This article presents a study on current legislation in Brazil about supervised internships of education professionals. There are two objectives for this initiative: a) gather references to assist in the institutional debate on the internships policy and b) highlight, to courses internal committees, the main legal guidelines. The work consisted of a literature review, the legislation review and the review of the material gathered in the repository "Opinions and resolutions on internship" of the Ministry of Education (MEC). The results allowed to recognize heterogeneity and ambiguity in the legal framework, which was evidenced by the volume and content of the queries submitted to the National Education Council (CNE) since 1996. Institutional policies regarding internships in higher education institutions (HEIs) deserve deep political debate that is not done yet. 

Descriptors: Curriculum; Professional Practice; Legislation as Topic.

En este artículo se presenta un estudio sobre la legislación vigente en Brasil acerca de la práctica supervisada de la educación profesional. Hay dos objetivos para esta iniciativa: a) recopilar referencias para ayudar en el debate institucional acerca de las políticas de práctica supervisada y b) destacar, para los comités internos de cursos, las principales directrices legales. El trabajo consistió en una revisión de la literatura de la legislación y del material recogido en los "dictámenes y resoluciones sobre el escenario" del repositorio del Ministerio de la Educación del Brasil (MEC). Los resultados permitieron reconocer la heterogeneidad y la ambigüedad en el marco legal, que se evidencia por el volumen y el contenido de las consultas enviadas al Consejo Nacional de Educación del Brasil (CNE) desde 1996. Las políticas institucionales a respeto de los estágios en instituciones de ensino superior (IES) merecen un debate político que no se encuentra realizado aún.

Descripciones: Currículo, Práctica Profesional, Legislación como Asunto.
INTRODUCTION

The Internship Center (IC) has the responsibility to support the activities of internships at the Federal University of Triangulo Mineiro (FUTM) - it is responsible for advisory, administrative and executive functions - and operates under the Rectory of Education since 2011.

While named Medical School of Triangulo Mineiro (MSTM), from 1971 until joining the Support Program for Restructuring and Expansion for Federal Universities (SPREFU), decisions on internships at this institution were conducted exclusively by the General Coordination of Undergraduate Medicine. Since 2007, when FUTM joined the SPREFU, now it has 24 undergraduate and eight certificate programs. Today, this situation reveals a challenge to university - dealing with the heterogeneity of procedures and assumptions about the internships - either under the Internal Internships Commissions (IICs) in each course, or on the Teaching Council.

As an educational act, the supervised internships in professional training in Brazil are regulated by federal law 11.788 of September 25, 2008 (Internship Law). Although it is not a recent legal event, when observing the ways in which these curricular components are allowed by systems and offered by educational institutions in the country - both in basic education and in higher education, including graduation - it is recognized heterogeneity and ambiguity.

Only to exemplify, from the records collected in the Rectory of Education, there is the large amount of memos sent to request execution of agreements with licensors - what became expendable and pretty expensive after 2008. Conceptions that generally do not pay attention to important principles of the internship law are found among teachers, coordinators and supervisors, expressed by: maintaining the "extracurricular internship" nomenclature in the internal regulations of courses, practicing replacement of activities (or excused absences) in the mandatory workload, not complying with mandatory terms of commitment to the internship formalization, counting any time in room service (supervision) as a practical activity, issuing statements and certificates for closing the activity, among other procedures without legal support today.

Another equally important dimension in the Internship Center observations concerns the understanding that teachers have, as well as students on working hours for curricular components that present practical activities. For example, for the workload assigned to a teaching professional, legislation, specific curriculum guidelines of courses and educational projects, prioritize and establish criteria assumptions that do not have full organicity.

It is understood that there are epistemological nuances distinguishing the areas of training and/or knowledge - as in technology, health or education areas - and it is also recognized in professional councils the legitimacy to establish additional privileges. However, it is argued that educational legislation, the statutes of the institutions and the principle of democratic management can provide the conditions to define pedagogical projects and internal standards that lead the internships towards quality and emancipation - sought by education professionals and by society in general - based on synergy and cooperation.

