

TEACHER EVALUATION IN PORTUGAL

Country background report for OECD

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ANNEXES

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ANNEXES

Annex 1	Excerpts of João Freire's, Study on the organisation of the teaching career (2005)	105
Annex 2	Memorandum of Understanding	130
Annex 3	Summary of Teaching Career Statute	134
Annex 4	Guide to the performance evaluation of teachers academic year 2008/2009	148
Annex 5	Recommendations of the Scientific Council for Teachers' Evaluation	159
Annex 6	Legislation on teachers' performance evaluation	182
Annex 7	Organisation of the Portuguese Educational System	213
Annex 8	Training profiles in specialist teacher training	224
Annex 9	Education Act	236

ANNEX 1

Excerpts of João Freire's, Study on the organisation of the teaching career

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II. SYNTHESIS OF THE PRESENT SITUATION

3. Diagnosis

3.1. At the start, it seemed that the current way in which the careers of educational childcare staff and Primary and Secondary teachers are organised and function could be synthesised as follows:

- A poorly-performing system, measured by the insufficient quality of the “trained” teachers”;
 - The need to:
 - Improve the integration of existing differences;
 - Increase the visibility, justice and equity of the professional system.

3.2. On closer analysis, supported by several documentary sources (some of which simply corroborate common sense perceptions), the following more specific thoughts emerge:

- a) The concept of a single “teaching profession”, including the whole diversity of levels and types of teaching (including special education and vocational education) is interesting, because of the basis of common treatment it establishes for all these employees of the Ministry of Education. It also signifies an absence of hierarchical differences between the different types of teaching, which could be introduced by a juridical and formal separation of these different agents of education. However, universal juridical treatment carries with it the risk of diluting the specificity of different segments or branches, making the acquisition of separate identities and cultures more difficult and opening the doors to egalitarian illusions and notions that “everything is within everybody’s reach”, as if it were a “natural right”.
- b) The essential mission of teachers in this field of general education, which extends from Pre-primary to the end of Secondary school teaching, is in the first analysis, to teach and transmit knowledge which has been formalised and accumulated through wide historical and cultural experience and developed by specialists of pedagogical sciences and education. In this sense, and without prejudice to the particularities of each level of teaching (which stem from the stages of natural development of the child), it can be considered that the nature of the teaching role does not change throughout the professional journey of each teacher. Being a teacher means, primarily, teaching for the whole of your life.
- c) Together, the two previous points can lead to the idea that the lack of clear differentiations to structure the evolution and professional journey of teachers seems ill-omened. These would be in the form of “professional categories”, which could reconfigure the prescribed methods of procedure of the core function of the teaching profession (teaching lessons), with other complementary functions, equally indispensable, such as school and pedagogical management, providing support to students, the scientific-pedagogical fitting in of the teachers, inspection, evaluation, etc.

A careful balance between teaching and these other functions would have to be achieved.

- d) The status of the teaching profession (1990 legislation) was forged as part of a general reform of the Public Administration and the main entities of the State, which affected the general model of careers and their principles of remuneration. It established a single index grid scheme with 10 progression levels, with “lifts” (which allowed entry up to and including the 5th scale depending on initial qualifications) and “filter barriers” (for access to the 8th, 9th and 10th scales). This scheme had 3 “zones”: an “insertion” zone (which varied according to initial qualifications), “common” and “reserved” zones (dependent on tests and, again, on initial qualifications). This system was, however, successively dismantled. The tests for entrance to the 8th scale had met with difficulties from the start and then again with implementation (Regulatory Decree 13/92, 30 June). With the arrival of the 12th Constitutional Government and its election campaign promises, they were abolished (Decree Law 41/96, 7th May and Decree Law 312/99, 10th August). The access “barriers” to the 9th and 10th scales were also eliminated, as a result of the change to the Education Act (*Lei de Bases do Sistema Educativo*) introduced by Parliament (Law 115/97, 19th September), and later, by the increased ease with which working educational childcare staff and teachers of the 1st Cycle of Primary education could acquire complementary training in order to gain graduate status (based on Decree Law 255/98, 11th August). As well as finding several opinions about the “lowering of the level of qualification” of these processes, an evaluation by CIDEDEC expressly states that “the principal motivating mechanism of the teachers who frequent Complementary Training after Initial Training is essentially career progression (a euphemism for “an increase in salary”) and, on a smaller scale, the opportunity to acquire and develop new practical teaching competencies.”(CIDEDEC, *Atualização do Estudo de Avaliação Intercalar da Intervenção Operacional da Educação do Quadro Comunitário de Apoio 2000-2006 – Relatório Final*, 2004, p. 86).
- e) In the current situation, it is possible to say, schematically, that on the basis of an almost automatic progression based on length of service, it is normal and to be expected that almost all teachers will reach the top of the career ladder. According to official 2005 figures (GGF-ME), 53% of teachers under commitment to the Ministry of Education were on the 8th, 9th and 10th scales and (according to a senior figure in the Ministry of Education) some of those already on the highest pay scale now face around 14 years of no further progression until they reach the age of 65, when they can retire, according to the new laws. This is clearly an undesirable situation, both for the teachers (although it is felt to different degrees) and for the taxpayers (the remuneration cost of the 3 highest pay scales represents an annual amount of over 2.371 million Euros, in other words 63% of the total remuneration figure paid to teachers). Lastly, the situation is also undesirable in terms of the lack of equilibrium and harmonious development which should be present in the professional career of the teachers.
- f) In effect, it is worth remembering that, in the first place, the principle of equality of opportunities is fulfilled in this context by the search for objectivity and the abolishing of any mechanisms that give access to positions which are, by definition more demanding and scarcer (in relation to the potential candidates). It should not be confused with indiscriminate or unlimited access (or even with the “global staff” policy unless there are very special circumstances). On the other hand, it is also useful to emphasise that the principle of career progression (with its monetary benefits) should be of an individual nature, with a matching of professional merit (in relative terms if that is the case) with the opportunities existing in the system (public teaching in this case) taking place. It should not be confused with the general improvement of living standards, which is a legitimate expectation (and which has become a social one in the modern world) but which is ensured, in the case under discussion, by the general

increases in public sector workers' remuneration. The latter has generally been raised by an annual rate with reference to indicative grids for all public sector workers. The above are two ambiguities which should not be fomented.

- g) On the whole, there is an acute feeling of dissatisfaction within the teaching profession, which is a result of the socio-economic policies (both announced and already decided) of the 17th Constitutional Government. The Government has justified these policies on the basis of state budgetary difficulties, the long term lack of sustainability of pension and social protection systems and, last but not least, a new, more demanding impulse for social justice, cohesion and equity. It is thought that the most unpopular aspects of these policies will be: i) the delaying of the retirement age (with an increase in the length of time during which the taxpayer makes contributions) and the change in the way of calculating pensions, which will mainly affect people between (and including) the ages of 50 and 60, and especially childcare educational staff and Primary (1st Cycle) teachers, putting them on a par with the new conditions of the general regime of public sector work; ii) other (initiated or already foreseen) rationalization measures, more diligence, productivity, inspection, etc. under the specific jurisdiction of the Ministry of Education; iii) the lack of negotiation agreement (in terms of collective work negotiation or merely harmonizing negotiations) over these reforms and the restructuring, between the government and a significant part of the teaching unions, with some of the latter calling for strike action and social conflict.
- h) There is also somewhat of a climate of unease felt by the teachers (although it is very unequally distributed) in the institutional space of the school, because of the quality of the social relationship existing between the various agents: with students (who do not see teachers as figures of authority or rebel against their power), parents and guardians (who react in a similar way to the students or attribute teachers with even wider educational responsibilities), the surrounding community (in which they rarely have a distinctive position anymore) and the media (useful as a means to protest or alert, but always ready to generalise isolated incidents). It also affects relationships between colleagues (younger and older ones, tenured and those on short-term contracts, managers and those being managed, those involved and others who are not, etc.) The reason for this climate stems, in the last instance, from the low social recognition that teachers perceive their profession gets. In addition, the feeling of identification teachers' feel with the specific institution in which they work is quite limited, especially in certain sectors of the teaching body.
- i) Finally, it is likely that there is also a latent feeling of dissatisfaction among higher level students in relation to the function and performance of school education, and this can be seen objectively by the school dropout rate statistics and the difficulties of entering working life. This is expressed subjectively in different ways, including greater involvement in "youth culture", the temptations of personal and social marginalisation and the adoption ultra-competitive strategies or even the ideological construction of or adhesion to elementary or simplistic views of the world.
- j) In summary, it could be thought that after the last decades of the widening and the mass growth of teaching in Portugal, we are now in a latent crisis situation. It is made up of a combination of structural elements and economic and political motives, exacerbated by expectations of positive changes based on the existence of a Government with a parliamentary majority for its term in office, although there are contradictory feelings implicit in such expectations.

4. Assumptions and general guidelines

4.1. Assumptions about the teaching function and Education

- a) The teaching function implies a great deal of responsibility on the part of teachers (who, when teaching, are alone in front of a group of students) but demands effective social control on the part of the educational community and the whole of society, represented by the State and governing and public administration entities.
- b) The contents of school teaching are essentially scientifically and technically based, as are the references to dominant knowledge (and of action, namely economic and political-administrative) in contemporary societies. Therefore, there is a need imposed on teachers to keep up with advances observed in those domains, at least to keep up to date with the changes to the curricular programmes of their subjects, which will inevitably occur throughout the four decades of their professional life.
- c) In a similar way, over that long period of time, teachers will also necessarily face (sometimes controversial or contradictory) changes in prescribed or proposed pedagogical methods. In the face of these, it is expected they will react in a critical, autonomous and constructive way (for the benefit of Education and the students) but that they still have a duty to accept and adapt in the most efficient way possible.
- d) The teaching function consists of the transmission of scientific and cultural knowledge, which obliges the verification of the existence and permanence of those capacities. However, the teacher's attitudes and behaviour also act as a reference in the social education process of children and adolescents. Teachers come from different socio-cultural backgrounds, but their aim should be the happy integration of students in society (local, national and universal). In this sense, and without restricting the individual liberties of teachers, society should be able to demand that they observe minimum standards of social conformity when exercising their profession.
- e) In a similar way, the freedom of expression, dissidence or innovative behaviour on the part of the students should be observed and accompanied by the teachers in the sense of finding the best way to deal with such cases, without prejudicing the group and majority of students. The majority of cases will be about deviant behaviour, which will need special accompaniment, be it pedagogical, psychological or medical in nature, or social support. They might call into question the strategy of the school's relationship with the surrounding community or lead to an overall evaluation of the school's performance. There might also be cases of pedagogical maladjustment, exceptional capacities or the precocious development of a child, and the solution must be of a different, essentially psycho-pedagogical nature.
- f) As a general guide, the teaching objectives should be met and the curricular content should be learnt (at least by the majority), but the notion of learning should prevail over that of subject matter to be transmitted. On the other hand, students should get training and practice at achieving objectives. The integration of students in the school environment and social context (according to their stage of personal development) should also be a constant concern of the teaching body. The latter should occur without prejudice to the acceptance and stimulation of students' critical and reflective attitudes, in the process of construction of their own personality, autonomy identity and world-view.
- g) Teaching, at its various levels and in all its variations, always integrates a dimension of scientific knowledge (subject, therefore to the universal division of knowledge) and another dimension of a pedagogical nature, specially adapted to the age and capacities of the students and to the objectives of the different levels of learning and types of training. The careful consideration between these two dimensions and the organisation

of their concrete forms constitute one of the specific objectives of the education sciences.

- h) In the teaching function there is a reproductive mission of transmitting knowledge (contained in the curricula) which coexists with the autonomous mission of exercising a social power. This power, which is the complement to the responsibility attributed to the function includes i) the capacity to pedagogically adjust and administer the transfer of curricular knowledge to the specific conditions of concrete students; ii) the competency to evaluate and grade students within the system; iii) and the mission to develop a leadership relationship with a stable group, which is the class, which is not strictly confined to the space and time of classes.
- i) Understandably, each of these four areas of the teaching function should be subject to regular performance evaluation, which should bring together: i) objective information arising from the activity carried out; ii) verification of competencies according to a set of general criteria, iii) the reflective and critical capacity of the teacher him/herself; iv) and finally, the greater consolidation of professional experience and capacity, (appropriately approved by members of the teaching community in advanced and differentiated stages of their careers), in a way that is directly or organically instituted.
- j) School education is a fundamental, but not the only, component of the educational and socialization process of children, adolescents and young people. The family's role and responsibility in this process can not be substituted. Families should also co-operate and participate, as partners, in school education, both directly and by means of institutional associative representation. However, the media, cultural organisations, and the local community also (each in their own way) have important contributions to make and undeniable responsibility in the same process.

4.2 Social expectations about the teaching function

What is the social expectation to bear in mind regarding the teaching function and the professional practice of teachers?

On the part of society (interpreted by the Government), for its progress and innovation, and being the ultimate destination of students, it can be considered that, in general, the following is expected of teachers:

- a) domain of the pedagogical and educational processes, and keeping themselves up to date with the latest developments
- b) Knowledge of the scientific basis of their respective area, which should also be updated to keep up with scientific progress.
- c) School and pedagogical management capacities in the teaching institution, its classes and processes (evaluation, discipline, etc.);
- d) Availability and capacity to give individual support to students (accompanied study, relations with families, identification of cases where social, psychological, health, etc., support is needed);
- e) That they are role models of social integration;
- f) Possibly, to carry out administrative or other functions that they are qualified to do in the central or territorial structures of the Ministry of Education.

4.3. The principles for the legitimisation of a professional teaching career:

- a) Clear identification (which no doubt exists), adhesion (vocational before instrumental, which won't always occur) to the core function of the profession (teaching and educating) and social recognition of its importance (which will be differentiated, but in any case, with its widespread growth, is seen as being lost, compared to its status in the past, thus causing some negative effects);
- b) Public and official recognition of the responsibility and effort that the profession entails and how wearing it is, namely by alleviating working conditions as a teacher's career progresses, especially towards the end;
- c) Involvement (coordination of activities, guidance, advice, evaluation, participation in decisions) of the younger and less qualified teachers in a process of self-regulation which will have to be marked by a preoccupation with exemption and a permanent search for improving quality, and not by condescension, favouritism or corporativism;
- d) The existence of a professional, simple, clear and easily recognisable hierarchy based on meritocracy, which is reflected by the example and professional quality of the holders of the highest positions;
- e) The development of an organised professional career so that progression takes into account length of service and experience acquired, and strong performance evaluation results lead to progression to a higher scale.
- f) During the whole of this professional journey (after admission to the profession), the classification obtained in initial training (degree or other qualification results) will no longer be taken into account in the criteria used for career progression and promotion. Only merit and the competencies demonstrated will be taken into account;
- g) Given its nature as a special body of the public sector (a characteristic that is recognised here) it is recommended that specific rules be drawn up for entry to and development of the teaching profession, as well as the system of evaluating and rewarding performance
- h) The establishment of conditions and quantitative limitations at the various stages of the professional journey should not stem from budgetary constraints (although, naturally, these should be borne in mind) but rather from notions of balance, development and selection, based on the recognition of merit and the necessity of good performance in the whole of the school system;
- i) However, caution should be shown to avoid the perverse effect of those who are not selected or promoted possibly being considered as "incompetent" or "failures", or being excluded in any way.
- j) At the same time, fair but efficient mechanisms should be instituted to exclude those from the teaching profession whose performance is repeatedly evaluated as "insufficient".
- k) The possibility of direct and personal participation (and not through institutional representation associations) in the teaching management processes, at the school level, the regional pedagogical zone and on a national level, by means of elections, nominations and competitive examinations;
- l) Syndicates and other associations representing teachers to hold responsibility for collective negotiation and social agreements (the latter including other partners, such as

parents' associations). The matters they would deal with would include the legal status, work and pay conditions of teaching professionals and the general course of teaching and Education.

III. COMPARATIVE REFERENCES

5. Other careers with comparable social status in Portugal

5.1 According to the request made, the review of the model of progression of Ministry of Education teaching careers should be based on comparative exercises (similar to a benchmarking exercise) with other careers of comparable social status in Portugal.

With this in mind, the following careers were proposed and accepted:

- Army officers (in particular those of the “fighting forces”, who represent about 43% of the total of this branch of the Armed Forces; with the knowledge that their status is, essentially, the same as Navy and Air Force officers);
- University teaching staff (from public higher education institutions);
- High level public sector officers;
- Nurses (dependent on the Ministry of Health).

5.2. The main reasons for the above choices can be summarised as follows:

- a) They are all public sector careers, with high social visibility and made up of large numbers;
- b) They all require entry qualifications and training acquired in higher education institutions;
- c) In the case of officers, we are dealing with a hierarchical profession, which revolves around commanding and taking decisions that may involve the lives of others on a mass scale;
- d) In the case of university teaching staff, their professional activity is the same as the teachers who are the object of this study, but there are far fewer of the former and they benefit from more admission selectivity, prestige and social recognition;
- e) In the case of high level public sector officers, it is a “generalist” career but central to public administration, and Ministry of Education teachers’ remuneration has sometimes been on a par with theirs;
- f) In the case of nurses, we are dealing with a professional group made up of large numbers, which has high visibility in its work with public health service users. This group has seen the most recent social and remuneration improvements compared to any of the others;
- g) Finally, and according to the request made, all of these groups’ social status is almost comparable to that of Ministry of Education teachers, although there are some differences between them.

5.3. For the purposes of this exercise, information about these different professions focused on the following areas, which function as indicators:

1. Initial training and conditions of entry to the profession;
2. Number of career categories, with conditional promotions;
3. Entry conditions for each category;
4. The distribution (in percentage terms) of tenured workers in the “extensive pay scales” of the profession and the total number of tenured workers;
5. Essential characteristics of the general competencies profile of the profession;
6. Essential characteristics of the competencies of each “extensive pay scale”;
7. Remuneration package;
8. Quantitative analysis of remuneration at the beginning and end of career;
9. Age/procedure for reduction/lessening of activity in the final stages of the career and retirement.

5.4. From the analysis of these four professions, which takes each of the above indicators in turn, it can be said that:

1. As well as having other special conditions, for entry purposes, all the professions demand a higher education qualification of 4/5 years in duration (a licentiate degree, according to the terminology in use until now) with the exception of nurses who can still enter with a 3-year qualification (a bachelor’s degree).
2. In each profession there are 5 to 8 professional categories, which can be grouped in 2 or 3 “extensive pay scales” with sufficiently distinct functions.
3. The conditions demanded for promotion to a higher category vary between a maximum in the case of the army officers (mid-career courses, hierarchical selection depending on curriculum, existence of a vacancy, etc.) and university professors (three strong results in tests, evaluated by “pairs” and conditional access to the highest category vacancies) and a minimum in the case of nurses and high level public sector officers (poor performance evaluation, etc.).
4. The most restrictive promotion “pyramids” are those of nurses, with 86% occupying the “base”, 13% in the “middle” and less than 1% at the “top” and those of army officers, with 62% occupying the “base” (captains and subalterns), 37% in the “middle” (higher ranking officers) and 1% at the “top” (generals). However, the reasons for these set ups are different. In the first group it is related to the lack of qualification of the professionals, while in the second it is due to the rigidity of the posts. With regard to university teaching staff, with 39% at the “base” (assistants) and 61% at the “top” (professors, although there is another internal pyramid here, consisting of 15% of full professors, 26% associates and 59% assistant professors with no post) they are in an unusual situation, firstly with an inverted pyramid and then with another, strangled one. Finally, unbelievable though it may seem, it was not possible to find out the number of tenured staff working (in the different categories) as high level public sector officers. This was perhaps due to the fact that they are spread throughout the various government departments and public institutions, as well as the lack of centralised information (in spite of the censuses taken of this sector in 1996 and 1999).

The total numbers of tenured staff in these professions are around 2.950 army officers (around 5.000 for all of the Armed Forces), 13.000 university teaching staff, 20.000 high level public sector officers and 36.000 nurses.

5. Each of these professions has a clearly different core function: with army officers it is to “command”, although this is within a hierarchical chain; with university teaching staff it is “to teach and carry out scientific investigation”; with high level public sector officers it involves the “application of technical-scientific knowledge”; and the core duty of nurses is to provide healthcare”, but under some guidance from doctors.
6. These functions can be extended and become more specialized, according to the “extensive pay scales” of the profession. In the case of army officers, their functions mainly change according to the size of the operational units they are in charge of (and therefore the level of responsibility). In the case of university teaching staff, the professional function is totally up to the staff themselves; with the assistants merely helping (this function is to disappear). With high level public sector officers there seems to be an intention to attribute the advisers with the function of providing advice and information for higher level decision- making. The functions of the other more executive positions in this sector are in the area of administrative studies and management. Finally, in the case of the nurses, the statutes stipulate differentiation (apparently forced and “modernizing”) between the “areas” of healthcare, management and advice-giving.
7. The remuneration system had a common conception (1988-91 reforms), although the differentiated valorisation of the “100 indexes” weakens transparency and the comparability of remuneration. The most notable extras added to base remuneration are the “military condition supplement” (+14,5%,”fixed”)for army officers and possible “risk or inconvenience” supplements for nurses (night work, etc.) and army officers (flying, divers, military campaigns, etc.).
8. A quantitative analysis of gross salaries (in 2005) reveals a range from minimums (at the start of careers) of around 940 Euros (nurses) to 1.500 Euros (university teaching staff), and maximums (top of the career ladder) of 2.630 and 4.990 Euros (for the same professions). The figures for high level public sector officers are closer to those of nurses while army officers are closer to those of university teaching staff. It should also be noted that university teaching staff have the possibility of supplementing their salaries with investigation work, while nurses can do the same by doing overtime and having “second occupations”.
9. According to the legislation in force until now, the retirement and reduction of activity schemes (towards the end of professionals’ working lives) in place were quite different for each of these four professions. With the measures about to be put in place by the current Government, those differences will become fewer and there will be more convergence. The most notable differences are probably the following:
 - The regime applicable to army officers, with a 25% bonus when calculating length of service for the purposes of pensions (thus 29 years of service “counted” as 36), and the unique “reserve” situation, which officers would remain in 5 years after reaching the active service age limit (between the ages of 56 and 62). In the latter case the officers continued with the “active service” remuneration conditions and could be called in for duty if necessary. (The “exclusivity” of the military condition, implicit in the past, seems to have been rendered less arduous in legal terms, although this weakening is still viewed as anomalous). With the reforms currently taking place, the bonus will be reduced to 15% (even so, 40 years of service will now mean around 35 years of deductions) and the retirement age will be 60;

- In this area, university teaching staff and high level public sector officers are governed by the general regime of public service: the possibility of retiring at 60 and 36 years of service and deductions. As a result of the new government measures these limits will be extended (progressively over the next decade) to the age of 65 and 40 years of service;
- Until now nurses benefited from a special regime, being able to retire at the age of 57 after 35 years of service. From now on they will (again, progressively) be subject to the same new conditions in place in the general regime;

5.5 Considering each of the professions as a whole and their specific nature, it is worth highlighting that:

- Although there is a growing tendency of professionalization, army officers are still quite marked by the key values of “giving to the country” which are traditional of the military condition (the solemn oath that includes “the sacrifice of one’s own life”), meaning their own specific prerogatives are viewed by them as compensation for that “blood contract”. However, in present times they suffer from notorious lack of social recognition of their mission. The attempt at legitimising their training by drawing parallels with the qualifications of the academic world could be interpreted as a keen effort to address that situation. The demands and controls in terms of career progress are heavy, but perhaps the change to more “condescension” and admitting that all should reach the position of colonel (which is objectively prevented by the pyramid formation, but happens by different rules of process) is hidden or latent.
- University teaching staff, whose core professional function is similar to other teachers, are nonetheless subject to the weighty demands of displaying their knowledge and competencies in public (due to the nature of their students, who are active and critical of the material being taught) and the direct confrontation with their “pairs” (competing equals or more senior academics) during debates. They also have to compete for more limited vacancies and publish material in which they reveal the results of their research. Their higher salaries and greater autonomy in the organisation of their work (timetables, etc.) tend to be less appreciated these days, due to the mass growth of higher education, which has resulted in a loss in social status and public recognition of the profession (which perhaps contrasted with the situation they observed when they attended universities as students).
- High level public sector officers constitute a professional group that lacks individual identity due to the fact that they are dispersed throughout the public administration structure and by its departmentalisation into specialised units (despite the fact that these professionals carry out a lot of similar technical-administrative tasks). As a result of the evident crisis in the “classification of service” process of the workers, they lost the opportunity to exercise social power, and this left them with only the quality of their technical performance as a means of affirming their function and authority when compared with other professionals.
- Finally, nurses, who have made vigorous upward social progress in the last decades, find themselves “blocked” to a certain extent due to confrontations with other neighbouring professional groups (doctors, of course, but also the various, specialised “new health professions”) and internally weakened by the diversity of their origins and the difficulty of changing their core professional act (providing care), in spite of the efforts to improve their training and to innovate in the performance of their professional duties.

5.6. The following is a synthesis of the conclusions applicable to our study:

a) There is an acceleration taking place in the process of approximation and convergence between the social protection regimes of the various public professions. They are moving towards the long term goal of reaching a less onerous financial level for the purpose of balancing the budget and the sustainability of those protection systems.

- b) The specific characteristics of these types of public professions are notorious and therefore it is reasonable to expect resistance and social conflict due to the intended reforms.
- c) The evolution of professional cultures is slow, both in respect to their constitutive values and acquired material interests or to the perception of “relative positions” compared to other professions. But it can be accelerated by shocks from the outside. However, it is much more difficult to predict and anticipate the final results of these processes of social interaction.
- d) With the professions being compared, 5 parameters can be considered most relevant: i) the demands of the career path; ii) social recognition; iii) remuneration; iv) social protection; and v) the “feeling of loss” in the face of the measures now being proposed. The table below presents the results of the analysis undertaken.

TABLE 1 – A comparative analysis of the professions

Professions	Demands of the career path	Social recognition	Remuneration	Social Protection	Feeling of loss
Army officers	++	+	+++	+++	+++
University teaching staff	++	+++	++++	+	+
High level public sector officers	+	+	++	+	+
Nurses	+	++	+	++	++

5.7. As would be expected, there are other analytical items that are either approximately equal (entry conditions to the profession) or almost incomparable (the core functions of each one); therefore they were disregarded here.

This table synthesizes the position of the professions analysed relative to each other, thus completing the exercise in which 9 items were initially considered. Some of these will be revisited further on when the position of educational childcare staff and primary and secondary teachers is analysed.

However, some interpretative aspects of this table can immediately be highlighted. The “Demands of the career path” item corresponds to the idea of the contribution demanded by each profession and the 3 subsequent items deal with what the professions give in return. In the “Social protection” parameter we evaluated the system in force until now (in place for at least over a decade). If, however we take into account the reform measures of the current Government, we see that, of the 4 professional groups, they affect army officers and nurses most strongly; hence the classification given in the “Feeling of loss” item. In the evaluation of this item for army officers, the underlying “grief” they feel due to their current low social recognition should be added. This is due to the effects (selective and partial) of historical memory, an aspect to which their specific culture is particularly sensitive.

6. Teaching professions in neighbouring countries

6.1. According to the request made, the review of the model of progression of Ministry of Education teaching careers should also be based on a comparison with teaching professions in some neighbouring countries. To that end, the following countries were proposed and accepted:

- Spain;
- France;
- Germany;
- Great Britain;
- Denmark.

6.2. The main reasons for the above choices can be summarised as follows:

- a) Only European countries were chosen, because they are considered to be “neighbours”, due to ease of access to statistical (and other) information, and because of possible future convergence of educational policies;
- b) There is a mix of some of the biggest countries, both in physical size and political visibility, as well as others whose size is comparable to Portugal’s;
- c) There are models that represent different educational cultures and traditions.

6.3. In a similar way that we have already done with the “other professions”, information about the teaching professions of these countries was gathered in relation to different areas (see below), which function as indicators. An adjustment was made between the initial request and the information that it was possible to obtain in timely fashion through the Eurydice/GIASE network. The areas are:

- 1. The structure of the profession;
- 2. Initial training and conditions of entry to the profession;
- 3. Type of competitive examinations for conditional promotions;
- 4. Organisation of promotions and progress in the profession;
- 5. Methods of in-service professional development for progress/promotion purposes
- 6. Methods of performance evaluation
- 7. Length of working hours
- 8. Retirement conditions
- 9. Remuneration package
- 10. Percentage distribution in the different categories

6.4. The table below presents the results of the analysis undertaken using the 10 items.

TABLE 2 – An international comparison of the teaching profession

Items	Spain	France	Germany	U.K.	Denmark
1. Structure of the profession	-Educational childcare staff, 1 st and 2 nd Cycle - Teachers: 3 rd Cycle and Secondary	- Instit. (1 st level) - Prof. Cert. - Prof. Agreg.	- 1 st Cycle - 2 nd Cycle - Secondary and Professional	3 categories of teachers	- Educational childcare staff - Primary (3 cycles) - Sec.
2. Training for entry	3-4 years (depending on level) Teaching work experience (1 year)	3 years Exam 1 year prep. Teacher's recruitment system Work experience	3 yrs + event 1 Work experience + exam Teacher's recruitment system	3 to 5 yrs (depending on level) Exam	3 to 5 yrs (depending on level) Work experience Exam (for Secondary)
3. Teacher's recruitment system	Biennial (for posts)	-	Annual	Annual	Annual
4.Promotions and progression	8 year scales Cathedratic management/inspection/admin	Levels and scales Years and merit	12 Scales (2 to 4 yrs) Reach top at age 50/55	Teaching/management	Scales based on time (maximum 16 yrs to reach top) management/inspection/admin
5. In-service professional development	Effects on progression, competitive examinations and remuneration	1 year sabbatical	Have effects for purposes of competitive examinations or management positions	Obligatory (35 hrs per year)	Voluntary
6.Performance evaluation	Voluntary	Every 3 yrs or voluntary. By inspectors.	Effects progression	Yes	No
7. Working hours	37.5 hrs 20 hrs at school 25/18 teaching hrs	Primary 26 hrs All others 15/18 hrs	28 to 23 teaching hrs	32/35 hrs at school 22 teaching hrs	37 hrs
8. Retirement	At 65	Possible after 60	65; possible after 63	In general 65, possible at 60	67, possible at 60
9.Remuneration package	Base + length of service (3 yrs) + supplement	-	?	?	Base + travel and function supplement
10. % distribution	47% Infant and Primary, 53% Other 65% women 25% private teaching	40% 1 st level Primary 60% 2 nd level primary	26% Pre-Prim. 51% Prim. 24% Sec.	61% Inf. and Primary 49% Sec. (England)	80% Primary 20 % Sec.

Source: Eurydice/GIASE, Data relates to 2003-04 (Germany 2002-03; Denmark 2001-02)

6.5. On the basis of this analysis, below are the main conclusions we feel we can reach, for the purposes of comparison and possible application to the case of Portugal:

- a) There is a clear diversity in the organization of the teaching professions in the countries under consideration. It shows how significant the notion of “national teaching systems” is and how they cause some organizational and cultural specificities to endure. This is in spite of the fact that the information available is very summary and sometimes wrongly interpreted by successive syntheses and/or conceptual translation.
- b) Notwithstanding this, it is also possible to detect clear signs of homology or convergence. It is therefore possible to analyze the common points in force in the countries under study and to identify the range of alternative solutions to certain questions.
- c) Thus, the following are examples of features in common:
 - The demand for differentiated higher education training (between 3 to 5 years) for entry to the teaching profession, with Pre-primary teachers and those of the 1st Cycles only needing 3 years of training;

- The use of competitive examinations as a mechanism to appoint people to positions;
- The important role of in-service professional development;
- Weekly working hours do not exceed 37 hours, with 15 to 28 teaching hours;
- Retirement age tends to be 65, it being nevertheless possible to anticipate it from the age of 60.

d) On the other hand, here are some points of divergence:

- The organization of the schooling levels, which has direct repercussions on the organizing principles of the teachers themselves (knowledge and careers). For example, in Spain Pre-school and the 1st and 2nd Cycles of Primary education are grouped together on the one hand, with the 3rd Cycle and Secondary school on the other (binary model); however, in Denmark and Germany (although there are differences) there are three essential structural blocks, which more or less correspond to the infant age group, adolescents and youth (ternary model).
- Organically, each country also has its own system of levels, titles, functions and progression in the teaching profession. However (as is the case in Portugal), it is common to reach the top of the career ladder at an early age (perhaps at the age of 50/55 in Germany and around 40 in Denmark!);
- There is a great deal of variation when it comes to teacher performance evaluation in the different countries. It still seems to be anchored to old administrative practice typical of civil servants.
- The general teaching model and the teaching profession in Portugal is not anomalous and does not deviate from those the models seen in the countries under study. This is what we will try to confirm in the next point.

7. The current professional status of Ministry of Education teachers

7.1. The current situation of educational childcare staff and Primary and Secondary school teachers dependent on the Ministry of Education, derives, from a legal point of view, from the public administration reforms carried out between 1988 and 1991, and specifically, from the career statutes of the teaching profession adopted by Decree-Law 139-A/90 of 28th April, altered by Decree-Law 312/99 of 10th August (which in turn revoked Decree-Law 409/89 of 18th November, which regulated remuneration).

Meanwhile, it is worth analyzing the two tables that follow, which synthesize the numbers of teaching professionals under study, as well as their geographical distribution in Portugal.

TABLE 3 – Evolution of the number of public education teachers

Academic year	Educational childcare staff	1 st Cycle	2 nd Cycle	3 rd Cycle and Secondary	Total
2000/2001	7 616	33 995	30 501	73 928	146 040
2004/2005*	8 509	33 615	31 305	75 321	146 750

*Preliminary figures

Source: GIASE, Doc.Sept.2005

Unfortunately, the Ministry of Education has no statistics available about the movement of teachers between the 3rd Cycle of Primary education and Secondary School teaching.

It is worth noting that, according to the GIASE document, in 2004-05 (preliminary numbers), in private and cooperative education (and other education, not dependent on the Ministry of Education) there were a further 6700 educational childcare staff, 2600 1st Cycle teachers, 3100 2nd Cycle teachers and 8200 3rd Cycle Primary and Secondary teachers, making a total of about 20600 teachers.

A further point is the existence of around 6700 teachers and trainers working (in 2002/2003, same source) in the vocational schools (or vocational training courses taking place in other institutions).

The table below shows the regional distribution of teachers by teaching level.

TABLE 4 – Regional distribution of public education teachers (2002/2003)

Region (NUTII)	Educational childcare staff	1 st Cycle	2 nd Cycle	3 rd Cycle and Secondary	Total
North	3 319	14 590	12 034	26 433	56 376
Centre	1 920	6 583	5 386	14 567	28 456
Lisbon and Vale do Tejo	2 224	10 017	10 656	25 447	48 344
Alentejo	565	2 026	1 669	4 109	8 369
Algarve	217	1 300	1 502	3 374	6 393
Mainland Portugal	8285	33 516	31 247	73 930	148 978
Azores	381	1 163*	1 008*	1794*	4 349
Madeira	:	:	:	:	:
Total					

* Teachers with academic functions: data unavailable

Source: GIASE, BD *Efectivos* 2003

As can be seen, the North has the highest number of teachers (around 38%) followed by the Lisbon and Vale do Tejo region (32%), The Centre (19%), Alentejo (5%), and Algarve (4%). The total number of tenured teachers in the Azores is slightly lower than that for the Algarve. Regrettably, the numbers for Madeira are unknown. It should be highlighted that future analyses will be affected by the recent alteration to the definition of the Lisbon Region, which also affects those of the Centre and the Alentejo.

