



Correspondence to the authors

<sup>1</sup> Ana Paula Cota Rolins  
University of the City of São Paulo - UNICID  
E-mail: rolins.ana@gmail.com  
CV Lattes:  
<http://lattes.cnpq.br/1290152754340463>

<sup>2</sup> Sandra Lúcia Ferreira  
University of the City of São Paulo - UNICID  
E-mail: 07sandraferreira@gmail.com  
CV Lattes:  
<http://lattes.cnpq.br/9544181345048994>

Submitted: Oct. 27, 2023  
Accepted: Feb. 01, 2024  
Published: Mar 01, 2024

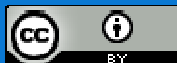
 10.20396/riesup.v11i00.8674897  
e-location: e025037

ISSN 2446-9424

Checagem Antiplágio



Distribuído sobre



## Effects of the Covid-19 pandemic: changes and continuities in Higher Education legislation (2020-2023)

Ana Paula Cota Rolins<sup>1</sup>  <https://orcid.org/0009-0009-1998-1674>

Sandra Lúcia Ferreira<sup>2</sup>  <https://orcid.org/0000-0002-6891-1332>

### ABSTRACT

**Introduction/Objective:** The aim of this article is to investigate the actions taken in the field of higher education, through the legal regulations issued as a result of the Covid 19 pandemic, in order to provide an opportunity for reflection and learning for future actions. To this end, the aim was to consider the actions of the bodies that regulate management in the face of a scenario that has had an impact on academic and administrative changes in order to maintain the continuity of academic activities. It also sought to analyze the effects of these regulations in the current context. **Methodology:** the methodological proposal used is exploratory in nature, through the analysis of educational legislation and information released by government agencies between 2020 and 2023. **Results:** Considering the variety of legal regulations published and the literature on which the research was based, the results show that the regulatory bodies are working intensively. However, there was less support for Higher Education Institutions (HEIs) than institutional expectations and needs, and the omission of qualitative information that would allow for a broader analysis of the effects of these regulations on the daily life of higher education. **Conclusion:** They also point to permanent changes in legislation relating to external evaluation procedures, and it is necessary to carry out studies on the effectiveness of this evaluation in virtual format.

### KEYWORDS

Covid pandemic 19. Higher Education legislation.

## Efeitos da pandemia da Covid-19: mudanças e permanências na legislação da Educação Superior (2020-2023)

### RESUMO

**Introdução/Objetivo:** este artigo tem por objetivo investigar as ações adotadas no âmbito da educação superior, por meio dos normativos legais expedidos em decorrência da pandemia da Covid 19, a fim de oportunizar a reflexão e aprendizagens para ações futuras. Para tanto, buscou-se ponderar sobre a atuação dos órgãos reguladores da ação gestora diante de um cenário que impactou mudanças acadêmicas e administrativas para a manutenção da continuidade das atividades acadêmicas. Buscou também analisar os efeitos dessas regulamentações no contexto atual. **Metodologia:** a proposta metodológica utilizada tem um caráter exploratório, por meio da análise da legislação educacional, de informações divulgadas por órgãos governamentais, no período de 2020 a 2023. **Resultados:** os resultados apontam, considerando a variedade dos normativos legais publicados e a literatura em que a pesquisa se apoiou, a atuação intensa dos órgãos reguladores, no entanto, verificaram-se um respaldo às Instituição de Educação Superior (IES) aquém das expectativas e necessidades institucionais e a omissão de informações qualitativas que permitissem análises mais ampliadas sobre os efeitos desses normativos no cotidiano da educação superior. **Conclusão:** Apontam, ainda, mudanças permanentes na legislação relativas aos procedimentos de avaliação externa, sendo necessária a realização de estudos quanto à efetividade dessa avaliação em formato virtual.

### PALAVRAS-CHAVE

Pandemia da Covid-19. Legislação da Educação Superior.

