

Challenges and Prospects of Private Higher Education in Brazil

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Abstract

This article aims to analyse the challenges and perspectives of private higher education in Brazil, based on the historical context, in order to understand the dynamics, trends, and problems faced by this sector. Over the years, the expansion and improvement of higher education in the country have been shown to be structural conditions for long-lasting and consistent economic and social development. Given the importance of private higher education, this research focuses on the challenges, highlighting, among them: access and inclusion, quality of education, financing, competition, and regulation. On the other hand, the prospects primarily include expansion, innovation, and internationalisation. These challenges and prospects are fundamental to understanding the peculiarities involving private higher education in Brazil. This research is based on an inductive method of historical and bibliographic procedures, collecting data from books, journals, reports, and consulting sources online in order to present an overview of private higher education in Brazil, identify the main challenges faced by private educational institutions as a whole, and assess the prospects for the future. The study contributes to advancing knowledge in the field, among the movements of public and private policies that have promoted improving quality and access to higher education in Brazil throughout history.

Keywords: Historical Context, Challenges, Prospects, Private Higher Education, Brazil

Introduction

Education has become a topic of great interest for governments worldwide and is one of the pillars that make up contemporary society, representing the development of knowledge, skills and competencies and enabling individuals to develop highly specific modes of critical thinking. It plays a different and irreplaceable role in the individual's appropriation of culturally accumulated experience. Precisely for this reason, it is an essential element for the conceptual formation and the full realisation of psychological development for individuals and society, as it promotes a more sophisticated way of analysing and generalising elements of reality (Pereira, 2002).

With this point of view, respecting the principle of equality, everyone in Brazil has their right to education constitutionally guaranteed. However, this right has not always been present in the Brazilian society. Higher education was implemented late and did not meet the nation's needs for many years. Therefore, due to difficulties in providing public higher education, opportunities arose for establishing private higher education in Brazil (Sampaio, 2011).

Private higher education in Brazil has a long and complex history that dates back to the early 19th century when higher education in the country was predominantly public, with federal and state universities being the prominent institutions of higher education.

From the trajectory Brazil has traversed in its quest to offer education to all, it is evident that its most significant challenge was the creation of higher education institutions, both public and private, which gradually gained space in the various scenarios presented over the centuries, decades, and years (Durhan, 2003).

The growth of private higher education has been remarkable in recent decade (Qureshi and Khawaja, 2021). The Brazilian private education sector is one of the largest in the world (Bezerra et al., 2017). Currently, private higher education in Brazil is an increasingly present reality in the lives of Brazilian students. Due to the recent expansion and access to higher education, many students have chosen courses offered by private educational institutions. However, this sector faces various challenges that can negatively impact the quality of education and students access to this form of education.

Among the challenges private higher education faces in Brazil, access and inclusion, quality of education, financing, competition, and regulation stand out. Additionally, there are exciting prospects such as expansion, innovation, and internationalisation, which focus on processes aimed at the sector's future and improved quality of education.

Understanding these challenges and prospects is crucial to grasp the dynamics and trends of the sector, which has played and continues to play an essential role in the country's educational system, offering educational opportunities to millions of students. It is expected that this study will contribute to advancing knowledge in the field and understanding public and private policies developed in the area, which should promote the improvement of quality and access to higher education in Brazil.

Methodology

The main purpose of the study is to analyse the challenges and prospects of private higher education in Brazil through a literature review and analysis of secondary data, notably by presenting an overview of private higher education institutions- Universities, Colleges, Professional bodies and schools in the country, in order to identify the main challenges faced by private educational institutions and evaluate the prospects for the future.

Aims & Objectives

The study aims to identify the critical issues private institutions face and explore potential opportunities for their development and growth in Brazil with the following main objectives:

- To examine the Historical Context of Private Higher Education in Brazil
- To understand the role of Private Higher Education Institutions in Brazil
- To identify the main challenges facing private higher education institutions
- To evaluate the prospects for the future in Brazil

In addition to the above, relevant documents, such as government policies, reports, and academic publications, will be analysed to gain additional insights into the context of private higher education in Brazil.

Literature Review

Historical Context of Private Higher Education in Brazil

Higher education in Brazil was established late compared to the European and Latin American contexts. While the first universities in Latin America emerged in the 16th and 17th centuries, several universities already existed in Europe. Unlike Spanish colonisation, the Portuguese in Latin America resisted the creation of higher education schools and universities in their Brazilian colony. Only in the early 19th century, in 1808, the first higher education institutions were established in Brazil

with the arrival of the Portuguese royal family. Their objective was to provide professionals with different occupational roles in the court, focusing on the education of lawyers, doctors, and engineers (Sampaio, 2011).

With the end of the Empire, the Constitution of the Republic in 1891 allowed for the possibility of private education, and three decades later, several institutions were created by the private sector, mainly through Catholic initiatives. Between 1889 and 1918, 56 new higher schools were established, most private. From 1889 to 1930, the model of independent schools for the education of liberal professionals prevailed. Attempts to create universities were rare, and none succeeded (Durhan, 2003).

The debate about creating universities emerged with Getúlio Vargas's provisional government in 1931, which expanded the educational reform known as the Francisco Campos Reform. This reform authorised and regulated the operation of universities, determining that universities could be either official (public, federal, state, or municipal) or private. They were required to include three courses: Law, Medicine, Engineering, Education, Sciences, and Humanities. These faculties would be linked through a rector's office, maintaining their legal autonomy (Souza, Miranda & Souza, 2019). This was the first step towards the effective creation of private institutions, which accounted for 64.4% of establishments and 43.7% of enrollments in higher education in 1933. However, these proportions did not undergo substantial changes until the 1960s because the expansion of private education was balanced by the creation of state universities and their federalisation through the annexation of private institutions (Durhun, 2003). In 1960, there were 226,218 university students, of which 93,202 were from the private sector. From that point on, with the Law of Guidelines and Bases created in 1961, which was considered a victory for private education advocates, private education was significantly expanded, representing three-quarters of all university enrollments (Martins, 2009).