Unfortunately, the Ministry of Education does not yet have projections and scenarios about its tenured teachers for the coming years. These projections would give a clearer picture of the number of teachers leaving the profession because of reaching retirement age, as well as the entry of new professionals as a result of the evolution in student numbers (and other variables).

7.2. In order to compare this profession with the previous ones, we shall start with a synthesis of the main areas:

1. The base structure of the profession – a single career in which 4 different situations coexist according to the teaching level: educational childcare staff; 1st Cycle Primary Education teachers; 2nd Cycle teachers; 3rd Cycle and Secondary School teachers.

2. Initial training and entry conditions – relevant degree (4 years + 1) and teaching work experience.

3. Career structure and means of progression – there are no professional categories, only 10 progression scales which are not dependent on the availability of places. The conditions for progression include: length of service in the previous scale (varying between 2 and 5 years); continuous professional development (1 credit of 50 hours per year); a “satisfactory” evaluation grade in the report of activities undertaken in the preceding term.

4. Percentage distribution of current tenured staff (GGF, 2005) in scale groupings: 10,5% in the lower scales (1st to 4th scales); 37% in the middle (5th, 6th and 7th scales); 52% in the higher scales (8th, 9th and 10th scales). The total number of tenured Ministry of Education teaching staff was 128.075 (in May 2005), with a further 22.000 staff on annual contracts (in May 2004).

5. Current gross monthly salaries range from 940,97 Euros (index 112 of the 1st scale) – or 1.575,50 Euros (index 188 of the 5th scale, in which “professionalized” degree-holders enter) – and 2.856,54 Euros (index 340 of the 10th scale). The complements and subsidies common to all public sector work are added to these base salary figures (meal allowance, etc.).

6. Finally, with respect to retirement and reduction of activity (as a result of professional “wear and tear”) conditions, the regime in force until now contained the following main arrangements (assuming a 35-hour working week for all):

- For educational childcare staff and 1st Cycle Primary School teachers: - possibility of retirement (with a full pension) at the age of 55 and with 30 years of service; 25 weekly teaching hours;
- For the rest of the teachers, the general retirement regime for public sector workers applies: the retirement age is 60, and with 36 years of service (and deductions), with the following limits on teaching hours: i) for teachers of the 2nd and 3rd Cycles of Primary School, 22 weekly teaching hours, ii) for Secondary School and special education teachers, 20 teaching hours per week. These numbers are reduced every five years from the age of 40 (if the teacher has at least 10 years of service) up to a maximum of 8 hours, (that is, up to 14 and 12 weekly teaching hours, respectively, for those two groups at the age of 55).

7. The measures currently being implemented by the present Government will make the retirement conditions of all these different teachers the same as those of the new general regime, i.e. the retirement age will be 65 with 40 years of service. This will be implemented progressively until 2015.

7.3. Moving on to a comparative analysis with the professions previously studied (other comparable Portuguese professions and foreign teachers), we can make several key observations. In first place, we look at the concept of contribution:

- a) The demands of the professional journey on Ministry of Education teachers are fewer than those placed on any of the other Portuguese professions analyzed (obligatory training, exams, limited vacancies);
- b) The demands of the professional journey on Ministry of Education teachers in Portugal are, in general, fewer than those placed on teachers from the other countries studied (fewer exams, promotions based on merit and differentiated categories);
- c) Working conditions have a lower level of risk compared to those of army officers but the level of “wear and tear” is probably the same as that of nurses and certainly greater than that experienced by university teaching staff and high level public sector officers;
- d) Working conditions are the same as those of teachers in the other countries;
- e) Finally, as a vocational activity, teaching is, in itself, quite gratifying, both from the professional and human point of view. However, this characteristic is losing strength due to the fact that culturally, vocations are in a state of crisis in society, and many teachers have come to adopt essentially instrumental attitudes in relation to the profession and the educating function.

7.4. With regard to what the profession offers in return, we propose the following evaluation:

- a) With the mass growth of teaching and the demographic movement of Portuguese society from the countryside to urban areas, the social recognition of the teaching body has fallen greatly in relation to previous generations. The efforts of some in trying to dignify the profession by constituting a Professional Order seem praiseworthy, when compared with the resignation of many graduates who, for lack of finding anything better, have to “go into teaching”. The “salary attitude” of many teachers has also been reinforced by a certain type of syndicate action, both demanding rights and professional conditions, and defending the status quo and “acquired advantages”. However, there is a considerable reserve of professional pride, zeal and talent which should be supported and encouraged in order to dignify the profession more and recover the lost public recognition, although this will only produce effects in the medium/long term.
- b) In relation to the remuneration of the teaching profession, it is on a par with that of high level public sector officers (statutorily, in terms of the indices used, and in practice), and it seems for all the reasons given, that that similarity should be maintained. In this matter, the difficulties lie mainly in three areas: 1) Because of the so-called “lifts” in existence (granting direct entry to the 5th scale), initial pay is, in many cases, already quite high (over 1.500 Euros as we saw above, putting it on a par with university teaching staff and greatly exceeding all the others); ii) When compared to teachers in other countries, the Portuguese teachers are in a relatively comfortable situation in a country that, generally, is not); iii) in the context of the current budget restrictions, there is certainly little room for manoeuvre to “negotiate” the restructuring of the profession, especially with the previously mentioned concentration of 52% of tenured teachers in the top three scales and nearly 20% in the 10th scale;
- c) Finally, in respect of social protection (including the special regimes of teaching times), it was, until now, very considerable, even getting close to that

of army officers and greater than that afforded to most of the teachers in the other countries analysed.

- d) In their totality, the rewards or returns that Ministry of Education teachers have benefited from during recent years have therefore been contradictory and distorted. Low social recognition seems to have been compensated by relatively good pay and social protection. On the other hand, the advantageous working conditions are perhaps not so highly valued by the teachers themselves, who see them as a “fair exchange” for the increasing difficulties experienced in the social relations with the students (the lack of discipline, etc., which we have already alluded to).
- e) Under these conditions, the current Government’s measures to reduce the social protection afforded to teachers (the retirement system) will, evidently, be badly received by these professionals. This effect can, however, be attenuated, if the situation is explained appropriately and perceived as necessary and equitable.

TABLE 5 – International comparison of teacher remuneration (2003)

= Gross annual remuneration in thousands of US Dollars* =

Countries	Primary Education		Compulsory Education		Secondary Education		Ratio* GNP per capita
	Entry	Top	Entry	Top	Entry	Top	
Denmark	32	37	32	37	32	45	1,48
UK (England)	28	41	28	41	28	41	1,40
Germany	38	49	39	50	42	54	1,94
France	23	45	25	48	26	48	1,22
Spain	29	43	33	48	34	49	1,64
Portugal	20	53	20	53	20	53	1,81
Hungary	11	19	11	19	13	24	1,22
Poland	6	10	6	10	6	10	0,82
Sweden	24	32	25	33	26	35	1,07
Japan	25	57	24	57	24	59	1,60
USA	30	53	30	52	30	52	1,17

*Conversion by means of purchasing power parities

** Ratio of the remuneration of secondary school teachers, after 15 years of service, in relation to the GNP per capita of the country

Source: OCDE, Education at a Glance, 2005, p. 369

7.5. As a practical conclusion of this comparison between careers and the status of several different professions, we can state that Portuguese Ministry of Education teachers are reasonably well provided for in legal and remuneration terms for the exercise of their profession. Furthermore, in the face of the sacrifices the Government is asking the country (and the teaching profession itself) to make, it is desirable and appropriate that the teachers find compensation and professional invigoration in a project to restructure their profession that they can understand, and in it see the beginnings of the dignifying of their role (in the long term) and the improvement of their teaching performance.

7.6. At this point it is apt to look at a few more characteristics of the teaching profession, according to recent data. We will look at gender, ageing and academic qualifications in turn.

According to data from GIASE (Doc. Sept.2005) the numbers of female teachers varied between around 71% of the 3rd Cycle and Secondary School teachers and 98% of educational childcare staff, 72% of the 2nd Cycle teaching staff and 92% of the 1st Cycle of Primary School teachers (2002/2003 academic year).

With regard to the ageing of educational childcare staff and Primary and Secondary School teachers (including public and private education), see the table below:

TABLE 6 – Ageing of teachers (in public and private education, 2002/2003)

Teaching level	% of teachers aged 50 or older	Ageing index*
Educational childcare staff	8,6%	26,9%
1 st Cycle teachers	23,3%	82,7%
2 nd Cycle teachers	27,2%	92,1%
3rd Cycle and Secondary School teachers	17,6%	52,1%

* Total number of teachers aged 50 or older/ total number of teachers aged less than 35 x 100

Source: GIASE, Doc. Sept 2005

The level of academic qualification of teachers in general teaching has been improving, especially by the greater demand for post-graduate training and the process of “accelerated training” for previous bachelor degree teachers of the 1st Cycle and educational childcare staff (see table below).

TABLE 7 – Number of teachers (in public and private education) with a better level of academic qualifications (in 2002/2003)

Teaching level	Master's or Doctorate	Bachelor's (Licentiate) Degree (4 years or more)	Bachelor's Degree (3 years)	Other	Total
Secondary school and 3 rd Cycle of Primary School	2 869	69 696	6 220	2 841	81 626
2 nd Cycle of Primary School	570	27 571	4 955	999	34 095
1 st Cycle of Primary School	213	20 904	15 509	588	37 214
Educational Childcare Staff	101	8 339	6 757	217	15 414
Total	3 753	126 510	33 441	4 645	168 349

Source: GIASE, Doc. Sept 2005

Lastly, we present a comparative analysis of the length of teaching hours, in different countries.

TABLE 8 – An international comparison of teachers' annual working hours (in 2003)

Countries	Number of weeks			Teaching hours			Hours at school			Total working hours		
	Prim.	Bas.	Sec.	Prim.	Bas.	Sec.	Prim.	Bas.	Sec.	Prim.	Bas.	Sec.
Denmark	42	42	4	640	640	560				1680	1680	1680
England	38	38	38				1265	1265	1265			
Germany	40	40	40	782	735	684				1708	1708	1708
France	35	35	35	900	626	602						
Spain	37	36	35	880	564	548	1140	1140	1140	1425	1425	1425
Portugal	36	36	36	783	626	580	870	766	696	1526	1526	1526
Hungary	37	37	37	777	555	555				1864	1864	1864
Poland	37	37	37	637	637	637				1416	1416	1416
Sweden							1360	1360	1360	1767	1767	1767
Japan	35	35	35	648	535	467				1960	1960	1960
USA	36	36	36	880	564	548	1140	1140	1140	1425	1425	1425

Source: OCDE, Education at a Glance, 2005, p. 381

IV. GENERAL ORGANISATION OF THE TEACHING PROFESSION

In this chapter we are going to analyze the main points related to the career organization of educational childcare staff and Primary and Secondary School teachers. These points are: The beginning and structure of the career; the existence of professional categories; a definition of the professional tasks; the professional competencies demanded; the remuneration; the work conditions; needs for social support; exams and tests for the teaching career; and lastly the scientific-pedagogical structures.

Where possible we will use the following scheme of analysis: discussion of the proposed change (given the difficulties of the current situation), with a review of the advantages and the negative aspects to minimize. We look at the possible specific outcomes for pre-school and 1st Cycle teachers and finally, the estimated costs of the change.

8. General structure of the career

Previously, we synthesized the characteristics of the current teaching profession in Portugal, in order to make a comparative analysis with other professions and other countries. We will now analyze certain questions related to the profession in more detail.

8.1. The conditions for entry to the profession (obligatory initial training, the process of becoming a professional, teaching work experience, age limits, probation periods, competitive examinations, etc.) are not dealt with here, since they were felt to be outside the scope of this study. We are therefore treating the current conditions as a given. Nevertheless, we would like to draw attention to three problematic issues in this area.

The first came out of the comparative analysis of teaching professions in other countries (Spain, France, Germany, The UK and Denmark) and relates to the fact that in those countries obligatory initial training is 3 years for pre-primary and 1st Cycle Primary teachers (we are using the terms for the teaching levels used in Portugal). As is known, due to certain reasons and political decisions, the same qualifications in Portugal went from lasting 3 years (Bachelor's – non honors' degree) to 4/5 years, with an award of licentiate (honor's bachelor's degree) being granted at the end (in the traditional version). The question this raises is obviously, whether the longer duration is necessary, with its added social costs.

In addition, it also seems that that in most of those countries, the practical and work experience components done in initial training are more important than they are in Portugal.

The second issue relates to the reorganization of higher education that is taking place as a result of the Bologna guidelines. It will affect the length and titles of academic courses. It is not yet known what will come of this complex process, which is not oriented by national guidelines. However, we feel it is of crucial importance to link these first two issues.

We would simply like to like to record our concerns over this matter and the opinion that it would perhaps be desirable to return to the three-year period of initial training for the previously mentioned teachers, based on the reorganization that will be taking place. However, if this does not happen, the extra “Master’s period” should be used to complete the process of becoming a professional, with more practical components and opportunities for work experience than are available at present.

Third reflection: In passing, we would also like to emphasize the importance, attributed by many involved in education, to the lack of vocation, involvement and identification with the profession of a significant number of teachers. This should be addressed and corrected (possibly by exclusion) immediately during initial training and the process of becoming a professional and entering the profession (which should be more demanding and selective). The current situation is the reason for some of the most visible failures in the quality of the teaching system.

8.2. The core principles of the systems of career progression and promotion in force in the public sector since the 1989-91 reforms seem acceptable to us, not needing to be put into question for the purposes of the restructuring of the teaching profession. This means stability and greater ease when trying to understand the whole of the system. We will continue to work on the basis of the two following notions:

- There is progression when, without a change in functions exercised, a professional meets certain conditions (length of service, and others based on individual merit) and moves up to the next scale (which brings higher remuneration), and this is not dependent on any contingencies;
- There is promotion when, by means of a voluntary process, the professional, having met certain conditions, (essentially, length of service), applies for a higher professional post and has to undergo tests which evaluate his/her merits in absolute and relative terms. If the candidate satisfies the respective demands s/he is appointed to the new position (and corresponding scale with higher remuneration), and takes on different professional functions with greater responsibility compared to the previous ones. In the promotion process there may or may not be a limited quota of vacancies in the higher levels.

8.3. The issue of setting quotas for the professional categories in a public sector career is generally established through the implementation of the “permanent staff” mechanism, which establishes staff numbers for each category. In the current Ministry of Education there are also “school” and “pedagogical zone” posts which are used for the national teacher placement or recruitment which takes place every year.

If differentiated professional categories are created within the teaching profession, the composition of those posts will have to be coordinated with the possible existence of a quota for access to the higher categories according to the needs of the system. We will return to this matter further on.

8.4. The current teaching profession includes the principle of the reduction of the teaching workload from a certain age (at about the halfway stage of the teacher’s career) and thereafter, progressively at 5-year intervals. It is a praiseworthy principle, which should be maintained,

although possibly changed in the way it functions in practice. It is a measure which is appropriate in dealing with the psychological “wear and tear” of the profession, and which should also be used to make the most of teachers’ experience for the benefit of the school and the students. Better use of this measure would also result in better functional structuring of the teaching profession (distribution of teachers’ tasks) as well as an increase in the dignity of the profession (in terms of its image and credibility).

8.5. In the contemporary social conditions in neighbouring countries (i.e. demography, the level of development, the inter-generational contract, education and cosmopolitan culture, etc.), the problems related to general education, and the measures that are now being taken by several governments to address them, have meant added political-cultural difficulties to deal with perverse and unanticipated effects of trends that have been developing for decades and with long term effects.

With regard to teaching staff in general education, it can be said that a teaching career lasts around 40 consecutive years (generally between the ages of 25 and 65), without prejudice to those who try more diverse professional paths. We are therefore dealing with a long period of time during which the core activity (teaching) will not change in nature, and this will constitute an additional factor of professional fatigue. Given its unchanging nature, the “professional act”, can however be diminished in intensity and complemented (and partially substituted) by other types of activities which are equally necessary and useful for the school and the students.

It seems that the best solution would be to break up that long period of 40 years into sections with differentiated professional characteristics, appropriate to the age and experience of teachers and their psychological need for change. We therefore propose 3 segments: the first, around 10 years in length, would correspond to the adaptation and socialization phase of the teacher in the profession and its institutions; the second, of around 15 years, during which the teacher attains maturity as a professional; and the third, of the same length, during which the professional has a senior role and coordinates and guides educational processes, without however completely abandoning the core activity of teaching.

8.6. It is time to propose a series of activities that would complement teaching and be undertaken in the more advanced segments of teachers’ career paths. They should be the following:

- a) Pedagogical management activities, including being form teacher and managing accompaniment or recovery programs of students with difficulties;
- b) School management programs, including participation in (or assisting/advising) the executive body of the school and other comparable tasks (timetabling, organizing school activities, etc.).
- c) Scientific-pedagogical coordination activities, including i) the coordination of subject and departmental groups; ii) guidance of teachers on work experience placements; iii) specific intervention in the teacher performance evaluation process in the terms proposed further on (see point 17).
- d) The possibility of performing functions under the scope of the National Colleges, (whose scope is beyond that of schools) as is proposed in point 16 of this document.
- e) The possibility of participating in educational administration processes and structures (including inspection duties), including educational coordination (on an approximately district basis), the Regional Education Authorities, the delegations of the General Inspectorate of Education and the central structures of the Ministry of Education.

For the activities referred to above, the teachers will be chosen by nomination, competitive examinations or elections, under the terms fixed by law.

To complement these specifications, additional clarification of what should be considered “teaching” is also perhaps desirable (not forgetting the classroom activities of educational childcare staff), particularly for the purposes of calculating teaching and non-teaching hours.

While on this subject, it is important to distinguish between at least three teaching situations: i) theoretical subjects (languages, exact sciences, humanities) which are recognized to involve a heavy complementary workload for teachers outside the classroom (e.g. marking written work); ii) the practical subjects, physical, manual, technical, etc., experimental classes (which have a much lighter out-of-class workload for teachers); iii) and activities included in the “project-area”, accompanied study and other similar activities.

We also feel that the question of the non-teaching hours that teachers are obliged to spend in the school should be better clarified by the Ministry of Education, without prejudice to the room for manoeuvre that the school board should have with regard to this matter.

8.7. With all the above in mind, we are now ready to present, in a comprehensive way, the following model of how teachers’ careers should be phased.

TABLE 9 – The diachronic career model

Age	Moment or “phase”	Length of service
c. 25	Beginning (post-entry)	0 years
35	Confirmation	10 years
50	Attainment of seniority	25 years
60	Possible reduction of workload	35 years
65	Retirement	40 years

We now present the first proposals for the alteration of the teaching profession, in a synthetic and systematic way, in relation to the solutions we have discussed and presented. As will happen with the following points, these proposals will be presented again (together) in chapter VI (The numbering of the proposals is the same as that used in the final presentation).

PROPOSALS:

- (17th) The need to look at future initial training (and entrance to the teaching profession) for educational childcare staff and 1st cycle teachers in the light of the Bologna guidelines.
- (2nd) Introduce a new Article (possibly following the 10th) in the Statutes, clarifying what teaching is and drawing up a clear configuration of activities that teachers can carry out which are complementary to teaching. Possibly have it established as regulation.

9. Professional categories

Below are proposals for the alteration of the current system:

9.1. Three professional categories should be created for the careers of educational childcare staff, and Primary and Secondary School teachers. They would have the following conditions of access:

- a) *Professores Iniciais* (Beginner teachers) – Teachers who have completed their professional training and are employed by the Ministry of Education.
- b) *Professores Confirmados* (Experienced teachers) – Teachers move to this category by having:
 - Completed a minimum of 10 years' service;
 - During that period, satisfied the requirements of the performance evaluation system (see point 17), including continuous professional development (point 18);
 - Successfully completed the Confirmation Exams (see point 15).
- c) *Professores Titulares* (Senior Teachers) - Teachers move to this category by having:
 - Completed a minimum of 15 years' service in the Experienced teachers category and a total of 25 years' service;
 - During that period, satisfied the requirements of the performance evaluation system (see point 17), including continuous professional development (point 18);
 - Successfully completed the Senior Category Exams (see point 15);
 - Obtained one of the vacancies available through the Senior Category Exams;

9.2. Teachers who do not achieve promotion to the next category continue progressing in their professional category and can apply for promotion again at a future opportunity.

9.3. "Horizontal" progression to the next scale takes place "automatically" after 4 years on a scale, with attendance of in-service teacher training or specialized training (equivalent to 1 annual credit) and a minimum performance evaluation grade of "Regular" in the most recent evaluation.

9.4. Educational childcare staff will continue to be designated as such in respect of their educational role, but will henceforth benefit from having the same professional categories as the other teaching careers.

PROPOSALS

- (1st) The creation of 3 professional categories: *Professor Inicial* (Beginner Teacher), *Professor Confirmado* (Experienced Teacher) and *Professor Titular* (Senior Teacher); reference to be made to the designations of educational childcare staff. To be added after Article 34.
- (3rd) Definition of conditions of access to the *Professor Confirmado* (Experienced Teacher) and *Professor Titular* (Senior Teacher) categories. To be added after Article 38.

ANNEX 2

MEMORANDUM OF UNDERSTANDING between the Ministry of the Education and the Teaching Unions Platform

1. With regard to teacher evaluation, the procedures to be adopted in the 2007/2008 academic year are as follows:

- a) Continuation of work considered necessary by schools;
- b) Application of a simplified procedure in the situations where the attribution of a classification is needed due to the renewal of a contract or signing of a new contract, or also situations of career progression during the current school year;
- c) In relation to the teachers in the profession not mentioned in the above paragraph, and who will only be classified in 2008/2009, all the information included in the school administrative records should be collected;
- d) The obligatory aspects of the simplified procedure referred to in paragraph b) are as follows: the self-evaluation form and the parameters regarding levels of attendance and fulfilment of teaching duties; participation in in-service training sessions, when compulsory and whenever there is legally-funded provision.
- e) For purposes of classification, when this takes place in 2007/2008, only the aspects mentioned in the previous paragraph should be considered.

2. In the first cycle of application of the teacher performance evaluation system, which will be concluded at the end of 2009, including all teachers, the safeguards for assessed teachers will be consolidated in the following terms:

- a) Norms will be instituted that ensure that the negative effects produced by the classifications *Regular* or *Insufficient* will depend on an evaluation carried out in the following year, with the said effects not taking place if the classification is, at least, *Good*. For this reason, the constraints that derive from the attribution of a classification of *Insufficient* for the signing of a new contract, at the end of the academic year, will have no effect, except when it is the case of renewal. In the case of the attribution of the classification of *Regular*:
 - i) For purposes of renewal, the rules in force in 2006/2007 will apply, namely that the full teaching timetable option is maintained and that the school is in clear agreement.
 - ii) The length of service will be considered for the purposes foreseen in article 7 of Decree-Law no. 15/2007, 19th January.
- b) The effects of that second classification, in those cases, prevail over those deriving from the first, substituting it, with the guarantee of recovering the length of service covered by the previous evaluation;
- c) The immediate effects of evaluation are maintained when they permit progression at a normal rate or any other foreseen in Decree-Law no. 15/2007, 19th January;

3. Application, for teachers contracted for fewer than four months, at their own request, of what is stipulated in no. 2 of article 28, of Implementing Order no. 2/2008, 10th January, and, consequently, the inclusion of this length of service for the purposes of integration and profession in the teaching profession.

4. With the aim of guaranteeing the monitoring by the teaching unions of the teacher performance evaluation system, a parallel commission will be set up with the educational administration by the end of April, which will have access to all documents of reflection and evaluation of the model that are produced by schools and the Scientific Council for the Evaluation of Teachers.

It is the responsibility of this parallel commission, possessing the abovementioned documentation and any other it deems relevant, to prepare the negotiation of changes to be introduced to the evaluation model.

Rules will be established that permit the participation or consultation of experts indicated by teachers' representative associations in meetings of the Scientific Council for the Evaluation of Teachers, via its request or at the invitation of its president.

5. During the months of June and July of 2009 there will be a process of negotiations with the teaching unions, with the aim of introducing possible modifications or changes, which will take into consideration an evaluation of the model, the information obtained until then in the observance, evaluation and monitoring process of the first cycle of application, as well as proposals from the teaching unions.

6. Within the scope of the legislation regarding the organisation of the 2008/2009 academic year, negotiation of the criteria for the definition of a credit of hours for teacher performance evaluation, of the timetable and remuneration conditions for the members of the school executive bodies and the coordinators of the curriculum departments, and also the opening of competitive examinations for the posts of senior teacher.

7. Definition, to be applied in the next academic year, of a number of hours of the non-teaching component that are not registered in teachers' working week, including time for individual work and time for meetings. That definition should take into account the number of pupils, classes and levels given to the teacher, with a minimum of 8 hours for teachers in pre-primary education and the 1st cycle of compulsory education and for the other cycles of compulsory and

upper-secondary education, 10 hours for teachers with fewer than 100 pupils and 11 hours for teachers with 100 or more pupils.

8. In accordance with paragraph d) of no. 3 of article 82 of the Teaching Career Statute, with the amendments made by Decree-Law no. 15/2007, 19th January, time for compulsory in-service or duly-authorised training in scientific-didactic areas related to curriculum items taught or related to needs defined by schools will be included in the non-teaching component of the teachers' established timetable, being deducted during the respective school year.

9. Following on from the creation of another scale at the top of the higher-level civil servant career in public administration, and with the aim of maintaining the parity of the teaching profession with it, a scale point is created at the top of the career of teachers and educational childcare staff, whose remuneration index will correspond to the highest scale of high-level civil servants. To this end, the ME pledges to hold negotiations by 31st December 2008, regarding the creation of this scale, with access to this scale being dependent on length of service and performance evaluation. With regard to the "length of service" component, this scale will not imply an increase in the duration of the career.

10. The time-frame for the application of the first procedure deriving from the new autonomy, management and administration framework can be extended to 30th September, 2008.

ANNEX 3

Teaching careers statute Summary and Details

(Decree - Law No. 15/2007 of 19th January)

SUMMARY OF TEACHING CAREER STATUTE

1. SCOPE

This Statute applies to teaching staff below higher education level – Pre-primary Teachers and Teachers in Compulsory and Upper Secondary Education – who possess the necessary professional qualifications to perform the duties of a teacher, having been successfully evaluated on their knowledge and competences, with permanent or temporary status and who are in service in educational institutions under the Ministry of Education, or other educational institutions under the direct or indirect authority of other ministries.

While performing their teaching duties they must observe the fundamental principles of the Constitution of the Portuguese Republic (Article 73 and Article 74) and the general and specific principles of the Education Act.

2. RECRUITMENT AND SELECTION OF PERMANENT STAFF

2.1. Recruitment and selection

Recruitment and selection is by competitive examination only, and candidates must fulfil the following requirements:

- have the necessary professional qualifications for the relevant level of teaching,
- completed military or civilian service, where compulsory,
- no objection to performing the duties of a civil servant and the duties of the post for which they are applying,
- physical fitness and psychological profile and personality to carry out such duties,
- a positive official evaluation of their knowledge and competences.

(see point 7 – Permanent teaching staff, p. 16).

2.2. Tenure

Appointment, whether provisional or permanent, is the normal legal form of employment adopted, although it may also take the form of a fixed-term contract within Public Administration. (Decree-Law no. 427/89, of 7/12, was revoked by Law no. 12-A/88, of 27/2)

Entry to a teaching career is on the basis of a provisional appointment and is subject to a probationary period on the following terms:

- the probationary period corresponds to the 1st school year of teaching, supervised and supported by a senior teacher, and is subject to verification of suitability for the professional duties required ;

- the senior teacher supports and supervises the new teacher’s training and practice, provides an evaluation, draws up a report on the teacher’s progress and participates in the performance evaluation process;
- completion of the probationary period with a grade of *Good* or higher gives rise to appointment to a permanent teaching post. The grade *Regular* allows the teacher to repeat their probationary period, according to their pre-determined individual training plan and teaching practice without a break, and a grade of *Insufficient* implies exclusion from the permanent post that had been reserved for the teacher;
- the time spent on teaching probation counts as part of length of service under the category of teacher (the entry category for a teaching career), provided the grade obtained is *Good* or higher;
- this provisional appointment becomes permanent, and the probationary period is dispensed, whenever the teacher has performed the teaching duties under a fixed-term contract, at the same level of education and within the same recruitment batch, for a period corresponding to one school year, with a timetable higher than or equal to 20 hours per week and has obtained a performance evaluation equal or higher than *Good*.

3. TEACHING CAREER

3.1. General principles

Teachers have a specific status within Public Administration with a defined career path along which they may progress, comprising two distinct categories in the hierarchy: teacher and senior teacher.

3.2. Duties

The duties of a teacher are defined below, and are performed with technical and scientific autonomy in accordance with educational policy guidelines, the national curriculum, the syllabus or curriculum guidelines in force and the school development plan:

- to teach according to the teaching status attributed to them, for which purpose they shall: plan, organise and prepare teaching activities; devise, apply, correct and classify learning evaluation tools and participate in evaluation examinations and meetings; develop resources and teaching materials and take part in assessment of such;
- to participate in all other curricular and extra-curricular activities which shall be allotted them, within the scope of the school activity plan and development plan. They shall also promote pupils’ curricular enrichment, guarantee study support activities and monitor pupils’ progress, including the detection and monitoring of learning difficulties;
- to monitor and guide pupils’ learning, involving parents and guardians;
- to guide and advise pupils on educational, social and vocational matters, in collaboration with specialised educational guidance services;
- to participate in school evaluation activities, together with those relating to research, innovation and scientific and pedagogical experimentation;

- to organise and participate, as a trainee or trainer, in continuing and specialised educational activities;
- to perform those administrative and pedagogical coordination activities which are not the exclusive responsibility of the senior teacher.

Over and above the aforementioned duties, the senior teacher has the following specific functions:

- pedagogical coordination of a year, cycle or course, responsibility for a centre of teacher education, coordination of a curricular department or of the teachers' council;
- monitoring and support for a teacher's probationary period, evaluation of knowledge and competences in relation to national examinations for admission to permanent teacher status, and participation in the jury for the public examination for admission to the category of senior teacher.

3.3. Entry and career progression

Entry to Scale 1 of a teaching career and subsequently to a permanent teaching post is subject to a competitive examination open to all teachers who meet the initial entry requirements. Entry is possible at a higher level for teachers with suitable professional qualifications, depending on their length of teaching service, irrespective of their legal title and provided they have obtained the minimum grade *Good*, according to the general criteria for career progression.

The teacher career path is structured as follows:

Categories		Scale points					
		1	2	3	4	5	6
Senior teacher	Salary rate	245	299	340			
	Time for progression (years)	6	6	n/a			
Teacher	Salary rate	167	188	205	218	235	245
	Time for progression (years)		5	5	4	4	n/a

Progression – a change of scale point within the same category – takes place when each length of service module is completed, taking into account the result of the twice-yearly performance evaluation.

Within any one evaluation period, a grade lower than *Good* means that that period shall not count for the purposes of progression up the scale.

Teacher categories:

Teacher:

- From scale point 1 to 3, progression occurs after 5 years and at scale point 4 and 5 after 4 years, provided the teacher obtains the minimum grade *Good* during the evaluation period for each scale point;
- A teacher shall progress to scale point 6 if they have completed the minimum length of service at the previous scale point, obtained during that same time period a performance evaluation not less than *Good*, have applied for the

competitive examination for the category of senior teacher and have not been selected due to lack of vacancies. The length of service at this scale point shall count for the purposes of career progression as time served at scale point 1 of the next teaching category, up to a limit of six years, after appointment to this latter category.

An award of the grade *Excellent* for two consecutive periods of performance evaluation shall reduce by four years the length of teaching service required for access to the category of senior teacher;

An award of the grades *Excellent* and *Very good* for two consecutive periods shall reduce by three years the minimum length of teaching service required;

An award of the grade *Very good* for two consecutive periods shall reduce by two years the minimum length of teaching service required.

Senior teacher:

- In this category, career progression occurs after 6 years at each scale point, provided a minimum grade of *Good* is obtained in the performance evaluations within this period.

Progression in either category requires successful attendance of in-service teacher training modules equivalent to an annual average of 25 hours.

Access to the category of senior teacher is via competitive examination, dependent on available vacancies for each specialist area, announced by dispatch from the Ministry of Education, taking into account the results of an external evaluation and the individual teacher's career development prospects.

Teachers must fulfil all of the following requirements:

- have a minimum of 18 years' permanent teaching service with a performance evaluation equal to or higher than *Good* during this period, have passed a public examination to be a qualified teacher and have a proven aptitude to perform the duties specific to the category of senior teacher.

The examination referred to in the previous point is held, at the candidate's request, once the other requirements for access to the category of senior teacher are satisfied or the teacher has completed 15 years of teaching service with a performance evaluation equal to or higher than *Good*.

3.4. Non-teaching duties

Periods on various forms of secondment while undertaking non-teaching duties of a technical/ pedagogical nature count as part of the teacher's permanent length of service for the purposes of career progression, provided that: **i)** – they do not exceed two years; **ii)** – the teacher's performance evaluation is equal to or higher than *Good* for the period in question. If the period exceeds two years, they will still count as part of the teacher's permanent length of service for the purposes of career progression if the teacher obtains in the first performance evaluation following their return to permanent teaching duties a grade equal to or higher than *Good*.

Duties of a technical/pedagogical nature are those which require the preconditions, qualifications and training requirements equal to those of a teacher.

3.5. Performance evaluation

a) Character and objectives of performance evaluation

The performance evaluation of teaching staff has been developed in accordance with the principles laid down in the Education Act and observes the principles and objectives which inform the integrated system of performance evaluation within the Public Administration, impacting on this activity while taking into account teachers' professional, pedagogical and scientific qualifications.

Performance evaluation aims to fundamentally:

- Improve pupils' school results and the quality of learning, providing direction for personal and professional development, within a framework which encourages cooperation between teachers and recognises and rewards merit and excellence;
- Contribute to improving teachers' pedagogical practice, to valuing and improving them as individuals, to identifying training needs and the factors which influence their efficiency and to providing indicators for management;
- Promote excellence in the Public Service of Education

Teachers who occupy posts or perform duties which already safeguard their right to promotion and career progression and do not have allocated teaching duties may opt for the grade which was awarded in their last performance evaluation while undertaking teaching duties or their first performance evaluation awarded after they return to these duties.

Teachers who are absent from teaching duties, such that the minimum time requirement for performance evaluation cannot be fulfilled, may also benefit from the option referred to in the preceding paragraph. In this situation, if they opt for the first performance evaluation that is awarded them after they return to teaching duties, their career progression shall continue from the scale point of the category corresponding to their length of service, in accordance with the progression criteria.

b) Relevance

The performance evaluation is always considered for the purposes of career access and progression, in the conversion of a provisional to a permanent appointment during the probationary period, for contract renewal and for a performance award.

c) Scope and timing

The performance evaluation shall be carried out according to pre-defined criteria which enable comparison against standards of professional performance quality, taking into account the socio-educational context in which the teaching is undertaken.

The following aspects are considered: professional and ethical; development of teaching and learning; participation in the school, relationship with the school community and lifelong professional development and training.

