Hybrid education in the legislation of Brazilian public universities

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Abstract: The article presents the mapping and analysis of hybrid education in the legislation created and/or reformulated by public higher education institutions (HEIs), after the pandemic period, on the integration of non-presential activities in presential courses, through documentary research. Distance Education (EaD - as it is called in Brazil) prevails in delimiting what is offered as non-presential education. This study contributes to the understanding of the scenario of hybrid education in Brazilian universities.

Keywords: Hybrid Education; Legislation; Higher Education

Educação híbrida nas legislações das universidades públicas brasileiras

Resumo: O artigo apresenta o mapeamento e a análise da educação híbrida nas legislações criadas e/ou reformuladas pelas instituições públicas de ensino superior (IPEs), após o período pandêmico, sobre a integração de atividades não presenciais nos cursos presenciais, por meio de uma pesquisa documental. A Educação a Distância (EaD) prevalece para delimitar o que é ofertado como educação não presencial. A pesquisa contribui para o entendimento do cenário da educação híbrida nas IPEs brasileiras.

Palavras-chave: Educação Híbrida; Legislações; Ensino Superior.

La educación híbrida en la legislación de las universidades públicas brasileñas

Resumen: El artículo presenta el mapeo y análisis de la educación híbrida en la legislación creada y/o reformulada por las instituciones públicas de educación superior (IES) después del periodo pandémico, sobre la integración de actividades no presenciales en cursos presenciales, a través de la investigación documental. La Educación a Distancia (EaD) prevalece para delimitar lo que se ofrece como educación no presencial. La investigación contribuye a la comprensión del escenario de la educación híbrida en las IES brasileñas.

Palabras clave: Educación Híbrida; Legislación; Educación Superior

1 INTRODUCTION

The new coronavirus (Covid-19) pandemic that began in 2020 has challenged educational institutions to adapt their daily practices to the use of digital information and communication technologies (DICT) to further develop teaching and learning activities. With the return to presential teaching, institutions of higher education (HEIs), in particular, have brought the possibility of integrating presential and online activities, characterizing a dimension of hybrid education. Teachers have become more familiar with technologies, at least in terms of instrumental use, accelerating what Selwyn (2011, p. 1, translated by us) had already noted: "[...] the use of technology in educational contexts seems to have become so commonplace that for many it has entered the universe of 'common sense'", abandoning reflection on the possible contributions, risks and difficulties of use.

According to Almeida (2021, p. 75, translated by us), the hybrid goes beyond presential and virtual, it opens a space that produces identities, cultures and times, allowing the "convergence of digital and analog technologies, of places of practice and training, of differentiated methodologies, mobilized according to the intentions and characteristics of the activity".

The convergence of technologies and their integration into the curriculum of presential courses can help democratize access and retention in higher education institutions. However, sometimes educators and managers still do not know the best path to follow, resulting in a purely instrumental and uncritical integration. In this sense, it is urgent to promote the necessary debate on the use of DICT, highlighting, for example, situations such as the sharing of user data with large technology companies, which facilitates the entry of these companies into institutions. Williamson, Eynon and Potter (2020) issue some warnings against simplistic and opportunistic statements that DICT is a ready-made remedy for the current crisis. They state that it is necessary to develop research that examines in detail the influences and consequences of the expansion and incorporation of digital technologies into educational systems. They also analyze that "these issues are not new or exclusive to the pandemic, but they are being experienced more intensely and effectively by teachers and students around the world, from the early years of schooling to higher education" (Williamson; Eynon; Potter, 2020, p. 107, translated by us).

Williamson, Eynon and Potter (2020, p. 108, translated by us) mention that several coalitions and networks are being formed to promote online learning, initially "as a short-term response to the pandemic", but they point to "a long-term ambition for entire education systems". As an example, the authors cite the Global Education Coalition, an international partnership proposed by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to help countries mobilize resources and implement "innovative and context-appropriate solutions for delivering education remotely, using high-tech, low-tech and no-tech approaches" to, among other things, "establish approaches for developing more open and flexible education systems for the future" (UNESCO apud Williamson; Eynon; Potter, 2020, p. 109, translated byus). According to the authors, the World Bank has been actively working with government ministries around the world to make online education viable, while the Organization for Economic Cooperation and Development (OECD) sees the pandemic as "an opportunity to experiment and design new models of education and new ways of using face-to-face learning time" (OECD apud Williamson; Eynon; Potter, 2020, p. 109, translated by us).