Despite the expansion of the education system, the government at the time, led by the military regime, could not increase enrollments in public institutions, leading to a demand for higher education from the urban middle class. As a result, these individuals began competing for promotion in both public and private bureaucracies through massive investment in schooling and obtaining a higher education degree (Durham, 2003).

Student mobilisation, characterised by intense debates within universities and street protests, would demand measures and solutions from the government to address the most acute educational problems, particularly regarding the issue of excess students (Favero, 2006). Notably, 29,000 students could not secure their places in the institutions they were approved for, which increased to 162,000 in 1969. The issue of "excess students" became a constant source of social tension, leading the government to promote reform in the higher education system to align it with the

needs of Brazilian development. The University Reform in 1968 aimed to modernise and expand public institutions, notably the federal universities, focusing on teaching, research, and extension. However, the emergence of the "new" private higher education sector resulted from the 1968 Reform since the modifications introduced in the federal universities failed to sufficiently increase their enrollments to meet the growing demand for access (Martins, 2009).

The Ministry of Education (MEC) and the Federal Council of Education (CFE) responded to pressures for more places, even going against the guidelines of the university reform, allowing for the multiplication of educational establishments, both standalone and integrated, offered by private institutions (Durhan, 2003).

The private sector responded quickly and was attentive to the demands of new and potential consumers. Initially, under the framework of the Law of Guidelines and Bases (LDB) of 1961, which recognized and legitimized the still balanced duality of the higher education system and later reinforced by the provisions of the University Reform of 1968, the expansion quickly established a complementary relationship between the public and private sectors (Sampaio, 2011).

From 1965 to 1980, there was a significant increase in enrollments in the private sector, which went from 142,000 to 885,000 students. This represented a change from 44% to 64% of the total enrollments during this period. Initially, between the late 1960s and the 1970s, the growth of the private sector occurred mainly through the opening of small standalone educational institutions. From the second half of the 1970s, there was a gradual transformation in the private sector, with institutional organisation becoming more solid. Initially, some of the standalone institutions merged and became federations of schools. Later, starting in the late 1980s, there was a significant increase in transforming these standalone institutions into universities. Between 1985 and 1996, private universities increased from 20 to 64 establishments. This expansion of private universities was motivated by the owners' perception that having larger institutions offering various courses would bring competitive advantages in the higher education market (Martins, 2009).

With the promulgation of the Constitution of the Republic in 1988, there were significant transformations, keeping higher education open to private initiative, which began to cater to the masses and not just the elite, promoting movements towards university organisation and regional decentralisation, enrollment expansion in rural areas, and diversification of course offerings. Furthermore, it allowed the private sector to create and discontinue courses at their institutions and adjust the number of available places in courses without being subjected to bureaucratic control from official bodies (Martins, 2009).

Despite challenging periods faced by the country in its pursuit of democratisation, hindered by economic stagnation, unemployment, and inflation, the sector experienced significant growth in terms of the number of institutions and the number of enrolled students. Adapting to the new legislation and seeking opportunities to address the demand crisis, some segments of private higher education took on entrepreneurial actions and sought to transform themselves into universities (Sampaio, 2011).

In the 1990s, the private sector accounted for 62% of total enrollments, which saw a tremendous increase in the North and Central-West regions and a decrease in the Southeast and South regions. In addition, there was a rapid growth in the number of courses through the fragmentation of disciplines, transforming a specialisation and/or subject into an independent course, particularly in Applied Social Sciences, Communication, and Administration. This was done to expand and diversify the student body and meet the demands for higher education (Sampaio, 2011).

The period leading up to 1996 was marked by a tripling of private universities, demonstrating a movement towards university organisation. During this time, the federal government issued Decree 2207/1997 to differentiate community institutions from for-profit private establishments, which were prohibited from receiving public funds and enjoying tax immunity. Thus, academic capitalism was institutionalised, in which the investments made by educational institutions were required to follow the same regulations as other sectors of the economy (Martins, 2009). In the same year, Decree 2306 of August 19, 1997, revoked the provisions of the previous decree with minor modifications but had a more significant impact. It stated that maintaining entities could assume any legally recognised form, whether civil or commercial and when established as foundations, the Brazilian Civil Code would govern them. These decrees constituted a milestone in the higher education system in the country, as they imposed a choice between two alternatives - with or without profit-making purposes (Sampaio, 2011).

Between 1990 and 2002, there was a significant increase in the demand for higher education, as evidenced by a growth of approximately 160% in the number of applicants for entrance exams. At the same time, the number of available places also increased, reaching 252%. Due to the reduction of places in the federal system, private institutions were responsible for absorbing a large portion of this demand. However, despite the notable growth in undergraduate enrollments in recent decades, there were indications that the expansion strategy through private institutions was showing clear signs of exhaustion. In 2004, 49% of the places in the private sector

were unfilled, and there was a significant increase in the number of delinquent students (Martins, 2009).