The evaluation shall be carried out every two school years and relates to the length of service rendered, provided that it amounts to at least half of the period under evaluation. In the case of teachers in their probationary period, the evaluation is carried at the end and pertains to the teaching carried out during this period.

Evaluation of contracted teaching staff shall be undertaken at the end of their contract period and before this contract is due to be renewed, provided that they have rendered such service for at least six months.

d) Participants in the performance evaluation process

The following participants are involved in the performance evaluation process; teachers, evaluators and the performance evaluation coordinating committee.

Evaluators:

- the coordinator of the teachers' council or the curriculum department or the senior teachers designated by him/her;
- an inspector with scientific training in the same departmental area as the teacher being evaluated, designated by the Inspector-General of Education, for the evaluation of senior teachers who perform their coordination duties on the council of teachers or from the curriculum department;
- the president of the school executive board or the head teacher of the school or school clusters in which the teacher is employed, or a member of the school executive body designated by him/her.

The evaluation coordinating committee, which integrates the president of the pedagogical council, who coordinates it, and of four other members of the council who have senior teacher status, have the following mission:

- to guarantee that the evaluation system remains rigorous, by publishing directives and guidelines;
- to validate the evaluations *Excellent*, *Very good* and *Insufficient*;
- to conduct performance evaluations where the evaluator is absent and suggest monitoring and corrective measures where the performance is insufficient;
- to pass binding judgements on complaints by evaluates.

e) The performance evaluation process

The performance evaluation shall be carried out at the end of every two school years and shall comprise the following stages:

- Completion of evaluation forms by the President of the School Board/ Head Teacher and by the Department Coordinator or person delegated with such powers;

- Completion by the teacher being evaluated of a self-evaluation form on the objectives achieved in their professional practice, including details of any in-service teacher training;
- Conference and validation by the evaluation coordinating committee, and the proposed grades to be awarded when they are *Excellent*, *Very good* and *Insufficient*;
- Evaluation conference between the evaluator and the evaluatee to inform the latter of the proposed evaluation and their opinion of the process, in particular regarding the self-evaluation form;
- Joint meeting of the evaluators to award the final grade.

Note: The setting of objectives is agreed between the evaluatee and evaluator, on the initiative of the former, at the beginning of the evaluation period. In the event of disagreement, the evaluator's position prevails (Article no. 9 of Implementing Order no. 2/2008).

f) Assessed items

The evaluation carried out by the curriculum department coordinator or the council of teachers will consider the involvement and the scientific/pedagogical qualities of the teacher, based on an appreciation of the following assessment parameters:

- Preparation, organisation and realisation of the teaching activities;
- Pedagogical relationship with the pupils and the process of evaluating their learning.

In the evaluation carried out by the school executive board, depending on availability, the following assessment indicators are used:

- Level of attendance;
- Length of service;
- Other pedagogical duties or functions undertaken;
- Pupils' expected school results and school dropout rates, taking into account socio-educational context;
- Participation of teachers in the school cluster or non-grouped school and an appreciation of their collaborative work on joint projects to improve teaching and the results of learning, as well as encouraging the development of research, educationally innovative projects and their corresponding evaluation
- In-service teacher training activities completed which affect scientific/didactic content with a direct connection to the curriculum subjects taught, as well as other issues that the school considers relevant;
- Opinion of parents and guardians of pupils, provided that it is obtained in agreement with the teacher.

The assessment of the parameters defined for the performance evaluation must include information from multiple sources collected during the school year, such as:

- Certified progress reports from training activities;
- Self-evaluation;

- Classe observations;
- Analysis of curriculum management tools
- Pedagogical materials developed and used;
- Pedagogical evaluation tools;
- Lesson planning and evaluation tools used with pupils.

g) Classification system

The evaluation of each of the assessment components and respective subgroups uses a scale from 1 to 10, and marks should be awarded in whole numbers.

The final result of a teacher evaluation corresponds to the average of the marks obtained in each evaluation form and expressed using the following grades:

Grade	<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Regular</i>	<i>Insufficient</i>
Mark	9 to 10	8 to 8.9	6.5 to 7.9	5 to 6.4	1 to 4.9

The government will fix the maximum percentages which are awarded of grades *Very good* and *Excellent*, per school or school cluster, which will take the results obtained in the school's external evaluation as a point of reference.

The award of grade *Excellent* must also specify the contribution made by the teacher to pupils' success at school, with the aim of including this in a database of best practice to be made public in future.

The award of a grade equal to or higher than *Good* depends on the teacher accomplishment at least 95% of their lessons in any one evaluation period.

h) Complaints and appeals

Once the final evaluation has been given, the teacher is informed that they can present a written complaint within 10 working days and a decision on this complaint must be taken within 15 working days by the evaluation coordinating committee.

After the final decision on the complaint, there is a right of appeal to the respective regional director of education, to be submitted within 10 working days of its being received, and a decision on the appeal must then be made within a further 10 working days from the date it is made.

i) Effects of the evaluation

The grade *Good* determines:

- That period of time it relates to should be considered for the purposes of career progression and access;
- The conversion of the provisional appointment into a permanent appointment during at the end of the probationary period.

The award of the grade *Insufficient* implies:

- The teacher cannot renew or sign a new contract;
- The teacher cannot acquire additional responsibilities;
- The teacher cannot apply for any kind of teaching position in the same year or same school year immediately following that in which the probationary period was undertaken.

The award of grades *Regular* or *Insufficient* should be accompanied by an offer of in-service teacher training to allow the teacher to improve those aspects of their professional performance identified as negative during the evaluation process.

The award to any teacher holding a permanent teaching post of two consecutive or three alternate *Insufficient* grades means they will not be given a teaching timetable in the year immediately following and will be subject to the same system of reclassification or professional reconversion as provided for by law.

Finally, and as mentioned in point 3.3, on page 5, the award in two consecutive periods of grades *Excellent*, *Excellent* and *Very good*, and *Very good*, shall reduce by four, three and two years, respectively, access to the category of senior teacher, as well as eligibility to a performance prize.

3.6. Salary and other payments

Salary rates – The teaching career is paid according to the scale points in the table referred to in paragraph 3.3 on page 5, the corresponding value being fixed by central government.

Calculation of hourly pay – normal hourly pay is calculated using the formula $(Rb \times 12) / (52 \times n)$, where *Rb* is the monthly salary fixed for the respective scale point and *n* is the number 35 (no. of weekly contract hours).

Overtime pay – teaching hours outside normal service carry an addition on the normal hourly rate of 25% for the first hour of daytime overtime and 50% for subsequent hours. Payment for overtime at night is calculated by multiplying the hourly daily overtime figure by 1.25.

Performance awards- the tenured teacher has the right to a performance award, guaranteed as a single lump sum, for every two consecutive performance evaluations graded equal to or higher than *Very good*, the sum to be fixed by central government dispatch.

4. RIGHTS AND RESPONSIBILITIES

4.1 Rights

Teaching staff enjoy the general rights established to the public servants performing their public duties, together with the following rights specific to the teaching profession:

The right to participate, either individually or collectively, within the framework of the educational system, the school and the relationship with the community which includes:

- The right to express opinions and recommendations on the guidelines and functioning of the schools and the education system and to participate in the definition of pedagogical guidelines at the level of the schools or its coordination structures;
 - The right to technical and scientific autonomy and the freedom to choose the teaching methods, educational technologies and techniques and the most suitable teaching aids, while following the national curriculum and any other requirements in force;
 - The right to elect and be elected to collective or individual representative bodies within educational institutions.
- ✓ The right to training and information to perform their duties as teachers, with guaranteed access to regular in-service teacher training and support for self-training, with a view to updating and broadening their knowledge and professional competences, and for career conversation and progression;
 - ✓ The right to support whether technical, material or documental in relation to the necessary resources for teacher education and information, and for their teaching duties;
 - ✓ The right to safety in their professional life, namely;
 - The prevention and reduction of professional, individual and collective risk, by improving the working environment and promoting hygienic, healthy and safe working conditions, together with the prevention and treatment of illnesses caused by the performance of their teaching duties;
 - The punishment of offences to the person or other violence directed at the teacher during the performance of their duties or as a result of them.
 - ✓ The right to the consideration and collaboration of the school community reflected by the recognition of their authority in regard to pupils, their families and other members of the educational community, sharing responsibility for the development and results of pupils' learning.

4.2 Responsibilities

Teaching staff are obliged to fulfil the responsibilities established for public servants for the performance of their public duties, together with the following specific professional responsibilities:

- Ensure that the performance of their duties is guided by the principles of rigour, impartiality, justice and equity, observing standards of quality, striving for continual professional and personal improvement in the context of lifelong learning, transferring these competences, knowledge and innovation in didactical/pedagogical resources to their professional practice, on the path to excellence;
- Collaborate with all participants in the educational process to encourage the creation of cooperative links and the development of relationships based on respect and mutual recognition;
- Reflect on their pedagogical practice, undertake self-evaluation and participate in school evaluation activities, as well as familiarising themselves with and fulfilling educational standards and cooperating with educational leadership in meeting educational objectives in the interest of pupils and society as a whole.

5. TRAINING

Training of teaching staff involves forms of initial teacher training, specialised training and in-service teacher training.

Initial training aims to confer a professional qualification for the teaching of different levels of education or schooling, endowing candidates to the profession with scientific, technical and pedagogical competences and knowledge in the following areas: professional and ethical; development of teaching and learning; participation in the school and the relationship with the community; lifelong professional development.

Specialised training aims to qualify teachers to perform their duties or specialised educational activities and is delivered at training institutions for this purpose.

In-service teacher training aims to update, improve, retrain and support the teacher's professional practice, and aids their career development. It may come about on the initiative of dedicated vocational institutions or by public or private organisations, including teaching or educational institutions, either individually or in cooperation.

6. PERMANENT TEACHING STAFF

The permanent teaching staff framework within state educational institutions stipulate the allocations for entry into a teaching career, apportioned by level or cycle of education, recruitment batch and category. Permanent staff are organised according to school clusters, non-grouped schools and pedagogical areas.

Permanent staff in school clusters and non-grouped schools meet the permanent needs of those educational institutions in a flexible way, and teachers are apportioned by cycle or level of education, recruitment batch and category. The allocation of posts in the senior teacher category corresponds to one third of the total number of permanent positions at any establishment.

Staff in pedagogical areas meet the need for flexibility in human resource management by geographical area and satisfy the requirement for non-permanent positions in educational institutions, substitution of teachers in school clusters or non-grouped schools, extra-curricular activities, educational support for specific curricular areas or special educational needs, as well as guaranteeing educational success.

7. CONDITIONS OF EMPLOYMENT

Teaching staff are governed by a series of arrangements as regards working time outlined below.

Weekly hours - a teacher performing their duties is obliged to work thirty-five hours a week, over five days, including a teaching and a non-teaching component.

Teaching component – the teaching component for teachers of pre-school and 1st cycle compulsory education is twenty-five hours a week, while for the other cycles and levels of education, including special education, it is twenty-two hours.

Organisation of the teaching component – In organising the teaching component the maximum number of subject classes to be attributed to each teacher will be taken into account in order to guarantee a high standard of teaching. This component corresponds to the number of hours taught and covers all the work done with a class or group of pupils for the period of subject teaching or non-subject curriculum area, so that no teacher will be allocated more than six consecutive hours of teaching.

Reduction in teaching component – The weekly compulsory teaching component for teachers of 2nd and 3rd cycle compulsory, upper secondary and special education is reduced by up to a maximum of eight hours as follows:

Age	Length of service	Reduction
50	15 years	2 hours
55	20 years	4 hours
60	25 years	8 hours

Generalist teachers of pre-school and 1st cycle compulsory education who have reached 60 years of age, irrespective of any other requirement, may request a reduction of five hours in their respective weekly teaching component.

Generalist teachers of pre-school and 1st cycle compulsory education who reach 25 and 33 years of service may also request to be excused teaching duties for one school year, and that their non-teaching component be limited to twenty-five hours per week and taken up where possible with in-service teacher training activities, research work, participation on a technical/pedagogical advisory body, pedagogical coordination and production of teaching materials.

The reduction in the timetabled teaching component to which a teacher has a right does not affect their obligation to devote thirty-five hours per week, in that this reduction leads to a corresponding increase in the non-teaching component at the teaching establishment concerned.

Note: The reduction of the teaching timetable is associated with the specific aspects of teaching, with it being implicit that working directly with pupils is more wearing. Although the foreseen reduction implied non-teaching work to the limit of weekly work hours, before the current amendments to the Teaching Career Statute, this practice did not oblige the respective teachers to be on school premises.

Within the context of these special characteristics of the teaching profession, there was also a special retirement system which allowed pre-primary and generalist teachers in compulsory education to take voluntary retirement at the age of 55 and with 30 years service with a full pension; remaining teachers could retire at the age of 60 with 36 years service, under the terms foreseen for the entire civil service.

With Decree-Law no. 229/2005 coming into force, all teachers are now governed by the general retirement system which envisages 65 as retirement, except for a transitional system for pre-primary teachers and generalist teachers in compulsory education.

Performance of other pedagogical duties – the performance of duties of a pedagogical nature, namely educational guidance and pedagogical supervision, gives rise to a reduction in the teaching component fixed by governmental order. Weekly hours deducted for reasons of age or length of service are subtracted from this amount.

Non-teaching component – the non-teaching component of teaching staff covers work done on an individual basis and for the educational establishment.

Individual work may, as well as lesson preparation and the teaching/learning evaluation process, include preparing studies and research projects of a pedagogical or scientific/pedagogical nature.

Work for an educational establishment should be carried out in accordance with the guidelines of the respective intermediary pedagogical structures and aim to contribute to the school educational project. Depending on the category of the teacher, it may include the following activities:

- Collaboration on activities which complement the curriculum, promoting cultural enrichment and involving pupils in the community;
- Educational information and guidelines for pupils;
- Participation in pedagogical meetings;
- Participation in in-service teacher training activities when considered necessary;
- Substitution of other teachers in the same school or clusters of schools;
- Carrying out studies and research work;
- Sitting on a technical/pedagogical advisory body for the school administration and management;
- Monitoring and support for teachers in their probationary period;
- Monitoring and supervision of curriculum enrichment and complementary activities;
- Guiding and monitoring pupils in different areas of the school, including individual support to pupils with learning difficulties;
- Production of teaching resources

The allocation of teaching service mentioned above is determined by the head teacher of the school in order to ensure that pupils' pedagogical and disciplinary needs are met, and to guarantee that pupils are occupied in necessary educational activities for the duration of the school day.

ANNEX 4

GUIDE TO THE PERFORMANCE EVALUATION OF TEACHERS ACADEMIC YEAR 2008/2009

Evaluation is essential in any organisation in order to guarantee the quality of service provided and the improvement of professional practice. However, the carrying out of performance evaluation is a process which, as a general rule, provokes confusion, resistance and difficulties, and therefore requires transitory conditions of application

Measures have therefore been taken to improve the conditions of application of performance evaluation in the current evaluation cycle. They create the conditions for the process to run smoothly, and simultaneously guarantee the tranquillity necessary for the normal functioning of the schools.

It is in this context that this guide has been made available. It is intended as a support tool for all parties involved (assessors and teachers being evaluated) in the development of the teacher performance evaluation process in this transitional phase.

A. THE TEACHER PERFORMANCE EVALUATION MODEL

The changes which have been introduced only relate to the conditions of application. The guiding principles of the model, based on six essential assumptions that respect the specificity of each school and the teacher's role, have been kept:

1 – Evaluation is carried out in the context of each school, by teachers who have school management and administrative duties.

Evaluation must be seen as a management tool and a way of improving the quality of human resources. Responsibility for the carrying out of evaluation lies in the hands of the senior or middle management, much in the same way that already happens in schools with the evaluation of non-teaching staff, and in all other public and private organisations, in which evaluation of workers and other professionals has become the norm.

2 – Performance evaluation respects the autonomy of schools.

The norms that regulate the teacher performance evaluation model only establish general principles and guidelines. When evaluation is carried out it respects the autonomy of schools and the specific nature of their context.

In effect, each school is responsible for the timing of the process, the elaboration of means of recording it, the identification of the assessors' needs, and the items and sub-items that make up the evaluation. This guarantees that the evaluation process suits the individual characteristics of each school.

3 – Performance evaluation has two components and is carried out by two assessors.

The functional performance component is the responsibility of the president of the school executive body or the head teacher. The contribution of each teacher to the fulfilment of the school's mission and objectives is evaluated using criteria related to attendance, the carrying out of duties, participation in projects, links with the community and participation in in-service training and personal development sessions.

The scientific-pedagogical performance component is the responsibility of the curricular department coordinator. Teaching competencies are evaluated by means of lesson observations using criteria related to classroom performance, the suitability of scientific or technical content and the pedagogical relation with the students.

4 – The performance evaluation of teachers reflects the complexity of the teaching role.

The reason for this is that teachers carry out several functional and professional duties, as the job does not only involve teaching classes. As well as giving classes teachers carry out many other activities in school, which can be of a technical or organisational nature, or related to pedagogical management. This fact must be taken into account to ensure a complete evaluation.

On the other hand, performance evaluation consisting of two components and two assessors (the president of the school executive body/head teacher and the curricular department coordinator) allows for a more balanced evaluation, in spite of the greater complexity of the set up. It is a way of protecting teachers, given that the evaluation is not carried out by only one assessor.

5 – In the scientific-pedagogical component of the performance evaluation lesson observation is essential and should not and cannot be substituted by reports or written documents about teaching activity.

Observation of lessons is the principal mechanism to improve practice and the quality of teaching. Therefore it is important that observations are carried out within the framework of departmental activities, that is, in the context of the pedagogical activities of the subject teams, thereby stimulating team work among teachers in the same department.

6 – Evaluation must have consequences and should allow for differentiating, distinguishing and rewarding merit.

It is known that the quota system is a mechanism that forces the quality of performance to be distinguished and differentiated. Without this system there would be a tendency to award everyone with the same classification, probably a high one, which is what happened for many years in public administration.

Evaluation without consequences is not efficient, it does not allow problems to get resolved, nor does it stimulate an improvement in professional practice.

B. THE SCOPE OF TEACHER PERFORMANCE EVALUATION AND THE PARTIES INVOLVED

I. TEACHERS BEING EVALUATED

Teacher performance evaluation applies to all teachers who are carrying out teaching functions, including those on probation. This first evaluation cycle must be carried out by December 2009. Teachers who are due to retire by the end of the 2010/11 academic year do not have to participate in the evaluation process.

In addition, those hired to teach subjects in professional, technological, vocational or artistic areas are not required to participate in the performance evaluation process, as long as they are not part of any recruitment group. Nevertheless, they can ask to take part in it.

II. ASSESSORS

The assessors are the president of the school executive body or head teacher and the senior teacher who is curricular department coordinator. In cases where there are a lot of teachers to be evaluated, the president/head teacher can delegate evaluation duties to the other members of the school executive body. The curricular department coordinator can also delegate evaluation duties to other senior teachers, not only because of the high number of teachers to be evaluated, but also because of the need for compatibility of curricular areas.

Other parties involved in the process are:

- The Pedagogical Council which draws up and approves the evaluation tools to be used in the process and appoints the *CCAD - Comissão de Coordenação da Avaliação de Desempenho* (Performance Evaluation Coordinating Commission);
- The CCAD, which substitutes the assessors in case of absence or impediment and validates the qualitative classifications (Excellent, Very Good and Insufficient).

C. THE STAGES OF THE PROCESS

I. PREPARATORY STAGE

At this stage, only the president of the school executive body, the pedagogical council and the coordinators of the curricular department are involved, in the following tasks:

Establishing directives and accompanying the application of the performance evaluation

- The approval of the directives is the responsibility of the CCAD, while the president of the school executive body must guarantee that all the elements have been approved at the start of the evaluation process.

Setting and adapting calendars

- The timetabling of the process must be established in a period of 10 working days counting from the day on which the implementing decree which establishes the transitory regime of teacher performance evaluation comes into force, in other words by 20 January.
- The head teacher/president of the school executive body can confirm the whole or part of the timetable that has already been established for the evaluation process.
- The timetabling is the responsibility of the head teacher/president of the school executive body, who should establish deadlines for the different procedures which make up the evaluation process, namely:
 - Approval of evaluation tools;
 - Identification of the teachers being evaluated who want the scientific-pedagogical evaluation;
 - The setting or updating of individual objectives;
 - Completion of the self-evaluation form;
 - Completion of the classification forms;
 - Consultation and validation of the qualitative classifications (Excellent, Very Good and Insufficient);
 - The holding of individual interviews (when requested by teachers being evaluated)
 - The holding of a meeting of all the assessors.

Defining the items which make up the evaluation

- The classification forms are structured according to parameters, items and sub-items. However, individual schools can decide to aggregate, combine, or substitute all the items and sub-items. This means that, when it comes to completing the evaluation forms, only the classification parameters are considered obligatory;
- When there is aggregation, it should not result in an increase in the number of items for each parameter in the published forms. This is to avoid the forms becoming more complex;

- The attribution of the final classification for each parameter is always safeguarded, independently of the aggregations, combinations or substitutions that the school decides to make;

Drawing up or adapting evaluation tools and measurement indicators

- The function of the Pedagogical Council is to draw up, propose and approve the evaluation tools and measurement indicators, taking into account the recommendations of the CCAP – Scientific Council for the Evaluation of Teachers.
- In cases where the above has not happened by the date on which the implementing decree establishing the transitory regime of teacher performance evaluation comes into force, the head teacher/president of the school executive body must approve it.
- When drawing up evaluation tools, it must be taken into consideration that their objective is not to grade but to register the results of the observations undertaken by the assessors. These evaluation tools must be simple and must only take into account the aspects which are to be evaluated.

Identifying and appointing assessors

- Identification of the teachers who want to be evaluated by the curricular department coordinator (with the possibility of getting the qualitative classifications Excellent and Very Good);
- Identification of the teachers who request to be evaluated by an assessor from their recruitment group;
- The identification of the number of assessors needed given the number and profile of teachers being evaluated. This is to guarantee (i) that no assessor has more than either 7 or 12 teachers to evaluate (depending on whether they are from the pre-primary school/1st cycle of compulsory education or the rest of the curricular departments respectively); (ii) that all teachers who wish to be can be evaluated by a teacher from the same recruitment group;
- Organisation of working conditions of teachers doing evaluations, in order to guarantee a reduction of one teaching hour for every three teachers evaluated;
- When this measure is applied, the teacher assessor must keep their teaching hours with the classes assigned to them and, in this case, extra-teaching services must be used.

Delegating evaluation competencies

When the situation demands it, department coordinators can delegate competencies to the following senior teachers:

- from the department that the teacher being evaluated belongs to;
- from another curricular department when the teaching activity of the teacher being evaluated falls under the scope of that other department;
- those appointed on temporary assignments when there are not enough senior teachers or when there are no senior teachers from the recruitment group of the teacher being evaluated, if the latter has requested one;
- those from another school cluster or non-grouped school, when it is not possible, for the reasons outlined in the previous line, to delegate in the cluster or school which the teacher being evaluated belongs to;
- coordinators of double certification courses (education and training) for adults or coordinators from the *Centros de Novas Oportunidades* (New Opportunities Centres), as long as this is requested by the teacher being evaluated. In this context it is important to highlight that teachers appointed on temporary assignments are for all purposes, senior teachers for the duration of the commission of service.

In situations where it is necessary to delegate evaluation competencies to a senior teacher from another school cluster or school, the process will have the support of the respective Regional Education Authority.

Whenever competencies are delegated the identity of the assessor and the teachers being evaluated must be displayed somewhere which is accessible to all interested parties.

When the teachers to be evaluated are matched with their assessors, the person responsible for delegating competencies must (as far as possible) guarantee that the assessor and teacher being evaluated are at different stages of their teaching careers, so as to ensure that the evaluation is carried out under the principle of the seniority of the assessor.

Planning lesson observations

The evaluation of the scientific-pedagogical component, with the respective lesson observations, is optional. However, it is a necessary condition for the obtaining of the qualitative classifications Excellent and Very Good. The assessor must observe two lessons and there can be a third observation if the teacher being evaluated requests one. The lessons to be observed are decided in advance by the assessors and the teachers being evaluated and the president of the school executive body is informed of the observation schedule.

II. SETTING INDIVIDUAL OBJECTIVES

THE TEACHER BEING EVALUATED

Presenting individual objectives

- It is advisable that there are no more than six individual objectives (except in exceptional and appropriately justified cases).
- The defining of individual objectives does not require the drawing up of any specific instrument by the school.
- The formulation of individual objectives must respect the specific functions of each teacher and be limited to the following parameters: supporting student learning, participation in school life, relations with the community, in-service teacher training and the participation in and carrying out of projects.
- When defining their individual objectives teachers should not consider items related to school results and the reduction of school dropouts rates.
- Individual objectives have as a reference point the objectives stated in the school development plan, the school's annual activity plan and also the class curricular plan.
- The individual objectives can be updated, in agreement with the assessor, throughout the academic year.

ASSESSOR

Analysing and validating the individual objectives presented by the teachers being evaluated

-It is the duty of the president of the school executive body (or the member of the executive body delegated to carry out the evaluation) to receive and validate the individual objectives.

- Agreement about the individual objectives does not require an interview or any other formality. The objectives are considered to have been tacitly agreed to, unless the assessor makes any claims to the contrary, in a period of 15 days after they are presented by the teacher being evaluated.

- Although they can be updated on the initiative of the teacher being evaluated or the assessor, all the objectives already handed in and validated can be maintained, as long as items that relate to results and school dropouts are not considered.

- The approved evaluation timetables must anticipate the time limit given for the delivery of individual objectives. In cases where that deadline is not met, the head teacher/president of the school executive body must formally notify the teacher of the failure to comply.

- Under the terms of the law, when no agreement is reached in relation to the individual objectives, the position of the assessor prevails. This means that the head teacher/president of the school executive body can establish the objectives of the teachers being evaluated, using the school development plan and the school's annual activity plan as a reference point.

III. OBSERVATION AND RECORDING STAGE

THE TEACHER BEING EVALUATED

Gathering and systematizing relevant elements related to performance

- During the evaluation period, the teachers being evaluated gather evidence that they consider relevant for their evaluation.
- The creation of portfolios or dossiers with documents that record activities and give evidence of work carried out is optional and must obey strict criteria of pertinence, relevance and synthesis. This is in order to avoid an excessive and unnecessary accumulation of redundant or irrelevant evidence. It is therefore unnecessary to gather documents that already exist in the school records, for example those related to timetables or lesson planning.
Teachers have the possibility of asking the Scientific Council for Further Training (*Conselho Científico da Formação Contínua*) to accredit post-graduate, master's degrees and doctorates (or modules of these qualifications) which have not yet been accredited.

ASSESSOR

Observing and recording the performance of teachers being evaluated

- During the whole of the evaluation period the assessors just observe and record.
- The observations undertaken by the president of the school executive body/head teacher focus on the fulfillment of the individual objectives agreed to in advance and on functional aspects such as attendance and the fulfillment of tasks and duties.
- The observations undertaken by the coordinator of the curricular department focus on the observation of lessons and take into account classroom performance, preparation and planning of lessons and the evaluation of students.
- The instruments the assessors use to record information relevant to the evaluation of performance are drawn up by the schools, thereby reflecting their autonomy, their needs and specific characteristics.
- It must be highlighted that the evaluation tools, as the name suggests, are not tools for grading. Therefore, these tools should be drawn up to allow the assessors to record notes about the performance of teachers being evaluated, with reference to the parameters of the evaluation.
Only in the final stage of the evaluation, when the assessors are completing the classification forms, should they convert the recorded notes into a classification.

IV. CLASSIFICATION STAGE

THE TEACHER BEING EVALUATED

Self-evaluation

Self-evaluation is obligatory and has to be taken into account by the assessors. The objective of self-evaluation is to involve the teacher being evaluated in the evaluation process. It helps to identify opportunities for professional development and to improve the level of fulfillment of the individual objectives. Self-evaluation is carried out by the completion of a self-evaluation form (by the teacher being evaluated) which is then analyzed by the assessors. The self-

evaluation form must be completed and handed in to the assessors before they complete the evaluation forms.

ASSESSOR

Completion of the classification forms

The parameters (as well as the items and sub-items, if they are kept) are exclusively classified by qualitative classifications.

- Conversion into qualitative classifications only takes place for the purposes of calculating the final classification which is based on the following scale: Excellent - 10, Very Good - 8, Good - 7, Regular - 6, Insufficient - 3.
- The calculation of the final classification on each form is based on the formula, which remains constant.
- Even if there are parameters which, for reasons beyond the control of the teacher being evaluated and the assessor, cannot be considered, it is always possible to obtain the highest classification on the form.
- Two of the final grades Very Good and Excellent, can only be given on any form if none of the parameters were awarded a classification that was less than Good.
- With the exception of the calculation formulas used to work out the final classification, it is not necessary to consider the other calculation formulae on the forms.
- When a parameter is associated to an agreed individual objective, the classification of that parameter is the result of the level of fulfillment of the respective individual objective.
- If the school opts to consider Item A1 on the performance evaluation form to be completed by the president of the school executive body, the classification must be done as follows: A.1.1 – Excellent; A.1.2 – Very Good; A.1.3 – Good; A.1.4 – Regular; A.1.5 – Insufficient.
For the purposes of determining the level of fulfillment of teaching duties, in Item A1 of the form, the rules stated in article 103^o of the ECD must be taken into account.
- Item A2 evaluates the availability and commitment of the teacher in guaranteeing that the lessons planned for his/her classes are given.
- For this purpose, and contrary to what happens in relation to Item A1, all absences are taken into account, except those when the teacher is effectively carrying out duties (for example, on a study trip) or is exercising his/her right to strike.
In order to calculate the score of each session of in-service teacher training, the classification awarded is taken into account.

ASSESSOR

- In order to be considered for the purposes of evaluation, it is necessary that the amount of in-service teacher training per year fulfills the minimum 25-hour requirement.
- For the purposes of the calculation of the final score, the mathematical average of the classifications obtained in each of the training modules is calculated.
- For the purposes of the attribution of the qualitative classification given in the in-service teacher training parameter, the following scale should be used: 9 -*Excellent*; 8 to 8,9 – *Very Good*; 6,5 to 7,9 - *Good*; 5 to 6,4 - *Regular*; 5 -*Insufficient*.
- The guarantee that, for contracted teaching staff, participation in in-service teacher training sessions is only taken into account in the evaluation if it benefits the overall classification of the evaluation sheet.

- The training to be taken into account is validated by the president of the school executive body, who guarantees that it fulfills a minimum of 25 hours a year and corresponds to:
 - In-service teacher training in priority areas defined by the school;
 - In-service teacher training in the area of subjects taught;
 - In-service teacher training promoted by the Ministry of Education;
 - Accredited ICT In-service teacher training (completed by the end of the 2007/08 Academic Year);
 - In-service teacher training that the president of the school executive body considers relevant for the professional development of the teacher under the scope of the objectives or training plan of the school.
- All accredited in-service teacher training sessions can be taken into account for the purposes of evaluation, as long as it has not already been taken into account in previous evaluations.
- For the purposes of calculating scores, any in-service training sessions which was not awarded a classification, receives the qualitative grade *Good*.

V. AWARDING THE CLASSIFICATION AND THE APPLICATION OF QUOTAS

- At this stage the assessor(s) complete the Overall Performance Evaluation Form, based on an analysis of all available elements, and from this comes an evaluation proposal.
- The proposals with the qualitative classifications *Excellent*, *Very Good* and *Insufficient* are presented to the CCAD for validation, both in terms of the strictness and coherence of the process and in terms of the fulfillment of the defined quotas.
- The different groups of teachers do not compete among themselves for classifications subject to quotas, given that the percentages defined are applied separately to each of the following:
 - Members of the Performance Evaluation Coordinating Commission (CCAD)
 - Coordinators of curricular departments or teachers' councils
 - Senior teachers who are assessors (appointed after applying or on temporary assignments)
 - Senior teachers with no assessor role
 - Teachers
 - Contracted teachers
- In every group of teachers at least one *Excellent* and one *Very Good* qualitative grade can be awarded, independently of the size of the group of teachers being evaluated, given that numbers are always rounded up.
- When there is no teacher with a classification of *Excellent*, the quota for the latter classification can be added to the *Very Good* qualitative grade quota.
- In cases where the proposed classifications are not validated, the CCAD returns the proposal to the assessors with guidance on how to secure later validation.
- The teacher being evaluated must be informed of his/her evaluation proposal. The teacher can request a personal interview within a period of five working days from that date. If no interview is requested, or if the teacher fails to come to the interview (with no justification), the proposed classification is considered to have been tacitly accepted by the teacher being evaluated.
- The final classification is awarded in a joint meeting of the assessors.
- The teacher being evaluated must be informed of his/her final classification in writing after the classification has been awarded. This guarantees the teacher's right to complain and appeal the decision.

The teacher performance evaluation process is concluded in this way. In this evaluation cycle it will have positive effects on teachers' careers for the following reasons:

- Teachers with a negative classification will have the effects on their career suspended and will have another evaluation opportunity.
- Teachers who are awarded a *Good* classification are guaranteed career progression, independently of budget restrictions or the availability of places;
- Teachers who are awarded *Very Good* and *Excellent* benefit from fast track career progress and, in cases where teachers are awarded those classifications in two consecutive evaluation cycles, they have the right to a performance-related award.

PERFORMANCE EVALUATION OF TEACHERS - LEGISLATION

Legislation	Description of content
Decree-law n.º 15/2007, 19 January	Approves the employment status of educational childcare staff and primary and secondary education teachers.
Implementing Order n.º 2/2008, 10 January (Remains in force except for the changes made by DR n.º 11/2008, 23 May and by DR n.º 1-A/2009, 5 January)	Regulates the performance evaluation system for pre-school, primary and secondary teachers.
Implementing Order n.º 11/2008, 23 May (Remains in force except for the changes made by DR n.º 1-A/2009, 5 January)	Defines the transitory regime of teacher performance evaluation during the 2007/08 to 2008/09 period
Implementing Order n.º 1-A/2009, 5 January	Establishes the transitory regime of performance evaluation of teaching staff in the 1 st cycle of evaluation, which runs until 31 December 2009.
Order n.º 32 048/2008, 16 December 2008	Delegation of competencies for the purpose of teacher performance evaluation.
Order n.º 20 131/2008, 30 July 2008 (Altered)	Determines the maximum percentages for the awarding of qualitative grades Excellent and Very Good in each school cluster or non-grouped school for the purposes of teacher performance evaluation
Joint Order n.º 31 996/2008, 16 December 2008	Alters Order n.º 20 131/2008, 30 July 2008
Order n.º 16872/2008, 23 June 2008 (Altered)	Approves the self-evaluation and teacher performance evaluation forms to

be used. It also approves the constant classification parameters of the evaluation forms.

(Awaiting publication)

Alters Order n.º 16872/2008,
23 June 2008

Order n.º 32 047/2008,
16 December 2008

Alters Order n.º 19117/2008,
(which determines the organization of
the 2008/2009 Academic Year) in respect of
the rule which sets out better
working conditions for assessor teachers.

ANNEX 5

ANNEX 5.1



RECOMMENDATIONS BY THE PEDAGOGICAL COUNCILS ON THE DEVISING AND APPROVAL OF THE STANDARD EVALUATION TOOLS FORESEEN IN IMPLEMENTING ORDER No. 2/2008

Approved by the Scientific Council for the
Evaluation of Teachers, in a plenary session held in
Lisbon, 14th March, 2008

INTRODUCTION

Implementing Order no. 2/2008 was published on 10th January, 2008. However, the legislation that regulates the composition and work of the Scientific Council for the Evaluation of Teachers (CCAP), approved by the Cabinet, during their meeting on December 12, 2008, has not been published. This means that the recommendations below cannot be made in the name of the Scientific Council and presented as a result of their members' work.