In this sense, it is important to emphasize that technologies are not value-neutral, but neither are they deterministic. They are developed based on historical contingencies, not only for their technical value but also for their political value (Feenberg, 2002; 2022). We can improve the actions and debates of the pandemic period so that universities become producers of technologies, not just consumers. The development of specific technological artifacts for educational institutions, as well as the incorporation of technologies designed for other needs, requires research on the creation, development, methodology, and evaluation of these means and materials in educational spaces, in addition to the use of qualitative research models based on new concepts.

Since 2016, through Ordinance No. 1,134 (Brasil, 2016), presential higher education courses have been allowed to offer up to 20% of their workload in distance education (to be changed to 40% in 2019), which was not a reality in HEIs before the pandemic (Reis, 2024). As for the term "hybrid education", this became more evident during the pandemic, when institutions began to return to "normality" and its use was related to educational actions that mixed presential and distance activities, mediated by DICT (Almeida; Padilha, 2023). During the pandemic, the names of non-in-person activities changed, and expressions such as "remote learning" and "hybrid education" became common in education, often to the detriment of "distance education" (Will *et al*., 2021).

The objective of this study is to map and analyze the legislation created and/or reformulated by Brazilian public higher education institutions (HEIs) after the pandemic period on the integration of non-presential education into the curricula of presential courses, with a focus on hybrid education approaches. To this end, we conducted documentary and exploratory research, anchored in qualitative and quantitative approaches, which mapped the legislation published on the HEIs' websites.

The research findings indicate that, despite the growing prevalence of legislation on hybrid education in Brazilian HEIs, particularly in the wake of the pandemic, the interpretation and implementation of this pedagogical approach remain highly diverse. While the majority of institutions define hybrid education as the integration of digital technologies into teaching and learning processes, practices and conceptualizations within this field vary considerably, underscoring the necessity for more in-depth discourse and research on the subject.

2 HYBRID EDUCATION

In their publication, Veloso, Mill and Moreira (2023, p. 2, translated by us) posit that there is a historical trend towards increasingly hybridized scenarios, in which the dichotomies between distance learning and presential education are being overcome. The question thus arises as to what precisely is meant by the term "hybridized scenarios." There are numerous potential interpretations of this question. Consequently, we will examine how hybrid education has been conceptualized by scholars in this field, to map the existing understandings on this topic.

We concur with Petry and Casagrande (2019, p. 623, translated by us) that "in order to conduct an adequate assessment of the digital context and its impact on education, it is imperative to begin with a conceptualization of education." For the concept of Education, we use the educator Paulo Freire (2003, p. 40, translated by us), expressed in the text "Challenges of adult education in the face of the new technological restructuring", which states that "Education is always a certain theory of knowledge put into practice [...]", with "[...] knowledge being a process that implies action-reflection of man on the world" (Freire, 2003, p. 79, translated by us). From this perspective, every educational action involves action and reflection on the part of the subjects involved. Educating implies a human, aesthetic, ethical, moral, and political condition (Freire, 1996), which cannot be reduced to contemporary digital transformations. The challenge is to "further examine the standardization of teaching through technological means and its implications for cultural domination and the

impoverishment of thought regarding formative experiences and the contradictions of social praxis" (Habowski; Conti, 2019, p. 21, translated by us).

The study by Silva and Almeida (2023) explores the potential dimensions of the concept of "hybrid" in education, examining publications in the Digital Library of Theses and Dissertations (BDTD) databases from 2020 to 2022. The authors demonstrate that "the concept of hybridism is a work in progress, reflecting the diversity of understanding on the subject" (Silva; Almeida, p. 15, translated by us). The research findings were organized into four categories a posteriori, namely: (a) mixture or diversification between presential and online activities or with digital technologies, associated with technological hybridism; (b) online teaching interspersed with in-person, with a focus on personalizing teaching, related to the personalization of educational processes and active methodologies; (c) online teaching interspersed with presential teaching using station rotation methods and the flipped classroom. These are the methodologies coined by researchers Horn and Staker (2015) in their works, with an emphasis on processes such as "flipped classroom" or flipped learning and "rotational models" (station rotation)"; d) Expansion of the concept of hybrid teaching, which "point to possibilities beyond the mix of presential and online activities" (Silva; Almeida, 2023, p. 16, translated by us). The researchers concluded that the majority of studies focus on pedagogical practices that integrate the station rotation and flipped classroom methods, as outlined by Staker and Horn. Furthermore, the researchers conclude that the challenge is "to seek, through new contours of hybrid education, social, inclusive, and equitable quality education that can foster the development of critical and participatory citizens, whether in presential environments, online, or in new spaces and times" (Silva; Almeida, 2023, p. 17, translated by us).