With the change of government in 2003 and, consequently, a reorientation of an educational policy aiming to strengthen public education, specific actions were implemented to reverse the adverse situation, including creating the University for All Program (PROUNI). The program is intended for candidates with a monthly gross family income of up to one and a half minimum wages per person. In addition, private institutions can join the program with the commitment to offer at least one full scholarship for every nine regularly enrolled paying students in courses effectively offered by the institution.

Examining the relative growth in higher education, in 2006, there were 4.7 million undergraduate students enrolled, of which 74% were studying in private institutions. The for-profit private sector accounted for 41% of the enrollmentss. Federal institutions accounted for 12%, state institutions for 10%, and municipal institutions for 3% of the total enrollmentss. There were 2,270 undergraduate institutions of different sizes and academic vocations, of which 89% belonged to the private sector. The for-profit sector represented 78% of all private institutions (Sampaio, 2011).

From 2003 to 2010, there was more significant growth in the number of public higher education institutions, with a relative decrease in enrollment growth in the private sector, although it still remained higher at 71.5% compared to 39.7% in the public sector. However, in 2014, there was strong growth in the private sector, with enrollments increasing from 2,434,650 in 2002 to 5,867,011, a 141% increase, fuelled by family financing facilitated by ProUni and the Student Financing Program - FIES (Chaves & Amaral, 2016). Data indicates that by the end of 2013, ProUni had served 1.2 million young people enrolled in 1,116 private institutions (Napolitano, 2021).

Four decades later, private universities in Brazil have significantly grown, currently accounting for 75% of enrollmentss (Semesp, 2021). As a result, the private higher education sector has experienced an increase in the number of institutions and students enrolled. Various factors, including the pursuit of professional qualifications, the expansion of course offerings, and the demand for flexible study schedules have driven this growth.

During this period, there were still debates about foreign groups' entry into the control of private higher education institutions in Brazil, which were consolidated through mergers and acquisitions in the private higher education sector in the last decade. These transactions occur as part of growth strategies, market consolidation, and the search for synergies among institutions.

In privatisation, some commercially-oriented private institutions broke regional boundaries, formed commercial partnerships with foreign establishments, went public on the stock exchange, and, more recently, started operating in other countries (Martins, 2009).

Challenges of Private Higher Education in Brazil

Regarding private higher education in Brazil, there is no shortage of challenges to enumerate. As society and its values change, challenges in the sector quickly arise and demand paradigm shifts.

It is important to note that Brazil is one of the largest countries in the world, with a territorial area of 8,515,759 square kilometres and a diverse population. Despite the predominant Portuguese colonisation, the country has also received immigrants from other European countries, including Spaniards, Italians, Germans, Poles, and Russians. In addition, in the late 19th and early 20th centuries, there was a significant influx of Japanese immigrants and notable immigration from Syria, Lebanon, and other Middle Eastern countries. Throughout the 20th century, immigrants from various countries such as Poland, Ukraine, Russia, the Netherlands, France, and Switzerland arrived, and in recent decades, there has been a growing immigration from Latin American countries such as Bolivia, Paraguay, Peru, Haiti, and Venezuela. It is also worth noting that the colonisation of Brazil had a significant impact on indigenous and African populations, who were brought as enslaved people during the colonial period. As a result, their cultural contributions are fundamental to the country's formation (Jorge, 2018).

Indeed, **policies aimed at access and inclusion in private higher education** can help correct these disparities and promote equal opportunities. "The pressure for inclusion or democratization has always been present throughout Brazilian educational history, as the poor and Black individuals have always faced barriers to accessing public education" (Cruz & Paula, 2018, p.55).

Brazil implemented Law No. 12,711, known as the Quota Law, on August 29, 2012. This law determines that half of public higher education institutions' places should be reserved for black and mixed-race candidates who attended all three years of high school in public schools. Although the law applied initially to federal institutions, many private institutions have also voluntarily adopted quota policies to promote inclusion and diversity among their student bodies. The 2019 Higher Education Census conducted by the National Institute for Educational Studies and Research Anísio Teixeira (Inep) revealed that in private institutions, 46.6% of enrolled students were black or mixed-race, compared to 53.4% who identified as white or other ethnicities (Inep, 2019), representing significant progress in the sector.

However, applying quotas by private institutions is not mandatory unless specific legislation requires it.

Access programs to universities such as ProUni and the Student Financing Fund for Higher Education (FIES), which have been responsible for increasing access to higher education, have also been utilised by private institutions nationwide. Data from the Brazilian Institute of Geography and Statistics (IBGE) show that between 2010 and 2019, the number of black students in higher education increased by almost 400%. However, black students accounted for 38.15% of total enrollments, still a low percentage compared to their representation in the overall population, which is 56% (Costa, 2020).

Regarding indigenous people, data shows that between 2011 and 2021, the number of self-declared indigenous students in higher education increased by 374%. According to the analytical intelligence centre created by the entity representing higher education institutions in Brazil (Semesp), most of these students were enrolled in private institutions, accounting for 63.7%. However, in 2021, the indigenous student population was a little over 46,000 people, equivalent to 0.5%. Research also concluded that during the same period, most students who completed their courses and obtained a degree were from private institutions, with 84% compared to 15.6% in public institutions (Baliana, 2023).

For low-income individuals, the federal government established procedures for providing financial aid to students enrolled in federal higher education institutions through the Bolsa-Permanência program. It is a public policy aimed at granting financial assistance to students, particularly quilombola, indigenous, and socioeconomically vulnerable students, enrolled in federal higher education institutions in order to contribute to their retention and graduation. However, it is worth noting that this program does not include students enrolled in private educational institutions, who must rely on programs such as ProUni and FIES or apply for Scientific Initiation Programs offered by the National Council for Scientific and Technological Development (CNPq), which provide scholarships to students enrolled and linked to researchers in private educational institutions. However, these scholarships are temporary, and the financial resources do not cover the full tuition fees; they serve as financial aid and research incentives.