However, considering the need to support schools at this moment, and in compliance with the order of His Excellency, the Secretary of State Assistant to the Minister and for Education, I (in my capacity as President of the CCAP) have formulated some general recommendations. This is without prejudice to the possibility that these recommendations may at a later date be further developed and complemented by others (when the Scientific Council is formally constituted and functioning), according to the needs that may arise out of the process. These are, therefore, generic recommendations, based on the most commonly referred results of studies and research found in the scientific literature about teacher performance evaluation. The recommendations are made to support the process of construction of the evaluation tools foreseen in no. 2 of Article 6 of Implementing Order no. 2/2008.

The reference made to the legal framework in this document is only designed to contextualise and clarify the role of the evaluation tools. Some general principles are set for the development of the evaluation tools, as well as guidelines in relation to how they are constructed.

It will be up to each school cluster or non-grouped school to autonomously interpret these recommendations, taking into consideration their own situation, goals and objectives. It will also be up to each school cluster or non-grouped school to define the number and nature of evaluation tools that will best suit their specific situation.

1. LEGAL FRAMEWORK

In accordance with what was established in the Teaching Career Statute, with the changes introduced by Decree-Law no. 15/2007, 19th January, and in the Implementing Order no. 2/2008, 10th January, a distinction should be made between evaluation and self-evaluation forms and the standard evaluation tools.

The first are the forms that should be completed respectively by the evaluators and the teachers being evaluated in the final stages of the performance evaluation process. The second are the tools used by the evaluators over the course of the legally established evaluation period¹ to gather the information that is relevant and necessary for the evaluation. It is on the basis of the information gathered and organised by these means that the evaluators go on to complete the evaluation forms, using the sources stipulated in no. 3 of Article 45 of the Teaching Career Statutes.²

2 . GENERAL PRINCIPLES AND BASIS

As well as the legally instituted objectives and principles, several respected authors have maintained that an efficient teacher performance evaluation system should be based on a set of principles, from which the following should be highlighted:

♦ Clarity

Both the evaluation process and its objectives must be formulated in a way that is perfectly clear and comprehensible. It means that all the participants in the process must have a precise and unequivocal understanding about the terms of the evaluation process, what is expected from it, what the fundamental aspects are and how it should be carried out. It is only in this way that the evaluation process and its objectives will be properly valued by all, allowing for good interpersonal communication and relationships.

♦ Coherence and co-ordination in the formulation of the objectives

An interactive balance among the different types and levels of objectives to be considered (individual and institutional) must be sought. It is of the utmost importance that this set of objectives be, as far as possible, coherent and compatible. This will make it easier for them to be valued, both by teachers and by the school, as vehicles to stimulate efforts and improve outcomes.

♦ Reliability and usefulness of the information on which the evaluation is based

The information gathered and selected must be sound and contextualised. This will ensure that the process acquires the necessary credibility.

♦ Diversification of evaluation methods and sources of information

This is to ensure that the evaluation process takes into account different perspectives and approaches, as well as various sources of information, thus making it more rigorous and adequate.

♦ The creation of favourable conditions for the carrying out of evaluation

The need to ensure that there is an organisational support structure in place for the evaluation process must be respected, namely by:

◊ The emergence of an attitude of involvement and commitment by the school community to the development of the process;

◊ The active participation of all those involved in the development and implementation strategies of the process, i.e. there should be a constructive dialogue between evaluators and teachers being evaluated;

◊ Appropriate training, especially for those who will be carrying out evaluation functions.

¹ See no. 2 of Article 44 of the Teaching Career Statute and Article 6 of Implementing Order no. 2/2008.

² Namely, certification progress reports from training courses; self -evaluation; lesson observations; analysis of curriculum management tools; pedagogical materials developed and used; pedagogical evaluation tools; lesson planning and evaluation tools used with students.

3. GENERAL GUIDELINES

It is recommended that schools should try to apply some of the guidelines arising from these principles (see below). It should be highlighted that although the standard evaluation tools are designed to support and substantiate the decisions in the summative evaluation, they can also be used to encourage and support teacher professional development through formative evaluation.

3.1. Points of Reference

The development of standard evaluation tools must take into consideration three fundamental points of reference:

- ♦ What is laid down in the Teaching Career Statute and in the Non-higher Education Pupil Statute, namely in terms of the general and professional duties of the teaching staff;
- ♦ The permanent components of the general professional performance profile of educational childcare staff and teachers of Compulsory and Secondary Education, approved by Decree-Law no. 240/2001, 30th August, as well as the specific professional performance profiles of educational childcare staff and 1st Cycle of Compulsory Education teachers, approved by Decree-Law no. 241/2001, also of 30th August.
- ♦ The classification parameters and the classification items, namely those in the evaluation and self-evaluation forms. There will have to be dedicated space to include information about the socio-educational context of the school, referred to in no. 1 of Article 42 and no. 2 of Article 45 of the Teaching Career Statute.

It would therefore be worth taking into consideration aspects such as:

- ♦ Teaching staff stability and pedagogical continuity;
- ♦ The school path of the students and the quality of previous learning;
- ♦ The support given by schools.

3.2. Criteria for the construction of evaluation tools

It is important to develop and construct simple, clear and efficient evaluation tools. To this end, the following criteria should be followed:

- ♦ Selecting necessary and useful information only. It is best not to have to gather a lot of data unnecessarily, to the point of having redundant information, which is of no benefit to the system.
- ♦ Ensure the precision, credibility and reliability of the data. It should be rigorous and valid.
- ♦ Respect the principle of transparency. In a school cluster or in a non-grouped school, all the teachers being evaluated should know about the standard evaluation instruments that are adopted.
- ♦ Cross-check data coming from different information sources and from the application of different methods. The greater the care taken in cross-checking different methodologies and results, the more complete and adequate the final evaluation will be, thus contributing to reducing the degree of subjectivity of the appraisals.
- ♦ Behaving according to a high degree of professional ethics throughout the whole process. This attitude can consolidate a climate of respect and confidence among education professionals and guarantee the rigor and credibility of the evaluation tools.

4. EVALUATION METHODS AND TOOLS AND SOURCES OF DATA

The general methodologies and evaluation tools that are mentioned below are the most commonly referred in texts and are used by countries with long experience and traditions in teachers performance evaluation.

The list presented below is not, however, intended as any sort of ranking of the different methods and tools, or as an ordering that should be followed.

- a) Observation of lessons. This is the most common method and for many years was practically the only one used in most countries with traditions of carrying out performance evaluation. The main evaluation tools used in this methodology are checklists on the one hand, and observation grids on the other.

The former (also sometimes called control or conference lists) are tools that allow the evaluator to identify the existence or lack of items that are considered relevant (facts, behaviour, learning outcomes...)

The latter are generally slightly more sophisticated tools, given that they also allow the evaluator to record the frequency of items observed, sometimes even including grading scales, in relation to the items in the grid. Nevertheless, in both cases it is suggested that when they are drawn up they make reference to:

- ◇ The parameters and items defined in the evaluation forms, especially those relating to the evaluation of teachers by the department coordinators (given that they are the ones used in the observation of teaching practice);

- ◇ The permanent components of the professional performance profiles laid down in the above mentioned Decree-Laws, published on 30th August, 2001, especially with regard to “the development of teaching and learning dimension” and the “professional, social and ethical dimension”.

- b) Analysis of documents. This is a technique that makes it possible to gather information about the different materials prepared and produced by teachers both before and after lessons. The development of analysis grids is recommended for this purpose, and they should be based on:

- ◇ Curriculum management tools;
- ◇ Pedagogical materials;
- ◇ Documents used for the purposes of student evaluation;
- ◇ Lesson plans;
- ◇ Reports about teaching activities carried out.

- c) Observation of teacher activity outside the classroom. This method leads to the development of specific tools for the recording of non-teaching activities (in grid-form or by means of checklists, as is done with observations of lessons), as well as of the attendance and participation of teachers in those activities.

- d) Analysis of students’ school outcomes. Given the importance and complexity of this matter, it should be the subject of future reflection and discussion at the Scientific Council. Until then, it is recommended that schools start to develop some diagnostic tools which will allow teachers to gather well-founded evidence about their students’ progress.

e) Self-evaluation. For the purposes of self-evaluation, the majority of specialists recommend the building up of portfolios by the teachers being evaluated.

f) Evaluation by parents. Although this is optional on the part of the school, it should be noted here that, in several countries, the tools most commonly used to this end consist of questionnaires or surveys for parents and other members of the local educational community.

Portfolios. Although, strictly speaking, these are not standard evaluation tools, it is worth highlighting their importance for the systematisation and organisation of the information gathered, and the role they can play, both in forming the basis of the summative evaluation and in facilitating formative evaluation under the scope of teacher professional development.

They are organised, carefully selected collections of materials, which have been produced over a certain period of time in order to document the tasks the teacher carried out, how they were carried out and the results that were obtained.

These tools can include documents and information gathered from the application of the various methodologies already mentioned. They should not become a mere collection of documents kept in a file with no criteria or logic.

FINAL NOTE

The complexity and sensitivity of teacher performance evaluation, and the novel nature of many solutions laid down in the instituted model, suggest that the development and construction of the evaluation tools be done in such a way that involves all parties. It should also be done with a well-founded knowledge of the system and its implementation process.

These aspects make it essential to be judicious and selective in the choice of tools to be developed and the information to be gathered.

It should be remembered that many schools, in the scope of their self-evaluation activities, have already developed evaluation tools, which may be taken into account, as long as the recommendations formulated here are respected.

Lisbon, 25th January, 2008

President of the Scientific Council
for the Evaluation of Teachers



(Professor Conceição Castro Ramos)

**GUIDING PRINCIPLES
ON ORGANIZING
THE PROCESS OF TEACHER
PERFORMANCE EVALUATION**

RECOMMENDATIONS

No. 2/CCAP/2008

JULY 2008

INTRODUCTION

In the initial phase of its work, the CCAP (Scientific Council for the Evaluation of Teachers) is taking the initiative in presenting some principles, strategies and recommendations aimed at “promoting the appropriate application of an evaluation system for teaching staff”³.

It is doing so with two objectives. Firstly, to encourage schools to become aware that, from a legal standpoint, every school may use its autonomy to forge its own identity, devise its own organizational strategy, and choose and construct its own procedures and evaluation tools in a simple and coherent way – it therefore recommends that each school organizes an evaluation mechanism suited to its own educational project and activity plan. Secondly, to make policy-makers aware of some aspects of the application of the evaluation model introduced which have not proved suitable or feasible, and to suggest possible solutions.

The Council considers that, alongside the opportunities which inevitably arise with this change process, there is a risk that evaluation will become irrelevant for teachers’ professional development, not impacting on improving students’ learning, and this is something that should be avoided from the very beginning.

This risk may result from excessive bureaucratization, from the emergence or intensification of unnecessary conflict or from the sidetracking of regulatory and training objectives which a process of professional performance evaluation must contain. It may even result from the adoption or imposition of evaluative tools or pre-conceived procedures, without those affected having received the necessary information or been duly involved in the participation process.

Thus, at a time when schools⁴ are planning the evaluation process for the school year 2008-09, care should be taken not only to help clarify the objectives of this evaluation and to guarantee due rigour, but also to encourage the simplification of procedures and their adoption by schools and teachers.

This is the contribution which the Council intends to make, by recommending some methodologies and measures, reflecting the information and concerns of various kinds which schools and teachers have passed to it informally.

³ As laid down in subparagraph b) of Article 3 of Regulatory Decree No. 4/2008, of 5th February (attributions do CCAP).

⁴ The reference to “school” throughout this document is taken to mean “school cluster or non-grouped school”.

To this end, the Council uses frameworks which inform educational policies at European and national level, such as: the principles common to the teaching profession; the definition of the general professional development profile common to educational childcare staff and teachers in compulsory and secondary education; the importance of linking the principle of school autonomy with that of accountability; and other references of a scientific nature which the literature on performance evaluation in this area consistently shows as most relevant.

The recommendations that follow are based on these principles and on identifying some structural aspects of the evaluation model introduced which merit particular attention. They take into account the change that this model will cause in evaluation practices hitherto used, the complexity of school and teaching situations with their wide variety of organizational and professional characteristics, and even the adverse conditions in which the whole process began.

This document is, therefore, divided into two parts: the first presents the analytical framework used by the Council and the principles on which it has based its opinions; the second offers an interpretation of the fundamental aspects of the evaluation model, taking those principles as a reference point, in order to identify implications for action and formulate directions and possible solutions.

PART I – PRINCIPLES AND GOALS

This part provides a framework for the principles and reference points which serve as a basis for the guidelines and recommendations formulated later in the document.

1. Principles of the teaching profession in the European Union

Between 2002 and 2005, with the participation of member states and various educational players, the European Commission developed a process which led to the definition of a reference framework for the teaching profession, contained in the document *Common European Principles for Teacher Competences and Qualifications*⁵.

According to this framework, the teaching profession requires an initial, high-level, cross-curricular training, which values teaching and reflexive practice and that promotes amongst other objectives, an understanding of the social and cultural dimension of the educational process.

It is a profession exercised within the context of lifelong learning which should recognise the importance of acquiring new knowledge, the capacity to innovate and to use evidence-based practice.

It is also important to mention that the institutions of the European Union, namely the Council of Ministers, the European Parliament and the European Commission have been insisting that “[...] investment in the training of teachers and trainers and the strengthening of leadership for education and training institutions are crucial to improving the efficiency of education and training systems”⁶.

⁵ European Commission, *Common European Principles for Teacher Competences and Qualifications*, 2005, http://ec.europa.eu/education/policies/2010/doc/principles_en.pdf

⁶ Council of Europe, “Modernizing education and training: a vital contribution to prosperity and social cohesion in Europe — Joint Interim Report 2006 of the Council and the Commission, on the progress made in the work programme «Education and Training for 2010»” in *Official Journal of the European Union*, C 79, 1.4.2006, p. 8, [online] <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:079:00 01:0019:PT:PDF>.

2. Profiles and dimensions of the teaching profession in Portugal

The principles which have been formulated on this subject at a national level, particularly since 2001, do not generally diverge from those defined within the rest of the European Union. This is the case for the definition of profiles (general and specific) for the professional performance of educational childcare staff and teachers in compulsory and secondary education teaching⁷, recently revisited in the Teacher Career Statute and the complementary legislation on teacher performance evaluation.

The competency profiles mentioned constitute the national framework for initial training and, on the understanding of the Council, should also be adopted as general guidance for teacher evaluation and consolidation of professional development, in continuous adaptation to new challenges. These profiles are organized according to four dimensions⁸: professional, social and ethical; development of teaching and learning; participation in the school and relationship with the community; continuous professional career development.

These are fundamental dimensions which guide teaching practice throughout a teacher's career, because they enshrine essential concepts about what it means to be part of the profession and they identify the knowledge, skills and attitudes belonging to it.

Furthermore, they are a result of a vision developed with the participation of diverse teaching organizations and professional associations while the professional profile diplomas were being prepared. This is why they should be understood and used in a global and integrated way, so that the evaluation occurs according to a holistic approach to personal and professional development, from a career-long learning perspective.

3. Interpretation of the goals and principles underlying the new legal framework

The interpretation that the Council now outlines of the principles underlying the evaluation model introduced does not constitute a critical analysis of that model, which in time would come to be based on the popularity of its application in schools. Instead it identifies the principles and structural elements which inform the evaluation model and for which the Council intends to recommend a flexible and strategically intelligent approach. This takes into account the vision a school has of its effectiveness and therefore the definition of its own priorities and objectives, putting into practice the principles in which it believes, and accounting for the results achieved.

Thus, the law clearly defines that the aim of teacher performance evaluation objectives is to effect [...] an improvement in students' school outcomes, the quality of learning and provide guidelines for professional development within a framework of recognising excellence"⁹.

It also defines, in equal measure, eight distinct objectives¹⁰, some corresponding to development in the quality of learning and of teaching practice and others to the gathering of information to allow the professional development and to the management of teaching staff. All, however, aim to highlight and reward good performance.

This double rationale – on one hand, professional development and improvement in the quality of learning and on the other, the management of teaching staff and their careers, following a result-orientated strategy and demanding accountability, with consequences for professional progression – makes it at the same time delicate and difficult to understand the model and to make it mutually compatible with the objectives advocated. Furthermore, it may explain why formative assessment is not given the importance that the two central objectives of the

⁷ Decree-Laws Nos. 240/2001 and 241/2001, both of 31st August.

⁸ See Annex 1 of this document.

⁹ Set out in paragraph No. 2 of article 40 of Decree-Law 15/2007 of 19th January (Teaching Career Statutes).

¹⁰ Set out in paragraph No. 3 of article 40 of Teaching Career Statutes.

evaluation demand, in so far as the regulation of the model and the way in which it has been implemented follow a reasoning which seems to place insufficient value on the formative character of the evaluation.

Therefore, the Council understands that a positive break with past practices of teacher performance evaluation shall involve the:

Effective adoption

- ◊ of an evaluative perspective which links attainment of individual and organizational objectives with the development of teacher competences, to the service of professional development and improvement in learning outcomes;
- ◊ the efficient connection between individual teacher evaluation, evaluation of intermediate educational guidance structures and the external evaluation of schools, along with linking school autonomy to the need for accountability;
- ◊ The use of evaluation as a platform for career-long learning and as an opportunity for joint reflection and the consolidation of cooperative working;
- ◊ A multidimensional vision of teaching professionalism and the recourse to a plurality of information sources and evidence;
- ◊ A realistic approach which is progressive and efficient, for each school, in accordance with their particular circumstances.

4. Action assumptions

In the light of that outlined above, the Council defines the following action assumptions which form the basis of the recommendations in Part II:

4.1. Pedagogical and organizational autonomy – every school has the right to organize the performance evaluation process of their teaching staff in accordance with their own objectives and strategic choices, while respecting the legal framework in force. Every school has the duty to account for the quality and effectiveness of this process.

4.2. Diversification and adaptation to context – in every school and for every teacher being evaluated, attention should be paid to the specific circumstances which affect professional and organizational performance, namely, the socio-educational context, levels of education and teaching, teachers' subject areas, the teacher's career path and so on.

4.3. Participation and responsibilities of those being assessed – it is for every teacher under evaluation, within the legal framework and the choices and decisions taken by the school, to present evidence of development in their career path, taking into account the different dimensions of the general profile of professional performance¹¹.

4.4. Evaluation as an ongoing regulatory process – evaluation shall constitute an ongoing regulatory process of a teacher's performance. It shall be subject to continuous improvement, and documents showing evidence of professional performance shall be provided to demonstrate evolution from a training perspective.

4.5. Evaluation as an integrated and continuous process – evaluation needs to be constructed and to become a natural procedure incorporated into teaching practice and cannot depend on restrictive rules and practices ill-adapted to the teaching context. Evaluation needs therefore to be rolled out as a continuous process which accompanies (and enables or enhances) professional practice, integrating the various dimensions involved. It cannot, therefore, be reduced to a simple series of summative assessment episodes.

4.6. Transparency of the evaluation mechanisms – transparency is a condition of the evaluation process. The mechanisms for evaluation should be decided upon and negotiated

¹¹ Decree-Law no. 240/2001, of 31st August (see Annex 1 of this document).

within each individual school, and duly incorporated into the respective legislation. As the result of a participated process, in accordance with the situation in each individual school's, all those involved in the process should be familiar with the evaluation mechanisms.

PART II – IMPLICATIONS FOR ACTION AND RECOMMENDATIONS

In the light of the principles outlined in the first part, of the structural aspects of the instituted legal framework and the concerns expressed about the risks for the implementation of the evaluation process, in this second part the Council will present some implications for action in response to four questions which, in this preparatory phase of the process, may be relevant:

1. How can the implementation of the evaluation model be made simpler and more consistent?
2. How can evaluation tools be used appropriately?
3. How can evaluation mechanisms be organized within the existing legal framework?
4. How should sensitive aspects of the evaluation be approached: school outcomes, lesson observations and training?

1. Making evaluation elements systematic to simplify implementation

The way in which the current legal framework interprets the four dimensions of the evaluation (presented in the annex) and produces thereby a wide range of “classification parameters”, “classification indicators” and “evaluation items”, does not always match, in the adopted legal terms, the concepts produced by the scientific literature, so that there is a lack of consistency between the fundamental terms and concepts used in the evaluation.

Considering that in such a complex situation some schools may be perplexed by the difficulty of distinguishing what is essential in this process and that the central function of the school as a learning institution and the professional role of teachers is promoting students' learning, the Council recommends that:

1.1. Schools embark on regrouping all the classification terms to make them systematic (“parameters”, “indicators”, “items”, etc.)¹², by using the dimensions and the domains indicated in the following framework, in order to make the process more simple and efficient;

A. Professional, social and ethical dimension (transversal dimension)

B. Teaching and learning development dimension

Domain 1 Attendance and fulfilment of teaching duties

Domain 2 Preparation and organization of teaching activities

Domain 3 Teaching activities

Domain 4 Pedagogical relationship with students

Domain 5 Evaluation of student learning

Domain 6 Evolution of student outcomes, taking account of socio-educational context

C. School participation and relationship with the community dimension

Domain 7 Prevention and reduction in drop-out rates, taking account of socio-educational context

Domain 8 Participation in the school

Domain 9 Participation in educational guidance structures and in the school management bodies

Domain 10 Relationship with the community

Domain 11 Development of projects in research, development and educational innovation

D. Lifelong Professional development Dimension

Domain 12 Ongoing training and professional development *

¹² As laid down in Dispatch 16872/2008, 7th April, issued on 23rd June.

* Not limited only to formal training, but developed in the context of the local educational context, taking into account the circumstances and specific needs of the school, the teachers, the class and the students.

1.2. The final evaluation is made from the overall perspective of each dimension and its respective domains, avoiding artificial segmentation;

1.3. Every school concentrates its efforts and attention fundamentally on the teaching and learning development dimension, relating it to the other dimensions, according to their particular circumstances and teachers being evaluated;

1.4. Each dimension – operating in the domains and items mentioned – is related to individual performance objectives, relating them with the school's educational project, the school and class curriculum projects and other planning tools and curriculum and pedagogical guidance;

1.5. In each domain, the number of components is strictly limited to the essential, so that these are the elements which will serve to clarify the sense of domain within the framework of the relevant dimension.

2. Appropriate use of evaluation tools

Evaluation tools are the empirical basis for the analysis of teacher performance and for gauging the most relevant activities for the evaluation, without the necessity of obtaining a detailed list or making an exhaustive study of the activity undertaken. It is sufficient for the purposes of an illustrative sample to state what was done or observed. As has been recommended¹³, the creation and adaptation of evaluation tools means that each school thinks about the extent to which it is relevant, valid and practicable to obtain empirical evidence in order to respond, in a simple way to the dimensions, domains and components that the school had adopted.

It is necessary to clarify that evaluation tools are not evaluation sheets. These are legal documents where the evaluation is registered at the end of the process; evaluation tools are the support and basis that explains its completion:

Therefore, the Council recommends the following:

2.1. The evaluation tools to be developed by the school should only contain information collected from various sources which is clear, concise and precise, documenting several instances and activities developed during the evaluation period reported. It makes little sense for the evaluation tools to duplicate the function of the final evaluation sheets;

2.2. In the evaluation tools, a field should be created to note down situational factors and essential aspects which allow the socio-educational context to be described in which the teacher is doing their teaching.

3. Organizing the evaluation process focussed on the portfolio

In the local organization of the evaluation process it may also be possible to simplify and economize on the process and to make procedures more flexible.

Considering that:

◇ The results of literature research on teacher performance evaluation, which have long legitimated the use of the portfolio and the practice of evaluation, have also proved their effectiveness for evaluation and formative purposes;

◇ this is a change process for a learning and professional development paradigm, capable of creating professional learning communities at school level, The Council recommends that:

¹³ CCAP, *Recommendations on the introduction and approval of by pedagogical councils of standardized evaluation tools as laid down in Regulatory Decree No. 2/2008*, March 2008

3.1. The assumptions outlined in point 4 of Part I, be implemented through a tool constructed by each teacher being evaluated, with the evidence of professional performance and judgments on this performance, issued by the teacher themselves – from a perspective of reflection and self-evaluation –, or by those responsible for the evaluation, within the terms and formats which have been decided by the school¹⁴ ;

3.2. The adoption of this organizing mechanism for the evaluation process is the responsibility of the teacher evaluated, who holds the complete record documenting their performance, with the threefold function of:

- a) Bringing together all the elements that demonstrate their performance in the various dimensions of the relevant professional profile;
- b) Allowing the identification of the demonstrated performance level;
- c) Producing a record of their progress, within a professional development perspective, which the evaluation should sustain;

3.3. This evaluation mechanism, which allows for several forms of implementation, examines the portfolio or *dossier* of the teacher being assessed, organized on the basis of the four dimensions of professional performance. Other organizational perspectives may nevertheless be considered within the four dimensions – for example, taking as a reference point the elements considered for the formulation of individual objectives¹⁵ or the parameters from the final evaluation sheets.

4. Creating the preconditions for using school outcomes as part of teacher performance evaluation

Taking into account the situations and culture of schools in this field and the fact that it is necessary to create the preconditions for using school outcomes safely, the Council has concluded that:

◇ Schools have particular responsibility in the development of student learning, including using “school outcomes”, in the restricted sense in which legislation defines the term;

◇ Progress in school outcomes represents the learning that takes place between two periods of assessment; the progress indicator corresponds to any changes seen in student learning. At present, there are no assessment tools to measure student progress in school outcomes with any objectivity, given the multiplicity and complexity of contexts in which learning takes place and the nature of the innovation that this introduces;

◇ We cannot ignore the fact that within the educational system different subjects coexist which are subject to an internal evaluation process but under no form of external assessment or checks; there are others which are subject to tests and national exams to certify learning; and yet others which, by their specialised nature, are not easily subject to internal or external evaluation (such as education/training courses);

◇ The production of reliable and scientifically-accredited assessment tools is a complex and time-consuming task, which must be undertaken by competent bodies that are not part of the process of performance evaluation;

◇ It is necessary to have internationally accepted standards for the production of tests which satisfy the multiplicity and complexity mentioned, as well as the production of high value

¹⁴ Article 6 of Regulatory Decree No. 2/2008, of 10th January.

¹⁵ Article 9 of Regulatory Decree No. 2/2008, of 10th January.

indicators for measuring progress in school outcomes, to promote system efficiency without compromising underlying principles and values or security caused by the absence of independent and rigorous monitoring;

◇ The use of school outcomes and the analysis of change in these outcomes, for the purpose of performance evaluation, should not become divorced from the specific class context and the respective students, nor be limited to a mere statistical interpretation of their outcomes;

◇ The consensus of scientific literature on the subject suggests that, in the complexity of the learning process, it is not possible to determine and assess with any rigour to what extent the actions of a specific teacher are responsible for the results obtained.

Therefore, the Council recommends that:

4.1. The improvement in school outcomes is, in the first instance, the shared responsibility of the school and the teacher;

4.2. Teachers', department and class councils are example of fundamental participation in this area, at different stages of the process, from the analysis and diagnosis of class performance in context to the final evaluation of the results achieved;

4.3. In studying the progress in school outcomes for the purposes of performance evaluation, the school executive body is supported in their analysis and opinions by the teachers', department and class councils on the changes in school outcomes of the classes that the teacher has taught;

4.4. The Ministry of Education department responsible for producing learning assessment and statistical tools should consider adopting measures that will create the preconditions for using school outcomes in teacher performance evaluation in a credible and secure manner;

4.5. Likewise, it should consider the adoption of measures that empower teachers in matters of standardized learning evaluation, in order to guarantee the correct use of school outcomes in teacher performance evaluation;

4.6. During the implementation process of the performance evaluation system for the academic year 2008-2009, progress in students' school results shall not be the subject of quantitative assessment;

4.7. In the academic year 2008-2009, each school will fine-tune the tools used to monitor learning, in order to consolidate the evaluation culture and be ready to interpret the school result indicators, in accordance with the criteria and tools to be developed.

5. Focussing lesson observations on the principle of scientific, pedagogical and didactical monitoring

The observation of lessons is one of the keys elements to the efficient functioning of the system of teacher performance evaluation. It has the potential effect of breaking the isolation which has traditionally characterised the occupation of teaching and can create the preconditions for improvement in professional performance.

Considering that:

◇ The observation of lessons is one of the most complex factors in the transition to an evaluation paradigm which values professional development, as it breaks down fossilized working cultures and unfavourable work-place contexts;

◇ In order that lesson observations can achieve their goals, it is necessary to instil an atmosphere of confidence and cooperation and the adoption of flexible and diverse observation practices;

◇ The quality of the observation requires a credible observer from the scientific and pedagogical-didactical viewpoint.

The Council recommends that:

5.1. Lesson observations are carried out within a framework process of scientific, pedagogical and didactic supervision involving interaction between assessors and teachers focussing on educational practices;

5.2. Schools use the legal tools provided, of delegation of powers among others, in order to guarantee the scientific and pedagogical-didactical credibility of the assessors;

5.3. The activity of observation, far from being limited to simple form-filling by the assessor, should involve an overall appreciation of the different components used and their consequences for the effectiveness of the teaching;

5.4. The process and general results of the lesson observations, as far as specific scientific, pedagogical or didactic aspects are concerned, should be subject to joint reflection within the curricular department, class council and teachers council, respecting the principle of confidentiality and aiming to improve the process and identify training needs;

5.5. The number and sequence of the lessons to be observed should be agreed between assessor and teacher, with regard to the criteria defined by the school pedagogical council, guaranteeing, as far as possible, a variety of observations.

6. Quality training

In the Portuguese educational system there are many teachers with competencies in pedagogical supervision and performance evaluation whose training should be made use of. It has been recognised, however, that these competencies cannot be transferred in a linear fashion to the peer evaluation system, given the philosophy that informs it and the new requirements.

Considering that:

◇ It is necessary to create preconditions and combine efforts to develop a credible evaluation practice, from the scientific-pedagogical viewpoint, training may perform a fundamental role to this end;

◇ Training should not be limited to information-giving exercises and explanation of legal and bureaucratic procedures;

◇ The new guidelines on performance evaluation and the demand for suitable training within a local context require a formative perspective which essentially involves evaluation as an instrument for the professional development of every teacher to instil a culture of responsibility;

◇ There is a large disparity in assessors profiles and, therefore, significant difference in training needs.

The Council recommends that:

6.1. Training for assessors and teachers is subject to a rigorous prior accreditation, with a view to lending it scientific and a pedagogical credibility, considering the delicacy and the implications involved;

6.2. In consequence, special attention should be paid to training of trainers regarding these sessions;

6.3. The training process and results should be monitored, in order to find out to what extent it represents a tool which meets the specific needs of teachers and schools.

Approved at Plenary Session on 7th July 2008.
By the Scientific Council for the Evaluation of Teachers
Prof. Conceição Castro Ramos
President

ANNEX 1

General profile of the professional performance of educational childcare staff and teachers in compulsory and secondary education.

(Excerpt from Decree-Law No. 240/2001, of 30th August)

Professional, social and ethical dimensions

1. Teachers promote learning from the established curriculum, basing their professional practice on specific knowledge which is the result of the production and use of a range of integrated knowledge, taking into consideration the concrete action of that practice, socially and ethically speaking.

2. In the light of the preceding paragraph, the teachers:

a) are assumed to be an educational professional, whose specific function is to teach, for which they have recourse to their specialist knowledge of the profession, supported by research and shared reflection of educational practice within the framework of educational policy guidelines to which they actively contribute;

b) carry out their professional duties in a school, understood as an educational institution, to which they are socially committed and have the specific responsibility of guaranteeing, in an inclusive way, the delivery of a series of lesson of various types, designated as the curriculum. At any given time and within the framework of this negotiated social structure assumed to be temporary in nature, this process is recognised as a necessity and right of all for their overall development;

c) encourage students' autonomous development and their full inclusion in society, taking into account the complex and diverse nature of academic learning;

d) promote the quality of the inclusion into the educational process, in order to guarantee the well-being of students and the development of all facets of their individual and cultural identity;

e) carefully identify and respects the cultural and personal differences of the students and all other members of the educational community, valuing different knowledge and cultures and opposing exclusion and discrimination;

f) demonstrate a capacity for relationships and communication, together with emotional balance, in the various circumstances of their professional life;

g) assume a civic and formative responsibility in their duties, and the ethical and deontological demands associated with these.

The development of teaching and learning dimension

1. The teacher promotes learning via the curriculum, within the framework of a quality pedagogical relationship, integrating their basic subject knowledge with scientific and methodological rigour.

2. In the light of the preceding paragraph, the teachers shall:

a) promote significant learning within the scope of the objectives of the class curricular project, developing the essential structural competencies needed;

b) use, in an integrated fashion, their own specialist knowledge and cross-curricular knowledge appropriate the particular level and teaching cycle;

c) organize their teaching and promote learning, individually or as a team, within the framework of epistemological paradigms of the areas of knowledge and the basic pedagogical and didactical options, having recourse to experimental activities whenever this is deemed relevant;

d) use the Portuguese language correctly, in its written and spoken forms, such correct use being an objective of their teaching activity;

e) use and incorporate, according to the circumstances, different resources into learning activities, specifically information and communications technology, encouraging the acquisition of basic competencies in this field;

f) encourage systematic learning of the process of intellectual work and ways of organizing and communicating, as well as actively involving students in the learning process and in managing the curriculum;

g) develop different pedagogical strategies, leading to success and achievement for each student within a socio-culturally diverse society, encouraging a plurality of values, knowledge, experiences and other aspects of students' personal, cultural and social contexts and paths;

h) ensure the provision of teaching support for students and cooperate in the detection and supervision of children and young people with special educational needs;

i) encourage the shared establishment of rules for living together democratically and manage problematic situations and different interpersonal conflicts safely and flexibly;

j) use the evaluation, in its various aspects and areas of application, as a regulatory tool and means of promoting quality in teaching, learning and in their own training.

Dimension of participation in school and relationship with the community

1. The teachers shall undertake their professional duties, in an integral manner, with regard to the different areas of the school both as an educational institute and as part of the community in which it is located.

2. In the light of the preceding paragraph, the teacher:

a) regards the school and community as educational spaces of inclusion and social intervention, with the aim of training students for democratic citizenship;

- b) participates in building, developing and evaluating the school's educational project and its curricular projects, as well as the administrative and management duties of the school, while paying attention to communication between the various levels and teaching cycles;
- c) integrates knowledge and community social practice into the curricular project, thereby conferring educational relevance on them;
- d) collaborates with all those involved in the educational process, encouraging the creation and development of relationships of mutual respect between teachers, students, parents and non-teaching staff, as well as other community institutions;
- e) encourages interaction with families, specifically within the scope of life projects and student training;
- f) values the school as a centre for social and cultural development, cooperating with other community institutions and participating in their projects;
- g) cooperates in the establishment and execution of social studies and projects integrated into the school and its local area.

Life-long professional development dimension

1. e teacher sees their training as a part of their professional practice, based on the needs and activities that drive them, through a critical analysis of their pedagogical practice and evidence-based reflection on the profession and with recourse to research, in cooperation with other professionals.