## Efectos de la pandemia de Covid-19: cambios y continuidades en la legislación sobre Enseñanza Superior (2020-2023)

### RESUMEN

**Introducción/Objetivo:** El objetivo de este artículo es investigar las acciones realizadas en el ámbito de la educación superior, a través de las normas legales emitidas a raíz de la pandemia del Covid 19, con el fin de proporcionar una oportunidad de reflexión y aprendizaje para futuras acciones. Para ello, se buscó analizar las acciones de los órganos que regulan la gestión ante un escenario que ha impactado en cambios académicos y administrativos para mantener la continuidad de las actividades académicas. Asimismo, se buscó analizar los efectos de estas regulaciones en el contexto actual. **Metodología:** la propuesta metodológica utilizada es de carácter exploratorio, analizando la legislación educativa y la información publicada por los órganos de gobierno entre 2020 y 2023. **Resultados:** Considerando la variedad de normas legales publicadas y la literatura en la que se basó la investigación, los resultados muestran que los órganos reguladores han actuado intensamente; sin embargo, se observó un menor apoyo a las Instituciones de Educación Superior (IES) que las expectativas y necesidades institucionales, así como la omisión de información cualitativa que permita realizar análisis más amplios sobre los efectos de estas normas en la vida cotidiana de la educación superior. **Conclusión:** También apuntan a cambios permanentes en la legislación relativa a los procedimientos de evaluación externa, y es necesario realizar estudios sobre la eficacia de esta evaluación en formato virtual.

### PALABRAS CLAVE

Pandemia Covid-19. Legislación sobre Enseñanza Superior.

#### CRedit

- **Recognition:** Not applicable
- **Financing:** Not applicable.
- **Conflicts of interest:** The authors certify that they have no commercial or associative interest that represents a conflict of interest in relation to the manuscript.
- **Ethical approval:** Not applicable
- **Availability of data and material:** Not applicable.
- **Author contributions:** Conceptualization, Methodology: Rolins, A. P. C.; Ferreira, S. L.; Research: Rolins, A. P. C.; Project Management: Rolins, A. P. C.; Ferreira, S. L.; Writing - original draft; Writing - Review & editing: Rolins, A. P. C.; Ferreira, S. L. Translation: Sílvia Iacovacci MEI.

Section Editor: Andréia Aparecida Simão

## 1 Introduction

In late 2019, the first cases of coronavirus infection - SARS-CoV-2 - were reported in the city of Wuhan, China. With the accelerated spread of the virus, the disease quickly reached other countries, culminating in the Covid 19 pandemic. Because the scientific community poorly understood the disease, there were no vaccines or public health protocols in place to contain the spread of the disease. This led to a state of public calamity and the declaration of social isolation in several countries, which had a profound impact on the functioning of society on a global scale. Governments were required to take immediate action to care for the most seriously ill, fund research to develop vaccines, establish biosecurity protocols, provide incentives to maintain economic activity, and define new rules for the continuation of school activities.

In Brazil, the first legislative actions were triggered by the publication of Law 13.979/2020, which established measures to deal with the public health emergency caused by the coronavirus, including social isolation and quarantine.

In the education sector, this law led to the adoption of measures to close schools and higher education institutions. One of the most important measures was the publication of legal regulations that allowed face-to-face teaching to be replaced by a remote model using Information and Communication Technology (ICT) resources, even by institutions that did not have the expertise and the physical, technological and human resources to respond quickly to this new reality.

The Covid-19 pandemic has necessitated government measures and changes in educational legislation in order to guarantee the continuity of education. Based on the premise that "the analysis of normative acts on higher education published over a period of time allows us to understand the structuring of the regulatory, supervisory and evaluation processes, as well as the trends that have emerged" (Peixoto; Pinto, 2021, p. 3), this exploratory study aims to systematize and analyze the regulations published during the pandemic period, thus creating the opportunity to reflect on the challenges faced, in addition to generating learning for the future.

Using a methodology of an exploratory nature, given its purpose to "[...] provide greater familiarity with the problem in order to make it more explicit or to form hypotheses" (Gil, 2002, p. 41), the study was guided by the following criteria 41), the study was guided by documentary and bibliographic research and is organized, first, by the systematization of legal norms related to regulation, supervision and evaluation, published in the pandemic period (2020-2022) and the changes and permanence in higher education legislation driven by this context and reviewed after the end of the pandemic (2023). Next, the paper explores, through the literature, the impact on the policies adopted by the Ministry of Education (MEC) in the field of higher education, considering different perspectives in order to broaden the understanding of the phenomenon. Finally, it seeks to consider the impact of the regulations published and the prospects for future action.