Cerny, Almeida, and Rodrigues (2024) conducted a systematic literature review (SLR) on hybrid education in higher education, with a particular focus on Latin America and the Iberian Peninsula, between 2020 and 2023. This review identified the interconnection between hybrid education and the integration of technologies and active methodologies as a key theme. The majority of articles were located in the fields of education, administration, and economics. The SLR identified the most frequently cited theorists, with Horn and Staker being the most frequently referenced. Their work was cited in studies conducted in all years under review. Both are researchers at the Christensen Institute, which has as one of its objectives the conduct of studies on innovation across a range of disciplines. Another author who has had a notable impact on the SLR is Charles Graham, an American scholar who views hybrid education as a synthesis of traditional, presential and computer-assisted instruction (Cerny; Almeida; Rodrigues, 2024).

In an article that analyzes the concepts identified in a systematic literature review (SLR), Anjos, R., Silva and Anjos, A. (2019) identify gaps and ambiguities in the concepts of hybrid teaching. The authors identify three main aspects: the recurrent combination of presential and distance modalities; the integration of traditional teaching with online teaching; and the combination of curriculum with methods (the integration of educational methods with a more flexible curriculum).

The authors posit that "although there is some conceptual ambiguity, it is important to note that hybrid teaching is not limited to converging presential education with distance education". Another finding in this research concerns a possible reduction in costs for the educational system, "including infrastructure and hiring of full-time teachers" (Anjos, R., Silva; Anjos, A., 2019, p. 216, translated by us). The researchers warn that

> it is essential to consider the fundamental objective of hybrid teaching, which is to facilitate effective and constructive learning for students. This objective must be grounded in the principles of critical and reflective qualitative education. This approach differs from the erroneous perception of hybrid teaching as a simplistic methodology solely aimed at franchising education, reducing costs in educational spaces, and increasing profits in the business sector (Anjos, R.; Silva; Anjos, A., 2019, p. 218, translated by us).

From the perspective of hybrid education based on active methodologies, Valente (2023) posits that these methodologies engage students in a more active and protagonist-like manner concerning their learning. The author puts forth the concept of "hands-on hybrid teaching," which entails the development of a tangible product through the implementation of hands-on activities and in conjunction with hybrid teaching models and strategies. The creation of the product entails a series of phases, including teacher curation, reflection through a collaborative network, and conceptual deepening.

In light of the fact that "the concept of hybrid is polysemic and employed to imbue meaning to a situation wherein disparate elements are blended [...]" (Almeida; Padilha, 2023, p. 3, translated by us), the authors posit that within the context of education, the utilization of the term hybrid evinces a multitude of meanings and compositions. They recognize that the practices of Emergency Remote Teaching (ERE) and hybrid teaching, which were experienced during the pandemic, brought about, in addition to the difficulties and losses, a legacy that encourages consideration of new opportunities for the educational system. These opportunities include the possibility of outlining "new curricular arrangements, more flexible, inclusive, non-linear and reconstructive, which contemplate diversity" (Almeida; Padilha, 2023, p. 16, translated by us). In this regard,

> hybridism goes beyond the articulation between presential and virtual, the association of technologies and methodologies, and is oriented towards the constitution of movements between complementary spaces, times and contexts, through critical, reflective and responsible teaching aimed at the construction of critical and creative learning, with indicators of a curricular hybridism (re)constructed in each context (Almeida; Padilha, 2023, p. 16, translated by us).

Although theoretical proposals on hybrid education defend the possibility of new curricular and pedagogical arrangements, the research we analyzed shows that it is still strongly linked to the association of online and presential education, with a reductive view of what hybrid education can represent in higher education.

In terms of policies for this educational model, the National Education Council has prepared a document CNE/CP No. 14/2022 (modified by CNE/CP No. 34/2023), which deals with the National Guidelines for Hybrid Teaching and Learning for undergraduate education, stricto sensu postgraduate education, and presential institutional research, mediated by information and communication technologies (Brasil, 2022). The opinion emphasizes that hybrid education should not be confused with distance education, which is regulated as a specific, differentiated, and parallel educational modality to presential teaching. It argues that hybridism is an educational approach of a pedagogical nature that it

> [...] involves teaching-learning strategies that integrate different forms of presential teaching with institutional activities in different times and places, supported by the use of digital technologies, always in the interest of the learning process in higher education, especially with regard to the implementation of curricula based on competences and not on content (Brasil, 2023, p. 4, translated by us).