2. In the light of the preceding paragraph, the teacher:

- a) reflects on their practice, supporting it through experience, research and the other resources necessary for evaluating their professional development, specifically in their own training project;
- b) reflects on the ethical and deontological aspects inherent in the profession, evaluating the effects of decisions taken;
- c) sees team-working as a way of enriching their training and professional life, with its sharing of knowledge and experiences;
- d) develops personal, social and professional competencies, as part of life-long training, considering diversity and similarity at national and international level, specifically in the rest of the European Union;
- e) participates in research projects related to teaching, learning and student development.

ANNEX 2

Voting declaration of Counsellor Ana Plesson Curado

1. It is widely recognised that the evaluation of teacher performance can be a routine and not very useful activity, or can even harm the climate within a school. Alternatively, it can be a significant tool for stimulating professional and organizational development. Its effects depend on the way it is conceived, planned and carried out.

2. Teacher performance evaluation models which aim at professional and organizational development, apart from providing accountability, specifically emphasize the teacher's role in classroom and the respective outcomes in terms of learning.

To remove the main focus on learning and outcomes from the evaluation process is to deprive it of its core, its *raison d'être*.

3. Analysis of the teachers' role in their students' learning progression, and the schools' role in this area, cannot be seen as dependent on sophisticated calculations to arrive at "objective" assessments. It should instead take into account the presentation of evidence to demonstrate its role in the improvement of learning.

4. Evidence of this role can be obtained in various 'natural' ways. School pedagogical councils, teachers' council, school departments and class councils all have a role to play in this process and determine which type of evaluation tools should be used to record the evolution in students' learning, responding to questions such as: Which elements of teaching practice are decisive for success or lack of success? How is potential school absenteeism to be detected and prevented? What are the reasons for the differences between internal and external evaluation results? How can tests and grades be measured to guarantee confidence in internal evaluation and its results?

For all the reasons mentioned above, I voted overall in favour of the documents produced by the CCAP, because I considered that they could have a beneficial effect on schools and on the school system.

However, I voted against the perspective found in these documents regarding the impossibility of analysing the learning results for the academic year 2008-2009 due to the lack of suitable "assessment tools to objectively determine the progress of student's school outcomes", in that I considered this represents a backward step in establishing models for the evaluation of schools and teachers focussed on professional and organizational improvement, bearing in mind the central objective of improving students' learning.

ANNEX 5.3

GUIDING PRINCIPLES FOR THE DEFINITION OF STANDARDS IN RELATION TO QUALITATIVE CLASSIFICATIONS

RECOMMENDATION NO. 3/CCAP/2008

JULY 2008

INTRODUCTION

It is the responsibility of the Scientific Council for the Evaluation of Teachers to formulate recommendations on the principles that should guide schools in their definition¹⁶ of standards that will allow them to attribute qualitative classifications foreseen in the legal framework of teacher performance evaluation¹⁷.

These guiding principles concern two separate moments of the evaluation process, the moment of the previous construction of standards by the schools, which will be the basis of the attribution of qualitative classification and the moment of its application, in the final phase of the evaluation process.

It is worth noting that, with regard to the definition of principles, the Council interprets the mandate given to the school as a new responsibility and a key element of organisational development and effective autonomy. In this sense, each school has to define and apply the standards which sustain the qualitative classifications, taking into account the principles and recommendations in this document, which are based upon:

- 1 The set of the principles and references summarised in the CCAP document on the organisation of the evaluation process¹⁸;
- 2 The guidance framework on the required competencies for teaching, defined in the general and specific profiles of professional performance¹⁹;
- 3 The aims and principles of teacher performance evaluation;
- 4 The professional rights and duties included in the Teaching Career Statute and other legislation on this matter²⁰.

Nevertheless, it would be desirable that in the medium term, apart from the principles defined in this document, for national standards to be established upon which schools could base and standardize their decisions. Any process for establishing performance standards on a national scale should be discussed widely and thoroughly examined, as has happened in countries with many years of teacher performance evaluation practices.

¹⁶ The reference to “school” is understood, in this document, to be “school cluster or non-grouped school”.

¹⁷ According to no. 3, article 21 of Implementing Order no. 2/ 2008, 10th January: “Qualitative classifications [i.e. Excellent, Very Good, Good, Regular and Insufficient] [...] correspond to the level of achievement of the defined objectives and to the level and competency shown during their accomplishment, taking into consideration the guiding principles established by the Scientific Council for the Evaluation of Teachers for the definition of the respective standards.

¹⁸ See CCAP, *Princípios orientadores sobre a organização do processo de avaliação. Recomendações n.º 2/CCAP/2008*, Julho de 2008.

¹⁹ Decree-Law no. 240/2001 and 241/2001, both on 20th August.

²⁰ Namely, Decree-Law 15/2007, 19th January; Implementing Order no. 2/ 2008, 10th January; Implementing Order no. 11/ 2008, 23rd May; Order 16872/2008, 7th April, published on the 23rd June (particularly, Annex XVI).

Regarding this issue, the Council considers that systematic preparation could be developed, bringing together practices that have already been implemented, benefiting from the experience and outcomes of similar projects carried out at an international level. In this case, from the 2009-2010 academic year onwards, the possibility of defining a set of national, research-based standards, based on a wide-ranging discussion and on the results of practices in schools should be considered. It is important to point out that the definition of national standards will not do away with the principle of school autonomy; on the contrary, it will be much required, considering that its integration must take into account the contexts in which each school works.

GUIDING PRINCIPLES AND RECOMMENDATIONS

The attribution of qualitative classifications does not constitute, in itself, the process of evaluation nor does it replace it. It should only transmit the final result of the teachers performance derived from a process which occurs during the respective evaluation period.

Based on the outlined framework, the Council recommends that the formulation and application, by the schools, of standards for the attribution of five qualitative qualifications²¹ – *Excellent, Very Good, Good, Regular and Insufficient* – should take the following guiding principles into consideration:

General principles

1. Formulation and widespread application of standards

When defining standards for the attribution of qualitative classifications, the Council recommends that schools formulate sufficiently broad ones, avoiding excessive separation and specificities on every item and indicator included on the evaluation forms²².

The Council believes it to be equally essential that, when the qualitative classifications are given, that teaching performance be considered as a whole. This way, the analysis of evidence and the final evaluation is done, whenever possible, in a global and integrated fashion, and not something reduced to a mere calculation of average results based on the classification obtained in the items and sub-items included on the evaluation forms.

2. Objectivity and even-handedness in performance analysis

The final evaluation by the assessor should be evidence-based, clearly, objectively and unequivocally grounded and should recognise that the subject of evaluation is professional performance and not the individual.

Principles regarding formulation of standards

3. Objectives, competencies and professional ethics

When formulating standards for the attribution of qualitative classifications, it is fundamental that schools take into consideration all the items envisaged in the legal reference framework with regard to the objectives, competencies and also those items that are associated with aspects of a professional, social and ethical dimension, as well as professional development²³.

To this end, the Council recommends that schools make reference to the three following aspects:

- a) The level of achievement, nature and context of the individual objectives agreed, contractually, between the assessor and the assessed teacher;
- b) The level of competence shown by the teacher during the performance of their duties

²¹ Foreseen in article 46 of Decree-Law 15/2007, 19th January (Teaching Career Statute).

²² Approved by Order 16.872/2008, 7th April, published on 23rd June.

²³ See Annex to CCAP, Guiding principles on organising the process of teacher performance evaluation. Recommendations no. 2/ CCAP/2008, July 2008.

and the fulfilment of their individual objectives;

c) The assumption of responsibilities and duties exhibited by the assessed teacher and the investment made on their career-long learning.

4. The core nature of the teaching-learning development dimension

The use of teaching performance profiles in evaluation should be seen in an integrated fashion and from a perspective of professional development.

This statement does not mean that, within the teaching context, every dimension has the same level of importance. The quality of achieving the teaching-learning development dimension in concrete form is, in fact, the quality that defines the specific nature of a teacher as a professional and an essential element for improving student learning: making it core does not mean that this dimension is the only one that matters, but the one that is central, around which all the other dimensions should function and be mobilised.

In this sense, the Council recommends that the definition of standards, on which the qualitative classifications attributed are based, consider the core nature of the teaching-learning development aspect and the respective areas: level of attendance and fulfilment of teaching duties; planning and organisation of school activities; performance of teaching activities; pedagogical relationship with the students; evaluation of students' learning; progress in students outcomes, taking into account the socio-educational context²⁴.

Principles regarding the application of standards

5. Coordination of individual objectives with organisational objectives

The contractual nature of individual objectives to be achieved over the course of the evaluation period should be coordinated with the objectives that the school has considered as strategic in the school development plan and in other tools for planning and curricular and pedagogical guidance. The assessed teacher's contribution to that coordination should be verified under the terms defined by each school.

6. Appropriateness of the evaluation to the teacher's professional situation and context

When attributing qualitative classifications regarding levels of competence shown, specific aspects which might vary among the teaching staff should be taken into account (for example, the nature of the teacher's contract, their career position and their professional experience, the specific duties performed and others). This adjustment can only be done locally, confronted with the realities of the school, the class and the teacher's contexts. Although it is important to consider all competencies defined for the profession and to focus on the competencies directly related to teaching and to the improvement of students' learning, the Council considers it necessary to adapt the assessment of individual performance to the specific aspects mentioned above.

7. Duties and professional ethics

The component associated with the professional, social and ethical dimension is an integral part of the act of teaching and the teacher's general duties, in relation to themselves, their students, the school, other teachers, parents and guardians²⁵.

²⁴ According to CCAP, Guiding principles on organising the process of teacher performance evaluation. Recommendations no. 2/ CCAP/2008, July 2008.

²⁵ According to Section II – Duties, Decree-Law 15/2007, 19th January (Teaching Career Statute).

For this reason, the attribution of qualitative classifications should consider to what point, during the respective period, there is evidence of a committed and appropriate practice for professional improvement in the scientific and pedagogical aspects which is based on ethical conduct.

8. Coordination with organisational evaluation processes

Teaching performance evaluation is part of a wider evaluation process that includes the evaluation of students' learning, self-evaluation and schools' external evaluation.

In this sense, the analysis of teaching performance should, as far as possible, coordinate these three evaluation areas and consider, within context, the assessed teacher's contribution to school policies concerning the self-evaluation and external evaluation processes – according to the opportunities offered to each teacher.

Approved in Plenary Meeting held on 7th July 2008.

By the Scientific Council for the Evaluation of Teachers

A handwritten signature in black ink, appearing to read 'C. Castro Ramos', with a large, sweeping flourish extending from the end of the name.

Professor Conceição Castro Ramos
President

ANNEX 6

ANNEX 6.1

Diário da República, 1st series — No. 7 — 10th January, 2008

MINISTRY OF EDUCATION

Regulatory Decree No. 2/2008 of 10th January

Decree Law No. 15/2007, of 19th January, altered the Career Statutes of Educational Childcare Staff and Teachers in Primary and Secondary Education, introducing a performance assessment framework which was both more demanding and acting on their career development by identifying, encouraging and rewarding merit and valuing teaching.

The present regulations establish the essential mechanisms for the implementation of the new performance evaluation system for teaching staff, namely evaluation of teachers with integrated into career structure. They set out matters relating to the planning of evaluation activities, stipulating individual objectives, as well as the matters relating to the process itself, namely the scheduling, the definition of qualifying criteria for the assessment of teachers and the grading system.

The regulations also cover matters concerning the teachers' performance evaluation during their probationary period and under fixed-term contract, as well as teachers who are subject to mobility within the public services and bodies.

Lastly, the regulations pertain to the evaluation of senior teachers who perform the functions of coordinators of the teachers' council and of the curricular department, and make clear that their teaching is also evaluated.

Defining and implementing an assessment system which rewards good practice is an essential precondition for the dignity of the teaching profession and for the promotion of the self-esteem and motivation of teachers. At the same time it fulfils one of the ongoing objectives of the Programme of the 17th Constitutional Government.

In line with procedures resulting from Law No. 23/98, of 26th May:

Under Paragraphs 4 and 5 of Article 40 of the Career Statutes of Educational Childcare Staff and Teachers in Primary and Secondary Education and under the terms of sub-paragraph c) of Article 199 of the Constitution, the Government decrees the following:

CHAPTER I

General provisions

Article 1

Object

The present regulatory decree regulates the Career Statutes of Educational Childcare Staff and Teachers in Primary and Secondary Education, approved by Decree-Law No.139 -A/90, of 28th April, amended by Decree-Laws No. 105/97, of 29th April, 1/98, 2nd January, 35/2003, of 27th February, 121/2005, of 26th July, 229/2005, of 29th December, 15/2007, 19th January, and 35/2007, of 15th February, hereinafter abbreviated to ECD, as regards the performance evaluation systems of teaching staff in pre-primary, primary and secondary education.

Article 2

Scope

1 — This regulatory decree applies to teachers integrated into the career structure who perform teaching functions, including teachers still in their probationary period.

2 — This regulatory decree also applies to teachers in the following situations:

- a) on an administrative contract under the terms of Article 33 of ECD;
- b) on a fixed term contract under the terms of Decree-Law No. 35/2007, of 15th February;
- c) carrying out other educational functions.

CHAPTER II

Performance evaluation of teachers within the career structure

SECTION I

Guiding principles, scope and time-frame

Article 3

Guiding principles

1 — The performance evaluation of teaching staff is in accord with the principles laid down in Article 39 of the Educational Act and the principles and aims of the integrated Public Administration performance evaluation system.

2 — Performance evaluation for teaching staff aims to improve students' outcomes and the quality of learning and to provide guidance for personal and professional development within the framework of a system of recognising merit and excellence, these objectives having been set out in paragraph 3 of Article 40 of the ECD.

3 — The implementation of a performance evaluation system regulated within the ECD and under the current regulatory decree should also make it possible to:

- a) Identify teacher's potential to evolve and to develop professionally;
- b) Diagnose their training needs, so that these are considered in the annual training plan of every school cluster or non-grouped school, without prejudice to the right to self-training.

4 — The teacher's professional development perspectives and the professional duties undertaken should be related to identifying training needs and to take into account the resources available to this end.

Article 4

Scope of evaluation

1 — The performance evaluation shall include the following dimensions:

- a) Professional and ethical approach;
- b) Development of teaching and learning;
- c) Participation in the school and relationship with the school community;
- d) Lifelong development and professional training.

2 — The aforementioned dimensions are to be assessed on the basis of the parameters and classification indicators set out in paragraphs 1 and 2 respectively of Article 45 of the ECD, and in the extent to which the specific duties of the teaching post are fulfilled, as laid down in the ECD and the Non-higher Education Student Status.

Article 5

Time-frame

The performance evaluation for teachers integrated into the career structure is to be carried out every two academic years and pertains to the teaching period rendered within that time period.

Article 6

Evaluation tools

1 — Without prejudice to the preceding Article, in each school year assessors shall collect all the information deemed relevant for the purposes of the performance evaluation using the standard evaluation tools.

2 — The aforementioned evaluation tools shall be drawn up and approved by the pedagogical council of the school clusters or non-grouped schools, taking into account the recommendations formulated by the scientific council for teachers evaluation.

3 — Without prejudice to copies in the possession of assessors or in secure archives, the original evaluation tools shall be filed, as soon as they have been completed, in individual teacher records and the teacher shall have free access to them.

Article 7

Evaluation time requirements

1 — Teachers integrated into the career structure shall be subject to a performance evaluation as long as they have, during the evaluation period, been teaching for a minimum of one academic year, irrespective of the educational institution to which they are contracted.

2 — In the case of teachers who have not fulfilled the required minimum time for evaluation, their performance relative to that period shall be subject to evaluation together with the evaluation period immediately following it.

3 — For those teachers who find themselves in the situation provided for in paragraphs 6 and 7 of Article 40 of the ECD the following rules apply:

a) If they have opted for the first performance evaluation after their return to full teaching duties, the terms of No. 1 shall apply;

b) If the option referred to in sub-paragraph *a)* of Paragraph 6 of Article 40 of the ECD cannot be taken up because the last performance evaluation is missing, the teacher may opt for either the evaluation laid down in sub-paragraph *b)* of the same Article and the cancellation of the evaluation, in accordance with the principles set out in the general regulatory law of Public Administration performance evaluation, together with its subsequent amendments.

4 — The terms of the previous paragraph apply equally to teachers on unpaid leave, as provided for under Article 41 of Decree-Law No. 165/2006, of 11th August, contracted by the Portuguese State to teach Portuguese abroad or by Portuguese associations or foreign organisations, whether public or private, which promote and spread the teaching of the Portuguese language and culture.

Article 8

Evaluation terms of reference

1 — The performance evaluation shall refer to:

a) The objectives and goals laid down in the educational project and the annual activity plan for the school clusters or the non-grouped school;

b) The measurement indicators previously established by the school clusters or the non-grouped school, relating to the expected school outcomes for students and the reduction in school drop-out rates, having regard to socio-educational background.

2 — The school clusters or the non-grouped school may, according to their internal regulations, establish that the performance evaluation should also have regard to objectives established by the class curriculum project.

Article 9

Individual objectives

1 — Individual objectives are established by agreement between the teacher being evaluated and the assessors, via the presentation of a teacher proposal at the beginning of the evaluation period, clearly and thoroughly set out; so that the teacher's contribution to the fulfilment of the objectives laid out in sub-paragraph *a)* of the previous Article can be checked.

2 — Individual objectives shall be formulated in relation to the following:

a) Improvement in students' school outcomes;

b) Reduction of school drop-out rates;

c) Learning support to students including those with learning difficulties;

d) Participation in educational guidance structures and in school clusters or non-grouped school management bodies;

e) School-Community relation;

f) Continuous training suitable for the fulfilment of the teacher's individual professional development plan;

g) Participation and promotion of:

- i) Ongoing projects or activities from the annual activity plan and the class curriculum projects;
- ii) Other extra-curricular projects and activities.

3 — The items referred to in sub-paragraphs *a)* and *b)* of the previous paragraph shall be established every year under the terms of paragraph 1, being subject to evaluation under the terms of Article 5.

4 — In the absence of agreed objectives the assessors' decision shall prevail.

5 — If such a situation arises as outlined in the previous paragraph the teacher under evaluation may register this fact in their self-evaluation form.

6 — Individual objectives may be redefined as and when the educational project, the annual activity plan or the class curriculum project changes, or in the case of a change of educational institution.

7 — Whenever new objectives fail to be agreed, the evaluation shall proceed according to the objectives initially agreed and maintained.

Article 10

Degree of fulfilment of individual objectives

For all evaluation parameters for which individual objectives are established under the terms of the previous Article, the degree to which these objectives are fulfilled constitutes an essential reference point for the classification awarded.

SECTION II

Participants

Article 11

The Assessed Teacher

1 — The teacher has the right to an evaluation of their performance which should contribute towards their professional development.

2 — The teacher has the right to be guaranteed the necessary means and conditions for their performance, in accordance with the objectives that they have agreed.

3 — It is the teacher's duty to undertake a self-evaluation to guarantee their active involvement and responsibility in the evaluation process and to improve their performance depending on the information collected during the evaluation process.

4 — The teacher shall be informed of the objectives, basis, content and operation of the performance evaluation system.

5 — The subject of the evaluation is guaranteed the right to complaint and appeal.

Article 12

Assessors

1 — In every school cluster or non-grouped school, the assessors shall be:

- a) The coordinator of the curricular department;
- b) The president of the executive council or the head teacher.

2 — The coordinator of the curricular department may delegate their powers as assessor to other senior teachers, in terms to be defined by dispatch of the Government member responsible for the area of education.

3 — The delegated individual referred to in the preceding paragraph shall be chosen from senior teachers who belong, as far as possible, to the same teaching or recruitment group as the teachers to be evaluated.

4 — The president of the executive council or the head teacher may delegate other members of the executive council to carry out their duty of teacher evaluation.

5 — In the absence of or impediment to any assessor as outlined in paragraph 1, the evaluation shall be carried out by the coordinating committee for performance evaluation.

Article 13

Performance evaluation coordinating committee

1 — The performance evaluation coordinating committee shall consist of:

- a) The president of the pedagogical council of the school cluster or non-grouped school, who shall coordinate;
- b) Four other members of the same council with senior teacher status, designated by the pedagogical council.

2 — The objectives established and the results to be attained by the school cluster or non-grouped school with regard to their respective educational project or activity plan shall be considered by the performance evaluation coordinating committee in establishing guidelines for an objective and harmonious implementation of the performance evaluation system as well as the validation of classifications consisting of *Excellent*, *Very Good* or *Insufficient*.

3 — The member of the performance evaluation coordinating committee who also acts as an assessor cannot intervene in the report issued by that body on the evaluation proposal or on the appraisal of a complaint regarding the teacher he himself assessed.

4 — The performance evaluation coordinating committee approves its operating regulations.

SECTION III

Process

Article 14

Scheduling the evaluation process

1 — The performance evaluation shall be carried out by the end of the calendar year in which the length of service referred to in Article 5 has been completed.

2 — The school cluster or non-grouped school shall establish in their respective internal regulation their yearly timetable for carrying out the evaluation process, including maximum durations for the phases established in the following Article.

3 — In establishing the deadline for setting objectives, the school cluster and non-grouped school should take into account the need for teachers to become acquainted with their pupils in order to formulate an adequate proposal as provided under sub-paragraph a) of paragraph 2 of Article 9.

Article 15

Phases for the evaluation process

The evaluation process shall comprise the following sequence of phases:

- a) Completion of a self-evaluation form;
- b) Completion of evaluation forms by assessors;
- c) Discussion and validation of evaluation proposals with awarding of grades *Excellent*, *Very good* or *Insufficient*, by the evaluation coordinating committee;
- d) Individual interview by the assessors of the teacher being evaluated;
- e) Joint meeting of assessors for attribution of final evaluation.

Article 16

Self-evaluation

1 — The aim of the self-evaluation is to involve the teacher in the evaluation process, in order to identify opportunities for professional development and improvement in the fulfilment of agreed objectives.

2 — The self-evaluation is compulsory and is carried out by the teacher filling in a form to be analysed by assessors in conjunction with the individual interview.

3 — The self-evaluation form is handed in to the assessors prior to their completion of the evaluation forms, so that it is considered as part of the performance evaluation, although the final classification awarded is not dependent on its contents.

4 — The self-evaluation form should make explicit the teacher's contribution, during the exercise of their duties, to the fulfilment of the individual objectives established, in particular those relating to improving the school outcomes obtained by students.

5 — For the purposes of the final part of the preceding paragraph the teacher shall present, in their self-evaluation form, the following:

a) Progress outcomes of each of their students in the academic years under evaluation:

i) by year, in relation to pre –primary education and 1st cycle of compulsory education;

ii) by subject, in relation to 2nd and 3rd cycle of compulsory and upper-secondary education;

b) The change in their students' outcomes compared to the average change in results:

i) of the students in that school year or that subject from that school cluster or non-grouped school;

ii) of those same students compared to other subjects within the class in the case of students from the 2nd and 3rd cycles of primary education and secondary education;

c) Results of their students in the external evaluation tests, considering the difference between the internal and external classifications.

6 — Apart from the items mentioned in the previous paragraph, the teacher may present other evidence for the purposes of paragraph 4 that allows them to prove their contribution to the progress of students' school outcomes, the reduction in school drop-out rates and an appreciation of the respective socio-educational background.

Article 17

Evaluation by the coordinator of the curricular department

1 — The evaluation by the coordinator of the curricular department will consider the development and scientific and pedagogical quality of the teacher, based on the appreciation of the following classification parameters:

a) Preparation and organization of educational activities;

b) Teaching activities;

c) Pedagogical relationship with students;

d) Process of evaluating the students' learning.

2 — Senior teachers who carry out some of the duties laid down in sub-paragraphs *a)*, *d)* or *e)* of paragraph 4 of Article 35 of the ECD, as well as the duties laid out in paragraph 2 of Article 12, shall be evaluated on their teaching under the terms of paragraph 1, as well as for the specific duties of senior teacher.

3 — For the purposes of sub-paragraph *c)* of paragraph 3 of Article 45 of the ECD, the executive body of the school will schedule the observation by the coordinator of the curricular department of at least three lessons given by the teacher in one school year, each one of which should correspond to a different teaching unit.

4 — The observation referred to in the preceding paragraph shall imply the use of the standard evaluation tools referred to in Article 6.

Article 18

Evaluation by the school executive body

1 — In the evaluation carried out by the executive body the classification indicators should cover the following:

a) Level of attendance— measures the difference between the total number of lessons anticipated and the number of lessons taught;

b) Timetabled duties — measures the extent to which the teaching and non-teaching hours timetabled to the teacher have been fulfilled, taking into account the deadlines and objectives established to carry them out;

c) Progress of school outcomes expected for students and reduction in school drop-out rates, taking into account the students' socio-educational background — measures the figures presented by the teacher in their self-evaluation form which are also subject to validation by the assessors;

d) Participation by teachers in school cluster or non-grouped school — shall be based on giving due value to the following factors:

i) Number of ongoing activities in the class curriculum project and the annual activity plan which are handed out to the teacher each academic year and which they themselves are involved in;

ii) Quality and significance of teacher involvement in fulfilling the objectives pursued;

e) Further training sessions — measures, taking into account the classification and the number of credits obtained:

i) Further training sessions of a scientific-didactic nature with a direct link to the curriculum subject they are teaching;

ii) Further training sessions related to the needs of school cluster or non-grouped school defined as part of the respective educational project or activity plan;

f) Exercise of other duties or functions of a pedagogical nature — measures the extent to which predefined objectives are fulfilled for the performance of coordination duties or activities in educational guidance or pedagogical supervision services/structures, or in the coordination of projects, provided for by law or by the internal regulations of the school cluster or non-grouped school;

g) Involvement in projects relating to research, development and educational innovation — measures projects proposed by the teacher and by the respective school cluster or non-grouped school, taking into account the following indicators:

i) degree to which previously agreed objectives have been fulfilled;

ii) performance evaluation of the teacher in the development of the project.

2 — The classification attributed by the training bodies for further training courses shall be adapted to the scale provided for under paragraph 2 of Article 46 of the ECD.

3 — The appraisal of parents and guardians, provided for under sub-paragraph *h)* of paragraph 2 of Article 45 of the ECD depends on the agreement of the teacher and shall be promoted under the terms to be defined according to the internal regulation of the school cluster or non-grouped school.

Article 19

Evaluation carried out by the coordinator and the executive director

The performance evaluation undertaken by the coordinator of the curricular department and by the executive director consists in filling in the appropriate forms, in which classification parameters and indicators shall be weighted as provided for in paragraphs 1 and 2 of Article 45 of the ECD.

Article 20

Evaluation sheets

1 — The evaluation sheets are to be used to attribute marks for each item or objective.

2 — The points obtained on each evaluation sheet shall be expressed on a scale from 1 to 10 and the weightings of the respective classification parameters are subject to the approval of the member of the Government responsible for the area of education.

3 — When a teacher cannot be evaluated on one of the items on the evaluation sheet, because they have not undertaken certain duties and are not eligible to do so, the evaluation

classification scale must be reconfigured so that it is theoretically possible in evaluating the remaining items to attain the classification outlined in the preceding paragraph.

Article 21

Classification system

1 — The evaluation of each of the classification components and their respective subgroups shall be undertaken under the terms of Article 46 of the ECD.

2 — Without prejudice to the terms of paragraph 5, the final result of the teacher evaluation shall correspond to the average classification of the final marks obtained in each of the evaluation sheets, and expressed in the following qualitative terms:

Excellent — corresponding to a final evaluation of 9 to 10 marks;

Very good — 8 to 8.9 marks;

Good — 6.5 to 7.9 marks;

Regular — 5 to 6.4 marks;

Insufficient — 1 to 4.9 marks.

3 — The qualitative grades referred to in the preceding paragraph correspond to the degree to which the agreed objectives have been met and the level of competence demonstrated in achieving them, taking into account the guiding principles formulated by the scientific council for teacher evaluation in defining the respective standard criteria.

4 — Differences of performance are clearly marked by the attribution of maximum percentages for the awarding of classifications *Very good* and *Excellent*, for school cluster or non-grouped school, via joint despatch of the members of the Government responsible for the areas of education and Public Administration, in consultation with the results obtained in the respective external evaluation.

5 — The awarding of the mark *Excellent* remains, in any case, dependent on 100 % teaching attendance for each of the school years of the period under evaluation.

6 — The calculation of teaching service referred to in the preceding paragraph shall be effected in accordance with the terms of paragraphs 7 and 8 of Article 46 of the ECD.

7 — When, for the awarding of the marks *Excellent* or *Very good* it is necessary to decide between two teachers with the same mark, emphasis shall be given in turn to the evaluations obtained in the categories «Teaching» and «Pedagogical relationship with students» .

Article 22

Discussion and validation of evaluation proposals

1 — When an evaluation proposal made by the assessors corresponds to the marks *Excellent*, *Very good* or *Insufficient*, the sheets shall be presented to the performance evaluation coordinating committee for discussion and validation of the marks contained therein.

2 — The evaluation coordinating committee shall proceed to analyse and validate the evaluation proposals *Excellent* or *Very good* which have been submitted to it, in order to apply the corresponding maximum percentages laid down in paragraph 3 of Article 46 of the ECD.

3 — Validation of the final evaluation proposals corresponding to the marks *Excellent* or *Very good* implies the formal confirmation of the fulfilment of the respective maximum percentages by the formal record of the evaluation coordinating committee.

4 — If the proposed classifications are not validated, the performance evaluation coordinating committee shall return the proposal to the assessors with criteria that they should fulfil in order to resubmit them for a second validation.

Article 23

Individual interview

The aim of the individual interview between assessors and teacher is for the assessors to acquaint themselves with the evaluation proposal and to provide an opportunity for a joint assessment, together with an analysis of the self-evaluation sheet.

Article 24

Joint assessor meeting

- 1 — The aim of the assessors' meeting is to arrive at a final evaluation, following the joint analysis of factors considered in the evaluation and the self-evaluation.
- 2 — Following this meeting, the teachers are notified of their final performance evaluation mark, both in qualitative and quantitative terms.

SECTION IV

Safeguards

Article 25

Complaints

- 1 — Once the final evaluation has been awarded, this is immediately made known to the teacher who can present a written complaint to the assessors within 10 working days.
- 2 — The decision to complain is made public within a maximum of 15 working days, and considered by the evaluation coordinating committee, whose opinion must be issued within 5 working days of the complaint being received.
- 3 — The complaint cannot be based on a comparison between evaluations awarded, except when it concerns the application of maximum percentages in the attribution of the marks *Excellent* or *Very good*.

Article 26

Appeal

- 1 — After the final decision on the complaint, an appeal may be made to the relevant regional director of education, within 10 working days of that decision being received.
- 2 — The result of the appeal is made public within 10 working days from the date of its being received.
- 3 — The appeal cannot be based on a comparison between individual assessments awarded.

CHAPTER III

Special Performance Evaluation Systems

Article 27

Evaluation of teacher during probationary period

- 1 — The aim of the performance evaluation of a teacher during their probationary period is to:
 - a) Recognise achievements, overcome possible deficiencies and diagnose and resolve difficulties relating to the teacher's attitudes, behaviours and action strategies;
 - b) Detect difficulties experienced in scientific and pedagogical-didactic areas and ways to correct or adjust them.
- 2 — The performance evaluation of a teacher during their probationary period is based on the completion of an individual plan of work as provided for in sub-paragraph a) of paragraph 4 of Article 31 of the ECD, which aims to check:
 - a) The capacity for the professional integration of the teacher in their role, by fulfilling specific objectives and goals;
 - b) The capacity to adapt to the school environment in general and interact with students in the following areas:
 - i) Scientific information;
 - ii) Observation and pedagogical practice inside the classroom;
 - iii) Involvement in community educational activities.
- 3 — The individual plan shall be drawn up by the teacher during their probationary period together with the senior teacher who undertakes the duties of supervision and support in the first two weeks of the teacher's work.

4 — The individual plan of work referred to in the preceding paragraph comprises:

- a) Completion of at least one unit of duly supported and supervised teaching;
- b) The development of the teaching-learning process in the area of their specialization, including:
 - i) Identifying teaching objectives;
 - ii) Diagnosing student characteristics and needs in relation to defined objectives;
 - iii) The *dossier* of the class attributed to them and their participation in the school educational project;
- c) The choice of strategies and methods best suited to the students;
- d) Planning and teaching conditions;
- e) The choice of auxiliary resources;
- f) Evaluation of their teaching.

5 — The supervising senior teacher carries out the evaluative functions attributed to the coordinator of the teachers' council or of the curricular department as laid down in the ECD and in this regulatory decree.

6 — The observation of lessons corresponds to at least four teaching units comprising a minimum of twelve hours of lessons per year.

7 — Following the observed lesson, a joint meeting shall be held between the teacher and the assessor in order to judge the expository techniques employed, the curricular content exercises used and the evaluation of the students.

8 — At the end of the probationary period, the supervising senior teacher shall draw up a detailed report on the activity undertaken by the teacher which shall serve as a basis for the evaluation.

9 — The completion of the self-evaluation and the evaluation made by the supervising senior teacher entails completion of specific forms approved by the dispatch provided for under paragraph 3 of Article 44 of the ECD.

10 — The procedures referred to in the preceding paragraph shall be initiated at least 20 days prior to the end of the probationary period.

Article 28

Evaluation of teacher on fixed term contract

1 — The evaluation of fixed term teaching staff referred to in sub-paragraphs *a)* and *b)* of paragraph 2 of Article 2 shall take place at the end of their respective contract period and before it is renewed, provided they have undertaken actual teaching duties under any form of contract for at least six consecutive months in the same school cluster or non-grouped school.

2 — The evaluation of staff referred to in the preceding paragraph who have undertaken teaching duties, under any form of contract, from between at least 120 days and six consecutive months in the same school cluster or non-grouped school, may be carried out on the decision of the respective school executive body, if necessary by means of a simplified procedure, in accordance with the guidelines which have been issued by the scientific council for the evaluation of teachers.

3 — The procedures for self-evaluation and evaluation shall be initiated at least 20 days prior to the end of the respective contract.

Article 29

Evaluation of curricular department coordinator

1 — The duties performed by the coordinator of the curricular department shall be evaluated:

- a) By the president of the executive council or the director of the school cluster or non-grouped school where the teacher performs their duties, or a member of the school executive body designated by them;

b) By an inspector with scientific training in the curriculum area of the teacher's department, designated by the Inspector-General for Education.

2 — In the performance evaluation completed by the school executive body, the following shall be considered:

a) The classification indicators laid out in paragraph 2 of Article 45 of the ECD;

b) The performance of coordination duties;

c) The performance of teacher evaluation duties.

3 — In the performance evaluation carried out by the inspector, the classification parameters shall be weighted as set out in paragraph 1 of Article 45 of the ECD.

4 — Performance evaluation regime using the classification parameters referred to in the preceding paragraph shall be defined by an edict from the members of the Government responsible for the areas of Public Administration and education.

5 — Without prejudice to the terms of Article 32, in the performance evaluation carried out by the school executive body Articles 9, 16 and 18 shall apply.

6 — In the evaluation of the curricular department coordinator, the evaluation carried out by teachers in the same department relative to coordination duties may be considered, under the terms to be defined by the internal regulations of the school cluster or non-grouped schools.

7 — The maximum weighting of the evaluation referred to in the preceding paragraph may not exceed 10 % of the total evaluation sheet.