## 2 Regulation, supervision and evaluation of higher education in the context of the Covid 19 pandemic: regulatory changes

The federal education system is based on public policies and its legal framework, in which higher education has its improvement articulated through the functions of regulation, supervision and evaluation, in accordance with the provisions of Law No. 9.394/1996 - the National Education Guidelines and Bases Law (NEG) - Law No. 10.861/2004 - the National Higher Education Evaluation System (Sinaes) - and Decree No. 9.235/2017, which provides for these functions.

From 2020 to 2022, defined as the pandemic period, the MEC and its affiliated bodies issued various legal regulations related to higher education, including ordinances, resolutions, opinions and technical notes, which guided and standardized academic and administrative actions of an exceptional nature due to the pandemic situation.

The publication of new regulations for the continuity of academic activities at the federal level did not coincide with the publication of state and municipal regulations that ordered the suspension of face-to-face activities in schools and universities. The slow response of the MEC at the beginning of the pandemic created uncertainty for the institutions that are part of the federal education system, which were waiting for guidelines to support the decision to suspend or maintain academic activities (Fagundes, 2020).

The first action taken by the MEC was the publication of Order No. 343/2020, which authorized, as an exceptional measure, the replacement of face-to-face teaching by digital means, initially for a period of thirty days. As a result of the significant increase in the number of infected persons throughout the country, new ordinances were published (No. 345/2020; No. 395/2020; No. 473/2020; No. 544/2020; No. 1,030/2020; No. 1.038/2020; and No. 320/2022), which, in general terms, dealt with the extension of the deadline for holding face-to-face classes at a distance, the expansion of the possibilities provided by the first regulations, such as the replacement of face-to-face classes also for theoretical-cognitive subjects from the first to the fourth year of medical studies, the return to face-to-face classes and the exceptional nature of the use of digital educational resources to complete the workload of teaching activities.

These regulations made it compulsory for HEIs to notify the MEC of any actions taken, including the suspension or continuation of academic activities remotely, as well as possible changes to the academic calendar and Course Pedagogical Projects (CCP). In this regard, the Secretariat for the Regulation and Supervision of Higher Education (Seres/MEC), through notices sent via the e-MEC system, sought to provide guidance to educational managers - maintainers, rectors or directors and institutional attorneys (PI) - on the content of these documents and the communication channel. However, an analysis of the notices found that they basically ratified the provisions of the regulations issued, with little detail in the guidelines and occasional interaction between the body and the HEIs. Francisco et al. (2021, p.11) point out that

In this period, unlike other times when Seres established a set of regulatory guidelines from the Ministry of Education, what we have seen is a small role for this entity in essential issues that could contribute to the development of institutional contingency projects for action in the context of the new coronavirus pandemic. Universities, at least since March 2020, especially those that do not have autonomy or accreditation for distance education, have been waiting with anticipation for a position that does not seem to have occurred clearly.

To date, there is no public data compiled on the information provided by HEIs or on the triggering of a supervisory process in the event of irregularities found in compliance with the provisions of these regulations. This implies reaffirming Seres' inexpressive performance in the pandemic period (Francisco et al., 2021), extending after the "normality" of educational and regulatory activities.

Faced with this scenario, which required regulatory bodies and HEIs to make changes to their regulations, advances and misunderstandings emerged as a result, generating instability and adaptability in everyday university life. This is evidenced by the drafting of Joint Technical Note No. 17/2020/CGLNRS/DPR/SERES - signed by Seres, the Higher Education Secretariat (Sesu) and the Professional and Technological Education Secretariat (Setec) - in order to support the drafting of Ordinance No. 544/2020, which provided for the replacement of face-to-face classes by digital means, for the duration of the pandemic, and revoked the first ordinances issued on the subject. The Technical Note highlights:

the Ordinance seeks to provide guidelines and make the activities of educational institutions more flexible so that they can function and maintain student engagement. At no point does the ordinance intend to interfere with university autonomy or the search for solutions that will help deal with this difficult situation (Seres, 2020, p. 5).