CNE/CP No. 34/2023 embodies a draft resolution that seeks to establish the aforementioned national guidelines. The draft directs higher education institutions to allow "broad and flexible learning to develop skills related to the course, not limited to teaching activities centered on classes or classroom hours" (Brasil, 2023, p. 13, translated by us).

In this context, we also have the Decree No. 315 of December 2022, which "in accordance with the CNE/CP No. 14 of July 5, 2022, unanimously approved, is intended to accommodate the use of the hybrid teaching and learning process by postgraduate programs stricto sensu in Brazil" (Brasil, 2022, p. 1, translated by us).

Ordinance No. 4,059 of 2004 is the first Brazilian legislation that allows courses to be offered in "blended mode" in higher education courses, as long as it does not exceed 20% of the total course workload (Brasil, 2004). In 2016, Ordinance No. 1,134 revoked the 2004 regulation, maintaining up

to 20% of the course workload, but changing the blended mode to courses offered entirely or partially in distance education mode. It also allows this offer only to institutions that have at least one recognized undergraduate course and maintains the assessment in the presential format (Brasil, 2016).

The current legislation (Ordinance No. 2,117, of 2019) increases the workload in distance education to up to 40% in presential courses and establishes that this workload must be included in the pedagogical projects of the courses and the teaching plans of the subjects (Brasil, 2019).

None of the legislation addresses the conditions that must be provided institutionally for hybrid education, or the offering of distance learning courses in presential courses, to be effective. Only Regulation No. 2,117/2019 lists the indicators for the evaluation of courses, namely: methodology, tutoring activities, virtual learning environment (VLE), and information and communication technologies (Brasil, 2019). However, it is well known that these conditions are not provided in Brazilian HEIs.

3 METHODOLOGY

We have carried out documentary and exploratory research, based on qualitative and quantitative approaches, from the perspective that they are not incompatible, but complementary, in the search for a deeper interpretive analysis of the data. As Minayo (2000) points out, the quantitative and qualitative treatments of the results can be complementary, enriching the analysis and the conclusions. This approach opens up the possibility of using a range of tools, including those of documentary research, as this is a valuable technique for approaching qualitative data (Lüdke; André, 1986), enriching the analyses.

According to Kripka, Scheller and Bonotto (2015, p. 244, translated by us), "documentary research is that in which the data obtained come strictly from documents, with the aim of extracting the information contained therein in order to understand a phenomenon".

Documentary research is a valuable source in public policy studies, as it allows access to information from official documents. With regard to educational policy, Fávero and Centenaro (2019) highlight that documentary analysis is an important means of understanding, discussing, analyzing, and producing syntheses.

To achieve our objective, the research aimed to map the legislation created/reformulated by public higher education institutions for the integration of non-classroom education in the curricula of presential courses. The documents used for the research were collected between March and September

2023 and come from a search carried out on the official websites of the 111 Brazilian IPEs, of which 70 are federal and 41 state, excluding two state universities that operate only in the distance education modality (Univesp and Univima). The list of universities was extracted from the E-MEC Portal (https://emec.mec.gov.br/), of the Higher Education Secretariat of the Ministry of Education (Sesu/MEC) and the research covered all Brazilian HEIs. The legislation analyzed were: Ordinances, Resolutions, Normative Instructions and Circular Letters.

The research required a lot of time and dedication, as the information was not clearly available on the websites. Even so, it was possible to find legislation on the possibilities of non-face-to-face activities, mediated by DICT, from 29 universities, which were analyzed. Given this scenario, we infer that there may be more institutions with legislation on hybrid education, but that they were not found on their websites.

4 A PORTRAIT OF LEGISLATION ON HYBRID EDUCATION OR DISTANCE EDUCATION IN PRESENTIAL COURSES AT BRAZILIAN HEIs

Of the 111 institutions surveyed, we found legislation on the possibilities of non-face-to-face activities, mediated by DICT, in 20 federal universities and nine state universities, a total of 29 universities. The legislation is most numerous in undergraduate courses (16), eight are exclusively aimed at postgraduate courses and five institutions have the same norm for undergraduate and postgraduate courses. Table 1 summarizes these numbers:

Table 1 – Legislações das IPEs, por nível de ensino e categoria administrativa

	Institutions researched	With Legislation	Graduation	Postgraduate studies	Graduation and Postgraduate studies
Federal	70	20	11	4	5
State	41	9	5	4	0
Total	**111**	**29**	**16**	**8**	**5**

Source: Prepared by the authors (2024).

The geographic location of universities that have legislation on the possibilities of distance education mediated by technologies, in presential courses, is distributed as follows.