The first point to be clarified is related to the restricted scope that the internship law has on various situations involving this activity. It is important to highlight that Law 11788/08 defines only the legal aspects of this relationship - between granting institution, educational institution and student, aiming to maintain rights and avoid abuse of workforce. The same law provides that "complementary standards" must be established by educational institutions. On the other hand, in the absence of consensus (between and) within educational institutions, relies on the National Education Council (NEC) the final...
decision on disputes. The objectives of this article are: to analyze the pedagogical principles concerning the internship covered in educational legislation: Law of Directives and Basis for National Education (LDB); and Internship Law; and synthesize the major decisions that support the opinions of the NEC met in electronic repository of Ministry of Education (MEC).

METHOD
This study is characterized as exploratory and documentary research demanded by the Rectory of Education of FUTM during the first half of 2014 to review the legal framework. The texts were collected in electronic format from the official repositories available on the internet.

To select the material, the promulgation of LDB was defined as the chronological criteria - in relation to documents from the Federal Government - and to gather the opinions of the NCE the MEC website was resorted. Thus, this work comprises the analysis of the main precepts - from in-depth reading on the LDB, and the Internship Law - and a summary of opinions and resolutions relating NEC.

Thinking in internships as a field of knowledge, which can be also characterized as an investigative activity, it is understandable its polemic, controversial and polysemic reality. Also, as a training ground in which are interwoven practical and theoretical elements, internships are conceived as a concrete possibility of overcoming this dichotomy that determines professional development since initial training. Given the contemporary context, it was chosen to work with current legislation to stick to the minimum criteria to be included in regiments, regulations and educational projects. As noted, there is awareness that it is not the legal framework that determines all the conditions and pedagogical possibilities in which the internships are performed. Some definitions about this educational act derive largely from grantors institutions - which differ greatly in their bureaucracy, especially the public ones.

In a complementary way, a successful internship is also characterized by effective contribution to the processes, products and services developed by grantors - always aiming for the benefit of the whole society and the improvement of professional practice.

In this sense, despite the well-known differences (in people management and human resources, both in companies and in public grantor institutions), and in addition to the interaction with the wider needs of society in general, it was chosen to do the official documents survey. As the legislation is only a fraction of the guidelines to consider, it was also sought the regulation resulting from NEC, to better illustrate the discussion and complete the picture of the references. On the corporate website of the Ministry of Education (MEC), are all opinions and resolutions together in one repository: "Opinions and Resolutions on internships".

RESULTS
In this research, the following documents were gathered, as the elected criteria: two federal laws, five resolutions and 16 opinions. With regard to resolutions, one of them was issued by the Board of Higher Education (BHE), two by the Board of Basic Education (BBE) and two by the Full Council (FC) of the NEC. For opinions, 12 were issued by BHE and four by BBE.

With documentary analysis, two fundamental concepts were highlighted: employment and education act. Taking into account the proportion of opinions forward to legislation and resolutions on internships, there were disputes concerning mandatory insurance, mandatory workload, practice as a curriculum component, and training in basic education, among others.

Auxiliary survey was also conducted to meet academic literature on supervised internships in an attempt to find theoretical support for the undertaken questioning. The search in SciELO (Scientific Electronic Library Online), did not arise significant results – considering the 2008-2014 period.

REFACS(online)2014;2(3):357-367.
DISCUSSION

Analysis of legislation
The first aspect to be considered in this brief analysis refers to the fact that the legal framework of education does not provide timely and specific definitions on the pedagogical point of view; it does not emerge from homogeneous assumptions or principles when it comes to internships.

In 92 articles contained in the LBD², only Article 82 deals particularly with the matter. Analyzing the law that supports education in Brazil, only in this article the term "internship" (four occurrences) occurs. This article, in a generic way, helps defining the role of education systems in their responsibility on the "rules for carrying out the internships of students enrolled in secondary or higher education in their jurisdiction"². This means that, the consensus at the time of enactment of the law offered no educational principle directly related to internship to allow definitive record.

Discriminate student and worker is fundamental in various ways; that is why the law is straightforward to determine that there was no employment for the intern - even when he gets scholarship, has accident insurance and welfare coverage. This definition can be very useful for people management, (public and corporate) administration and for the Ministry of Labor, but it is assumed that it is insufficient in terms of didactic and pedagogical perspective. One must keep in mind that the history of internships starts with the schools of arts and trades and industrial education since the turn of the 20th century; thus closely tied to professional practice.