At the very beginning of the pandemic, the Ministry of Health (MoH) published Public Notice No. 4/2020, which implemented the "Brazil Counts on Me" strategic action, to allow the registration of graduates of medicine, nursing, pharmacy and physiotherapy courses who were interested in working to help the population in actions to combat the pandemic. This measure required immediate action on the part of the university's institutional representatives (PI), who had to register the students in the electronic system provided by the Ministry of Health. According to the Ministry, more than 1 million people registered. On the part of the Ministry of Education, the measure adopted for this group of students was to authorize early graduation (Ordinances No. 374/2020 and No. 383/2020), in accordance with the provisions of Law No. 13,979/2020 and Provisional Measure No. 934/2020. It should be noted that it was up to the university to decide whether or not to adopt the measure, thus involving the top management - directors and/or board of directors - and the regulatory, academic and legal sectors of the university.

Within the framework of the National Education Council (CNE), opinions have been issued with guidelines on the reorganization of the school calendar (CNE/CP Opinion No. 5/2020), the holding of classes and on-site and off-site teaching activities (CNE/CP Opinions No. 11/2020 and No. 19/2020), and resolutions establishing the National Curriculum Guidelines (DCNs) to guide the implementation of educational standards during the pandemic (CNE/CP Resolution No. 2/2020) and for the return of on-site educational activities (CNE/CP

Resolution No. 2/2021). CNE/CP Opinion No. 14/2022 has also been published, modified by CNE/CP Opinion No. 34/2023, which deals with the DCNs for hybrid teaching in higher education, but has not yet been approved by the MEC, which defines them as follows

The hybrid teaching and learning process is characterized as a flexible methodological approach, organized using ICTs, active and innovative, guiding teaching and student activity, in different forms of teaching and learning, aimed at skills training, stimulating student autonomy and protagonism and collaborative learning, allowing virtual interaction in learning spaces to be integrated with face-to-face activities (CNE, 2023, art. 2).

The regulatory and evaluation processes, respectively, of Seres and the Anísio Teixeira National Institute for Educational Studies and Research (Inep), related to institutional reaccreditation, recognition and renewal of recognition of courses, in face-to-face or distance modalities, were suspended for one year by Order No. 796/2020. In addition, Seres issued an order to extend the period of suspension of regulatory procedures (Order No. 1,087/2021) and subsequently revoked the orders to resume their procedural flow (Orders No. 589/2022 and No. 605/2022).

The pandemic also affected the functioning of Sinaes. The internal evaluation or institutional self-assessment, to be carried out by the Commission for the Evaluation of Institutions of Higher Education (CPA) in 2020, had the deadline for the publication of the self-assessment report (base year 2019) extended by Inep. Technically, the CPA's work was nearing completion, as the deadline was extended only eleven days before the official submission date, which is March 31 each year. In the pandemic scenario, in its normative aspects, it was not guided by the regulatory body. The CPA is an important body of the university that, through its evaluations with the academic community, should provide input to the managers for institutional improvement. In this sense, the work of the CPA during the pandemic was based, at the discretion of the university, on identifying the obstacles arising from the new format for carrying out academic and administrative activities, as well as on improving the procedures and policies adopted by the university (Máximo et al., 2020; Mateus et al., 2020; Martinez; Faria; Quintino, 2020).

The external evaluation or on-site visit, carried out by a review commission appointed by INEP, within the framework of institutional regulatory processes (accreditation and re-accreditation) and courses (authorization, recognition and renewal of course recognition), has been suspended for one year, as can be seen below:

In the context of the pandemic, on-site evaluations were suspended, creating a backlog of processes that could cause a variety of damages to society, from the non-renewal of courses with impacts on the issuing of diplomas to the non-creation of new courses whose investment had already been made by the HEIs. It was in this context that the proposal for the intensive use of Information and Communication Technologies (ICT) gained strength, maintaining the provisions and procedures established in Chapter II of Normative Ordinance No. 840, of August 24, 2018 (Brasil. MEC, 2018), for the resumption of on-site visits (Inep, 2022, p. 8).