Table 2 – Geographical location of universities with legislation x level of education

Region	With Legislation	Graduation	Postgraduate studies	Graduation and Postgraduate studies
Southeast	10	4	5	1
North East	9	4	2	3
South	4	3	1	0
Midwest	4	3	0	1
North	2	2	0	0
Total	**29**	**16**	**8**	**5**

Source: Prepared by the authors (2024).

Although, since 2004, Brazilian legislation has allowed the offering of courses in a blended format (Brasil, 2004) in higher education, most of the legislation identified (23) was approved after the Covid-19 pandemic, as it can be seen in the chart below.

Chart 1 – HEIs and legislation analyzed (in temporal order)

HEIs*	Legislation
Universidade de Brasília (UnB)	Instruction No. 001/2001, Undergraduate Education Chamber
Universidade Federal do Estado do Rio de Janeiro (UNIRIO)	Resolution No. 2,828/2007; Resolution No. 4,101/2013, Council for Teaching, Research and Extension
Universidade Federal do Paraná (UFPR)	Resolution No. 72/2010; Resolution No. 22/2021, Council for Teaching, Research and Extension
Universidade Federal Rural do Semiárido (UFERSA)	Resolution No. 07/2010, Council for Teaching, Research and Extension
Universidade Federal dos Vales do Jequitinhonha e Mucuri (UFVJM)	Resolution No. 05/2011, Council for Teaching, Research and Extension
Universidade Estadual do Paraná (Unespar)	Resolution No. 007/2018, Council for Teaching, Research and Extension
Universidade Estadual do Centro-Oeste (Unicentro)	Resolution No. 17/2021, Council for Teaching, Research and Extension
Universidade do Estado do Ceará (UECE)	Resolution No. 4726/2022, Council for Teaching, Research and Extension
Universidade Estadual de Campinas (Unicamp)	Resolution No. 014/2022, Chamber of Education, Research and Extension
Universidade Estadual de Goiás (UEG)	Resolution No. 1061/2022, University Council

HEIs*	Legislation
Universidade Estadual do Rio de Janeiro (UERJ)	Ordinance No. 74/2022; Ordinance No. 22/2023, Rectorate
Universidade Estadual do Tocantins (UNITINS)	Resolution No. 6/2022, Academic Teaching Council
Universidade Estadual Paulista (UNESP)	Resolution No. 14/2022, Council for Teaching, Research and Extension
Universidade Federal da Bahia (UFBA)	Resolution No. 38/2022, Council for Teaching, Research and Extension
Universidade Federal de São João del-Rei (UFSJ)	Resolution No. 23/2022, University Council
Universidade Federal de Alfenas (UNIFAL)	Resolution No. 141/2022, University Council
Universidade Federal de Campina Grande (UFCG)	Circular Letter No. 2/2022, Pro-Rectorate of Postgraduate Studies
Universidade Federal de Goiás (UFG)	Resolution No. 04/2022, Council for Teaching, Research and Extension
Universidade Federal de Minas Gerais (UFMG)	Resolution No. 421/2022, Academic Higher Council
Universidade Federal de Pernambuco (UFPE)	Ordinance No. 231/2022, Office of the Rector
Universidade Federal de Rondônia (UNIR)	Resolution No. 2,638/2022; Resolution No. 2,639/2022, Council for Teaching, Research and Extension
Universidade Federal do Ceará (UFC)	Normative Instruction No. 004/2022, PROGRAD/SEAD
Universidade Federal do Maranhão (UFMA)	Resolution No. 637/2022, Council for Teaching, Research and Extension
Universidade Federal do Rio Grande do Sul (UFRGS)	Joint normative instruction No. 01/2023, Pro-Rectory of Undergraduate Studies and Institutional Coordination of Distance Education
Universidade Federal Fluminense (UFF)	Normative Resolution No. 4/2023, Postgraduate Studies Chamber
Universidade Federal de Alagoas (UFAL)	Resolution No. 03/2023, Council for Teaching, Research and Extension
Universidade Federal de Santa Catarina (UFSC)	Ordinance No. 74/2022; Ordinance No. 22/2023, Rectorate
Universidade Federal de Viçosa (UFV)	Resolution No. 6/2022, Academic Teaching Council
Universidade do Estado da Bahia (UNEB)	Normative Instruction No. 002/2023, Postgraduate Management

*HEIs not translated in order to keep their original names. **Source: Prepared by the authors (2024).

The existence of legislation prior to the pandemic reaffirms what Williamson, Eynon and Potter (2020, p. 107, translated by us) tell us, "that these are not new issues or issues exclusive to the pandemic, but are being experienced more intensely and effectively by teachers" after the pandemic period, since the vast majority of institutions legislate on the subject after the return of remote teaching, identifying that such HEIs are located in different states in all regions of the country.