It was in the seventies, with the implementation of the Federal Law No. 5692/71, that the supervised internship gained strength and grew in importance, since the CFE Opinion No. 45/72, of the Federal Board of Education (not existent anymore), considered professional supervised internship as required for technical professional qualifications of primary and secondary sectors of the economy, as well as for some occupations in the health area, remaining free for other occupations in the tertiary sector of the economy, this means the areas of trade and services⁵⁷.

The Law 11.788/08¹ is the instrument that would set the internship for some of their teaching outlines, in line with the new Constitution⁶, the new LBD² and replacing the earlier law of internships (Law 6494/77), also enacted on the military regime. In fact, the essay starts with a straightforward definition that internship is an "educational act," important notion to distinguish between exercise (or practice) and professional training, which leads to more tangible didactic consequences.

Nevertheless, the first item on its sole paragraph highlights the major concern of legislators in this subject: distinguish the internship of an employment relationship.

The first § of the same article reveals the limits that the law has to establish foundations and consensus that cover the majority of professional training courses: "The internship is part of the pedagogical project of the course." Looking at some points of the current internship law⁵, some controversial aspects are detachable:

1st Art. Internship is a supervised school educative act, developed in the workplace, aimed at preparation for productive work of students attending courses in institutions of higher education, professional education, secondary education, special education, and in the final years elementary education, on professional education mode for youth and adults.

§ 1st Internship is part of the pedagogical project of the course, in addition to integrating the formative process of the student.

§ 2nd Internship aims at learning of competencies of professional activity and curriculum contextualization, aimed at developing the student to citizen life and work (emphasis added).¹

In principle, there is a clear responsibility assigned to grantor and teaching institutions, in relation to ends and means for achieving certain plan of activities. To the training field institution fits providing...
the physical resources, technical supervision and organizational climate which will lead to student entering into the daily lives of productive relations in a particular profession. It is seen in the expression “working environment” a great interest in characterizing the grantor universe as strictly labor relations. In this respect prevails supervision of the Public Ministry of Labor, which will not be subject of this study. Then, synthesizing the guidelines of NEC- it should also be highlighted:

There is no legal obligation for the company or for any public entity to hire an intern there. If it does, it should remember that the internship aims to provide practical learning to the student, which characterizes, in practice, its engagement in preparing it for the job market [...] there is no mistaking the intern with the employee. Employee is contracted for the development of activities needed to achieve, by the company, of the proposed objectives, in terms of labor legislation, with obligations and rights. Regarding to intern, the company inserted him in special conditions, without employment, whose activity is a complement of the received education; the student needs it for future integration into the job market. This activity is supervised by the educational institution to which it binds, responsible for internship program 5:15.

The educational institution has the responsibility - in the absence of previous definitions arising from LDB², professional advice or educational systems – to determine the terms, conditions and rules of the internships in their educational course project. According to the experience developed by Internship Center, there are projects that still have decontextualized essay of the new law²:

Art. 3rd Internship […]does not create any kind of employment, subject to the following requirements:
I - enrollment and regular attendance of learners […];
II – concluding term of commitment between the student, the internship grantor and the educational institution;

III – compatibility between the activities developed on internship and those predicted in the term of commitment.
§ 1st Internship, as a supervised educational act, should have effective monitoring by the advisor teacher of the educational institution and by the supervisor of the grantor institution, evidenced by the reports seen […] and mention of final approval.
§ 2.º The noncompliance of any of the items of this article or of any obligation in the term of commitment characterizes an employment relationship of the student with the internship grantor for all purposes of labor and welfare legislation¹ (emphasis added).

It is also recognizable in the third article that the objective to characterize the lack of employment, which also occurred in LDB², is a priority in the internship law¹. Regarding enrollment and attendance in an educational institution, as well as concluding term commitment, it is observed an emphasis on legal and bureaucratic precepts to be respected during the execution of all activities. Nevertheless, there are still some course structures that allow completion of internship without the student is invited to celebrate any term of commitment.

Regarding the compatibility between the activities developed by the student and the course curriculum, it is noteworthy that the full teaching authority that imposes itself on teaching projects, Internal Internships Commissions and, ultimately, on collegiate. The constitutional principle of democratic management of education prevents from defending the trend of centralization of internship regulation, under a pro-rectory, for example. But the focus of the debate is on the extent to which there is the possibility of a university institutional policy, or whether to invest in the initiative to promote full autonomy of courses in relation to the discipline.