In this context, the virtual external evaluation in loco was instituted, on an emergency basis, by Ordinance No. 165/2021, with the aim of implementing innovative procedures to modernize visits for the external evaluation of HEIs and undergraduate courses. It was regulated by Ordinances No. 183/2021, No. 275/2021 and No. 569/2021, the last two of which were amended in order to improve the procedures carried out in the context of virtual on-site external visits. It is undeniable that the virtual external evaluation in loco has made the procedural flow in the "Evaluation" stage more agile, under Inep's responsibility, which brings important logistical benefits to HEIs and this body, but its implementation has taken place with very little dialogue with society, demonstrating that

Inep promoted a set of actions conceived, planned and put into practice by the State, which, under the pretext of the care recommended to combat the pandemic, triggered institutional evaluation, in its regulatory perspective, through the virtual modality (Paiva; Otranto; Souza, 2021, p. 7).

According to Inep (2022), the project to implement virtual on-site external visits began in February 2021, after the restructuring of the management of the Directorate for the Evaluation of Higher Education (DAES), with the participation of the Minister of Education, Seres, the Executive Secretariat (SE), the National Commission for the Evaluation of Higher Education (Conaes) and the CNE, as well as the support of higher education associations in the nomination of higher education institutions for the testing phase of the new evaluation tools and methodologies. In addition, the objective was to propose an on-site evaluation using technological resources capable of designing a large-scale model with technically valid and effective procedures and tools.

To this end, the Inep project was designed according to a set of guidelines that ranged from the collection of information on evaluators' skills and access to communication resources, to the preparation of guidance materials and training environments for these professionals. These guidelines included analyzing the application of face-to-face assessment indicators in a virtual context, selecting and testing functionalities with the support of technology teams, conducting simulations and pilot assessments to improve the model, formalizing the proposal with technical and legal consultations, and defining new standards of conduct and security protocols for online work.

In possession of the "Guide to good practices for virtual external evaluation in loco - Evaluators and HEIs" made available by Inep in April 2021, the institutional regulation professionals, especially the PI, sought to adapt the internal procedures for receiving the in loco visits that had been paralyzed. These actions included the training of the teams involved in the evaluation to present the new methods and resources to be used and the protocols for virtual meetings (testimonial evidence), the mobilization to guarantee Internet access in all the physical structures of the HEIs to carry out the visit to the facilities (physical evidence), the organization to receive simultaneous visits and the reorganization of the documentation (documentary evidence), since previously all the documents were presented in printed form, which required digitization, given that many HEIs continued to carry out most of their academic and administrative activities remotely.

Between April and December 2021, 3,006 virtual on-site external evaluations were carried out (Inep, 2022) and thus, according to the institute,

After a year, it has been possible to see the advantages and gains that this type of evaluation has brought to the external evaluation procedures, such as the speed of designation and the ease with which visits can be made to institutions in places that are more difficult to access. It is estimated that the whole process has generated savings in public resources of around R\$20 million per year. Undoubtedly, this is a breakthrough achieved by Inep that has brought many gains to society (Inep, 2022, p. 6).

Ordinance 165/2021 was in force, on an emergency basis, for fourteen months. Subsequently, Law No. 14.375/2022 was published, which amended the Sinaes Law to establish the possibility of virtual on-site evaluation of HEIs and their undergraduate courses, and Ordinance No. 265/2022, which regulated virtual on-site external evaluation on a permanent basis.

In 2022, according to the balance sheet released by Inep, 8,016 in loco external evaluations were completed, of which 7,242 were virtual and 774 face-to-face, representing a record number of evaluations carried out by the agency in one year, and it is important to highlight the publication of little qualitative information, such as data on the evaluators' assessment and challenges to final evaluation reports by the HEI or Seres. This reality points to the construction of public higher education policies based on HEI self-regulation, based on market demands, reducing the role of the state to control over evaluation results and the responsibility of providing information to society on the quality of the services provided (Sobrinho, 2010; Costa, Oliveira, Gomes, 2020).