Despite the possibilities of inclusion through these policies, there is still a lack of effective promotion of inclusion and diversity of these individuals in both public and private educational institutions in Brazil. Diversity is an essential value in a democratic society. The presence of black and indigenous students in private higher education contributes to the representation of these groups and enriches the academic environment with diverse perspectives. Additionally, ethnic and racial

diversity in private higher education can help reduce stereotypes and prejudices, promoting a culture of respect and appreciation for differences (MEC, 2023).

Including black and indigenous individuals in private higher education is a way to combat racism, which is still prevalent in Brazilian society, as it provides these groups with access to educational opportunities that have historically been denied to them. Access to higher education is an essential means of social and economic advancement, and the lack of access perpetuates inequality and exclusion. Moreover, it is a matter of social justice and a strategy for socioeconomic development. By ensuring these groups' access to quality education, private educational institutions in Brazil would be investing in human capital and enabling them to contribute more significantly to the country's development, strengthening the economy and promoting more inclusive and sustainable growth (Cruz & Paula, 2018). Therefore, public policies aimed at accessing and including low-income, black, and indigenous people in the private higher education landscape are essential to promote equal opportunities, combat structural racism, strengthen diversity, and contribute to Brazil's socioeconomic development.

The **quality of education** also presents another significant challenge for private higher education institutions in Brazil. For these institutions to be considered of good quality, investments in infrastructure and a qualified and up-to-date faculty are necessary to meet a set of quality indicators that are considered when evaluating the institution.

In Brazil, the Ministry of Education and Culture (MEC), through the National Higher Education Evaluation System (Sinaes), assesses higher education institutions, the courses offered, and student performance. The evaluation process considers various aspects, such as the quality of education, research, extension activities, social responsibility, institutional management, and faculty. To do so, it collects information from the National Student Performance Exam (Enade) and evaluations conducted both at institutions and in courses. This information is used to guide higher education institutions and support public policies in the educational field. Additionally, the data obtained is useful for society as a whole, especially for students who can use the information as a reference regarding the conditions of courses and institutions. These evaluation processes are coordinated and supervised by the National Commission for the Evaluation of Higher Education (Conaes), while operationalization is the responsibility of the National Institute for Educational Studies and Research Anísio Teixeira (Inep) (Brazil, 2023).

The evaluations of higher education institutions are periodic and issue concepts ranging from 1 to 5 through the Institutional Concept (CI), which assesses the institution's overall quality, and the Course Concept (CC), which specifically

assesses the quality of a particular course. The General Course Index (IGC) is a synthetic indicator that considers the average Course Concepts (CC) of undergraduate and graduate programs in an institution, with concepts ranging from 1 to 5, with 5 being the highest score. The score obtained in the National Student Performance Exam (ENADE) can also indicate quality. ENADE is an assessment the MEC conducts to measure students' performance regarding the program contents, skills, and competencies developed in undergraduate courses (Brazil, 2023).

To fulfil the indicators, private higher education institutions need to have financial resources to invest in infrastructure, research, innovation, and faculty as strategies to improve the quality of education. Regarding infrastructure, private institutions have sought to modernize their facilities, offering suitable environments for learning, well-equipped laboratories, and updated technological resources. This includes investments in comfortable classrooms, digital libraries, collaborative study spaces, and high-speed internet access (Neves & Neves, 2011).

Regarding research and innovation, Brazil, through Law No. 10,973 of November 21, 2004, established measures to promote innovation and scientific and technological research in the productive sector, with the primary objective of stimulating public universities and research institutes to contribute to the innovation process. At the same time, Law No. 11,079 of December 30, 2004, was enacted to establish general rules for public-private partnerships (PPPs) in Brazil. This law establishes procedures and rules for establishing partnerships between the public and private sectors in infrastructure projects. Furthermore, the Law on Technological Innovation and the Law on Public-Private Partnerships provide a regulatory framework for rediscovering the university as an ICT (Innovation and Technology Center) concerning the production of scientific research and technological extension (Borges, 2015). Based on this legislation, many private institutions attempt to establish partnerships with companies and research centres, encouraging scientific production and the development of innovative projects. In addition, they seek to provide opportunities for student and faculty participation in research activities and promote interdisciplinarity and academic entrepreneurship.

The innovation processes require highly skilled human resources and companies committed to the development of innovations. Universities play an essential role in the education of qualified individuals and in increasing society's capacity to learn and absorb new knowledge, enhancing society's ability to understand technology and external knowledge. Companies are also responsible for increasing their capacity to utilize this knowledge to contribute to the accumulation of local technology. Furthermore, universities are responsible for producing research that can be applied in the productive sector, generating competitive advantages for

companies that can transform scientific knowledge into technological innovations in the industrial field (Menezes, 2022).

Despite this possibility, private higher education faces challenges, as many institutions lack adequate structures for collaboration with companies and research centres. This is mainly due to a lack of contacts, knowledge about the needs of the business sector, and the absence of efficient communication channels, making it challenging to identify partnership opportunities and build solid relationships. Additionally, important factors that hinder the integration of the education and business sectors often revolve around intellectual property issues. On the one hand, companies seek to protect research and development results to secure their competitive advantage, while on the other hand, higher education institutions are interested in sharing knowledge and publishing results to strengthen their academic reputation. Specifically, the financial resources of private higher education institutions may hinder their participation in research and development projects in partnership with companies, limiting their ability to invest in equipment, laboratories, and infrastructure necessary to meet the demands of the business sector (Brazil, 2019).