Opinions and resolutions of the NEC
Without forgetting the priority given by the law to distinguish between interns and human resources of institutions, here the perspective of university identity to be
assumed by an educational institution is privileged.

That institution (FUTM) supports itself in legal framework to claim that all professors in each course, have major role in determining all conditions in which the internships are performed, without escaping from the commitment of thinking relationship of this university (in general) with society and with the world of work.

If the internship law\(^1\) complements the legislative effort to make the distinction between intern and employee, since 1997 it is assembled another effort to define the didactic-methodological criteria that guide this activity. For a dimension of the debate, it was issued on 8/4/2004 the NEC/BHE No. 228\(^7\) illustrating query made to clarify differences between LDB2\(^2\) and the old internship law. It was confirmed that the NEC did not analyze only educational aspects that moment, but also legal, given the ambiguous nature of certain legal requirements:

> It remains a contradiction between the provisions of Laws 9394/96 and 6494/77 in relation to accident insurance, which is optional in the first, and in the other is required. In this case, the terms of Law 9394/96 must be followed, and accident insurance should not be mandatory\(^7\).\(^3\)

Regarding the teaching programs, another controversy is noted in the following year to the enactment of LDB\(^2\), in an opinion that suggests component part of this law, the NEC/BHE No. 744 of 12/3/97\(^8\). In its first article it is defined that teaching practices are "activities with students and teachers in school or other educational environments in at least 300 hours under supervision and monitoring of the educational institution", which distinguishes them readily from internships - as these occur primarily in specific work environment to develop professional skills. Later this statement is confirmed by the opinion NEC/BHE No. 503 of 08/03/98\(^9\), although it is not unusual to find differences related to the composition of curriculum matrices and distributions of workload to meet national curriculum guidelines in any of the courses.

Four years before the completion of the "Decade of Education", Resolution No. 1 NEC/FC, on February 18, 2002\(^10\), established national curriculum guidelines for the training of basic education teachers at the college level (graduation teaching course). That resolution does not determine the composition of the workload in these courses, but makes explicit for the first time a didactic and fundamental methodological principle: the practical dimension of the curriculum.

In § 1 of Article 12, the resolution notes that the teaching practice of a student "art. 12 [...] § 1 [...] in the curriculum, cannot be reduced to an isolated space, restricted to the internship, disjointed from the rest of the course "\(^10\). It is also confirmed that it is not uncommon to find professors who have no "supervised training" assigned, assured that they bear no liability to think about the role of this practice in the initial education of their students.

It has the large number of queries sent to Internship Center about specific conditions that no longer meet the local or contextual demands. These conditions are often predefined (or absent) in the pedagogical projects - which only allows changes by collegial decision - under penalty of being empowering activities with risk of employment, because of the detachment in relation to its respective pedagogical project. Thus, the resolution, in article 13, is even more striking, by asserting that "art. 13 [...] practice dimension transcend the stage [...] on a transdisciplinary perspective\(^10\). "But here we see how precarious is the regulation about the practice within the internship, except for the definition of educative act\(^3\) in its articulation between practice and curriculum.

To illustrate, based on NEC/BHE No. 3311 issued in 2/1/2007, when the law imposes on the educational institution the duty to determine the conditions of realization for internships, it is that in the collegiate that deliberation happens at universities. In this query suggested by nursing graduate programs, it is focused the divergence that can occur between
orientations of professional councils, especially in health courses, and options defined in the pedagogical projects. Again the NEC is adamant in stating that: "It is worth recording, once again, that the Associations, Councils and other institutions representing professional categories have no power to determine standards and controls on the performance of higher education institutions, regarding the conditions of supplying higher education."

Another example is found on 9/1/2011, when the opinion NEC/BHE No. 362 issued on a query by the law courses. When NEC was asked about the Legal Process Center, which are instituted in undergraduate courses on the recommendation of professional council, it reports that there is no operational structure for MEC to assume the assignment to evaluate them, and "with absorption of this new demand, the objective of the Department of Higher Education would be seriously compromised."