4.1 What the legislations say

The percentages allocated to hybrid or distance education activities in presential courses range from 10% to 40% of the total workload, with most opting for 20% of the course and/or subject

workload. Thirteen institutions allow up to 20% (UFAL, UFBA, UFMG, UFPR, UFRGS, UFVJM, UFERSA, UFV, Unirio, UFSC, UECE, Unicentro and Unespar). The 40% percentage is used by four universities (UFPE, UFMA, UFCG and Unitins). One institution (UNIR) allows 30% of the course load. One institution (UnB) allows "almost" the entire workload, in the legislation of 2001, but a news item on the UnB website, of 2023, informs that the offer of distance education courses in presential courses and the updating of the normative instruction of 2001 are under discussion (Bezerra, 2023). Two institutions (Unicamp and Unesp) authorize the offering of regular courses entirely at a distance, in postgraduate programs, as long as they result from the articulation with other national or international institutions or research networks, or with proven justification of the presence of students or professors residing abroad, and that respond to the specificities of internationalization initiatives. Two institutions recommend that the definition be made by the structuring teaching nucleus or by the course committee (UFSJ, Unifal). Thus, there is great diversity in the definition of the percentages allocated to distance or hybrid education and in the terms used to designate them.

Table 3 – Types of non-presential activities provided for in the legislation

Offer types	N.
EaD	10
It reaffirms the in-person, but…	5
Hybrid teaching	4
Non-presential ("activity", "form", "method")	3
Blended learning modality	2
"Non-presential, hybrid and distance activities"	1
"Synchronous teaching activities"	1
EaD (undergraduate) "Hybrid teaching and learning process" (undergraduate and postgraduate)	1
EaD (undergraduate) Reaffirms the presential (post-graduation), but releases defenses remotely	1
"Blended, hybrid or remote form"	1
"Percentage of workload mediated by digital educational resources and ICT"	1
Total	**29**

Source: Prepared by the authors (2024).

We found six institutions with policies that affirm that their modality is presential. Among them is one that reaffirms the presential modality for undergraduate courses, but allows non-presential activities in graduate courses (UFC); another reaffirms the presential format, but allows the remote

format only for defenses (UFMG); the third reaffirms the presential format, but allows "presential academic teaching activities mediated by technology" (UEG); the fourth reaffirms the presential format, but allows "remote and hybrid activities" (UERJ); the fifth reaffirms the presential format, but indicates the "strategic use of digital educational resources and/or information and communication technologies" in presential activities (UFG); the sixth reaffirms the presential format, but allows "presential education mediated by technology," emphasizing that this is not "hybrid education" (UFF).

We conclude that the need to reaffirm the presential modality, if this is the current modality, may be related to the historical prejudice against the distance education modality, in many cases associated with mass education, without quality and in a simplified way, indicating the understanding that higher education in Brazil is linked to a strong process of commodification (Will *et al*., 2021). Even if the institution uses ICT as a mediator in the teaching and learning processes, it makes a point of clarifying - even if it is not necessary - that this action is not configured as distance education.

Most of the institutions (12) use the terms distance education and presential courses. We also found other terms: non-presential (UFSC); non-presential methods (UFVJM); blended (Ufersa, Unirio, Unespar); mediated by digital educational resources, information and communication technologies (Unir); hybrid process and remote curricular activity (UERJ, Unicamp). Distance education is most commonly used in undergraduate courses and the other terminologies in postgraduate courses.

One institution, UFMA, approved two legislations in the same period: one aimed at offering distance education for undergraduate courses and another focused on the "hybrid teaching and learning process" that can be adopted in both undergraduate and graduate courses. This situation illustrates the perspective of the difference between distance education, understood as a teaching modality, and hybrid education, understood more as a pedagogical or methodological approach to teaching and learning processes.

The term "hybrid" and its variations were found in 10 legislations. These uses and the approaches associated with them are described in detail below.

4.2 The approach to hybrid education in legislation

The next analysis looked at the data to see how the legislation used and defined hybrid education. This term was used by ten universities in legislation passed after the pandemic period. Chart 2 summarizes this aspect.

Two pieces of legislation refer to undergraduate courses, five to graduate courses (lato sensu) and nine to postgraduate courses (stricto sensu), which shows that postgraduate courses are the level of education where hybrid education has the greatest presence. In addition, one of the undergraduate legislations mentions "hybrid learning", but in a negative way.