Financing **private higher education** in Brazil is another critical point, presenting a significant challenge for institutions and students aiming to enrol in private institutions in Brazil. This is because most of them rely on federal and state funds allocated to the sector to ensure students' tuition fees for those who participate in financing programs. However, both the institutions and students must meet the requirements outlined in the legislation, which does not apply to everyone (Brazil, 2023).

The Brazilian student financing program began in 1975 with the Educational Credit Program (Creduc), which increased enrollments in private higher education institutions, benefiting around 870,000 people. However, the program was replaced by FIES through Provisional Measure No. 1,827 of May 27, 1999, transformed into Law No. 10,260 of July 12, 2001, and modified by Law No. 14,375 of 2022.

According to the legislation of the Student Financing Program, Article 1 states that "the Student Financing Fund (FIES), of an accounting nature, linked to the Ministry of Education, is intended for granting financing to students in non-free, face-to-face or distance higher education courses with positive evaluation in processes conducted by the Ministry, following its regulations." As stated in the first paragraph of Article 1, "The financing is intended for students enrolled in professional, technical, and technological education courses, as well as in master's and doctoral programs with positive evaluation, provided that resources are available, according to what is approved by the Student Financing Fund Management

Committee (CG-FIES)." Furthermore, the second paragraph states, "Undergraduate courses with a positive evaluation are considered those that obtain a score of 3 (three) or higher in the National System of Higher Education Assessment - SINAES."

Therefore, it consists of a program funded by the federal government, and for students to benefit from this financing, the educational institution must necessarily have a good evaluation and there must be availability of resources. In other words, the student interested in obtaining financing for higher education must apply for the FIES selection process, conducted by the Higher Education Secretariat (SESu) of the Ministry of Education (MEC), and be regularly enrolled in a non-free undergraduate course with a positive evaluation in the National System of Higher Education Assessment (SINAES) offered by an Institution of Higher Education (IES) whose sponsor has joined FIES.

As for the candidate, it is necessary to have participated in an edition of the National High School Exam (ENEM) starting from 2010 and obtained an arithmetic average of exams equal to or higher than 450 points and scores higher than 0 in the essay section. In addition, it is also necessary to have a gross monthly family income per person of up to 3 (three) minimum wages (MEC, 2023).

The University for All Program (ProUni) is aimed at Brazilian candidates without a higher education degree who have participated in the latest edition of the National High School Exam (ENEM) with a minimum average score of 450 points and a non-zero score in the essay section. The candidate must prove a gross monthly family income of up to one and a half minimum wages per person. For the partial scholarship (50%), the gross monthly family income must be up to three minimum wages per person. In addition, the candidate must meet at least one of the following conditions:

- Have completed high school in a public school.
- Have completed high school in a private school as a full scholarship holder.
- Have partially completed high school in a public school and partially in a private school as a full scholarship holder.
- Have a disability.
- Be a teacher in the public education system, actively working as a primary education teacher, and be a permanent staff member of a public institution, competing exclusively for scholarships in teaching degree programs.

In these cases, there are no income requirements (MEC, 2023). Scholarships are granted in private higher education institutions, and the federal government provides financial resources to cover either fully or partially the tuition fees of the benefiting students (MEC, 2023).

Although FIES and ProUni benefit students, they can also bring financial challenges to private higher education institutions because these programs rely on the allocation of budgetary resources from the federal government for their operation and continuity. The availability of funds may vary depending on government policies, annual budgets, and other economic and political considerations. In addition, granting scholarships and participation in FIES may result in revenue loss for institutions since a portion of the tuition fees is subsidized by the government or financed through the program. This can affect institutions' financial sustainability, as the continuity and resources allocated to these programs may change over time, especially if the available places are not fully filled (Pereira & Brito, 2018).

Competition in private higher education has proven to be another challenge for private institutions as it influences the quality of education and student access. This competition has been driven by various factors, including the growing demand for higher education, the expansion of the private sector, and the need to differentiate oneself in the market (Sampaio, 2011).

According to the latest Higher Education Map in Brazil, out of the country's 2,608 Higher Education Institutions (HEIs), 2,306 are private, and only 302 are public as of 2020, indicating a continuous expansion of private higher education in Brazil. After growing by 3.6% compared to 2018, the number of HEIs in the country had a minor increase in 2019, at 2.8%, with a 3.0% increase in the total number of private educational institutions. The private sector continues to represent 88.4% of the total number of HEIs in the country, concentrating 75.8% of higher education enrollments (Semesp, 2021).

As previously mentioned, private higher education institutions undergo evaluations by SINAES, which is guided by indicators such as the IGC (General Course Index), derived from the CPC (Preliminary Course Concept) for undergraduate programs, and the Capes Concept, an indicator of the quality of stricto sensu graduate programs. The CPC, in turn, consists of the performance indicator of graduating students in undergraduate programs through the Enade (National Student Performance Exam); the IDD (Difference in Performance Indicator) of each graduating student, calculated as the difference between the Enade score and the Enem (National High School Exam) score, seen as a measure of added value in the educational process; the proportion of professors with master's and doctoral degrees in the faculty of HEIs, as well as the characteristics of their work arrangements; and the students' perception of the necessary conditions for their educational process (Lima, Maia, Ciasca & Souza, 2020).