8 — When, for the awarding of the marks *Excellent* or *Very good* it is necessary to decide between two teachers with the same mark, emphasis shall be given in turn to the evaluations obtained in the categories «Teaching» and «Pedagogical relationship with students», «Performance of coordination duties» and «Performance of evaluation duties».

Article 30

Evaluation of teachers subject to mobility

1 — Teachers who perform other duties subject to mobility within the Public Administration services and bodies and do not hold executive posts shall be evaluated by the terms of the integrated performance evaluation system for Public Administration higher technical staff, with the specializations outlined in the following paragraphs.

2 — If the whole evaluation period referred to in Article 5 occurs during a situation of mobility as alluded to in the preceding paragraph, the teacher shall be awarded the qualitative mark which corresponds to that given under the integrated performance evaluation system, under the terms defined by the despatch of members of the Government responsible for the areas of education and Public Administration.

3 — If some of the school years in the evaluation period, under the terms of Article 5 occur in a situation of mobility as laid out in paragraph 1, the performance evaluation obtained for that year shall be considered as information relevant for the attribution of a performance evaluation in a school cluster or non-grouped school which coincides with the preceding or subsequent school year.

4 — When during the evaluation period the teacher moves between educational institutions within the state school network, the information collected that is necessary for a fair and adequate evaluation shall accompany the teacher.

Article 31

Evaluation of teachers in other circumstances

1 — The evaluation of members of the school executive body who do not perform teaching duties shall be subject to a separate regulation.

2 — The post of director of school associations training centres shall be subject to the terms of the preceding paragraph.

Article 32

Subsidiary application

For any aspect that does not come under the specific terms of this chapter, the terms of Chapter II shall apply to the performance evaluation for teachers on probation, for teachers under fixed term contract, or with duties as curricular department coordinators, or subject to mobility.

CHAPTER IV

Final and transitional provisions

Article 33

Transitional norm

1 — For the academic year 2007-2008, the school executive body shall schedule observations for assessors of at least two lessons given by the teacher, each one of which should correspond to a different didactical unit.

2 — For the purposes of performance evaluations for the academic year 2007-2008, the coordinators of the curricular department shall be excused from observing teachers in pre-school education.

3 — Curricular department coordinators shall carry out lesson observations in the academic year 2007 -2008 as laid down in paragraph 1 relating to teachers in 1st cycle compulsory education. They can only be excused from these observations by authorization of the relevant Regional Director, after having been proposed by the executive council, considered by the pedagogical council, and by reason of a proven lack of the necessary preconditions for its being carried out.

4 — The exception to lesson observations shall not apply under any circumstances to teachers who, for the purposes of career progression, under the terms of the regulations laid down in the ECD and in Decree-Law No. 15/2007 of 19th January, require the attribution of a final performance evaluation classification for the academic year 2007-2008.

5 — Further Continuous training sessions carried out in the academic years 2005 -2006 and 2006 -2007 shall be counted in the performance evaluation for the period 2007 to 2009, provided that they are carried out in any one of the areas referred to in *i)* and *ii)* of subparagraph *e)* of paragraph 1 of Article 18, and for the purposes laid down in Article 37 of the ECD, only one credit can be transferred.

Article 34

Deadlines

1 — In the first 20 working days following the entry into force of this regulatory decree, evaluation sheets and measurement indicators shall be approved in each school cluster or non-grouped school, as laid down in Articles 6 and 8.

2 — In the 10 working days following the deadline referred to in the preceding paragraph, teachers' individual objectives relating to the evaluation period for academic years 2007 to 2009 shall be established.

3 — Within a maximum of six months after the entry into force of this regulatory decree, school clusters and non-grouped schools shall make a decision, according to their respective internal regulation, on the remaining matters which, under the terms of this regulatory decree, it is their duty to define, namely those provided for in paragraph 2 of Article 14.

Article 35

Approval of evaluation sheets

By dispatch of the member of the Government responsible for the area of education, the templates for the evaluation sheets necessary for the implementation of this regulatory decree shall be adopted.

Article 36

Teachers without teaching duties

1 — Teachers without timetabled teaching duties shall be evaluated by the service which has been attributed to them by the school executive body.

2 — In the case of teachers referred to in the preceding paragraph only being evaluated by the school executive body, the marks obtained on their evaluation sheet shall be the teacher's final evaluation, without prejudice to the rules established for the attribution of the marks *Excellent* and *Very good*.

Article 37

Coordinators of the teachers' council

In the absence of a curricular department for pre-primary education or 1st cycle compulsory education within the organizational structure of school clusters or non-grouped schools, the functions of teacher assessor at these levels of education shall be performed by the relevant coordinator of the teachers' council.

Article 38

Implementation of the performance evaluation system

Failure to implement the performance evaluation system for teaching staff for reasons attributable to the assessors shall constitute the termination of their functions, without prejudice of any disciplinary action.

Article 39

Monitoring and control

1 — At the end of the evaluation period, each school cluster or non-grouped school shall present a report to the school scientific council for the evaluation of teachers, without naming individuals, on the completion and results of the performance evaluation.

2 — On the basis of the reports referred to in the preceding paragraph and after collection of the comments of those involved in the evaluation process about the most effective way to develop this process, the scientific council for the evaluation of teachers shall prepare a summary on the implementation of the performance evaluation system on the teaching staff.

Article 40

Revocation

Regulatory Decree No. 11/98, of 15th May is hereby revoked.

Article 41

Entry into force

This regulatory decree shall come into effect on the day after it is issued.

Read and approved in the Council of Ministers on 25th October of 2007. — *José Sócrates Carvalho Pinto de Sousa — Fernando Teixeira dos Santos — Jorge Miguel de Melo Viana Pedreira.*

Issued 6th December 2007.

Signed.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned 7th December of 2007.

The Prime-Minister, *José Sócrates Carvalho Pinto de Sousa.*

ANNEX 6.2

MINISTRY OF EDUCATION Regulatory Decree No. 11/2008 of 23rd May

Regulatory Decree No. 2/2008, of 10th January, regulated the Teachers Career Statutes in relation to the system of performance evaluation of teaching staff in pre –school, compulsory, and upper secondary education, establishing the standards relating to the transitional period for their implementation during the academic year 2007 -2008.

In light of the experience gained in the implementation of these transitional period and taking into consideration the Memorandum of Understanding agreed by the union representatives of teachers and educational childcare staff, it is important to regulate 1st cycle of performance evaluation taking place in the academic years 2007 -2008 and 2008 -2009. The procedures set out in Law No. 23/98, of 26th May were observed.

Therefore:

Under the terms of paragraphs 4 and 5 of Article 40 of the Career Statutes of educational childcare staff and Teachers in Primary and Secondary Education, contained in Decree -Law No. 139 -A/90, of 28th April, Decree -Law No. 15/2007, of 19th January, and under the terms of sub-paragraph c) of Article 199 of the Constitution, the Government hereby decrees the following:

Article 1

Object

The present regulatory decree establishes the transitional period for the performance evaluation of teaching staff and respective effects during the 1st cycle of performance evaluation carried out at the end of 2009.

Article 2

Procedures for the academic year 2007 -2008

1 — During the academic year 2007-2008 school clusters and non-grouped schools shall initiate and develop the appropriate measures for the full implementation of the performance evaluation system as provided for in the Teacher's Career Statutes and in the Regulatory Decree No. 2/2008, of 10th January, namely by altering the educational projects in order to establish objectives and goals, measurement indicators and to draw up the yearly timetable for the implementation of the evaluation process.

2 — In regard to teachers who need to be given a performance evaluation during the academic year 2007 -2008 in order to progress in their career or to renew or sign a new contract as specified in the *Diário da República, 1st series — N. 99 — 23 rd May 2008*, the school executive body shall undertake a simplified evaluation procedure to include the following:

- a) The self-evaluation sheet;
- b) Evaluation of the following parameters included in the evaluation carried out by the school executive body:
 - i) Level of attendance;
 - ii) Fulfilment of duties;
 - iii) In-service training sessions

3 — On the self-evaluation sheet all fields should be completed, even if some only partially due to lack of individual objectives.

4 — The condition referred to in sub-paragraph *iii*) of paragraph *b*) of Article 2 shall only be considered when a training credit is mandatory and a legally-binding financial award exists, and the terms of paragraph 5 of Article 33 of Regulatory Decree No. 2/2008, of 10th January apply.

5 — For effects of performance evaluation of teachers who shall only be subject to evaluation by the end of 2009, according to the regulations regarding frequency of performance evaluations, all relevant evidence regarding the abovementioned performance must be collected from the school administration records during the academic year of 2007-2008.

6 — For the academic year 2007 -2008, the terms of paragraph 2 of Article 33 of Regulatory Decree No. 2/2008, of 10th January, are also applicable to teachers of 1st, 2nd and 3rd cycle compulsory (lower secondary) and upper secondary education.

Article 3

Guarantees for teachers being evaluated

1 — The effects of being awarded grades *Regular* and *Insufficient* in the first evaluation carried out during the academic years 2007-2008 and 2008 -2009 are dependent on the result of a new performance evaluation to be carried out in the following academic year.

2 — In the case of teachers who, under the terms of the rules governing the frequency of performance evaluations should be assessed only every two years, the new evaluation referred to in the preceding paragraph shall be mid-term in character, and does not invalidate the need for an evaluation and award of a qualitative grade in the subsequent academic year.

3 — The mid-term evaluation referred to in the preceding paragraph shall observe all the rules and procedures provided for in Regulatory Decree No. 2/2008, of 10th January, with all the effects established in law relating to the evaluation period and what is stipulated in the following items.

4 — If the result of the new evaluation referred to in the preceding paragraphs is the award of a grade equal to or higher than *Good*, the effect of grades *Regular* or *Insufficient* shall not be valid and this grade shall substitute the lower grade previously awarded, with all the conditions that apply, without prejudice to the terms of the following paragraph.

5 — The award of grade *Regular* and *Insufficient* in the first evaluation pertaining to academic years 2007 -2008 and 2008 -2009 shall have the following effects:

a) The award of the grade *Insufficient* shall imply:

i) The non-renewal of the contract;

ii) That this period of service shall not be counted as provided for in Article 7 of Decree-Law No. 15/2007, of 19th January;

b) The award of the grade *Regular* shall imply:

i) With regard to contract renewal, the application of the rules laid down in paragraph No.3 of Article 54 of Decree -Law No. 20/2006, of 31st January;

ii) That this period of service shall be counted as provided for in Article 7 of Decree -Law No. 15/2007, of 19th January.

6 — The award of grades *Excellent*, *Very good* or *Good* for a performance evaluation in the 1st evaluation cycle, shall have the effect as provided for in law.

Article 4

Evaluation of teachers within the career structure

Teachers referred to in Article 2 who are evaluated in the academic year 2007 - 2008 in order to progress within the career structure shall be evaluated again in the academic year 2008 - 2009.

Article 5

Evaluation of teachers on fixed-term contracts

1 — A contracted teacher staff who finds themselves in the situation outlined in paragraph 2 of Article 28 of Regulatory Decree No. 2/2008, of 10th January, may at their own request, in the academic year 2007 -2008, be subject to the simplified evaluation procedure outlined in paragraph 2 of Article 2 of this regulatory decree.

2 — The contracted teacher under any form of contract, who has been in service for less than 120 days, may at their own request, as from the academic year 2008 -2009, be subject to the simplified evaluation procedure outlined in paragraph 2 of Article 28 of Regulatory Decree No. 2/2008, of 10th January.

3 — For the contracted teacher under any form of contract, who has been in service for less than 120 days in the academic year 2007 -2008, the following rules apply:

a) If their contract terminates at least 30 days after this regulatory decree comes into force, they may at their own request be subject to the simplified evaluation procedure outlined in paragraph No. 2 of Article 2 of this regulatory decree;

b) If their contract has terminated before or terminates up to 30 days after this regulatory decree comes into force, they may request that the period of time that they have served be counted for a first performance evaluation.

Article 6

Evaluation of curricular department coordinator

In the 1st evaluation cycle curricular department coordinators or coordinators of the teachers' council shall only be evaluated by the president of the executive council or the school director under the terms of Article 29 of Regulatory Decree No 2/2008, of 10th January.

Article 7

Evaluation of members of the school executive body

In the 1st evaluation cycle, the vice-presidents or the assistant to the executive body or the sub-director and the assistants as approved by Decree -Law No. 75/2008, of 22nd April, who do not undertake teaching duties shall be evaluated under the terms of Article 36 of Regulatory Decree No. 2/2008, of 10th January.

Article 8

Parity commission

The parity commission, created to guarantee proper monitoring of the performance evaluation system by teachers' representative associations, shall have access to all documents relating to reflection on and evaluation of this system, namely those produced by the scientific council of the school clusters and non-grouped schools for the evaluation of teachers.

Article 9

Entry into force

This regulatory decree shall come into effect on the day after it is issued.

Read and approved in the Council of Ministers on 24th day of April 2008. — *José Sócrates Carvalho Pinto de Sousa*— *Fernando Teixeira dos Santos* — *Jorge Miguel de Melo Viana Pedreira*.

Issued 9th May 2008.

Signed.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned 12th May 2008.

The Prime Minister, *José Sócrates Carvalho Pinto de Sousa*.

S. A.,

ANNEX 6.3

1st, 2nd AND 3rd CYCLE COMPULSORY AND UPPER-SECONDARY EDUCATION TEACHERS

SELF-EVALUATION

MINISTRY OF EDUCATION

School Cluster/Schools _____

Code _____

Regional Education Authority _____

Name of assessed teacher _____

Category _____

Curriculum Department _____

Period subject to evaluation _____ to _____

1 How do you rate the fulfilment of teaching duties and your individual objectives in this area?

--

2 How do you rate your work in terms of the preparation and organisation of teaching activities? Briefly identify the resources and tool used and the respective objectives.

--

3 How do you rate the fulfilment of the school activities and the fulfilment of your students' learning objectives? Identify the main problems and the strategies you used to overcome them.

--

4 How do you rate your pedagogical relationship with your students and the knowledge you have about each one of them?

--

5	How do you rate the support you have given to your students' learning?
6	How do you rate the work you have done in the field of the evaluation of students' learning? Briefly identify the tools you used to perform this evaluation and the respective objectives.
7	Identify the progress of your students' school outcomes. Assess your contribution to their improvement and the fulfilment of the individual objectives established in this field.
<p>Consider: 1. Progress of your students' school outcomes in the grade/subject in relation to the results achieved during the previous academic year; 2. Progress of students' learning in relation to the diagnostic evaluation made at the beginning of the academic year; 3. Progress of your students' school outcomes in relation to the average: a) students outcomes of that grade or that subject in that school cluster or non-grouped school; b) the same students in the whole of the remaining subjects of that class in the case of pupils in the 2nd and 3rd cycle compulsory and upper-secondary education. 3. Classification in the external evaluation exams and respective differences in relation to internal classifications. 4. Others that you consider useful.</p>	
8	How do you rate your participation and your contribution to the establishment and implementation of strategies for the prevention and reduction of school dropouts and the accomplishment of your individual objectives in this matter? In your analysis, briefly identify the actions and initiatives you have carried out.
9	How do you rate your contribution to school life and particularly your participation in the projects and activities planned at school/cluster level and class level (namely in the 1st cycle of compulsory education, in supervising the curricular enrichment activities)? Identify the activities you have organised and/or participated in.

10	How do you rate your participation in the educational guidance structures and in the school management bodies and your contribution to how they operate?
11	In your opinion, how up-to-date is your scientific and pedagogic knowledge and your ability to use ICT ?
12	Name the in-service training sessions you have attended and the level you achieved and rate the contribution of each one of those sessions to your professional performance.
13	Briefly identify your training and professional development needs.
14	How do you rate the relationship you have established with the community and the fulfilment of your individual objectives established in this matter?

Assessed teacher _____ on ____/____/____

Received. The assessor _____ on ____/____/____

2nd AND 3rd CYCLE COMPULSORY AND UPPER-SECONDARY EDUCATION TEACHER

EVALUATION CARRIED OUT BY THE CURRICULAR DEPARTMENT COORDINATOR

MINISTRY OF EDUCATION

School Cluster/Schools _____

Code _____

Regional Education Authority _____

(To be filled in by the assessor)

Name of assessor _____

Position _____

Tax Number _____

Name of assessed teacher _____

Category _____

Curricular Department _____

Tax Number _____

Period subject to evaluation _____ to _____

A	Preparation and organisation of teaching activities	Classification	Sub- total A
A.1	Scientific-pedagogical and didactic correction of the teaching activities plan		
A.2	Suitability of the teaching and learning strategies to the syllabus, to students' age and to their previous learning		
A.3	Adaptation of planning and teaching and learning strategies to the development of teaching activities		
A.4	Scientific-pedagogical diversity, suitability and correction of the methodology and resources used		
A.5	Other to be stipulated by the School Cluster/Non-grouped School		

B	Fulfilment of teaching activities	Classification	Sub- total A
B.1	Fulfilment of the aims, guidelines and programmes of subjects or curriculum areas being taught		
B.2	Ability to communicate and to stimulate the students interest for learning activities		
B.3	Use of innovative resources including ICT		
B.4	Promoting student's autonomy to work and the acquisition of study methods		
B.5	Other to be stipulated by the School Cluster/Non-grouped School		

C	Pedagogical relationship with the students	Classification	Sub- total A
C.1	Promoting a favourable atmosphere for students' learning, well-being and affective, emotional and social development.		
C.2	Providing for equal opportunities to participate, promoting student integration and the adoption of rules of social behaviour, cooperation and respect.		
C.3	Availability to attend and to support students		
C.4	A balanced use of authority and appropriacy of actions established for keeping discipline in the classroom		
C.5	Other to be stipulated by the School Cluster/Non-grouped School		

D	Evaluation of students' learning	Classification	Sub- total A
D.1	Assuring a regular, adequate and rigorous diagnostic, formative and summative learning assessment, including their timely presentation to students.		
D.2	Using the results of the students' evaluation for the preparation, organization and performance of school activities.		
D.3	Observance of criteria stipulated by the educational administration or approved by the school cluster/school competent bodies during students' evaluation		
D.4	Encouraging students' self-evaluation		
D.5	Other to be stipulated by the School Cluster/Non-grouped School		

TOTAL

The assessor _____, on ____/____/____

2nd AND 3rd CYCLE COMPULSORY AND UPPER-SECONDARY EDUCATION TEACHER WITH ASSESSMENT DUTIES

EVALUATION CARRIED OUT BY THE CURRICULAR DEPARTMENT COORDINATOR

MINISTRY OF EDUCATION

School Cluster/Schools _____

Code _____

Regional Education Authority _____

(To be filled in by the assessor)

Name of assessor _____

Position _____

Tax Number _____

Name of assessed teacher _____

Category _____

Curricular Department _____

A	Preparation and organisation of teaching activities	Classification	Sub- total A
A.1	Scientific-pedagogical and didactic correction of the teaching activities plan		
A.2	Suitability of the teaching and learning strategies to the syllabus, to students' age and to their previous learning		
A.3	Adaptation of planning and teaching and learning strategies to the development of teaching activities		
A.4	Scientific-pedagogical diversity, suitability and correction of the methodology and resources used		
A.5	Other to be stipulated by the School Cluster/Non-grouped School		
B	Fulfilment of teaching activities	Classification	Sub- total A
B.1	Fulfilment of the aims, guidelines and programmes of subjects or curriculum areas being taught		
B.2	Ability to communicate and to stimulate the students interest for learning activities		
B.3	Use of innovative resources including ICT		
B.4	Promoting student's autonomy to work and the acquisition of study methods		
B.5	Other to be stipulated by the School Cluster/Non-grouped School		
C	Pedagogical relationship with the students	Classification	Sub- total A
C.1	Promoting a favourable atmosphere for students' learning, well-being and affective, emotional and social development.		
C.2	Providing for equal opportunities to participate, promoting student integration and the adoption of rules of social behaviour, cooperation and respect.		
C.3	Availability to attend and to support students		
C.4	A balanced use of authority and appropriacy of actions established for keeping discipline in the classroom		
C.5	Other to be stipulated by the School Cluster/Non-grouped School		
D	Evaluation of students' learning	Classification	Sub- total A
D.1	Assuring a regular, adequate and rigorous diagnostic, formative and summative learning assessment, including their timely presentation to students.		
D.2	Using the results of the students' evaluation for the preparation, organization and performance of school activities.		
D.3	Observance of criteria stipulated by the educational administration or approved by the school cluster/school competent bodies during students' evaluation		
D.4	Encouraging students' self-evaluation		
D.5	Other to be stipulated by the School Cluster/Non-grouped School		
E	Evaluation of teacher's performance	Classification	Sub- total A
E.1	Planning and organising teachers' performance evaluation tasks		
E.2	Rigour and equity in the teachers' performance evaluation process		
E.3	Observance of criteria stipulated by the educational administration or approved by the school cluster/school competent bodies during students' evaluation		
E.4	Encouraging students' self-evaluation		
E.5	Other to be stipulated by the School Cluster/Non-grouped School		

Period subject to evaluation _____ to _____

TOTAL

The assessor _____, on ____/____/____

1st, 2nd AND 3rd CYCLE COMPULSORY AND UPPER-SECONDARY EDUCATION TEACHERS

EVALUATION CARRIED OUT BY THE PRESIDENT OF THE EXECUTIVE COUNCIL

MINISTRY OF EDUCATION

School Cluster/Schools _____

Code _____

Regional Education Authority _____

(To be filled in by the assessor)

Name of assessor _____

Position _____

Tax Number _____

Name of assessed teacher _____

Category _____

Curricular Department _____

Tax number _____

Period subject to evaluation _____ to _____

A	Level of assiduity and commitment to given duties			Sub- total A
A.1	Teaching duties – level of fulfilment of duties and respective individual objectives		Sub-Total A.1	
A.1.1	Fulfilment of 100% of teaching duties			
A.1.2	Fulfilment of 98% to 99,9% of teaching duties			
A.1.3	Fulfilment of 95% to 97,9% of teaching duties			
A.1.4	Fulfilment of de 90% to 94,9% of teaching duties			
A.1.5	Fulfilment of less than 90% of teaching duties			
A.2	Supporting students' learning – level of fulfilment of duties and respective individual objectives			
A.2.1	Supporting students' learning	Classification	Sub-Total A.2.1	
A.2.1.1	Fulfilment of duties and of the objectives of curriculum support			
A.2.1.2	Fulfilment of duties and of the objectives and commitment to individual support of students			
A.3	Non-teaching duties – level of fulfilment of duties and respective individual objectives	Classification	Sub-Total A.3	
A.3.1	Fulfilment of duties regarding the non-teaching component			
B	Improvement of students' outcomes and reduction of dropout rates in relation to socio-educational background			Sub- total B
B.1.	Improvement of students' outcomes - teacher's contribution and fulfilment of respective individual objectives	Classification	Sub-Total B.1	
B.1.1	Students' outcomes progress in the grade/subject in relation to the previous academic year			
B.1.2	Students' outcomes progress in relation to the diagnostic evaluation carried out at the beginning of the academic year			
B.1.3	Students' outcomes progress in relation to the average: a) of student's outcomes of that grade/year of schooling or in that subject in that school cluster or non-grouped school; b) of the same students in the whole of the remaining subjects, in the case of 2 nd and 3 rd cycles of compulsory education and upper-secondary education students.			
B.1.4	Classifications in external examinations and respective difference in relation to internal examinations			
B.1.5	Other elements to consider taking into account the self-assessment form			
B.2	Reduction of dropouts - teacher's contribution and fulfilment of respective individual objectives			
B.2.1	Teacher's contribution for the reduction of dropouts, taking into consideration the information provided by the self-assessment form	Classification	Sub-Total B.2	
B.2.1	Commitment, participation and contribution to the definition and application of strategies for preventing and reducing school dropouts			

C	Participation in school cluster/non-grouped school life			Sub- total C
C.1.	Participation in projects and activities included in the school development plan, in the Annual Activity plan and in the Class Curricular Plan(s)			
C.1.1	Assessment of the level of participation and project development and the fulfilment of individual objectives	Classification	Sub-Total C.1	
C.1.1.1	Commitment and quality of teacher's participation (namely in 1st cycle compulsory education, in supervising curriculum enrichment activities)			
C.2	Participation in the context of other projects and extra-curricular activities			
C.2.1	Assessment of the level of participation and project development and the fulfilment of individual objectives	Classification	Sub-Total C.2	
C.2.1.1	Other elements to consider taking into account the self-assessment form			
C.3	Participation in educational guidance services and in management bodies			
C.3.1	Assessment of the level of participation in educational guidance services and in management bodies and the fulfilment of individual objectives	Classification	Sub-Total C.3	
C.3.1.1	Commitment and quality of teacher's participation in educational guidance services and in management bodies			
C.3.1.1	Commitment and quality of teacher's participation in other positions or duties of a pedagogical nature			
C.4	Participation and development of research, development and educational innovation projects			
C.4.1	Assessment of the participation and development of research, development and educational innovation projects and the fulfilment of individual objectives	Classification	Sub-Total C.4	
C.4.1.1	Commitment and quality of teacher's participation in research, development and educational innovation projects			

D				Classification		Sub- total D
D.1			Number of credits	Quantitative Classification	Sub-Total	
Number of in-service training credits within the scope of priority areas established by the school /school cluster or in the subject areas taught by the teacher.						

E	Relationship with the community			Sub- total E
E.1	Relationship with the community			
E.1.1	Assessment of the relationship with the community and the fulfilment of respective individual objectives	Classification	Sub-Total E.1	
E.1.1.1	Commitment and quality of teacher's participation in the development of relationships between the school and the community			
E.2	Appreciation/Feedback from of parents and guardians			
E.2.1	Formulation according to what is stipulated in the Internal School Regulation of the School Cluster/non-grouped school	Classification	Sub-Total E.2	
E.2.1.1	To formulate by the school cluster/non-grouped school			

TOTAL

The assessor _____, on ____/____/____

GLOBAL PERFORMANCE EVALUATION

PRE-PRIMARY, 1st, 2nd, 3rd CYCLES AND UPPER SECONDARY EDUCATION TEACHER

MINISTRY OF EDUCATION

School Cluster/School _____

Code _____

Regional Education Authority _____

(To be filled in by the assessor)

Name of assessor _____

Position _____

Tax Number _____

Name of assessed teacher _____

Category _____

Curricular Department _____

Tax number _____

Period subject to evaluation _____ to _____

1. The teacher fulfilled at least 95% of teaching activities during each one of the academic years covered by the period subject to evaluation.

☐ Yes

☐ No

☐ Not applicable

2. Summary of the results obtained in the evaluation forms.

Result of the Department Coordinator's evaluation form: _____

Result of the President of the Executive Council's evaluation form: _____

Final Result - (Sum of the results achieved in the forms, divided by 2) _____

3. Validation by the Evaluation Coordinating Commission of the following grades: Insufficient, Very Good and Excellent.

☐ Validated grade: ☐ Excellent

☐ Validated grade: ☐ Very Good

☐ Insufficient

At the Evaluation Coordinating Commission meeting on ____/____/____

4. Acknowledgment of the evaluation proposal.

I am aware of the proposal for my evaluation in the meeting held on ____/____/____

The assessed teacher, _____

5. Justification of the performance classification Excellent, under the terms of no. 4 of article 46 of the Teaching Career Statute

6. Attribution of final evaluation

The assessors have decided to attribute to the assessed teacher the qualitative classification of _____

The assessed teacher:

_____/_____/____

_____/_____/____

7. Acknowledgment of final evaluation

I am aware of my performance evaluation in the meeting held on ____/____/____

The assessed teacher, _____

ANNEX 6.4

Diário da República, 1st series — No. 2 — 5th January, 2009

MINISTRY OF EDUCATION Regulatory Decree No. 1-A/2009 of 5th January

A fair, serious and credible system of teacher evaluation capable of identifying, motivating and rewarding good performance constitutes, in the opinion of this Government, an essential tool to valuing the teaching profession and will make a crucial contribution to improving the quality of the state schools.

Therefore, in recognition of the previously unsatisfactory situation which has dragged on for too many years, it has become necessary to introduce a new model of teacher evaluation. The new model rests on three essential cornerstones:

i) an internal evaluation, carried out by peers who are acquainted with the day-to-day reality of the school and its educational level; *ii)* a holistic evaluation, which measures all aspects of the teachers' performance, not merely the extent to which they carry out their functions; and *iii)* an evaluation with consequences, whether in terms of education, career development or rewards for performance.

Big changes always bring challenges, and it is natural that there should be increased challenges in such a complex and sensitive area as the evaluation of people's professional performance, an area which has, until very recently, met with little success in the Portuguese Public Administration.

For this reason, it is entirely understandable that the practical implementation of the teacher evaluation model should reveal the need for some corrective measures, in some cases quite significant, which will allow us to overcome the problems identified by teachers, even though such problems will not manifest themselves in exactly the same form in all schools.

For the Government, it is essential that such alterations do in fact help to improve the way in which the evaluation process is carried out and improve the way in which schools function.

In this spirit, the Government once again engaged in a listening process with schools, trades' unions, parents and others within the educational system with a view to identifying the problems that needed resolving over teacher evaluation. This enquiry process allowed us to identify three main problems: the existence of assessors from subject areas different from those they were evaluating, the bureaucracy that the procedures entailed and the excessive workload inherent in the evaluation process.

The problems identified do, of course, have a solution. To resolve them, the Government decided to adopt a series of measures which, taken as a whole, enabled the evaluation procedure to be fine-tuned and considerably simplified. These measures are as follows:

Guaranteeing that teachers are evaluated by assessors from the same subject area;

Dispense with, this academic year, the criteria of school results and drop-out rates, in the light of the difficulties identified by the scientific council for the evaluation of teachers;

Dispense with meetings between assessors and teachers (whether about individual objectives or the proposed evaluation grade) wherever tacit agreement between parties existed;

Making evaluation the job of the coordinators of the curricular departments (including lesson observations), dependent on a request by those concerned and a necessary condition for being awarded the grade *Very Good* or *Excellent*;

Reducing from three to two the number of lessons to be observed, the third one depending on a request from the teacher being evaluated;

Dispense with the evaluation of those teachers who, by the end of the academic year 2010-2011, would be able to fulfil the legal requirements for retirement or requested, within the terms of the law, early retirement;

Dispense with the evaluation of teachers contracted in professional, vocational, technological and artistic subject areas not part of a subject department;

Simplifying the teacher assessor evaluation system and compensating for the increased workload.

This regulatory decree, which complements the regulations governing the evaluation process until the end of this 1st evaluation cycle in December 2009, puts into force the measures adopted by the Government, without prejudice to anything covered by any relevant ministerial dispatches.

The procedures outlined in Law No. 23/98, of 26 May were duly observed.

Therefore:

Under the terms of paragraphs 4 and 5 of Article 40 of the Career Statutes of educational childcare staff and Teachers in Primary and Secondary Education, and under the terms of sub-paragraph c) of Article 199 of the Constitution, the Government hereby decrees the following:

CHAPTER I

General provisions

Article 1

Object

1 — This regulatory decree sets out the transitional system for the performance evaluation of teaching staff in pre-school, compulsory and secondary education.

2 — The implementation of this regulatory decree shall not prejudice the implementation of the terms of Regulatory Decrees Nos. 2/2008, of 10th January, and 11/2008, of 23rd May, in so far as they do not run contrary to the terms of this regulatory decree.

Article 2

Timetable for the evaluation process and approval of required tools

1 — The annual timetable for the implementation of the evaluation process, as outlined in paragraph 2 of Article 14 of Regulatory Decree No. 2/2008, of 10th January, shall be set by the president of the school executive council or by the director of the school cluster or non-grouped school.

2 — For the purposes of the timetabling referred in the preceding paragraph, a deadline should be set, both for establishing individual objectives, and for each of the phases provided for in Article 15 of the Regulatory Decree No. 2/2008, of 10th January.

3 — The timetable procedure referred to in the preceding paragraphs should be established within ten working days of the date that this regulatory decree comes into effect.

4 — Without prejudice to the preceding paragraphs, the president of the executive council or the school director may approve wholly or in part the timetabling established by the implementation of the evaluation procedure.

5 — If the necessary instruments for the evaluation process are not approved by the date that this regulatory decree comes into effect, the president of the executive council or the director of the school cluster or non-grouped school should seek to approve them.

Article 3

Scope of evaluation

1 — In the evaluation undertaken by the school executive body, referred to in Article 18 of Regulatory Decree no. 2/2008, of 10th January, classification indicators contained in sub-paragraph c) paragraph 1 of the aforementioned article, relating to the school outcomes and drop-out rates, shall not apply.

2 — An evaluation carried out by coordinators of curricular departments, referred to in Article 17 of Regulatory Decree No. 2/2008, of 10th January, including the observation of lessons, depends on a request from those concerned and is a necessary condition for the award of grades *Very good* and *Excellent*.

Article 4

Assessors

The ministerial dispatch referred to in paragraph 2 of Article 12 of Regulatory Decree No. 2/2008, of 10th January, strives to ensure that, whenever it is so requested by the teacher, the evaluation which is the responsibility of the coordinator of the curricular department is in fact entrusted to an assessor from the same recruitment group as the teacher being evaluated.

Article 5

Setting of individual objectives

1 — In the formulation and establishment of individual objectives, referred in Article 9 of Regulatory Decree No. 2/2008, of 10th January, the items outlined in sub-paragraphs *a)* and *b)* of paragraph 2 of the aforementioned article shall not apply.

2 — The proposal for individual objectives formulated by the teacher to be evaluated shall be delivered exclusively to the president of the school executive council or to the school director, or to a member of the executive body delegated with these powers.

3 — The objectives proposed by the teacher shall be considered tacitly accepted by the assessor referred to in the preceding paragraph, except where indicated to the contrary by the latter within 15 working days of the deadline.

4 — In situations where teachers being evaluated have already delivered their objectives and wish to amend them in accordance with the terms of this regulatory decree, they should do so within the course of the deadline referred to in the preceding paragraph.

Article 6

Training

For the purposes of this regulatory decree and independently of the year in which they were undertaken, all instances of accredited in-service training shall be counted, provided they have not already been considered in previous evaluations.

Article 7

Observation of lessons

When, at the request of those concerned, an evaluation is undertaken which is the responsibility of the coordinator of the curricular department, under the terms of paragraph 2 of Article 3, the assessor shall schedule the observation of two lessons delivered by the teacher, and may request a third lesson.

Article 8

Adaptation of the classification system

1 — Taking into consideration the terms of paragraph 1 of Article 5, the reconversion of the classification scale should be made on the evaluation sheet, under the terms of paragraph 3 of Article 20 of Regulatory Decree No 2/2008, of 10th January.

2 — When the teacher under evaluation does not request the evaluation undertaken by the coordinator of the curricular department, the final classification shall correspond only to the classification obtained on the evaluation sheet completed by the executive body, expressed under the terms of paragraph 2 of Article 21 of Regulatory Decree No. 2/2008, of 10th January, with the restriction imposed by the final part of paragraph 2 of Article 3 of this regulatory decree.

Article 9

Individual interview

1 — The individual interview, referred to in sub-paragraph *d)* of Article 15 and Article 23 of Regulatory Decree No. 2/2008, of 10th January, shall only take place where so requested by the assessed teacher.

2 — The proposed final classification shall be communicated in writing to the teacher under evaluation.

3 — The request referred to in paragraph 1 should be presented within five working days of the communication referred to in the preceding paragraph.