Evaluating and guaranteeing the quality of higher education is a global concern, and the structure of accreditation agency systems for HEIs and their courses has been adopted in several countries, such as Portugal (Guerra; Leite, 2022) and Latin American countries that are part of three international networks (Santos; Leite, 2019), where research shows that these systems and their evaluation methods are widely accepted, as well as highlighting the importance of self-assessment, respect for institutional autonomy and the social commitment of HEIs.

In relation to the National Student Performance Exam (Enade), which is part of Sinaes, it can be said that it was impacted by the postponement of the assessment cycles, which are organized into years (Year I; Year II; and Year III), according to Normative Ordinance No. 840/2018. Enade 2020 - Year II of the assessment cycle - had its regulations published by Ordinance No. 14/2020, and is expected to be applied in November of the same year. The information obtained by the PI and course coordinators through the channels of communication with Inep - demands system, emails, telephone contact -, showed the intention to extend the exam, however, officially, the extension only took place in 2021, through Conaes Resolution No. 01/2021. Consequently, Year III of the evaluation cycle was extended by Conaes Resolution No. 2/2021, which will be carried out this year.



The 2019 Higher Education Census had its schedule changed as a result of the pandemic. Extending the deadline was essential for reorganizing the Inep and HEI teams to work remotely.

Decree 984/2020 changed the name of the person responsible for filling out the census to the Institutional Recensor (IR), whose role is often played by the PI himself. In 2021, during the period of filling in the 2020 Census, Inep implemented a new system for collecting information, as well as providing online training and clarifications through Lives on its YouTube channel. The implementation of a new system posed numerous challenges to the IRs, mainly due to the implementation of a system that was not suitable to cover the complexity of the census, as evidenced by the release of the filling modules at different times, the presentation of many errors in the system and the absence of important reports to verify the data reported by the HEIs, which led to the extension of the schedule with the extension of deadlines in a way that had never happened before.

The new regulatory context, especially in the first half of 2020, required HEIs to adapt their administrative and academic activities, invest in technologies, train the academic community to make good use of technological resources, establish contingency plans, strategies to minimize the rates and impact of dropouts, adapt the work contracts of teachers and administrative technicians who started working remotely, among others. As Saviani and Galvão (2021) point out, the new regulations treat remote teaching as the only viable solution, increasing the exclusion of students and creating precariousness and intensification in the work of teachers and employees of educational institutions. It should be noted that there is a distinction between distance education and emergency distance education and that they differ "in terms of characteristics and possible implications for education" (Gusso et al., 2020, p. 6), the former being characterized by the planning and management of all the premises that involve distance education (synchronous or asynchronous) - the use of teaching materials, virtual learning environments, continuous teacher training and technical and pedagogical support for students - and the latter, in the absence of the basic premises of distance education, making it possible to offer poor teaching (Gusso et al., 2020).

Institutional regulation professionals were in high demand, given their central role in interpretation, internal communication, monitoring of actions taken in light of the new guidelines, and reporting of actions to the MEC. Castro (2021) highlights the ability of universities to innovate and promote rapid adaptations to ensure the continuity of academic activities, engage students and adapt to the use of new technological resources, especially private universities.

On the other hand, public universities have had difficulties in adapting to this new context due to the low use of distance learning and the lack of knowledge of the social conditions of their students (Castioni et al., 2021), as well as their organizational model permeated by bureaucracy and more rigid and inflexible rules (Cavalcanti; Guerra, 2022).

Although the experience of management and use of technological resources in undergraduate distance education in a large number of private universities has indeed favored a faster response to the demands imposed by the Covid-19 pandemic, it should not be overlooked that there are countless private institutions that are accredited in the federal education system only for face-to-face teaching and that do not have the technological, human and financial resources to promote quality distance education, thus facing difficulties similar to those faced by public universities.

### 3 Repercussions on the actions taken by the MEC in the field of higher education

Considering the legal framework that regulates higher education, Fagundes (2020) makes a legal and regulatory analysis of the regulations issued during the pandemic period and shows that the proposed guidelines were already included in the legislation or there was no explicit veto on such referrals.

Saviani and Galvão (2021) assess the Brazilian government's silence and irresponsibility in dealing with the pandemic and in relation to the adoption of distance education, pointing out that this solution was a political choice - serving the interests of the privatist logic of education, prioritizing cost reduction and increased profits to the detriment of the quality of education, as well as the expansion of distance education. The authors also point out the consequences of this measure, such as the precariousness of teaching jobs, the lack of minimum conditions for distance teaching in public universities, and the damage to the teaching-learning process.