After undergoing the evaluation process, educational institutions receive a rating from 1 to 5 stars (5 stars: excellent; 4 stars: very good; 3 stars: good; unrated and without scores), generating a ranking published in the Faculdade Guide, where one can find the best educational institutions in the country, both public and private. Considering these data, in terms of the quality of education, competition can be beneficial as private institutions are incentivised to improve their curriculum, infrastructure, faculty, and services offered to attract and retain students. Furthermore, to stand out in a competitive market, these institutions often invest in educational resources, updated laboratories, technology, and partnerships with companies, aiming to provide a more qualified education to students (Menezes, 2022).

However, competition can also have some adverse effects. For example, some private institutions may focus more on marketing strategies and student recruitment rather than the quality of education itself. This can lead to questionable practices, such as lowering admission criteria, reducing academic support, or overcrowding classrooms, compromising the main objective of institutions, which is to provide excellent education (Menezes, 2022).

News about private higher education institutions laying off teachers and staff, reducing the number of classes by combining two or more, relocating students among various campuses for managerial convenience, or experiencing the effects of student dropouts or non-payment of tuition fees are frequent in the media. These news stories generally indicate the need to cut costs. Regardless of the motivation (increased profit or better alignment of expenses with revenue) for institutions to adopt cost-cutting measures, these news stories leave no doubt that at least some segments of the private sector face difficulties (Sampaio, 2011). On the other hand, in a highly competitive environment, some private institutions may increase their tuition fees and charges to remain profitable or to finance improvements in the quality of education, thereby raising the costs of education for low-income applicants, making it impossible for them to afford the higher costs (Sampaio, 2011).

In summary, competition among private higher education institutions in Brazil has influenced both the quality of education and student access, becoming a pressing challenge. While it can stimulate improvements in quality and increase access opportunities, it is crucial to strike a balance to ensure that competition does not compromise the quality of education and exclude students with fewer financial resources. Therefore, regulatory policies and mechanisms for evaluating the quality of education play an essential role in promoting a healthy and equitable competitive environment.

Regulatory policies in private educational institutions in Brazil can be considered challenging, as the processes are pretty complex and bureaucratic, established by different agencies and legislations, requiring institutions to make significant administrative and financial efforts to ensure compliance with all regulatory obligations that seek to guarantee the quality and proper functioning of these institutions (Cabral, 2019).

These policies aim to ensure the quality of education offered by private institutions, which, although essential for protecting students' interests, presents a challenge for the institutions themselves. Therefore, they must continuously maintain and improve their quality standards, which involves significant investments in infrastructure, teacher qualification, educational resources, laboratories, and educational technology (Cabral, 2019).

The Federal Constitution of 1988 established principles and guidelines related to private higher education institutions in the country, ensuring freedom of education and guaranteeing everyone the right to learn, teach, research, and disseminate thought. It recognized university autonomy, granting universities the right to self-govern according to their statutes and internal regulations, including the freedom to create new private higher education institutions and define their curricula, programs, and pedagogical projects. Furthermore, it established that education should be provided on equal conditions for access and equal opportunities to students in a non-discriminatory manner, respecting fundamental rights and ensuring the inclusion of all individuals. Furthermore, it assigned to the government the responsibility to regulate and oversee both public and private higher education institutions (Brazil, 1988).

From there, the Law of Guidelines and Bases, Law 9,394 of December 1996, the primary legislation that established the guidelines and bases of education in Brazil for both public and private institutions, defined fundamental aspects of the educational system, such as levels of education, curricular organization, student assessment, and school management. The Ministry of Education became responsible for processing procedures and regulatory acts of higher education institutions in Brazil (Brazil, 1996). It plays a fundamental role in the regulatory aspect, a constitutionally established mandate, and seeks to enhance the regulation and supervision processes of higher education institutions and courses in Brazil. In this regard, the Ministry of Education, through Ordinance No. 1,006, created the Program for the Improvement of Regulation and Supervision Processes in Higher Education (Pares), adopting, among other measures, greater participation of society in the regulatory process through consultations and public hearings (MEC, 2023).

Law No. 13,005, dated June 25, 2014, established a National Education Plan - PNE, which sets guidelines, goals, and strategies for educational policy until 2024. It is an important instrument to guide educational policies and promote advancements in higher education, both in the public and private spheres. The fourth group of goals in the PNE refers to private higher education and aims to expand access and improve the quality of private higher education in Brazil, establishing parameters for expanding offerings and enhancing teacher training.

In order to regulate tuition fees in private higher education institutions, the federal government enacted Law No. 9,870 on December 23, 1999, determining the criteria for tuition fee adjustments, the information that must be provided to students regarding the fees charged, and the rights and obligations of the parties involved in educational contracts. It also stipulated that the educational institution cannot prevent students from accessing all their academic rights during the semester or academic year due to non-payment. However, the delinquent student may not be able to renew their enrollment and may lose their connection with the institution, with the educational establishment having the guarantee to appeal to the courts in order to enforce the contract and demand payment of the tuition fees and compliance with the established clauses, as well as including the debtor in credit protection services. The institution is not obligated to offer new payment conditions to delinquent students (MEC, 2023).

Article 6 of Law No. 9,870/99 establishes that the suspension of school exams, the withholding of school documents, including the diploma of completion, or the imposition of any other pedagogical penalties due to non-payment are prohibited, subjecting the contracting party, as applicable, to legal and administrative sanctions compatible with the Consumer Protection Code and the Brazilian Civil Code if the non-payment persists for more than ninety days (MEC, 2023).

The federal government, through Law No. 12,529 of November 30, 2011, established the Brazilian Competition Defense System (SBDC) and provided for the prevention and repression of infractions against economic order, guided by constitutional principles of freedom of initiative, free competition, the social function of property, consumer protection, and repression of economic power abuse. The beneficiaries of the legal interests protected by this legislation are the community at large.