4 — If no individual interview is requested or if the assessed teacher fails to appear at an interview without just cause, the proposed classification shall be considered accepted.

CHAPTER II

Special Systems

Article 10

Evaluation of curricular departments coordinators and assessors with powers delegated by the former

1 — Coordinators of curricular departments, as well as senior teachers, recruited after competitive examinations or nominated on a service commission, to which the former have delegated powers of evaluation, shall be exclusively subject to evaluation by the school executive body, under the terms of Article 18 of Regulatory Decree No. 2/2008, of 10th January, with the exception of sub-paragraph c) of paragraph 1 of that Article, without prejudice to the terms of the following paragraph.

2 — Coordinators of curricular departments and assessors with powers delegated by the former, referred to in the preceding paragraph, shall be evaluated within the terms of Article 6 of Regulatory Decree No. 11/2008, of 23rd May, with the necessary adaptations consequent from this regulatory decree.

Article 11

Evaluation of members of executive body

1 — Members of school executive bodies shall be evaluated under the terms of the arrangements establishing the integrated system of management and performance evaluation for middle management within the Public Administration, as laid down in Law No. 66-B/2007, of 28th December.

2 — Presidents of executive councils and school directors shall be evaluated by the Regional Director of Education.

3 — Other members of executive bodies shall be evaluated by the relevant president or director.

4 — Directors of the training centres of school associations shall be evaluated under the terms of paragraphs 1 and 2.

Article 12

Evaluation of teachers who meet the conditions for retirement

For the purposes of this regulatory decree and on presentation of a request to this end to the president of the executive council or school director, all teachers who by the end of the academic year 2010-2011 shall meet the legal requirements for retirement or make request for early retirement within the terms of the law, can forego evaluation.

Article 13

Evaluation of teachers contracted for professional, technological, vocational or artistic subject areas

Teachers contracted for the teaching of professional, technological, vocational, or artistic subjects shall be exempt from performance evaluation, if they so request, as referred to in sub-paragraph b) of paragraph 1 of Article 3 of Decree-Law No. 35/2007, of 15th February, where they are not included in any recruitment group as provided for in Decree-Law no. 27/2006, of 10th February, and in Edict Nos. 693/98, of 3rd September, and 803/2007, of 24th July.

CHAPTER III

Final provisions

Article 14

Transitional provisions

This regulatory decree shall only apply to the 1st cycle of performance evaluation to be concluded at the end of 2009, and is to be revised for the implementation of the 2nd evaluation cycle.

Article 15

Entry into force

This regulatory decree shall come into effect on the day after it is issued.

Read and approved in the Council of Ministers the 17th of December 2008. — *José Sócrates Carvalho Pinto de Sousa* — *Emanuel Augusto dos Santos* — *Maria de Lurdes Reis Rodrigues*.

Issued on 31st December 2008.

Signed.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 5th January 2009.

The Prime-Minister, *José Sócrates Carvalho Pinto de Sousa*.

ANNEX 7

1. Portuguese education system

The Portuguese Education System comprises the pre-primary, compulsory, upper-secondary and higher education (Figure 1).

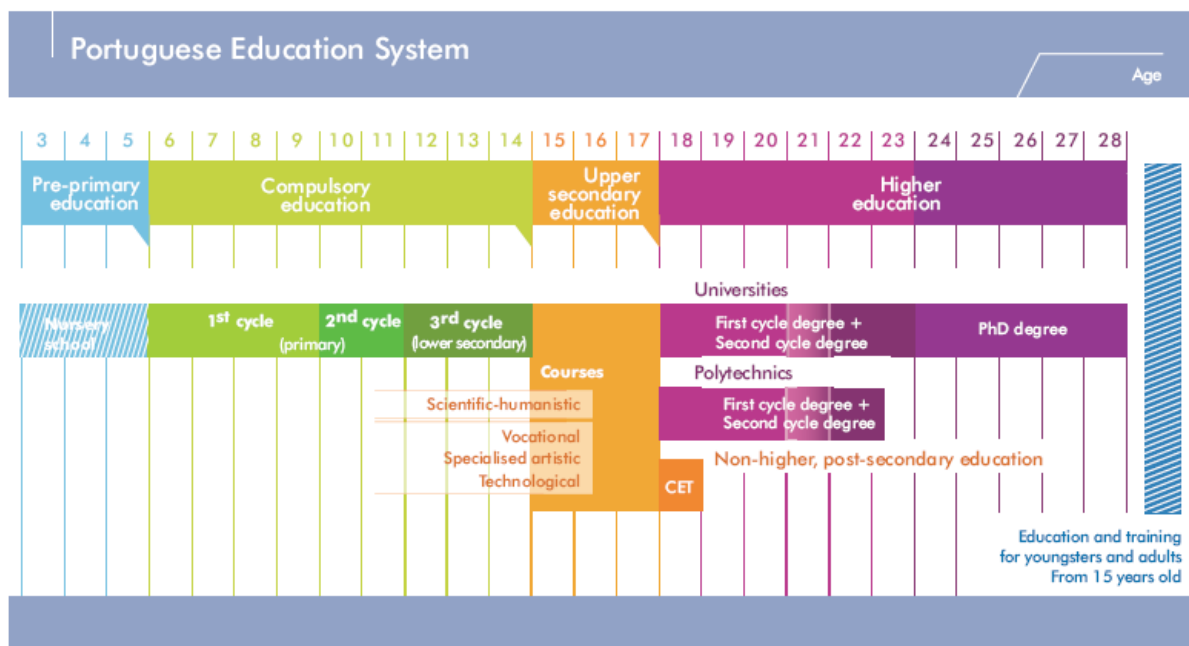


Figure 1. Portuguese Education System

1.1. Pre-primary education (ISCED 0)

Pre-primary education is optional for children from the age of 3 till they enter compulsory education and is provided by the state, by private and cooperative bodies, by private social solidarity institutions and not-for-profit institutions.

The public network is fully financed by the state which also covers the costs of the educational component provided by the private social and not-for-profit networks.

An increasing effort has been made to enlarge pre-schooling rates. Figure 2 shows how the most considerable raise was attempted in the late 90's (from 34% in 1987 to nearly 66% in 1997). After that the investment went on and by 2006 the rate of pre-schooling was 78.4 %; the target is to reach 90% by 2010.

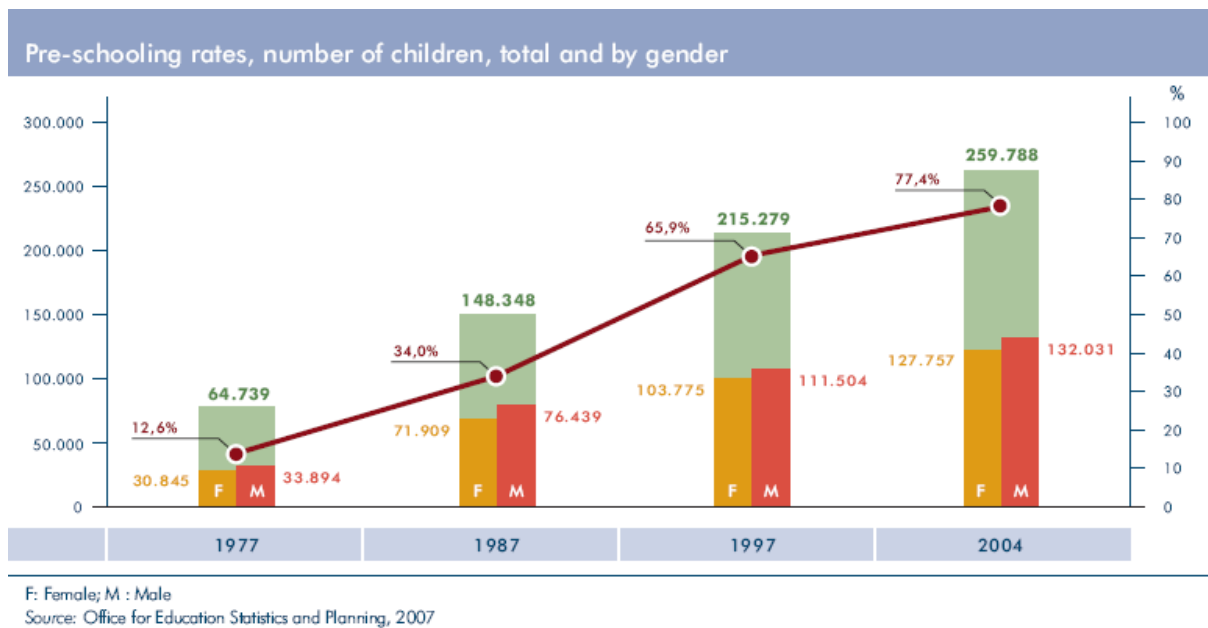


Figure 2. Pre-schooling rates (number of children, total and by gender).

1.2. Compulsory education (ISCED 1 and 2)

Education is compulsory from 6 to 15 years of age (Table 1). Pupils who have reached the limit age for compulsory education and who have not successfully completed the 9th grade may continue their education in different modalities of young people or adult education and training.

Table 1. Compulsory education - levels and grades

Levels	Grades	Age
Primary education ISCED 1	1 st – 4 th (first cycle)	6 – 10 years old
	5 th – 6 th (second cycle)	10 – 12 years old
Lower secondary education ISCED 2	7 th – 9 th (third cycle)	12 – 15 years old

Pupils who successfully complete lower secondary education – through internal summative assessment and national exams in the curricular subjects of Portuguese and Mathematics – are awarded a compulsory education diploma.

In the 1st cycle of compulsory education pupils are taught by one generalist teacher, who is usually assisted by other teachers in specific knowledge areas. In the 2nd and 3rd cycles of compulsory education pupils are taught by curricular area teachers or subject specialist teachers, respectively.

State-run schools are free of charge. State also supports private schools, through the celebration of association contracts where public facilities do not exist or are insufficient.

1.3. Upper secondary education (ISCED 3)

To enter upper secondary education, students must have successfully completed nine years of compulsory education. Students over 18 must enrol in adult education.

Table 2. Upper secondary education - courses and grades

Courses	Grades	Age
Scientific-humanistic Technological Specialised artistic Vocational ISCED 3	10 th , 11 th and 12 th	15 – 18 years old

The upper-secondary education curriculum is structured into 3 academic years and is organized according to differentiated forms with permeability between courses (Table 2), which are designed for further study or the job market, including:

- scientific-humanistic courses – 4 different types of courses essentially targeted at students who wish to proceed to higher education;
- technological courses – 10 different courses targeted at students who wish to enter the labour market or go on to post-secondary specialised technological courses or to higher education;
- specialised artistic courses – organized in three domains: visual and audiovisual arts, dance and music, targeted at students who want specialised artistic training and wish to go on to post-secondary specialised technological courses, to higher education or to enter the labour market;
- vocational courses – cover different training areas and are organised by modules. The curricula correspond to 3100 hours of training. These courses targeted at students who want to enter the labour market, although they can also proceed to post-secondary specialised technological courses or to higher education.

In order to conclude any kind of secondary course, students have to obtain a minimum of 10 marks (on a scale of 0 to 20) in internal assessment. In addition, students enrolled in scientific-humanistic courses have to succeed in final national examinations.

Students who successfully complete this cycle of education are awarded a secondary education diploma. Technological, specialised artistic and vocational courses also confer a level 3 professional qualification.

To enter higher education all students have to take specific national examinations in a set of subjects established by the higher education institutions and are subject to *numerus clausus*.

1.4. Adult education and training (ISCED 1, 2 and 3)

It is designed to offer a second chance to individuals who left school early or are at risk of dropping out, those who missed the chance when younger and also those who need education for cultural or professional reasons, in the context of lifelong learning. Some courses award a diploma of level 3 professional qualification.

There are different types of adult education and training:

- System for recognition, validation and certification of competences (over 18 years old);

- Education and training courses for young people (over 15 years old);
- Education and training courses for adults (over 18 years old);
- Short education training courses S@bER+ (over 18 years old);
- Recurrent education (over 15 years old);
- National apprenticeship system.

2. Private and co-operative education

The State acknowledges the freedom to learn and to schooling, including the right of parents to choose and guide the education of their children. Additionally, the Education Act stipulates that “schools of private and co-operative education which fall under the general principles, aims, structures and objectives of the educational system, are deemed to be an integral part of the school network”.

3. Administration and management

The Ministry of Education is the governmental body responsible for national educational policy in the areas of pre-school, compulsory and upper secondary education²⁶. It responds for the national policy definition, planning, regulation, evaluation and inspection. The preparation and implementation of national policy with regard to the non-higher education system involves a pedagogic and didactic component as well as an administrative one.

The **central services** of the Ministry of Education are the following:

- Office for Education Statistics and Planning (*Gabinete de Estatística e Planeamento da Educação* – GEPE);
- General-Inspectorate of Education (*Inspecção-Geral da Educação* – IGE);
- General-Secretariat (*Secretaria-Geral* – SG);
- Financial Management Office (*Gabinete de Gestão Financeira* - GGF);
- General-Directorate for Human Resources in Education (*Direcção-Geral dos Recursos Humanos da Educação* – DGRHE);
- General-Directorate for Innovation and Curriculum Development (*Direcção-Geral de Inovação e de Desenvolvimento Curricular* - DGIDC);
- Office for Educational Assessment (*Gabinete de Avaliação Educacional* – GAVE).

GEPE’s mission is to guarantee the production and analysis of educational statistics, to give technical support for policy definition, for strategic and operational planning and appropriate coordination with the financial programme, as well as the overall observation and assessment of the educational system, the coordination and planning of the school network and give support to international affairs and cooperation in the sectors where the Ministry operates.

IGE’s mission is to control, audit and check the workings of the non-higher educational system and out-of-school education, as well as the services and different bodies of the Ministry of Education.

SG’s mission is to provide technical, administrative and logistic support to the different bodies and services of the Ministry of Education in the areas of human resources, financial, material and asset management, with legal support and services of documentation, information, communication and public relations.

²⁶ The organisational framework of the Ministry of Education is defined in Decree-Law No. 213/06, of 27th October, amended by the Decree-Law No. 164/2008, of 8th August.

GGF's mission is to ensure the programme and financial management of the Ministry of Education via the correct identification of budget implementation and the reliable and sustained prediction management of the state budget for the Ministry of Education.

DGRHE's mission is to guarantee the implementation and give technical support to policy definition regarding human resources, teaching and non-teaching staff and schools, without prejudice to the legal responsibilities of local authorities and school management and administration bodies.

DGIDC's mission is to ensure the implementation of pedagogic and didactic policies in non-higher and out-of-school education, organising and setting exams, as well as providing technical-normative support for policies in the area of innovation and curriculum development, teaching and assessment tools, educational support and complements, monitoring and assessing their implementation. It also coordinates, monitors and supplies guidelines for school sport activities.

GAVE's mission is to plan, coordinate, create, validate, apply and control external learning assessment tools.

The National Qualification Agency, IP (*Agência Nacional para a Qualificação, IP*) is part of indirect administration and is the responsibility of the Ministry of Education and the Ministry of Labour and Social Solidarity. It is a public institute with its own administrative and financial autonomy and assets. Its mission is to coordinate and boost the provision of education and vocational training for young people and adults, manage the network of recognition, validation and certification of competencies and coordinate curriculum development and the methodologies and materials of specific intervention.

Within the ME there is also the Information System Coordinating Office (*Gabinete Coordenador do Sistema de Informação – MISI*), which has administrative autonomy and whose mission is to create, maintain and guarantee the effective running of the integrated information system. It is a cross-departmental body that supports management and administration.

On the mainland there are five **Regional Education Directorates**, which are education authorities responsible for the running of decentralised administrative services, guaranteeing the guidance and support for the running of schools, as well as coordination with the municipalities.

According with legislation published in July of 2008, the municipalities are responsible for the management of non-teaching staff, premises and facilities in pre-school and compulsory education, as well as for the running of certain educational support and complementary activities. They also have responsibilities, via the Municipal Education Boards, in the design of the Education Charters, an essential municipal and inter-municipal instrument for the organisation of the educational network and the definition of the responsibilities for its implementation.

The **Municipal Education Boards** are responsible for promoting the coordination of educational policy at municipal level, articulating the work of educational agents and other stakeholders, monitoring how the system functions and proposing measures for greater efficiency and effectiveness. These Boards should include teachers, pupils, families, the respective education authority, and representatives of the various social, economic and cultural stakeholders.

In the **Autonomous Regions** of the Azores and Madeira, the administration of education is under the responsibility of the regional governments, via the respective Regional Secretariats for Education, regional bodies with specific competencies.

The Ministry of Education also involves some **consultative bodies** in decision and implementation of educational policy, which are the following:

- National Education Board (*Conselho Nacional de Educação*), which is an independent body of the Ministry of Education and is consulted in the area of educational policy. It was created in 1982 and has autonomous administrative and financial statute.
- The Schools' Council (*Conselho das Escolas*) represents schools at the Ministry of Education, participates in the definition of policy and is consulted on legislation regarding non-higher education. It was created in 2007.

4. Educational support

Psychology and Guidance and Educational Support are the main services for educational support in the Portuguese education system. They are organized as follows.

Psychology and guidance services are organised in one of two ways, determined by the educational level they deal with: a predominantly psycho-pedagogical approach, in view of the global nature of 1st and 2nd cycles of compulsory education and an approach that includes school and vocational guidance, in the 3rd cycle of compulsory education and in upper secondary education.

Teaching support services cover the whole educational system, up to, but excluding, higher education, and they work to co-ordinate specialised support resources and specialised support activities available in schools, in order to promote an inclusive school. This support is provided by teachers with specialised training in specific areas.

The responsibilities of these services include providing all children and adolescents with an equal opportunity of school success; creating favourable conditions in schools for the social and educational integration of children and adolescents with special education needs; co-operating in promoting quality education, particularly in the areas of educational guidance, in intercultural approach, health and improvement of the educational environment; improving the response to special education by using other services and support available within the community.

5. Regime for administration and management of schools and school clusters

One of the main aims of the Ministry of Education concerns the granting of increasing autonomy to schools, allowing the definition of differentiated solutions adapted to the needs inscribed in the local context.

In 2006, a pilot scheme was set up to initiate this process of autonomy transference which comprised the negotiation of contracts for autonomy of the school cluster following an assessment of the schools/school clusters (hereinafter referred to as school) carried by external bodies. This pilot scheme allowed for the definition of an assessment model of schools for general use, considered as an essential condition to improve the quality of the teaching and learning processes. The granting of autonomy to schools and the consolidation of the assessment model are seen as important management instruments that contribute to the improvement of the educational system and the academic results of pupils.

The Decree-Law no. 75/2008, of 22nd April, establishes the regime for administration and management for public establishments of pre-school, compulsory and upper secondary education, and stipulates the following autonomy instruments:

- The **school education plan** defines the educational orientation of the school;
- The **internal rule** defines the way the school will be run, including the rights and duties of the members of the school community;

- The **annual and multiannual activities plans** are planning documents that, based on the school education plan, define objectives, organisation and programming of activities, and estimate the necessary resources required for their implementation;
- The **budget** is the document where a detailed plan is made of expected income and expenses for the school ;

The **annual activity report**, the **management account** and the **school self-assessment report** are still instruments of autonomy for effects of accountability for schools.

The regime for administration, management and autonomy is assured by the following bodies of direction, administration and management: (a) the general council, (b) the director, (c) the pedagogical council, and (d) the administrative council.

The **general council** is composed of an odd number of people not exceeding twenty one. It is the body responsible for the definition of guidelines for school activities and the participation and representation of the educational community (No. 4, of article 48.º of the Education Act). Participation is guaranteed for representatives of teaching and non-teaching staff, parents and guardians, pupils, municipalities and local community.

The **director** has administration and management responsibilities in pedagogical, cultural, financial and asset areas. The director is assisted in his or her duties by one deputy-head and one to three assistants. He or she is elected by the general council and the mandate lasts for 4 years. The deputy-head and assistants are nominated by him/her from among permanent teaching staff of school.

Among other duties, the director is responsible for representing the school; exercising hierarchical power regarding teaching and non-teaching staff; exercising disciplinary powers in relation to pupils; assessing the performance of teaching and non-teaching staff. He or she is, also, the president of the pedagogical council.

The **pedagogical council** is composed of a maximum of fifteen members and is responsible for the coordination, pedagogical supervision and educational guidance of the school, particularly in the fields of pedagogy-didactics, student guidance, monitoring and initial and continuous professional training for teaching and non-teaching staff.

The **administrative council** is the body that, among others, takes decisions about the administrative and financial matters of the school, approves the annual budget project, in line with the guidelines defined by the general council and authorises spending and respective payment.

6. Teachers education training

The training of non-higher education teachers includes initial, specialised and continuous training.

Since 2006 **initial teacher education** is divided into two study cycles, which correspond to a First-degree and a Master's degree respectively. The professional qualification is only given to those completing the second cycle.

The training components include: general educational training, specific didactic training, initial professional practice, cultural, social and ethical training, training in educational research methodologies and teaching training.

Pre-school teachers and teachers of the 1st and 2nd cycles of compulsory education are trained in teacher training colleges which are integrated in polytechnics or universities; teachers of the 3rd cycle of compulsory education and upper secondary are trained at universities.

Specialised training takes place in higher education institutions and aims at the qualification of staff for particular specialised educational positions, duties or activities of pedagogical or

administrative nature, which are directly applicable to the function of the education system and schools, such as: Special Education; School and Educational Administration; Socio-cultural Activities; Educational Guidance; Curriculum Organisation and Development; Pedagogical Supervision and Training of Trainers; Management of Training Activities; Educational Communication and Information Management.

Continuous professional training is the same for all non-higher education teachers. It aims at improving the quality of teaching and learning, honing of professional competencies in the various areas of education, encouraging self-learning, research or educational innovation.

To enter the profession it is necessary to possess a professional qualification conferred by a polytechnic or a university for the cycle or recruitment group one is applying to, and pass the knowledge and competencies test (designed to evaluate scientific readiness) as well as obtain, at least, the mark of Good in the performance assessment of the probationary period (to assess pedagogic and didactic competencies).

Access to the teaching employment in the public sector is done via national application, based on academic qualification and professional experience. Teachers working in the public sector are civil servants. The profession is divided into two categories - teacher and senior skilled teacher. The second group coordinates and evaluates the work of the first one.

7. Pupils, teachers and schools

How many pupils are there in 1st cycle of compulsory education? How many teachers? How many schools? These are some questions answered in the following sections. Further details of the statistics presented here can be found in Annex 2.

7.1. First cycle pupils

The evolution of 1st cycle pupils is shown in Table 3.

Table 3. Number of 1st cycle pupils

Pupils by age	2004/05	2005/06	2006/07
5 years old	2757	3312	_*
6-9 years old	371429	375101	-
10 years old	25361	25263	-
More then 10 years old	14029	12849	-
Total	413576	416525	419234

Source: Office for Education Statistics and Planning

(*) There is no validate data by age

7.2. First cycle teachers

The number of 1st cycle teachers is declining in the last few years due, mainly, to Government efforts to rationalize the school network. Small schools, where the ratio teacher/student was near to 1/10, are being closed and larger and better equipped school clusters are being created or restructured. The number of teachers is decreasing as it is shown at Table 4.

Table 4. Number of 1st cycle teachers

Teachers	2004/05	2005/06	2006/07
Teaching functions	30467	30927	26947
Non Teaching functions	4305	2018	1115
Total	34772	32945	28062

Source: Office for Education Statistics and Planning

7.3. First cycle schools

Schools with 1st cycle of compulsory education are, in general, in clusters. The rationalization of school network leads to the closing of small schools (see chapter concerning reorganisation and renovation of the school network).

Table 5 shows the evolution of the number of schools with 1st cycle of compulsory education.

Table 5. Number of schools with 1st cycle

	2004/05	2005/06	2006/07
Total	7564	7396	5969

Source: Office for Education Statistics and Planning

ANNEX 8

APPENDIX

Training profiles in Specialist teacher training

A Specialist training in special needs education

1 - Objectives — aims to qualify course participants to support individuals with special educational needs through monitoring and facilitating socio-educational integration.

2 – Skills to be developed:

2.1- Critical analysis skills:

- 1)** To understand the school and how its curriculum is organised in light of the contribution of sciences of education theories relating to special educational needs;
- 2)** To base the decision-making process on educational research and innovation procedures;
- 3)** To assume a position on model solutions designed to meet special educational needs and the developmental frameworks they are based on.

2.2- Intervention skills:

- 1)** To identify special educational needs, physical limitations and social disadvantages in the sphere of pupils' social and educational development;
- 2)** To use counselling and differentiated teaching techniques;
- 3)** To actively assist in the diversification of strategies and educational methods in order to promote children's and young people's development and learning;
- 4)** To act on changes and alterations made to the general curriculum for special educational needs;
- 5)** To develop programmes, within a teaching role, in specific areas of learning or in the sphere of alternative curriculum interventions for pupils with less common disabilities, namely the visually or hearing impaired or those with multiple disabilities;
- 6)** To implement the measures concerning students with special educational needs as prescribed in Decree-Law no. 319/91, of 23rd August;
- 7)** To organise parental education programmes and mediate in the procedures to involve parents in their children's early, school and further education, within their respective social and educational integration activities;
- 8)** To be involved in the improvement of the school's educational environment with a view to promoting quality and innovation in education;
- 9)** To organise the creation and development of the school's educational activities, which suit the characteristics of the school population and mobilise existing local resources.

2.3- Training, supervision and evaluation skills:

- 1) To assist in-service teacher training received by teachers in mainstream education, participate in training for Specialist teachers and any training organised by the school's administrative and management bodies;
- 2) To assist mainstream teachers in the classroom and in tasks requiring differentiated teaching in order to achieve a more effective management of heterogeneous classes within the scope of inclusive education in a school for all;
- 3) To analyse pupils' special educational needs using the curriculum and social development patterns that correspond to their chronological ages as a benchmark, in conjunction with the school's development plan.

2.4- Advisory skills:

- 1) To assist the school's executive bodies and teaching coordination bodies and teachers in initiating educational and curriculum projects that promote the flexible management of the curricula and their adaptation to local contexts, and pupils' interests and skills;
- 2) To advise and assist the school's associations training centres in the planning and implementation of training programmes.

B School and educational administration

1 - Objectives — aims to qualify course participants in executive, teaching and organisational management in educational and learning establishments.

2 – Skills to be developed:

2.1- Critical analysis skills:

- 1) To analyse and understand the school and how it is organised in the light of the contributions of sciences of education theories, specifically in the fields of educational psychology and the school's psychology, educational policies or comparative education, curriculum theories and organisational sciences, and furthermore of public administration and administrative law;
- 2) To base the decision-making process on educational research and innovation procedures.

2.2- Intervention skills:

- 1) To lead innovation processes, involving the educational community and creating support networks for changes in the school;
- 2) To promote the participation of the educational community in the decision-making process;
- 3) To use educational, organisational, capital, human resources and financial methods and planning techniques, in the planning of the school year;
- 4) To use curriculum management models for the organisation of educational programmes;
- 5) To draw up educational and financial projects while respecting teaching aspects;
- 6) To evaluate the contexts, situations, programmes, processes and educational products, whether it is at an internal or intermediate level, with a view to improving the quality of educational activities;

- 7) To coordinate and implement educational and social support and flexible curriculum programmes;
- 8) To establish interaction programmes between the school and educational territory and, for example, between school and family;
- 9) To promote an environment of appropriate human relations in school organisations and manage conflict.

2.3- Training, supervision and evaluation skills:

- 1) To coordinate the organisation of training plans and programmes for teaching and non-teaching staff;
- 2) To coordinate educational guidance and socio-cultural programmes in school;
- 3) To coordinate research activities and programmes which facilitate understanding, whether it is of educational phenomena and processes or the implementation of organisational changes;
- 4) To supervise the implementation of organisational programmes and processes and staff performance;
- 5) To coordinate the evaluation of teaching and non-teaching staff, curriculum management, human resources, equipment and capital resources.

2.4- Advisory skills:

- 1) To participate in the instruction and explanation of dossiers and matters regarding the effective performance of members of the different school bodies;
- 2) To advise the members of the school's administrative and management bodies, local education council, educational area centre and schools association training centre in the instruction of processes, namely for decision-making purposes.

C Specialist training in socio-cultural activities

1 - Objectives — aims to qualify course participants to perform functions in community cultural activity and continuing professional development, specifically in the area of recurrent education for adults.

2 – Skills to be developed:

2.1- Critical analysis skills:

- 1) To understand the school and how it works, in light of the contributions of sciences of education theories, specifically in the sphere of education and in-service training, relations between school and community and teaching and sociological principles of educational activity;
- 2) To base the decision-making process on educational research and innovation procedures.

2.2- Intervention skills:

- 1) To devise and develop programmes and projects which promote the connection between school-family and school-local community;
- 2) To devise, organise and coordinate community development programmes and projects;
- 3) To devise, organise and coordinate educational, recreational, cultural and sport programmes for pupils;
- 4) To devise, organise and coordinate leisure activities (educational programmes) for pupils;
- 5) To organise and coordinate adult education and training programmes;
- 6) To promote the coordination of programmes and activities from various institutions and associations in the local community.

2.3- Training, supervision and evaluation skills:

- 1) To assist in-service teacher training and activities aimed at lifelong education and training;
- 2) To assist form teachers in building a connection between school and family;
- 3) To assist teachers in the preparation of curriculum enrichment activities, leisure activities and others which involve the families and members of the local community;
- 4) To supervise the implementation of curriculum enrichment activities, leisure activities and others which involve the families and members of the local community;
- 5) To promote evaluation practices for socio-cultural programmes and adult education and training programmes.

2.4- Advisory skills:

- 1) To advise the school's administrative and management bodies in the implementation of the school's development plan;
- 2) To advise parents' associations and other groups within the educational community in the sphere of their activities;
- 3) To advise the school associations' training centres in the planning and organisation of activities and further training sessions in the sphere of school-family and school-community relations, adult education and training and community development.

D Specialist training in educational guidance

1 - Objectives — aims to qualify course participants in teaching coordination in the sphere of being a form teacher and educational and vocational guidance.

2 – Skills to be developed:

2.1- Critical analysis skills:

- 1) To understand the school and how it works in light of the contributions of sciences of education theories, specifically in the sphere of educational guidance and counselling

of pupils and their families, teaching, psychological and sociological principles of educational activities;

2) To base the decision-making process on educational research and innovation procedures.

2.2- Intervention skills:

1) To devise and coordinate the development of class educational projects which correspond to group-class characteristics;

2) To develop interpersonal procedures for the attendance and support of students in resolving problems of class and school integration and supervised study;

3) To identify and ensure responses to situations which require special attention, such as learning difficulties, special educational needs and the need for psychological support;

4) To promote the management of interpersonal conflicts and behavioural problems;

5) To promote educational, individual, social, moral and civic programmes for pupils and activities which provide educational support and guidance and curriculum enrichment;

6) To represent group interaction sessions and promote an appropriate environment for interpersonal relations;

7) To promote diverse strategies to forge a connection between the school and family, creating a system of regular communication with families.

2.3- Training, supervision and evaluation skills:

1) To coordinate and assist the work of form teachers;

2) To devise and coordinate the implementation of educational support programmes;

3) To assist teachers in identifying the pupils' and their families socio-economic and school situations and in the organisation of curriculum enrichment activities;

4) To supervise the implementation of prevention and intervention programmes and activities together with pupils;

5) To evaluate the procedures in the sphere of educational guidance in order to contribute to its improvement.

2.4 Advisory skills:

1) To advise the school executive and pedagogical coordination bodies in the planning and organisation of projects and programmes for pupils and the creation of educational plans;

2) To advise and assist the school associations' training centres in the planning and organisation of activities and in-service training in the sphere of educational guidance for pupils.

E — Specialist training in curriculum organisation and development

1 - Objectives — aims to qualify course participants in coordination and examination of projects and curriculum activities and supporting specific curriculum areas.

2 – Skills to be developed:

2.1- Critical analysis skills:

- 1) To understand the school and how it works in light of the contributions of sciences of education theories, specifically curriculum theory, general instruction and teaching, psychological and sociological principles of educational activities;
- 2) To base the decision-making process on educational research and innovation procedures.

2.2- Intervention skills

- 1) To promote the contextualisation of the curriculum organisation on the teaching organisation and the school's development plan;
- 2) To devise and implement the setting up of projects promoting the flexible management of the curriculum;
- 3) To devise and implement the setting up of curriculum projects, whether at educational territory and school level or for a specific curriculum area;
- 4) To devise and implement the setting up of educational innovation and specific curriculum projects;
- 5) To coordinate and implement the creation of curriculum support material for the development of projects;
- 6) To programme and coordinate teaching in a specific curriculum area;
- 7) To organise educational support and teaching differentiation programmes within a specific curriculum area or level of education;
- 8) To formulate and organise educational curriculum enrichment activities;
- 9) To evaluate learning projects and processes at curriculum level and use the data obtained to improve educational intervention.

2.3- Training, supervision and evaluation skills:

- 1) To implement reflective practices in the development of the curriculum;
- 2) To assist in-service teacher training in a specific curriculum area;
- 3) To assist teachers in the creation, development and evaluation of curriculum projects and programmes;
- 4) To supervise the implementation of curriculum programmes and projects;
- 5) To supervise the implementation of educational support programmes;
- 6) To evaluate in-service training programmes;

- 7) To collaborate in the processes of evaluating the professional performance of teachers.

2.4- Advisory skills

- 1) To advise the school's executive and pedagogical coordination bodies in the planning and organisation of curriculum activities and formulation of their development plans;
- 2) To advise the school associations training centres in the planning and organisation of in-service training in the sphere of curriculum development.

F Specialist training in pedagogical supervision and training of trainers

1 - Objectives — aims to qualify course participants in the guidance and supervision of initial and in-service training of educational childcare staff and teachers.

2 – Skills to be developed:

2.1- Critical analysis skills:

- 1) To understand the school and how it works in light of the contributions of sciences of education theories, specifically the general theory of teacher training, the theory of teacher supervision, the teaching, psychological and sociological principles of educational and teaching activities;
- 2) To base the decision-making process on educational research and innovation procedures.

2.2- Intervention skills:

- 1) To welcome and encourage students undergoing initial training in their teaching practice;
- 2) To welcome and encourage teachers at the beginning of their career, supporting them in their integration and their professional development in the classroom, school and education system;
- 3) To promote, within the contexts of work, a climate that stimulates relationships encouraging the development of participatory interaction and reflective practices;
- 4) To devise, plan, implement and manage training programmes;
- 5) To observe and plan educational practices and involve teachers in processes of reflection about these practices;
- 6) To encourage the improvement of the teachers' professional performance;
- 7) To build support systems and tools for teaching practices and supervision in partnership;
- 8) To evaluate the performance of the trainees undergoing their initial training and contribute to their final classification.

2.3- Training, supervision and evaluation skills:

- 1) To assist teachers in the selection of programmes and in-service training sessions most appropriate to each situation;
- 2) To develop programmes and sessions for the identification of training needs;

- 3) To supervise the implementation of support programmes for teachers at the beginning of their career;
- 4) To supervise the implementation of in-service teacher training programmes and activities;
- 5) To evaluate training contexts, strategies, programmes and products, participating in the regulation of respective processes;
- 6) To participate in the process of evaluation of the teachers' professional performance.

2.4- Advisory skills:

- 1) To advise initial teacher training institutions in the organisation of the teaching practice component;
- 2) To advise the school associations' training centres in the preparation and development of the respective training plans and in the organisation of in-service training programmes.