On the other hand, Castioni et al. (2021, p. 404) consider that "distance education [...] has become an appropriate option for the historical moment of social isolation, as a public health policy adopted by several countries in the world".

The CNE has expressed its understanding of how the Covid-19 pandemic has highlighted the need to reconfigure the Brazilian educational model in order to encompass the complexity of the federal education system and allow traditional methods to be overcome, particularly by breaking down the barriers imposed in regulatory aspects and in the construction of innovative curricula (CNE, 2022; Curi, 2022; Guimarães, 2022).

The CNE has been active in the development of guidelines for educational activities in higher education, providing greater legal certainty for universities when making academic-administrative decisions (Fagundes, 2020; Francisco et al., 2021). An analysis of the regulations issued shows that the CNE's performance during the pandemic period stood out in relation to the other bodies linked to the MEC. However, the qualitative analysis shows that

[...] the comings and goings and re-examinations of the Opinions within the CNE, a recurring practice, which may indicate democratic acts that consider the subjectivity of human actions, but may, ambiguously, denounce inconsistencies in actions taken "at the drop of a hat" (Cardoso et al., 2021, p. 1596).

As for remote teaching in medical courses, Santos et al. (2020), when analyzing the literature, show that, as a result of the Covid-19 pandemic, medical education has increasingly turned to virtual remote teaching. However, this pedagogical strategy has significant shortcomings, such as the exclusion of scientific aspects, the absence of notes on pedagogical limitations and weaknesses, the lack of universal and equal access to digital technology, the neglect of underdeveloped and minority realities and the undervaluing of interpersonal interactions, which are essential for medical training.

In the regulatory context, the Medicine course has the greatest regulatory complexity and state control, with various specificities, including the obligation to carry out the course's workload in the face-to-face modality - with the exception of Complementary Activities (CA), according to the DCNs for the Medicine course (CNE, 2014, art. 25). It should be noted that the aim here is not to argue about the regulation of the course, however, it is worth reflecting that the changes in pedagogical practices imposed by the pandemic, in addition to the limitations inherent in the training itself, faced the little affinity with carrying out remote activities of those involved in the training of doctors - coordinators, teachers, preceptors, students -, revealing the importance of studies and innovations in order to fill the gaps mentioned by the authors.

In relation to the strategic action "Brazil Counts on Me", researchers point out the risks of this measure, considering that replacing the experience of the compulsory curricular internship with action in confronting the pandemic weakens the learning established in the DCNs (Freitas et al., 2021), as well as promoting the shortening of the training process, compromising the development of competencies and skills important for professional practice (Mata et al., 2021).

According to the Monitoring Panel of the Federal Education Network, in the context of the pandemic, in 2020, the graduation of 8,921 students was anticipated. Of these, 6,280 in Medicine (70.4%), 1,456 in Nursing (16.3%), 640 in Physiotherapy (7.2%), 472 in Pharmacy (5.3%) and 73 in Dentistry (0.8%). There is a significant number of students who benefited from this program, twenty-five percent of whose internship hours were spent on actions to combat the pandemic, and there is a need for scientific studies to understand the effects of this action in terms of academic training, experience reports and the professional development of these individuals.

In terms of regulatory aspects, the legal norms resulting from the pandemic generated the need to reorganize teaching and learning processes and, therefore, the preparation of addenda to institutional documents, in order to record the actions adopted by HEIs during the pandemic (Oliveira, 2020). There was also a need to draw up specific documents, such as biosafety protocols, letters to report information to the MEC, internal communications, among others. In this sense, the PI worked intensively on these actions internally and with Seres.

In the context of the evaluations promoted by Sinaes, it was found that the external on-site evaluation had controversial effects, as highlighted in a report issued by the Federal Court of Auditors (FCA):

Another important consequence of the current regulatory model's difficulty in meeting the demands of the system is the way in which regulation ends up inducing assessment procedures and methods in order to respond to the pressure of the stock of processes. Examples of this are: the relaxation of the requirements for the formation of the evaluation committee responsible for external on-site evaluations; the transformation of the on-site visit into a virtual on-site visit, which was initially intended to meet an emergency situation, but ended up becoming standard (FCA, 2023, p. 29).