Again it is clear that it is up to educational institutions determine the conditions of internship, for they have even greater authority than professional councils, and eventually oversee them. In the case of Federal Institutions of High Education (FIHE), this task is not shared even with the sponsor or the regulator institution.

On 2/2/2005 the NEC/BHE No. 1513, returning to focus on teaching degree programs, proposes a definition that seeks to ensure the establishment of the legal framework while reinforcing a non-dichotomous conception of curriculum and the relationship between environment work and teaching institution:

The practice as a curriculum component is the set of formative activities that provide experiences of applying knowledge or develop their own procedures to carry out teaching [or any other professional practice]. Through these activities, skills and abilities, within the teaching field, acquired in various training activities comprised in the course curriculum are put into practice. Activities characterized as practical as a curricular component can be developed as core or as part of courses or other training activities. This includes the disciplines of practical nature related to teacher training, but not those related to technical-scientific grounds corresponding to a particular area of knowledge. In turn, the supervised internship is a set of training activities carried out under the supervision of professors of educational institution, and accompanied by professionals in which the student experience situations of effective professional practice. The supervised internship aims to consolidate and articulate the skills developed during the course through other training activities, either theoretical or practical nature (our emphasis).

Definitively, and as shown, the opinion NEC/BHE No. 23 issued on 2/2/2006 guides that higher education institutions have the authority and responsibility to "assess whether the studies, internships and professional experiences" in school units - which allows us to also understand that in any other training than teaching program - "deserve recognition as equivalent to the requirements of Teaching Practice – Supervised Internship."

Based on this understanding, in the case of UFTM, it still has to deal with the challenge of promoting an institutional policy on internships, facing the heterogeneity of concepts that underlie this educational act within the collegiate courses - including technical training in high school.

Regarding workload for teacher training of primary school, the LDB in Article 65 stipulated that "Teacher training, except for higher education will include teaching practice of at least three hundred hours", showing the importance of this component beyond the technical, technological and industrial courses. However, only with the Resolution No. 2 NEC/FC, on 02/19/2002 it is established the duration and hours of undergraduate courses.

In section II of the first article it is decreed that "supervised internship should have 400 (four hundred) hours duration", but another controversy was created because it can only start "from the second half of the course."

Without the goal of depleting the issue, it seems that the proposed fundamentals cause ambiguity: on one hand suggest that the practice is distributed along the course, on the other restrict the opportunity of...
compulsory internship (practical per excellence) for the second half of the course. This divergence bring problems for the student, such as the lack of time for placements in the last few semesters of some courses due to rising demand for hours in practical training (trend in professional councils). It is important to remember that the term "second half of the course" is not a consensus as consultation processes analyzed by Education Rectory in 2013.

Still on the subject, Opinion No. 232 NEC/BHE, of 8/6/2002\(^{16}\), based on what appears in Opinion No. 109/02 NEC/BHE recommends:

"Add to this that, in conjunction with supervised training and academic nature activities, it matters to the institution providing 400 hours of practice as a curriculum component to be held since the beginning of the course, which presupposes a close relationship with the school education system\(^{162}\)."

Despite all the debate since 1996, there is still dissent in other teaching degrees that requires Opinion No. 35 NEC/BHE of 11/05/2003\(^{8}\) in which figures in the preliminary historical report that "the internship is essentially curricular and therefore of formative nature and linked to the and educational project of the school [as grantor institution]\(^{5:1-2}\)."

It was also shown that historical records treat the issue through the scope of the old internship law, precisely characterizing any supervised internship as "curricular internship" and not as a mere appendix of school activity, as if the not mandatory internship were an "extracurricular activity"\(^{5:3}.\) There is also the opinion NEC/BHE No. 197 of 7/7/2004\(^{17}\), that does not change the understanding of the issue.

Because of the debate sparked by the teaching degrees in relation to the place of practice in the curriculum, which was expressed in the Opinion No. 35/2003 NEC/BBE\(^{5}\), the undergraduate courses in technology request CNE a positioning. It was declared on 11/11/2004, the NEC/BBE Opinion No. 34\(^{18}\), with the aim of revoking "momentarily" the effects of NEC/BBE 35/2003\(^{5}\) and Resolution NEC/BBE 1/2004\(^{19}.\) It is also emphasized that, considering the specificities of these courses, regarding health education, the "effective monitoring" advocated by Law 11,788 / 08\(^{1}\) is performed in the internship field, with reduced number of students per teacher. This reality applied to teacher training for primary education actually requires a number of professors in higher education that is not feasible.

