

## NATIONAL REPORT OF PORTUGAL

### Structure of the education system and parental participation

Education is optional for children from three years of age and becomes compulsory when they reach the age of five. Any education prior to entering compulsory education is provided by the State and private institutions. Private education involves various kinds of legal institutions: private, cooperative or social, for-profit or non-profit.

#### Compulsory schooling

Level and years of schooling	Age
1 <sup>st</sup> cycle (1 <sup>st</sup> – 4 <sup>th</sup> years)	6 – 10 years
2 <sup>nd</sup> cycle (5 <sup>th</sup> – 6 <sup>th</sup> years)	10 – 12 years
3 <sup>rd</sup> cycle (7 <sup>th</sup> – 9 <sup>th</sup> years)	12 – 15 years

Following law no. 85/2009, compulsory education now includes 12 years of schooling. Students enrolled in the 7<sup>th</sup> year in 2009/2010 were the first to be affected by this system. Of students in compulsory education, 11.44% attend private education (data from 2008).

Since 1974, the associative movement has developed greatly and the parental right of participation appeared in legislation for the first time (1976). The following year the rights and duties of parents to participate in the education system were recognised.

In 1987, the National Board for Education was created and parents associations were represented in a confederation. Some years later, new legislation on parents associations created effective conditions for parental participation in school life and other bodies, notably commissions for the protection of minors in every legal authority in the country.

In 1999, parents' right of participation was recognised. In 2003, the powers, operation and composition of municipal education councils were regulated. These are consultation bodies that coordinate educational policy at a municipal level and are formed by two representatives from parents associations.

In 2006, legislation concerning parents associations was reviewed, increasing their rights and establishing a special system of justified absences, in particular concerning

participation in the Municipal Education Councils and Commissions for the Protection of Children and Young People. In 2008, the status of the students in compulsory and secondary education was published, establishing standards for parental participation in discipline and the right of appeal.

The same year, a system of autonomy, administration and management of state schools was approved by decree, recognising the parental right of representation in school management bodies: the General Council, the Pedagogical Council and the Class Council.

In 2009, the Labour Code was reviewed and published. Workers now have the right to justify their absences on the grounds of a school visit, in order to verify the academic status of their children, for up to four hours per child and per term. For parents or education officials who are members of administrative and management bodies, the Code retains the provisions of the 2006 law.

## Results

Regarding the indicators relative to international and regional instruments in the field at hand, Portugal has ratified:

- The International Covenant on Economic, Social and Cultural Rights
- The International Covenant on Civil and Political Rights
- The Convention on the Rights of the Child
- The Convention on the Elimination of all Forms of Discrimination against Women
- The Convention against Discrimination in Education
- The European Convention for the Protection of Human Rights and Fundamental Freedoms
- The Framework Convention for the Protection of National Minorities.
- Protocol n°1 of the European Convention for the Protection of Human Rights and Fundamental Freedom.

However, it has not ratified:

- The United Nations Convention on the Protection of the Rights of All Migrant Workers

Right to information	75
Right to choose	60
Right of appeal	100
Right of participation	50
<b>Overall indicator</b>	<b>71</b>



## Right to information

Although national bodies exist, (the High Commission for Immigration and Intercultural Dialogue and the National Centre for Immigrant Support) which have information to support the integration of immigrants, in general schools do not use these resources. They do not translate information and do not use other mechanisms to inform risk groups. It must also be mentioned that often the methods used to distribute information (e.g. the internet) are not accessible for all parents.

## Right to choose

Despite the existence of varied curriculums (each school has its own programme); the right to choose is limited by admission criteria established by law for state schools. Preference is given to students who attended the school the previous year, who have brothers or sisters already enrolled in the school, who reside in the area, or whose parents work in the area, as far as possible for the latter.

Private schools meanwhile, define their own admission criteria, on the whole similar to those of state schools.

There are no fees for attending a state school. However, the State only guarantees free places at private schools through a contract (contract of association). The latter is implemented when there are insufficient state schools or their capacity is insufficient in a certain area.

The State also establishes other contracts with schools from the private sector in order to guarantee the exercise of the constitutional right of parents to choose their children's education. However, the exercise of this right through these contracts is limited by the number of students involved and reduced amounts of financial support from the State. It should be noted that where specialised and artistic education in private schools is concerned, State finances generally cover the entire cost of tuition.

## Right of appeal

This right is recognised by law. Nevertheless, stakeholders recognise that in practise the determined response times are not always respected.

## Right of participation

Regarding the right of participation, there are very distinct situations in terms of state education and private education. In fact, in state education, the law provides for parental participation in certain school bodies. In private education, this depends on each school but in general, parents are not represented in educational management



and administrative bodies. This stems from the autonomy inherent in the nature of private schools.

At a local level, parents have decision-making power but local autonomy is limited. At a national level, they are consulted through their representatives, but decisions are made at a superior level.

As far as a system of parental training is concerned, there is no such body at a national level. Parents can however access documentation produced by parents associations or by academic bodies in order to promote their participation. We should point out the existence of specific training, based on the concept of “schools for parents” and led by others from parents associations, schools or municipality training centres.

## Conclusions

Throughout our research we have benefited from the constructive cooperation of educational stakeholders. Thus we were able to enrich, refine and confirm the data we collected. Interviews with stakeholders allowed us to identify a certain discrepancy between legal standards on the one hand and parental participation on the other. Moreover, we maintain that it is often hard to establish dialogue within schools because the jargon used remains inaccessible to the majority of parents, and in particular to those coming from disadvantaged backgrounds. Thus the dialogue between school and family and the parental participation that might arise from this does not develop, despite the fact that this right is recognised at a legal level.

In order to rectify this, measures should be taken by those politically responsible, starting with the simplification of legal standards and the use of a vocabulary that is accessible to as many as possible. It is equally necessary to adopt labour law - already in place in the state sector – in order to allow for the involvement of parents in participatory bodies without being penalised financially or professionally. Moreover, to make the right to choose more effective, it is crucial to promote fiscal and/or financial measures that allow all parents who wish to do so, to enrol their child in a school “other than those established by the public authorities”. Furthermore, in order for there to be choice, the autonomy of individual schools must be emphasised and reinforced to allow them to develop specific projects. Finally, access to statistics on parental participation would monitor the development of the effective exercise of this right.