Paiva, Otranto and Souza (2021) criticize the implementation of the virtual on-site external evaluation, highlighting the speed with which INEP transformed a face-to-face methodology - which already had significant weaknesses - into a remote format, as well as the significant number of evaluations carried out in this format in such a short space of time.

This raises questions about the quality with which external evaluations are being carried out, the training of evaluators and the maintenance of Sinaes' principles. In loco virtual external evaluations have been in force for more than two years and their procedures have already been consolidated both within INEP and the HEIs, but there is still no consistent data or research on their practice, consequences and, above all, on their potential to evaluate the quality of education, which is an important issue.

#### 4 Final considerations

The Covid 19 pandemic impacted the functioning of higher education, leading to the publication of several legal regulations that established guidelines for the continuity of academic activities and dealt with the regulation, supervision and evaluation functions that structure the functioning of the federal education system. Such changes required HEIs to establish contingency plans, replan pedagogical activities, invest in technological resources, train the academic community for remote teaching and the ability to evaluate/reevaluate the practices adopted in the face of new demands. The role of the institutional regulation professional stands out, especially the IP, with its essential role in a complex context, with legal regulations and guidelines from government bodies, which are often not very enlightening.

From the documentary analysis, it was possible to verify that the new regulations were published on an exceptional basis. However, they generated different effects, as some of them only offered guidelines already provided for in the legal framework, as is the case with carrying out pedagogical activities in face-to-face courses remotely. Still others were revoked, such as the flexibility of the school calendar and, finally, some promoted permanent modifications, such as the implementation of virtual external assessments on site. The literature highlights historically existing tensions such as the debate about the weakening of public education and the growth of private initiative, the exponential increase in distance education and the use of assessment results for regulatory purposes.

The challenges arising from the pandemic demonstrated the importance of expanding the debate on public policies for higher education, considering the impacts that social isolation imposed, among them, the precarious performance of the regulatory body in the face of a crisis

scenario, the capacity of public HEIs and private institutions to rethink their activities and methodologies for the continuity of academic activities, as well as the advances and losses generated, during this period, such as the effectiveness of the virtual external evaluation in loco on their potential to evaluate the quality of higher education. Until recently, the possibility of a state of global public calamity was a distant reality. Now, it is up to us to discuss and reflect with new perspectives on the scenario of Brazilian higher education, taking into account the social and technological transformations driven during the pandemic period and, mainly, aiming to promote quality education.

The results of this study highlight the inefficiency of the State, in relation to higher education, during the period of the Covid-19 pandemic, being a topic of great relevance and concern. The state of calamity resulting from the health crisis does not justify the absences and failures in the State's response in relation to higher education.

“Lacks” are understood as insufficient infrastructure and resources for remote education, which created, due to social inequalities, a significant educational disparity, as some students were able to continue learning, while others were left without this opportunity. It is also considered a lack of investment in mental health support services in HEIs to help the educational community face these challenges, with this responsibility being assigned exclusively to HEIs.

With regard to “failures”, inadequate financing of education during the pandemic is mentioned, which led to budget cuts that directly affected the quality of education. In this sense, the State failed to plan, send resources and take effective action to ensure that education was not interrupted and that all students had equal opportunities. This topic – budget cuts in higher education – has its history long before the pandemic period.

It is added that the failure to face a serious problem such as the Covid-19 pandemic must be justified by a broader analysis, involving other actions such as Constitutional Amendment nº 95/2016, which changes the act of transitional constitutional provisions to establish the New Fiscal Regime, which guided the federal budget spending ceiling and prohibited new investments in Education, Health and Social Assistance until 2027; the precariousness of activities in public sector labor relations with the hiring of third-party service providers approved by Law No. 13,429/2017; among others. In this sense, it is essential that the government and society recognize these failures and work together to resume investments in education, prioritizing it as a fundamental pillar for the future. Education can no longer be neglected, even in times of crisis.

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