Regarding guidelines for interns in professionalizing basic education, including adult education and the special education, the NEC paragraph 1 establishes the Resolution by the Board of Education Basic, 21/01/2004\(^{19}\), instituting the National Curriculum Guidelines. Some important pedagogical precepts that incur on internships are better exemplified, for example: § 1 of Art. 1 has highlighted the concept of educational act and art. 5 highlights the modalities that can be performed (mandatory professional, not mandatory professional, sociocultural or mandatory scientific initiative, not mandatory scientific initiative and civil).

Resolution NEC/BBE No. 2\(^{20}\), approved in 4/4/2005, modifies the essay of Article 5 § 3 of the Resolution NEC/BBE No. 1/2004\(^{19}\), which became definitive until now, detailing that modalities of professional supervised internship "will only be accepted when linked to a specific course of professional education in initial and continuing training of workers and in the Technical Education on secondary level".

Given the authority that the law grants to professional institutes and technical training companies, at a request of Senac Rio the Opinion NEC/BBE no. 20\(^{21}\) was issued in 11/8/2012 about a type of practice that is embodied also at undergraduate level: professional experience.

It is clearly set the goal of providing students contact with practice, avoiding two limitations imposed on internships: a) they cannot occur before the middle of the course (Resolution no. 2/2002 NEC/FC\(^{15}\)) and b) when not required, they impose the grantors mandatory consideration (Art. 12 of internship law\(^{1}\)). Although different from the
practice as a curriculum component that happens in teaching field (in schools) it also differs from the internship to the extent that:

It is characterized by professional practice oriented activities and closely monitored by professional advisors, performed thanks to the system of partnerships with companies in the industry or productive segment directly related to the course [but usually in partnerships with companies]. The learning environment is much more laboratory than real work situation, which does not characterize the supervised internship. The two alternatives are programmatic and curricular and are supported by current legislation and educational standards, if expressly provided in the political-pedagogical project of each course and closely linked to the learning outcomes desired21,4.

A recent opinion gathered in "Opinions and Resolutions on Internship" on site MEC website talks about offering internships abroad. The Opinion NEC/BHE no. 41622, issued on 8/11/2012, can be discussed taking into account two factors: firstly, the internship law sets the legal instrument of the Brazilian government to regulate the training from its sovereignty; and secondly, training in professional environment not regulated by national laws (welfare, labor, social security and others) cannot represent the same formative contribution to the activity conducted in the country. That is the reason for the guidance:

Once preserved the national character of an institution that wants to act as grantor part, even if its physical location is outside the territorial limits of Brazil it is possible to think, in theory, in the possibility of performing the internship abroad22.

CONCLUSION
Fulfilling the objectives of clarifying the debate on institutional policies in FUTM internship and presenting the legal grounds to IICs and the Teaching Council, the survey has succeeded in presenting some unavoidable diagnosis:

- When it comes to the organization of internships, the current legislation gives greater authority to educational institutions than to MEC, to the Ministry of Labor, to professional councils and even to the grantors institutions;

- When it comes to universities, the term "responsibility of the educational institution" often registered in the legislation means in everyday teaching experience, almost full authority to the courses collegiate;

- By the decisions of the NEC (on the Board of Basic Education, Higher Education or on the Full Council), the Internship Center is not isolated when claims more intense debate on institutional policies of internship in complex institutions such as universities.

When the official legislation is searched to find determinations about what is allowed or not in internship situations, the concept of "educational project" is invariably involved. Adjustments and changes in universities regulations and standards to meet the specific demands of courses may be effected at any time, provided that there is: a) knowledge and competence to perform the necessary clarifications to the community; b) strong political commitment to the principles and the university statute.

As seen, it is not a simple task thinking of academic politics because of how autonomy is exercised by collegiate today; but the only alternative is not to turn the identity of an HEI into a piece of ornamentation. It appears that in practice, the theory has been very different.

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CONTRIBUTIONS
Érico Lopes Pinheiro de Paula was responsible for the documentary survey and construction of the article.