As seen throughout the research, private educational institutions must undergo authorization and evaluation processes by the Ministry of Education (MEC) through the National Higher Education Assessment System (Sinaes) established by Law No. 10,861 of April 14, 2004. These processes can be time-consuming and involve requirements, documentation, and inspections, making it challenging to establish new private educational institutions or expand existing ones.

However, depending on the field of operation of private educational institutions, they may be subject to specific requirements established by professional councils or specialized regulatory bodies. Furthermore, regulatory policies are subject to frequent changes, with the enactment of new legislation, ordinances, and established guidelines, requiring private educational institutions to adapt continuously, which demands additional investments, curriculum reformulation, and internal processes. This can be challenging for already established institutions. Therefore, complying with all these requirements can pose an additional challenge, as failure to do so compromises the quality, transparency, and safety of private educational institutions.

Prospects for Private Higher Education in Brazil

From 1965 to 1980 in Brazil, the private sector mainly drove the expansion of higher education. During this period, enrollment in private education increased significantly, from 142,000 to 885,000 students, representing an increase in its share from 44% to 64% of total enrollments (Pereira & Brito, 2018).

There was then an evolution in the number of private institutions in higher education in Brazil, from 1980 to the year 2000, totaling around 1,000 units. This was possible because, as Durhan (2003) explains, the private sector was able to meet the demand by focusing on offering low-cost courses and establishing lower academic requirements both for admission and for continuing studies until graduation. The expansion largely occurred through the proliferation of standalone schools, with 782 establishments primarily offering courses in administration, economics, and teacher education. "Private higher education institutions had indeed become a big business. However, the profitability of these ventures also attracted a whole new set of entrepreneurs without previous commitments to education. Driven by the goal of increasing profitability by capturing available demand, the private sector became governed by the market" (Durhan, 2003, p. 19).

The **growing demand for higher education** led to a significant movement of buying and selling Higher Education Institutions starting in 2007. This process resulted in the formation of company networks through the acquisition and/or merger of private educational institutions in Brazil by national and international companies in the higher education sector, as well as the listing of these companies on the stock exchange. This scenario has led to the formation of oligopolies, meaning a small number of large companies dominate the country's higher education market (Chaves & Amaral, 2016).

Sampaio (2011), commenting on the subject, states that "not every higher education institution associated with international capital went public on the stock exchange. However, the opposite is not true: every publicly traded company can

(which actually happens) have international capital," and further explains that "initiatives such as going public on the stock exchange or partnering with international education networks became possible because [...] the maintainers of private institutions opted for the commercial form and established themselves as maintainers of profit-seeking private institutions. Such a choice already expressed the entrepreneurial vision of the maintainers of these institutions."

Pereira (2020), citing Burnner (2006), reports that it is not only business groups, companies, and players (in market language) that operate in the educational field, going public and obtaining resources through stock market appreciation. The higher education sector has undergone a comprehensive and complex set of transformations over the years, driven by various factors. Among them are changes in the role of governments regarding higher education, which are increasingly associated with a market perspective; the expansion of access to higher education for a larger number of students; the significant increase in private higher education and research institutions; and the emergence of a global market for educational services and knowledge.

Inserted in this context, Law No. 12,529 of 2011 established the rules and guidelines for the Brazilian System of Competition Defense (SBDC), the Secretariat for Productivity Promotion and Competition Advocacy (SEPRAC), the Administrative Council for Economic Defense (CADE), and the General Superintendence of CADE. It established criteria and procedures for analysing and approving economic concentration acts, such as mergers, acquisitions, and joint ventures, that may significantly impact market competition. It also aimed to prevent the formation of cartels, abuse of economic power, and control of anticompetitive conduct. In addition, the law established mechanisms for cooperation with competition defense authorities from other countries, aiming to exchange information and combat transnational anticompetitive practices.

Until 2015, the regulatory agency approved and cleared 62 concentration acts in the private higher education market, with only one case archived due to the applicants withdrawing from the operation. The vast majority were approved without restrictions, leading to the belief that despite the global structural crisis, the expansion of the higher education market in Brazil continued to grow, thanks to the support provided by the state. As a result, Brazil now concentrates on the most influential private educational groups in the world, with notable groups including Kroton/Anhanguera, Anima, Estácio, Ser Educacional, Devry, Laureate, and Universidade Paulista (UNIP), representing a significant hub for the development of this market sector (Pereira, 2020).

Considering the significant increase in the number of enrollments in private higher education in recent years, it is evident that these markets have directly influenced the history of private higher education, as indicated by research published by Semesp in 2021. Among the country's 2,608 Higher Education Institutions (HEIs), 2,306 are private, and only 302 were public in 2020, demonstrating the continuous expansion of private higher education in Brazil (Semesp, 2021).

In the current scenario, four major groups, with a significant portion of their capital originating from foreign institutions, stand out: Anhanguera Educacional S.A., based in São Paulo; Estácio Participações, the holding company of Universidade Estácio de Sá, based in Rio de Janeiro; Kroton Educacional, from the Pitágoras Network, based in Minas Gerais; and the company SEB S.A., also known as "Sistema COC de Educação e Comunicação," headquartered in São Paulo (Sordi, 2022).

The prominent educational groups share some common characteristics:

- They grow rapidly and extensively.
- They pride themselves on ensuring pedagogical standardisation and content consistency in their courses to diverse audiences in various locations.
- They attribute their positive results to a governance model that combines centralised administrative management with decentralised operational management.