The term hybrid education (and its variations) is used by 10 universities, but with different meanings. Sometimes it is used interchangeably with other terms such as remote teaching, semi-presential and distance education. Some universities use both terms, hybrid and distance education (UFMA).

Chart 2 – Definitions of hybrid education

HEIs	Level of education	Application context	Definition of hybrid education
Unicamp	Postgraduate studies *lato and stricto sensu*	Changes to the general regulations of postgraduate programs	"[...] regular academic subjects must be offered presentially and may, alternatively, be offered in a blended, hybrid or fully remote format"
UERJ	Postgraduate studies *lato and stricto sensu*	Rules for remote and hybrid activities in postgraduate studies, with the coordination of each program being responsible for "the exceptional provision of remote curricular activities, aiming to guarantee hybrid possibilities for study and research"	"A hybrid study and research process is defined as any flexible methodological approach, organized using ICTs, active and innovative, capable of stimulating students' autonomy and protagonism and collaborative learning, allowing virtual interaction between teachers and students to be integrated into face-to-face activities"
Unesp	Postgraduate studies *lato and stricto sensu*	Two ordinances provide for hybrid education in postgraduate programs	"Blended learning is a teaching organization model that combines face-to-face interactions and interactions in virtual environments, that is, synchronously"
Unifal	*Stricto sensu* postgraduate studies	Regulation of technology-mediated practices for the development of pedagogical and administrative activities	Hybrid activities are flexible methodological and pedagogical approaches, management (meetings) and training (teaching and defenses), mediated by ICT, which must integrate face-to-face and non-face-to-face activities. Hybrid teaching complements and adds possibilities for organization and flexible and innovative pedagogical practices, which redefine curricular paths, enabling synchronous and asynchronous planning and forms of teaching and learning. It can be adopted both in distance learning and in person, and should not be confused with the former.

HEIs	Level of education	Application context	Definition of hybrid education
UFPE	Postgraduate studies *lato and stricto sensu*	Rules for postgraduate courses to carry out "non-presential, hybrid and distance activities" and "up to 40% of the workload on digital platforms"	"Hybrid activities: pedagogical approach that involves presental and non-presential activities, mixing moments in which the student studies in a virtual environment, using distance learning tools, with others in which learning is in person"
UFSJ	*Stricto sensu* postgraduate studies	Regulation of the use of hybrid education for the development of pedagogical activities	"Blended learning is a flexible methodological and pedagogical approach to teaching, mediated by information and communication technologies, which must integrate presental and non- presental activities". It complements and adds possibilities for organization and flexible and innovative pedagogical practices, which redefine curricular paths, enabling synchronous and asynchronous planning and forms of teaching and learning. It can be adopted both in distance learning and in person, not to be confused with the first
UFMA	Undergraduate and postgraduate courses *lato* and *stricto sensu*	Guidelines for regulating the development of the hybrid process in course curricula	"The hybrid teaching and learning process is characterized as a flexible, active and innovative methodological approach that guides teaching activities, stimulating students' autonomy and protagonism, interaction between them and with teachers, integrating face-to-face or virtual academic activities, synchronous or asynchronous, with the use of DICT, alternating in different times and spaces, based on academic activities planned and carried out by teachers and students. The hybrid teaching and learning process should not be confused with the structure of distance education courses and, as a pedagogical process, can be adopted preferably in presental courses, which are the focus of the methodologies generated by the hybrid process"
UFF	Graduation	Resolution reaffirms presental education and enables "Technology-Mediated presental Education", highlighting that this should not be confused with "hybrid education"	"[...]presental education is the regular teaching method for presental undergraduate courses." "[...] "presental Education and Technology-Mediated presental Education, as defined in this Resolution, are presental education formats that are not considered hybrid education."
UFMG	*Stricto sensu* postgraduate studies	*stricto sensu* postgraduate programs are not characterized as distance learning, but that defenses can be carried out remotely	"[...] the defense of dissertations and theses and qualifying exams may be carried out presentially, in a hybrid format or remotely"

HEIs	Level of education	Application context	Definition of hybrid education
UNEB	*Stricto sensu* postgraduate studies	*stricto sensu* postgraduate programs	The optional curricular components "may adopt the possibility of developing activities with synchronous or asynchronous technological mediation, as long as the teacher is present on campus or at one of the campuses where the course is offered". For the mandatory ones, "they may adopt the hybrid perspective, that is, technological mediation for their development"

Source: Prepared by the authors (2024).

