Amélia Sabbag; GISI, Maria Lourdes (Orgs.). **Políticas e gestão da educação superior**. Curitiba: Champagnat, 2003. p. 165.

²⁵ DAVOK, Delsi Fries. Qualidade em educação. **Avaliação**, Campinas, vol. 12, n. 3, p. 505-513, set. 2007. p. 505.

²⁶ DAVOK, Delsi Fries. Qualidade em educação. **Avaliação**, Campinas, vol. 12, n. 3, p. 505-513, set. 2007. p. 506.

²⁷ CHAUI, Marilena. **Escritos sobre a universidade**. São Paulo: UNESP, 2001. p. 184.

²⁸ SGUISSARDI, Valdemar. O Banco Mundial e a educação superior: revisando teses e posições? **ANPED – GT Política da Educação Superior**. Reunião anual, 23. Caxambu, 24-28 de set. 2000. p. 2-13; FONSECA, Marília. O Banco Mundial como referência para a justiça no terceiro mundo: evidência do caso brasileiro. **Revista da Faculdade de Educação**, São Paulo, v. 24, n. 1, jan./jun. 1998. p. 17.

²⁹ SIQUEIRA, Ângela. A regulamentação do enfoque comercial no setor educacional via OMC/GATS. **Revista Brasileira de Educação**, Rio de Janeiro, n. 26, p. 145-184, maio/ago. 2004. p. 155.

that obstructs the achievement of qualitative goals in Brazilian education and complicates the identification of the suitable concept for evaluation. After all, this neo-liberal economist view claims that the market should be self-regulated. That is, people must autonomously choose in which institution they want to study—and, following this idea, fatally, the worst institutions would not be able to survive on the market without quality policies. This is the idea. However, it is a simplistic vision of the phenomenon.

The word assessment involves a wide range of meanings within the education domain, but in general, it is related to a search for measurement. The measure may mean the performance of a particular student, and it may be used to subsidize an action. The assessment can also be related to the teaching-learning process or to an institution. Heraldo Vianna synthesizes the concept, stating that evaluation is an attempt to “define criteria on the basis of which accurate information is collected to judge the value of each alternative presented. To evaluate is, thus, to emit a value judgment on a certain characteristic. This value might be partially, but not exclusively, based on quantitative data”.³⁰

It is also important to note that these results are part of a political context and that institutional and educational evaluations typically end up promoting concrete actions. After all, the problem of evaluation is directly related to organizations’ decision-making process. Decision making requires diagnostics based on the analysis of current data that represent the whole. The process that allows the collection of information to elaborate judgments and to make decisions for improvement is called evaluation”.³¹ The conceptualization is not simple, but two poles are defined when the evaluation concept is studied. The first is the traditional model in which the evaluation is organized in a “bureaucratic, objective, reductionist, out of context, hierarchic, normative, and quantitative” manner. It is formulated by specialists in a classification process, is based on the collection of quantitative data, and is inside a bureaucratic and conservative organizational culture.

At the opposite end, it is possible to find the holistic model. In this model, the assessment is “based on dialogue, interpretative, collaborative, contextualized, judicious, qualitative, continued, and systemic”. In this perspective, assessment is constructed by specialists and the agents of the institution with the aim of building an institutional identity. This analysis is guided by a qualitative process and is meant to anticipate problems.³² The concrete evaluation processes have well-established assumptions.

³⁰ VIANNA, Heraldo. Avaliação educacional: problemas gerais e formação do avaliador. In: VIANNA, Heraldo. **Introdução à avaliação educacional**. São Paulo: Ibrasa, 1989. p. 20.

³¹ EYNG, Ana Maria. Avaliação e identidade institucional: construindo uma cultura de antecipação. **Revista Diálogo Educacional**, Curitiba, vol. 4, n.11, p. 33-42, jan./abr. 2004. p. 35.

³² EYNG, Ana Maria. Avaliação e identidade institucional: construindo uma cultura de antecipação. **Revista Diálogo Educacional**, Curitiba, vol. 4, n.11, p. 33-42, jan./abr. 2004. p. 37.

Furthermore, it is important to revisit the reflection of Dias Sobrinho, who affirms that the concept of measurement, which is closely linked to evaluation, results also in a “tradition of regulation, selection, and ranking, either only in the interior of the classrooms or in the broader contexts of public administration”.³³ The assessment field is born connected to quantitative tests and is mainly concerned with the verification of learning. Afterwards, the field incorporates the agendas and programs and is presented in a more democratic perspective, seeking to negotiate and participate.

After the 1960s, educational assessment in Brazil became multidisciplinary and increasingly complex. In this process, assessment extended the scope of schools and becomes an important question for public policies, mainly those related to education. The politicization of educational assessment was enhanced by the expansion of neo-liberalism and its concepts of liberal meritocracy and management. This trend was a world-wide movement that ended up reaching Brazil. When the political use of assessment is stressed, it is important to revisit its function because it possesses two functions that can be considered partially contradictory: “For some, it has a proactive function, it is formative, and it aims to improve and to develop the object in focus, an individual, group, program, institution, system and so on. By contrast, the retroactive evaluation is quantitative and has been practiced for the sake of accountability. The latter includes contracts of management, cost-benefit analyses, goal-oriented management, tests of minimum ability, and other instruments of classification, selection, and measurement”.³⁴

Because evaluation is always formulated and applied in a social and political context, it is necessary to reflect on the actors, objectives, organization, and recipients of this process. Technical and ethic-political matters must be taken into consideration because every assessment involves a value judgment.³⁵ Assessment, conceived as public policy, involves different rationalities that are intertwined: administrative, political, legal, and result-oriented.³⁶ In addition, of course, there is the force of the media and the economic questions that influence the process. An assessment is conceived and built in this clash of perspectives and might be used politically in a manner that differs from what was intended in its original conception.