Operating on a large scale, they can reduce costs and charge lower fees to their student customers, which they consider another advantage (Sampaio, 2011).

According to recent news, Brazil is experiencing a significant increase in mergers and acquisitions in the private higher education sector, which is increasingly linked to productivity improvement. In the first semester of 2022 alone, Brazil had more operations than in 12 of the 14 years since the opening of capital for educational groups in 2008. There were 53 transactions in that year, while in 2021, there were 52 transactions. The first semester of 2022 already accounted for 39 mergers and acquisitions (Mali, 2022).

From the perspective of the **expansion of private higher education**, it can be affirmed that mergers and acquisitions demonstrate a favourable outlook for the sector in Brazil. They indicate a greater demand for higher education and provide growth opportunities for private institutions by offering increased access to education, particularly in regions with a limited supply of public institutions. They also contribute to diversity in courses, programs, and educational approaches, catering to students' different needs and interests. They also foster innovation and flexibility through new pedagogical approaches, educational technologies, and innovative study programs, thus promoting quality improvement. Moreover, mergers and acquisitions result in significant investments in infrastructure, laboratories,

libraries, and technological resources, creating a more modern and well-equipped learning environment (Chaves & Amaral, 2016).

Alongside the expansion of private educational institutions, **innovation** plays a fundamental role, offering critical perspectives for the sector. The incorporation of innovative practices and educational technologies brings significant benefits to educational institutions, students, and society as a whole. It allows for adopting modern pedagogical approaches, more interactive and personalized teaching methods, and advanced technologies, providing a more engaging, relevant, and practical learning experience (MEC, 2023).

Lastly, and without intending to exhaust the topic, an important theme is the **internationalization of private higher education in Brazil**, which holds significant potential and can bring a series of benefits to educational institutions, students, and the country as a whole. The internationalization of higher education is a term that refers to the full utilization of international cooperation activities among educational institutions worldwide (UNESCO, 2004). It involves integrating global aspects into the educational context, including international partnerships, academic mobility, student exchanges, and transnational research collaborations.

Several elements stand out in the internationalization of private higher education institutions, particularly regarding students. It offers expanded opportunities for students, allowing them to participate in exchange programs, study at foreign universities, and experience different cultures and perspectives, providing enriching experiences for personal development and broadening horizons. This international exposure and the acquired knowledge of different cultures and languages are highly valued in the global job market, offering a competitive advantage when seeking employment opportunities in multinational companies and international organizations (Guazzelli, Raymundo, Varjabedian & Akerman, 2015).

From an expansion perspective, internationalization fosters collaboration in research and the development of joint projects between institutions from different countries. Knowledge exchange and international collaboration lead to innovative scientific discoveries, technological advancements, and solutions to global challenges. Additionally, it attracts international students to Brazil, contributing to cultural diversity and strengthening the global perspective within higher education institutions (Guazzelli, Raymundo, Varjabedian & Akerman, 2015).

With this guiding perspective, private educational institutions in Brazil are responsible for driving internationalisation efforts. This includes investing in strategic partnerships with international institutions, promoting academic mobility programs, encouraging fluency in foreign languages, facilitating the validation of international diplomas, and providing adequate support to international students.

Conclusion

With the establishment of higher education in Brazil, initially public, aiming to provide academic training in specific fields, the need to create new positions arose due to the growing demand at the time. Private institutions, the subject of this study, initially emerged as an alternative to the limited number and geographic scope of public institutions. With reforms and changes in government over time, private higher education institutions experienced a process of continuous expansion driven by the increasing demand for professional qualification and, primarily, the federal government's inability to increase the number of spots in public educational institutions.

With the significant expansion, the private education sector in Brazil faces significant challenges but also presents promising prospects. These challenges should be seen as priorities to ensure equal access and opportunity for students, as mandated by the Federal Constitution of 1988. High tuition costs, prejudice, and discrimination can limit the inclusion of low-income, Black, and Indigenous students. While some private higher education institutions have embraced access and inclusion projects by offering scholarships and financial aid for low-income students and providing reserved spots for Black and Indigenous individuals, these initiatives are still limited and insufficient to meet the demand. It is necessary to strike a balance between tuition costs and the economic viability of institutions, as well as participation in funding programs, ensuring educational quality and avoiding the exclusion of students due to financial reasons.

Ensuring the quality of education provided by private institutions is crucial. Therefore, sector regulation and monitoring educational standards are positive and ongoing challenges to ensure compliance with quality criteria and academic responsibilities.

Despite the challenges, private educational institutions in Brazil present favourable prospects in this continuous expansion process. An indicator of this trend is the increase in mergers and acquisitions, reflecting the growing demand for higher education and offering growth opportunities for private institutions. This promotes innovation, adopts modern pedagogical approaches, incorporates advanced educational technologies, and brings enhancements to increase quality and provide significant benefits to meet students' diverse needs and interests. These changes and innovations positively impact the private education sector, benefiting the institutions themselves, students, and society as a whole.

In a globalised context, the internationalisation of private higher education has also emerged as an essential perspective that serves the interests of students and the sector.

These prospects have been fundamental to the expansion of private higher education as they involve pursuing pedagogical innovation, offering academic programs aligned with the job market's needs, investments in infrastructure and technological resources, diversifying courses, and promoting internationalisation.

Private higher education in Brazil, the focus of this research, is constantly evolving, adapting to new realities, and addressing its challenges while keeping the perspectives that have guided its expansion throughout the centuries in sight. Therefore, studies and research on this subject are ongoing and can be the subject of future inquiries in order to achieve changes in the sector's paradigms.

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