The definitions show that the concepts adopted for hybrid education are related to the integration of ICT in teaching-learning processes, whether they refer to synchronous and asynchronous forms, or through presential interactions and interactions in simultaneous virtual environments, such as "Hybrid activities are flexible methodological and pedagogical approaches, management (meetings) and training (teaching and defense), mediated by ICT, which must integrate presential and non-presential activities" (Unifal).

It was also possible to observe hybrid education in relation to the development of curricular innovation, through "flexible pedagogical practices that redefine curricular paths" (UFSJ) and the stimulation of student autonomy and protagonism, as described in the UERJ legislation: "the hybrid process is any flexible methodological approach, organized from ICTs, active and innovative, capable of stimulating student autonomy and protagonism and collaborative learning". None of the institutions adopted the term "hybrid education".

It is noteworthy that USJ, UERJ, UFMA and Unifal have identical texts in at least one of the paragraphs of their legislation. This wording is related to what is contained in the Draft Resolution, which was supported by CNE/CP No. 14/2022 (modified by CNE/CP No. 34/2023), which states in paragraph 3 of Art. 2 that

> The hybrid teaching and learning process is not to be confused with the structure of courses offered in the Distance Education (EaD) modality and, as a pedagogical process, can be adopted preferentially over presential courses, which constitute the focus of methodologies generated by the hybrid process (Brasil, 2022, p. 12, translated by us).

However, although four HEIs have almost completely used a definition from the national legislation, which defines hybrid as a "hybrid [pedagogical] process of teaching and learning" (Brasil, 2023, p. 12, translated by us), the use of the expression "hybrid teaching" prevails in the legislation.

And in this aspect, Anjos, R., Silva and Anjos, A. (2019, p. 216, translated by us) understand that "this denotes a disjunction between nomination and concept, although teaching is present when considering hybrid practices, these are overshadowed by learning. Therefore, hybrid teaching is more likely to be hybrid learning." Furthermore, the prevalence of the use of the term "hybrid teaching" in Brazil may be due to the translation of works into English by reference authors such as Christensen, Horn and Staker (2013), and Horn and Staker (2015).

5 CONSIDERATIONS

The research on hybrid or distance education in presential courses in Brazilian HEIs shows that we identified 29 institutions with legislation approved by their Higher Councils, most of them located in the Northeast and Southeast regions. We also observed that the experience of distance education during the pandemic may have been an encouraging factor, since 24 of the 29 legislations were approved after 2020.

In general, distance education is the predominant modality used in legislation to define what the institution offers as non-presential education. However, several other terms are also present, such as remote teaching/activities, workload developed through ICT resources, and hybrid teaching/activities.

It is interesting to note that six HEIs have created legislation related to hybrid education, through which they support the use of ICT to mediate teaching and learning processes, while at the same time reaffirming that the modality of their courses is presential, as if such legal definitions were necessary. This is a political positioning rather than a pedagogical one.

The definitions of hybrid education adopted in legislation are associated with the integration of ICT in teaching and learning processes, the combination of synchronous and asynchronous forms of communication, and face-to-face and virtual interactions. Furthermore, we see hybrid education as related to the development of curricular innovation through flexible pedagogical practices that promote the development of autonomy and student protagonism, as advocated by current national legislation on the subject, which also requires the protagonism of the teacher in proposing such practices.

When we visited the websites, we noticed that this issue has generated a controversial debate and is by no means a consensus in most of them, as evidenced, for example, by the legislation that reaffirms presential teaching. There is a series of meetings, debates, and notes announced on the

websites, such as the note of the Association of Teachers of the Federal University of Alagoas (Adufal), entitled "New Technologies x Precariousness of Teaching Work: Reflection on the implementation of 40% of the non-presential workload in presential courses", with a series of important issues such as the commodification, privatization and precariousness of teaching work, data collection, the interests of large technology corporations, among others, inviting a round table discussion. At UFSC, the discussion on this topic was controversial, as exemplified by the note of the Association of Postgraduate Students of the UFSC, dated June 29, 2022, which positions itself against the approval of the normative resolution for remote teaching in postgraduate courses.

We reaffirm the need to strengthen actions and debates during the pandemic period so that universities can reveal different perspectives and information, enriching the knowledge of all involved, and allowing a deeper and more comprehensive understanding of hybrid education, agreeing with Feenberg (2002) when he points out that technologies are developed based on historical contingencies, not only for their technical value, but also politically, with production and appropriation in activities loaded with intentions.

We believe that the topic of hybrid education is controversial and has a limited perspective on its importance as a pedagogical model. This raises the relevance of new studies that allow us to monitor the practices experienced in institutions in relation to their respective legislation and standards.

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