³³ DIAS SOBRINHO. José. **Avaliação**: políticas educacionais e reformas da educação superior. São Paulo: Cortez, 2003. p. 15.

³⁴ DIAS SOBRINHO. José. **Avaliação**: políticas educacionais e reformas da educação superior. São Paulo: Cortez, 2003. p. 45.

³⁵ DIAS SOBRINHO. José. **Avaliação**: políticas educacionais e reformas da educação superior. São Paulo: Cortez, 2003. p. 43–46.

³⁶ SILVA, Maria Ozanira da Silva e. Avaliação de políticas e programas sociais: aspectos conceituais e metodológicos. In SILVA, Maria Ozanira da Silva e (Org.). **Avaliação de políticas e programas sociais**. São Paulo: Veras, 2001. p. 42–43.

5. CONCLUSION: ISSUES WITH THE NATIONAL HIGHER EDUCATION ASSESSMENT SYSTEM

In 2003, with the election of President Lula, a new project of institutional assessment was built specifically for higher education. In April of the same year, the Special Commission of Higher Education Assessment (Comissão Especial de Avaliação da Educação Superior - CEA) was created to rethink and reformulate the project of institutional evaluation for higher education in Brazil. From these reflections, which had mobilized national references in the theoretical field of assessment, the SINAES was created. Its conception was somewhat different from that of the old system of examination (called "provão": "the big test"), but it was inspired by it. This system can be highlighted in that the evaluation proposal was initially configured as a "holistic evaluation". The SINAES is composed of three dimensions: an external institutional assessment (conducted by the assessors of the Ministry of Education - Ministério da Educação - MEC); the self-assessment (which is the responsibility of the Self-Evaluation Commission - Comissão Própria de Avaliação - CPA); and the direct assessment for the National Examination of Student Performance (Exame Nacional de Desempenho de Estudantes - ENADE).

In this way, the institution still receives the commissions from the MEC for on-site evaluation, but it must create its own CPA as well. The goal of installing this commission is to enable the institution to reflect on its institutional identity and evolve, strengthening positive points and attempting to overcome problems. The commission must be mixed, composed of all the segments that constitute the teaching institution and representatives of the community. This is an important and positive novelty of the SINAES that, unfortunately, finds obstacles to implementation. The political culture constructed in Brazil still does not incorporate the self-assessment project, especially in the area of basic education. Brazilians do not handle self-criticism well and are even worse with other people's criticism.

This problem has two outcomes. The first outcome is ignorance with regard to the necessary theoretical production for the construction of a self-evaluation project. The second outcome is the lack of mobilization or will to participate observed among those participating in the process. The necessary mobilization for the project is imposed, and the CPA is implemented only to fulfill the formal requirement of the MEC (Law 10,861 of 2004, art. 11). With regard to the students, the SINAES does not expect to merely "check" the final product; rather, it intends to make an assessment of the process. The proposal is that students are evaluated in the initial and final periods of the course to analyze their intellectual development and to compare and evaluate them within the concrete reality of the institution. It is a good idea, but it is very difficult to accomplish.

Assessment is conducted by sampling, and it would have to focus on the same students to analyze their intellectual trajectory. This methodology is also positive and would hinder the ranking of institutions. However, this is not what occurs. Institutions use the results of the coefficient of performance for institutional marketing, failing to admit that this is only one of the dimensions of its institutional assessment and that the data represent specific points of its concrete reality, that is, data demonstrating the difference between new students in the institution and those who are graduating. With these data, it is possible to infer that if the new students were highly unprepared, the extent of this coefficient would have to be more significant.

Therefore, it is important to revisit the idea of what is done with the evaluation. That is, although the proposal of the SINAES is to draw a holistic, democratic, and interactive evaluation that aims at institutional development, in practice, this objective does not seem to be efficiently implemented. Among the variables that can explain this distortion, the role of economic interests, the role of competition from private institutions for students in the educational market, and the role of the media should not be ignored.

Rankings have always been important for institutional marketing, and the propaganda of the educational institutions that receive “high grades” is also an important marketing item that is demanded by the agencies and the media. The “differential” of an institution that received the highest grade in the ENADE is explored without further explanation of its meaning and methodology of elaboration. This situation is similar to the case of another assessment tool: the Preliminary Degree of the Course - Conceito Preliminar de Curso - CPC. The results of the assessment process are therefore explored without keeping in sight the public interest as the decisive foundation.³⁷ The quality of education in Brazil has been viewed much more as a commodity, as part of the economic process, rather than as a public good whose nature cannot be imprisoned by the market.

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³⁷ HACHEM, Daniel Wunder. A dupla noção jurídica de interesse público em direito administrativo. **A&C – Revista de Direito Administrativo & Constitucional**, Belo Horizonte, ano 11, n. 44, p. 59-110, abr./jun. 2011.

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