G Specialist training in training management and organisation

1 - Objectives — aims to qualify course participants in the coordination of in-service training projects and activities for educational childcare staff and teachers.

2 – Skills to be developed:

2.1- Critical analysis skills:

- 1) To understand the school and how it is organised in light of the contribution sciences of education theories, specifically general theory of teacher training, the theory of teacher supervision, the theories of the organisations, the teaching, psychological and sociological principles of educational and teaching activities;
- 2) To base the decision-making process on educational research and innovation procedures.

2.2- Intervention skills

- 1) To develop procedures for the identification of training needs and participate in the articulation and coordination of the responses to these needs;
- 2) To coordinate training teams, ensuring the management and organisation of the training centres;
- 3) To devise, plan and manage in-service training programmes;
- 4) To devise and manage in-service training projects, using training and research methodologies and optimising the resources available;
- 5) To evaluate training contexts, programmes, processes and products;
- 6) To promote a climate that stimulates relationships encouraging participatory interaction.
- 7) To promote the diversity of teaching models in the school and the development of educational innovation processes through training;

8) To promote communication with the initial teacher training institutions.

2.3- Training, supervision and evaluation skills:

- 1) To assist the schools and trainees in the preparation and development of in-service teacher training sessions;
- 2) To develop motivational training strategies;
- 3) To supervise the conception, implementation and evaluation of training projects and programmes;
- 4) To promote the transfer of knowledge acquired in training sessions to the trainees' educational practices;
- 5) To evaluate the projects and programmes in terms of their contribution to the personal and social development of teachers and evolution in the quality of educational activities and the education system.

2.4- Advisory skills:

- 1) To advise the school associations training centres administrative bodies and the schools administrative and management bodies in the planning and organisation of in-service training programmes and activities;
- 2) To advise the training institutions in the organisation of in-service and specialist teacher training;
- 3) To participate in defining and developing local educational activities.

H Specialist training in educational communication and information management

1 - Objectives — aims to qualify course participants in educational communication and information management, specifically in the sphere of the management of educational resource centres.

2 – Skills to be developed:

2.1- Critical analysis skills:

- 1) To understand the school and how it is organised in light of the contribution of sciences of education theories, specifically in the domains of the sociology of education and the school, intercultural education, curriculum theory and those that examine the library/resource centre and its teaching functions in the context of the school development plan;
- 2) To base the decision-making process on educational research and innovation procedures.

2.2- Intervention skills

- 1) To organise information made available by the mass media and by electronic information networks;

- 2) To devise a strategy for the acquisition of documentary funds and equipment and coordinate their use;
- 3) To organise information resources, in accordance with the technical criteria of biblioteconomy, applying the technical principles and procedures of the documentation sciences and communication sciences;
- 4) To provide diverse documentary funds, ensuring that each is treated on an individual basis;
- 5) To facilitate direct access, user autonomy and research activities;
- 6) To organise the operation of mechanisms for the use and production of multimedia resources;
- 7) To promote a policy of building and valuing a local documentary fund;
- 8) To promote the production and dissemination of information ensuring the involvement of pupils, teachers and other members of the educational community;
- 9) To devise and implement a global policy of pedagogical activities in the library/educational resource centre;
- 10) To devise and implement media education activities;
- 11) To implement activities which promote access of pupils, teachers and other members of the educational community to the information and production of documents in diverse formats;
- 12) To participate in the creation and implementation of activities that involve the production of documents in diverse formats, specifically via the school radio or newspaper, network pages, videogrammes, informative leaflets and bibliographical abstracts;
- 13) To implement a connection between the school and public library network.

2.3- Training, supervision and evaluation skills:

- 1) To devise and implement training sessions bearing in mind the enrichment of the teaching-didactic repertoire of each teacher;
- 2) To participate in the planning of curriculum activities and community educational development plans, ensuring an appropriate use of the resources available;
- 3) To accompany the education teams involved in the activities of the resource centres;
- 4) To evaluate the effects of the activities developed in terms of their contribution to the development of quality in education.

2.4- Advisory skills:

- 1) To advise the school's administrative and management bodies in making the functions of the resource centre viable within the curriculum sphere, in leisure activities and other aspects of the school development plan;

- 2) To advise the school's administrative and management bodies and the school associations' training centres in the sphere of information management.

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ANNEX 9

MINISTRY OF EDUCATION

Bureau for European Affairs and International Relations

COMPREHENSIVE LAW ON THE EDUCATION SYSTEM

NOTE

This text of the Comprehensive Law on the Education System, approved by Law no. 46/86, of 14 October, already contains the amendments to articles 12, 13, 31 and 33 introduced by Law no. 115/97, of 19 September.

The Law no. 115/97, also included in this edition, establishes, in article 2, transitional provisions laying down that the Government shall establish the rules for the process whereby infant teachers and teachers in basic and secondary education, who hold bachelors degrees or the equivalent, may obtain post-graduate degrees (licenciatura). The Government shall also issue the regulations needed to organize the new courses provided in this Law.

COMPREHENSIVE LAW ON THE EDUCATION SYSTEM

Law 46/86, of 14 October

CHAPTER I

Scope and principles

Article 1

(Scope and definition)

- 1 — This law establishes the general framework for the education system.
- 2 — The education system is all the means used to provide the right to education, embodied in guaranteed continuous training geared to foster the overall development of personality, social progress and the democratisation of society.
- 3 — The education system operates according to an organised series of structures and diversified actions on the initiative and responsibility of different public, private and cooperative institutions and organisations.
- 4 — The education system includes the whole of Portugal — mainland and autonomous regions — but it should have a sufficiently flexible and diverse nature to include all countries and places where Portuguese communities live or in which there is pronounced interest in the development and dissemination of Portuguese culture.
- 5 — Coordination of education policy, independently of the institutions composing it, is the responsibility of a ministry specially equipped for this purpose.

Article 2

(General principles)

- 1 — The right of all Portuguese citizens to education and culture is enshrined in the Constitution.
- 2 — The State is especially responsible for furthering democratisation of education so as to guarantee the right to fair and real equality of opportunity of access to and success in education.

- 3 — In access to and the practice of education all Portuguese citizens are guaranteed respect for the principle of freedom to learn and to teach and all possible choices are tolerated, taking the following principles into consideration:
- a) The State cannot assume the right to programme education and culture according to any philosophical, aesthetic, political, ideological or religious doctrines whatsoever;
 - b) Public education will not be denominational;
 - c) The right to establish private and cooperative schools is recognised.
- 4 — The education system is geared to needs arising from social realities and contributes to the full and balanced development of individual personalities, encouraging the education of free, responsible, autonomous and supportive citizens and promoting the human dimension of labour.
- 5 — Education furthers the development of democratic and pluralist ideals which embody respect for others and their ideas and is open to dialogue and free exchange of opinions, forming citizens able to constructively criticise their social system and capable of working towards its progressive transformation.

Article 3

(Principles of organisation)

The education system is organised so as to:

- a) Contribute to preserving the national identity and strengthening loyalty to the historical background of Portugal by raising awareness of the Portuguese nation's cultural heritage within the framework of the European universalist tradition and the increasing interdependence and essential solidarity between all nations of the world;
- b) Contribute to the pupil's fulfilment through complete development of personality, character formation and citizenship, prepare him for sensible consideration of spiritual, aesthetic, moral and civic values and provide him with balanced physical development;
- c) Ensure the civic and moral education of young people;
- d) Ensure the right to be different through respect for individual personalities and ambitions and consideration and appreciation of different learning and cultures;

- e) Develop a capacity for work and, on the basis of sound general education, provide specific education for occupying a valid position in working life to allow the individual to contribute to the progress of society in accordance with his interests, ability and vocation;
- f) Contribute to citizens personal and community attainment, not only through education for the system of socially useful jobs but also through the practice and learning of creative use of free time;
- g) Decentralise, deconcentrate and diversify educational structures and actions so as to allow suitable adaptation to realities, a high degree of citizens' participation, appropriate involvement in the community and efficient decision making;
- h) Contribute to correcting uneven regional and local development so as to increase equality of access to the benefits of education, culture and science in all areas of the country;
- i) Guarantee second opportunity schooling to those who did not benefit from it at the normal age and to those who need the education system for professional or cultural reasons arising from the need to recycle or improve their skills due to the development of scientific and technological knowledge;
- j) Ensure equal opportunity for both sexes through coeducation and academic and professional guidance and raise the level of awareness of everyone involved in the educational process to achieve this purpose;
- k) Contribute to developing democratic spirit and practice by adopting participatory structures and processes for defining education policy, administering and running the school system and daily pedagogical experience involving everyone in the educational process, particularly students, teachers and families.

CHAPTER II

Organisation of the education system

Article 4

(General organisation of the education system)

1 — The education system includes pre-school, school and further education.

- 2 — In its formative aspect, pre-school education complements and/or supplements family education and cooperates closely with it.
- 3 — School education consists of basic, secondary and higher education and includes special types of schooling and leisure activities.
- 4 — Further education includes literacy and basic education, cultural and scientific improvement and up-dating and vocational training, reconversion and improvement, and is run in an open framework of multiple formal and informal initiatives.

SECTION I

Pre-school education

Article 5

(Pre-school education)

- 1 — The objectives of pre-school education are:
 - a) To stimulate each child's abilities and further his upbringing and the balanced development of all his potencial;
 - b) To contribute to the affective stability and security of the child;
 - c) To encourage observation and understanding of natural and human surroundings so that the child can integrate and participate more successfully;
 - d) To develop the moral education of the child and his sense of responsibility and freedom;
 - e) To develop the child's integration in different social groups complementary to the family so as to develop sociability;
 - f) To develop the child's creative imagination and ability to express himself and communicate, and also to stimulate play;
 - g) To instill a sense of hygiene and preservation of personal and collective health;
 - h) To avoid inadaptation, handicaps or premature development and foster the most favourable development of the child.

- 2 — These objectives will be sought via appropriate subjects, methods and techniques bearing in mind coordination with the family background.
- 3 — Pre-school education is for children between the ages of 3 and the age of admission to primary school.
- 4 — The State is responsible for providing a pre-school education network.
- 5 — The pre-school education network is made up of its own institutions organised by central, regional or local authorities and other collective or individual organisations, particularly parents and residents associations, civic and denominational, trade union and company organisations and social welfare institutions.
- 6 — The State should support pre-school educational institutions included in the public network by subsidising at least part of their running costs.
- 7 — The ministry in charge of coordinating education policy is responsible for defining the general standards of pre-school education on pedagogical and technical matters and for supporting and supervising their attainment and application.
- 8 — Pre-school education is optional, as it is acknowledged that the family plays an essential role in the pre-school education process.

SECTION II

School education

SUBSECTION I

Basic education

Article 6

(Universality)

- 1 — Basic education is universal, compulsory and free and lasts for nine years.
- 2 — Children who are more than 6 years of age on 15 September go into basic education.

- 3 — Children who are 6 years of age between 16 September and 31 December may enter basic education if this is requested by the person in charge of education, in terms to be regulated.
- 4 — Compulsory attendance of basic education ends at 15 years of age.
- 5 — Basic education is free in terms of fees, tariffs and emoluments relating to enrolment, attendance and certification and students may enjoy free use of school books and materials and also transport, board and lodging, when necessary.

Article 7

(Objectives)

The objectives of basic education are:

- a) To guarantee all Portuguese citizens a common general education which ensures they discover and develop their interest and aptitudes, ability to reason, memory and spirit of enquiry, creativity and sense of morals and aesthetic awareness, and promotes individual fulfilment in harmony with the values of social solidarity;
- b) To ensure that learning and learning how to do, theory and practice, educational and daily culture are balanced in this education;
- c) To provide physical and motor development, improve manual skills and promote artistic education so as to raise awareness of different forms of aesthetic expression by identifying and stimulating relevant attitudes;
- d) To provide learning of a first foreign language and the beginnings of a second one;
- e) To provide acquisition of the basic knowledge allowing students to continue their education or participate in vocational training schemes and also to facilitate the acquisition and development of personal and group working methods and tools and promote the human dimension of labour;
- f) To develop national awareness open to realities in a context of universalist humanism and international solidarity and cooperation;
- g) To develop understanding and appreciation of the values of Portuguese identity, language, history and culture;

- h) To provide pupils with experience furthering their civic and socio-affective maturity, instilling positive attitudes and habits of relating and cooperating, both regarding family connections and a conscious and responsible involvement in their surroundings;
- i) To further the acquisition of independent attitudes so as to develop citizens who are civically responsible and participate democratically in community life;
- j) To ensure children with special educational needs due to physical or mental handicap the facilities appropriate for them to develop and take full advantage of their abilities;
- k) To develop a liking for constant updating of knowledge;
- m) To participate in the process of educational information and guidance in collaboration with the family;
- n) To provide the acquisition of notions of civic and moral education, within the bounds of free thinking;
- o) To establish the circumstances for stimulating academic and educational success for all pupils.

Article 8

(Organisation)

- 1 — Basic education consists of three consecutive cycles. The 1st lasts for four years, the 2nd for two years and the 3rd for three years, and they are organised as follows:
 - a) In the 1st cycle education is global and administered by a single teacher who may be assisted in specialised areas;
 - b) In the 2nd cycle teaching is organised according to interdisciplinary areas of basic education and is mainly administered by teachers specialising in a particular area;
 - c) In the 3rd cycle teaching is organised into a unified curriculum including diversified vocational areas and is administered by a teacher responsible for each subject or group of subjects.
- 2 — The cycles interrelate by progressive sequencing giving each cycle the function of completing, deepening and widening the previous cycle in the context of the overall unity of basic education.

- 3 — The specific objectives of each cycle form part of the general objectives of basic education according to the previous points and in accordance with the corresponding age group development, the following specific characteristics being particularly important:
- a) In the 1st cycle, the development of oral language and initiation and progressive mastery of reading and writing, basic notions of arithmetic and calculation, the physical and social environment, and artistic, dramatic, musical and motor expression;
 - b) In the 2nd cycle, humanistic, artistic and physical education and sports, scientific and technological and moral and civic education designed to equip pupils to critically and creatively assimilate and interpret information to facilitate the acquisition of working methods and tools and the knowledge to allow their education to continue within the context of developing active and conscious attitudes to the community and its most important problems;
 - c) In the 3rd cycle, the systematic and differentiated acquisition of modern culture in terms of its humanistic, literary, artistic, physical and sports, scientific and technological aspects, which is essential for entering working life and continuing with studies, and also the academic and vocational guidance which facilitates the choice of subsequent education or entry to working life with respect for the individual's independent self-fulfilment.
- 4 — In specialised basic education schools artistic and physical education and sports may be reinforced without prejudice to basic education.
- 5 — On successful conclusion of basic education the pupil obtains the right to a certificate, and successful conclusion of any year or cycle also confers the same right, if requested.

SUBSECTION II

Secondary education

Article 9

(Objectives)

The objectives of secondary education are:

- a) To guarantee the development of reasoning, reflection and scientific curiosity and expansion of the basic elements of a humanistic, artistic, scientific and technical culture constituting an appropriate cognitive and methodological basis for future studying and entry into working life;
- b) To provide young people with the knowledge essential for understanding aesthetic and cultural expression and to facilitate the improvement of artistic expression;
- c) To foster the acquisition and application of an increasingly deep knowledge based on studying, critical consideration, observation and experimentation;
- d) On the basis of the realities of regional and national life and appreciation for the permanent values of society in general and Portuguese culture in particular, to educate young people interested in solving the country's problems and aware of the problems of the international community;
- e) To facilitate contact with and experience of the working world, strengthening the connections between school, working life and the community and stimulating the innovative and participatory function of the school;
- f) To foster the vocational guidance and education of young people by means of technical and technological training with a view to their entry into working life;
- g) To create individual and group working habits and foster the development of methodical consideration, open-mindedness, awareness and acceptance and adaptation to changes.

Article 10

(Organisation)

- 1 — Pupils successfully completing basic education may join any secondary education course.
- 2 — Secondary education courses last for three years.
- 3 — Secondary education is organised according to differentiated systems including courses mainly geared to working life or to continued studies, and all of them include education of a technical, technological and professional nature and education in the Portuguese language and culture appropriate to the nature of the different courses.
- 4 — Permeability is guaranteed between courses mainly geared to working life and those mainly geared to further studies.
- 5 — Successful conclusion of secondary education confers the right to a certificate testifying to the education received and, for courses mainly geared to working life, the qualification obtained for the purposes of carrying out specific professional activities.
- 6 — In secondary education each teacher is responsible in theory for one subject only.
- 7 — Specialised establishments equipped for the teaching and practice of courses of a technical and technological or artistic nature may be established.

SUBSECTION III

Higher education

Article 11

(Scope and objectives)

- 1 — Higher education includes university and polytechnic education.
- 2 — The objectives of higher education are:
 - a) To stimulate cultural creativity and the development of a scientific spirit and reasoned thought;

- b) To train graduates in different areas of knowledge equipped to enter professional fields and participate in the development of Portuguese society and to collaborate in their continuous training;
 - c) To encourage scientific research and investigation so as to develop science and technology and create and disseminate culture, and thereby develop understanding of man and the environment in which he lives;
 - d) To promote the dissemination of the cultural, scientific and technical knowledge which is man's heritage and to transmit knowledge through education, publications or other forms of communication;
 - e) To foster a permanent desire for cultural and professional improvement and facilitate its attainment, integrating the knowledge being acquired into an intellectual synthesis of the understanding of each generation;
 - f) To stimulate awareness of current world problems, particularly national and regional ones, provide specialised services to the community and establish a reciprocal relationship with it;
 - g) To continue the cultural and professional education of citizens by furthering appropriate forms of cultural development.
- 3 — University education is designed to ensure a sound scientific and cultural background and provide technical education equipping people for administering professional and cultural activities and furthering the development of comprehension, innovation and critical analysis.
- 4 — Polytechnic education is designed to provide a sound higher level of cultural and technical education, develop a capacity for innovation and critical analysis and inculcate theoretical and practical scientific knowledge and its application to exercising professional activities.

Article 12*

(Access)

- 1 — Access to higher education is open to individuals who have successfully completed a secondary education course or its equivalent and who demonstrate their capacity to attend.

* According to the Law 115/97, of 19 September.

- 2 — The Government shall issue a decree-law defining the rules on access and admission to higher education in accordance with the following principles:
- a) Democracy, fairness and equality of opportunity;
 - b) Objectivity of the criteria used for the selection and sorting of applicants;
 - c) The same rules shall apply in each higher education sub-system;
 - d) The secondary school career of the applicant, including marks for both continuous assessment and national examinations, shall be taken into account, so that the national system for certifying secondary education is of relevance to the process of access to higher education;
 - e) The applicant's final secondary school grade shall be taken into account;
 - f) Higher education establishments shall run a co-ordinated assessment, selection and sorting system, so as to avoid proliferation of the entrance examinations which applicants are required to sit;
 - g) The process of application, matriculation and enrolment at public higher education establishments shall be organised on a national basis, notwithstanding that selection processes may be organised locally when duly justified;
 - h) The application process shall be managed by the central and regional education authorities.
- 3 — Within the limits established in the preceding paragraph, each higher education establishment shall have powers to administer the process of assessing the applicant's capacity to follow the course, and that of selection and sorting of applicants for admission to each course and educational establishment.
- 4 — The State shall ensure that restrictions on the total number of students admitted to higher education – *numerus clausus* – is gradually eliminated and shall take steps to ensure that existing courses and courses created in future respond to the overall need for qualified personnel, to individual aspirations and to the need to raise the educational, cultural and scientific standard of the country, and to guarantee the quality of the education given.
- 5 — Individuals over 25 years of age who have not successfully completed secondary education or its equivalent, and who do not have a higher educational qualification, shall also have access to higher education if they are able to demonstrate their capacity to attend by means of a specific and appropriate examination.

- 6 — The State shall take steps to ensure that citizens are able to attend higher education, so as to counteract the discriminatory effects of economic and regional inequality and the effects of underprivileged backgrounds.

Article 13*

(Degrees and diplomas)

- 1 — In higher education the following academic degrees shall be awarded: bachelor (bacharel), post-graduate (licenciado), master (mestre) and doctor (doutor).
- 2 — In university education the following academic degrees shall be awarded: bachelor (bacharel), post-graduate (licenciado), master (mestre) and doctor (doutor).
- 3 — In polytechnic education the following academic degrees shall be awarded: bachelor (bacharel) and post-graduate (licenciado).
- 4 — Courses leading to bachelor's degrees shall normally have a duration of three years and may, in special cases, have a duration of one or two semesters less.
- 5 — Courses leading to post-graduate degrees shall have a normal duration of four years and may, in special cases, have a duration of one to four semesters more.
- 6 — The Government shall issue a decree-law, after consulting higher education establishments, regulating the conditions for awarding academic degrees in order to guarantee the academic standard of the education acquired.
- 7 — Higher education establishments may offer courses not leading to academic degrees but for which a diploma is awarded to those successfully completing the course.
- 8 — Mobility between university and polytechnic education shall be ensured on the basis of the principle of mutual recognition of the value of the education given and the skills acquired.

* According to the Law 115/97, of 19 September.

Article 14

(Establishments)

- 1 — University education takes place in universities and non-integrated university schools.
- 2 — Polytechnic education takes place in specialised higher education schools in the fields of technology, arts and education, among others.
- 3 — Universities may be constituted by different schools, institutes or faculties and/or by departments or other units and may also include higher schools of polytechnic institutes.
- 4 — Higher schools of polytechnic institutes may be associated in wider units with different titles according to regional interests and/or the type of school.

Article 15

(Scientific research)

- 1 — The State must establish the material and cultural conditions for scientific invention and research.
- 2 — In higher education institutions facilities will be created for promoting scientific research and carrying out research and development.
- 3 — Scientific research in higher education should consider the principle objectives of the institution, without prejudice to its position in terms of progress understanding and the resolution of problems arising from the social, economic and cultural development of the country.
- 4 — Conditions for publishing scientific works should be guaranteed and the dissemination of new knowledge and perspectives in scientific thought, technological progress and cultural creativity should be facilitated.
- 5 — The State is responsible for encouraging collaboration between public, private and cooperative organisations so as to further the development of science, technology and culture, bearing collective interests particularly in mind.

SUBSECTION IV

Special types of schooling

Article 16

(Types)

- 1 — Special types of schooling are:
 - a) Special education;
 - b) Vocational training;
 - c) Recurrent adult education;
 - d) Distance teaching;
 - e) The teaching of Portuguese abroad.
- 2 — Each of these types is an integral part of school education but is governed by special regulations.

Article 17

(Scope and objectives of special education)

- 1 — Special education is geared to the socio-educative rehabilitation and integration of pupils with special educational needs due to physical and mental handicap.
- 2 — Special education includes activities geared to pupils and actions geared to families, teachers and the community.
- 3 — Of particular importance in special education, within the objectives of the education system in general, are:
 - a) Development of physical and intellectual potential;
 - b) Help in acquiring emotional stability;
 - c) Development of communication;
 - d) Minimisation of limitations caused by a handicap;
 - e) Assistance in the family, school and social integration of handicapped children and young people;

- f) Development of autonomy at all possible levels;
- g) Education for appropriate vocational training and integration into working life.

Article 18

(Organisation of special education)

- 1 — Special education is preferably organised according to diversified models of integration into regular teaching establishments, bearing in mind the requirements of specific attention and with the assistance of specialised teachers.
- 2 — Special education will also take place in specific institutions when the type and degree of handicap justifies this.
- 3 — Types of special education geared to the vocational integration of the handicapped pupil are also administered.
- 4 — Basic education for handicapped children and young people should have curricula and syllabuses duly adapted to the characteristics of each type and degree of handicap and also methods of evaluation adapted to the specific difficulties.
- 5 — The State is responsible for furthering and assisting special education for handicapped people.
- 6 — Initiatives in special education may be established by central, regional or local authorities or other collective organisations, particularly parents and residents associations, civic and denominational, trade union and company organisations and social welfare institutions.
- 7 — The ministry in charge of coordinating education policy is responsible for establishing the general pedagogical and technical standards of special education and for supporting and controlling its achievement and application.
- 8 — At national level the State is responsible for promoting action geared to the explanation, prevention and early treatment of the handicap.

(Vocational training)

- 1 — Besides complementing the preparation for working life started in basic education, vocational training is geared to positive integration into working life through the acquisition of vocational knowledge and skills so as to answer national development needs and technological development.
- 2 — Vocational training is available to:
 - a) People who have completed compulsory schooling;
 - b) Those who have not completed compulsory schooling to the upper age limit;
 - c) Workers who are seeking professional improvement or reconversion.
- 3 — Vocational training is organised according to a suitably flexible institutional and pedagogical model providing for the integration of pupils with different levels of education and characteristics.
- 4 — Vocational training is organised so as to develop:
 - a) Vocational initiation;
 - b) Vocational qualifications;
 - c) Vocational improvement;
 - d) Vocational reconversion.
- 5 — The organisation of vocational training courses should be adapted to current national and regional employment needs and may include schemes of varying length which are interchangeable so as to obtain successively higher professional levels.
- 6 — The operation of courses and modules may take place in diversified institutional forms such as:
 - a) Utilisation of basic and secondary education schools;
 - b) Agreements with enterprises and local authorities;
 - c) Assistance to State and non-State institutions and initiatives;
 - d) Stimulation of community activities and services to the community;
 - e) Establishment of specialised institutions.

- 7 — Successful conclusion of a vocational training module or course confers the right to a corresponding certificate.
- 8 — Processes will be established for fostering recurrent education and progression within the school education system for people who have completed vocational training courses.

Article 20


(Recurrent adult education)

- 1 — Recurrent education is organised for people who are no longer of the normal age for attending basic and secondary education.
- 2 — This education is also designed for people who did not have the chance to benefit from the education system at the normal age, and is particularly geared to eliminating illiteracy.
- 3 — People eligible for this type of education are:
 - a) Those over 15 years of age for basic education;
 - b) Those over 18 years of age for secondary education.
- 4 — This education awards the same diplomas and certificates as normal education, though conditions of access and syllabuses and teaching methods are organised differently according to the age groups concerned, experience gained in the meantime and the level of knowledge shown.
- 5 — The vocational training referred to in the previous article may also be organised as a form of recurrent education.

Article 21

(Distance teaching)

- 1 — Distance teaching using multiple forms of media and new information technologies is not only a complementary type of standard education but may also constitute an alternative type of school education.
- 2 — Distance teaching will be particularly important in recurrent education and continuous training of teachers.

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- 3 — The Open University is included in distance teaching.

Article 22

(The teaching of Portuguese abroad)

- 1 — The State will promote dissemination and study of Portuguese language and culture abroad through diversified actions and measures geared to its inclusion in the curricula of other countries and the creation and maintenance of lectureships in Portuguese under the supervision of Portuguese teachers in foreign universities.
- 2 — The establishment of Portuguese schools in countries where Portuguese is the official language and in Portuguese emigrant communities will be encouraged.
- 3 — The teaching of Portuguese language and culture to emigrant workers and their children will be ensured by courses and activities administered in the host countries and will be integrated in/or complement the respective education systems.
- 4 — The State will favour and support initiatives by Portuguese associations and foreign, public and private organisations furthering the objectives established in this article.

SECTION III

Further education

Article 23

(Further education)

- 1 — The objective of further education is to allow each individual to increase his knowledge and develop his potential as a complement to schooling or to make up for the lack of it.
- 2 — Further education is part of permanent education and is geared to education as a whole and its continuity.

3 — The fundamental objectives of further education are:

- a) To eliminate literal and functional illiteracy;
- b) To contribute to real educational* and professional equality of opportunity for people who did not attend the normal education system or who left it prematurely, through literacy programmes and basic education for adults;
- c) To foster social solidarity and participation in community life;
- d) Through professional recycling and improvement, to train adults whose qualifications or vocational training have become inadequate due to technological development;
- e) To develop the technological aptitudes and technical knowledge allowing the adult to adapt to contemporary life;
- f) To ensure creative occupation of young people's and adults leisure time with cultural activities.

4 — Further education may take place in cultural organisations connected to the education system or in open systems using the mass media and specific and appropriate educational technology.

5 — The State is responsible for promoting further education activities and for supporting those organised by local authorities, cultural and recreational associations, parents' associations, students' and youth organisations, populist education associations, trade union organisations and workers' committee, civic and denominational organisations and others.

6 — Besides considering the educational content of television and radio schedules in general, the State will guarantee the existence and operation of educational radio and television so as to establish a diversity of programmes covering a suitably wide daily broadcasting period at different times.

CHAPTER III

Educational support and complementary activities

Article 24

(Furthering academic success)

- 1 — Activities and measures for supporting and supplementing education have been established and developed to contribute to equality of opportunity of academic access and success.
- 2 — Supplementary activities and support for education are mainly applied in compulsory schooling.

Article 25

(Assistance to pupils with special educational needs)

In basic education establishments the existence of pedagogical supervision and supplementary activities is guaranteed in a positively differentiated way for pupils with special educational needs.

Article 26

(Counselling and school and vocational guidance)

Assistance to the psychological development of pupils, and their school and vocational guidance and also psycho-pedagogical support to educational activities and the school-community system of relationship is provided by professional psychology and school guidance departments included in regional education structures.

Article 27

(School welfare)

- 1 — Within pre-school and school education, social welfare services function through applying positive discrimination geared to social and educational compensation for the more economically needy pupils.

- 2 — Social welfare services include a diversified series of actions including subsidised meals, canteen services, transport, boarding, handbooks and school material and the award of grants.

Article 28

(Assistance to school health)

Supervision of the healthy growth and development of pupils will be ensured in principle by specialised departments of community health centres in coordination with schools.

Article 29

(Assistance to worker-students)

Worker-students will be provided with a special study scheme adapted to their worker-student status and allowing them to acquire knowledge, make progress in the education system and create vocational training opportunities appropriate to their personal self-fulfilment.

CHAPTER IV

Human resources

Article 30

(General principles for training educators and teachers)

- 1 — Training educators and teachers is based on the following principles:
- a) Higher education initial training giving educators and teachers of all levels of education and teaching the basic scientific and pedagogical information, methods and techniques as well as the personal and social training appropriate to carrying out this function;
 - b) Continuous training which complements and updates initial training in a perspective of permanent education;

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- c) Flexible training allowing reconversion and mobility of educators and teachers of different levels of education and teaching through the necessary supplement of vocational training;
- d) Integrated education both in terms of scientific-pedagogical training and coordination between theory and practice;
- e) Training based on methods associated to those the educator and teacher will use in their own teaching;
- f) Training which stimulates a simultaneously critical and active attitude to social realities;
- g) Training which encourages and stimulates innovation and research, particularly in relation to education;
- h) Participatory training which leads to reflexive and continued practice of self-information and self-learning.

2 — Pedagogical activities and guidance in pre-school education are provided by educators while teaching in all educational levels and cycles is administered by teachers who hold diplomas testifying to the specific professional training they have undertaken for the purpose.

Article 31*

(Initial training of educators and teachers of basic and secondary education)

- 1 — Infant teachers and teachers in basic and secondary education shall acquire a professional qualification through higher education courses which lead to a post-graduate degree (licenciado), organised in accordance with their professional needs in their respective levels of education and teaching.
- 2 — The Government shall issue a decree-law defining the skills and training requirements for the admission of infant teachers and teachers in basic and secondary education.
- 3 — Infant teachers and teachers in the 1st, 2nd and 3rd cycles of basic education shall be trained in teacher training colleges and in university establishments.

* According to the Law 115/97, of 19 September.

the Government shall issue a decree-law defining the requirements to be met by teacher training colleges in order to provide initial training for teachers of the 3rd cycle of basic education, namely in respect of human and material resources, so as to guarantee the academic standard of the training acquired.

Secondary school teachers shall be trained in university establishments.

Teachers of occupational, vocational or artistic subjects in basic or secondary education may be qualified through post-graduate (licenciatura) courses which provide training in the respective area, provided such studies are complemented by appropriate pedagogical training.

Secondary school teachers may also be qualified through post-graduate (licenciatura) courses which provide academic training in their respective subject area, provided such studies are complemented by appropriate pedagogical training.

Article 32

(Qualification for higher education teachers)

People qualified as "doutor" or "mestre" as well as "licenciado" who have shown pedagogical aptitude and scientific ability and also other qualified people may obtain a qualification for teaching in higher education.

"Licenciados" or people with a degree may assist in higher education teaching.

Article 33*

(Qualification for other educational functions)

Assistant teachers and teachers in basic and secondary education with experience of normal or special teaching shall be qualified to teach in special education when they successfully conclude courses especially designed for the purpose and given in higher education establishments which have the appropriate resources for this field.

* According to the Law 115/97, of 19 September (no. 1 and 2).

he training institutions referred to in paragraphs 3 and 5 of article 31
ay also run specialised courses in school administration and inspection,
cial and cultural education, basic adult education and other courses
eded for the development of the education system.

ople with an appropriate higher education qualification are qualified to
rry out ancillary activities in education.

Article 34

(Auxiliary educational staff)

ry educational staff should have completed at least basic education or
ivalent and they should be provided with appropriate complementary
g.

Article 35

(Continuous training)

he right to continuous training is recognised for all educators, teachers
nd other qualified staff involved in education.

ontinuous training should be diversified so as to ensure that professional
nowledge and ability is complemented, extended and kept up to date,
nd also so as to facilitate career mobility and promotion.

ontinuous training is mainly administered by the respective initial
aining institution in close collaboration with the establishments where
ie educators and teachers work.

eaching staff will be allowed periods specially set aside for continuous
aining, and these may take the form of sabbatical years.

Article 36

(General principles of careers for teachers and other qualified staff involved in education)

- 1 — Educators, teachers and other qualified educational staff have the right to a remuneration and career structure compatible with their professional, social and cultural qualifications and responsibilities.
- 2 — Career progress should be connected to the evaluation of all individual or group activity in the educational institution within education and teaching and the provision of other services to the community as well as to professional, pedagogical and scientific qualifications.
- 3 — The right to appeal against decisions taken regarding the evaluation referred to in the previous number is recognised for educators, teachers and other qualified educational staff.

CHAPTER V

Material resources

Article 37

(School network)

- 1 — The State is responsible for setting up a network of public educational and teaching establishments fulfilling the needs of the whole population.
- 2 — The school network should be planned so as to contribute to eliminating local and regional inequalities and imbalances so as to guarantee equal educational and teaching opportunities to all children and young people.

Article 38

(Regionalisation)

Planning and reorganisation of the school network and construction and maintenance of school buildings and equipment should be based on an

ffective regionalisation policy which includes a clear definition of the responsibilities of the people involved, who for this purpose should have the necessary resources at their disposal.

Article 39

(School buildings)

- 1 — School buildings should be designed so as to provide integrated facilities and should be sufficiently flexible to allow them to be used for different activities in the community whenever possible and to be adapted according to changes in the different levels of teaching, curricula and educational methods.
- 2 — Apart from school activities the design of school buildings should be appropriate to the development of the occupation of leisure time and the schools involvement in extra-school activities.
- 3 — The density of the network and the size of school buildings should be adapted to regional needs and characteristics and the capacity to receive a balanced number of students so as to provide good pedagogical facilities and the establishment of a true school community.
- 4 — The special needs of handicapped pupils must be considered in designing schools and selecting equipment.
- 5 — It is essential that the management of space should also contribute to pupils' educational and academic success.

Article 40

(Educational and teaching establishments)

- 1 — Pre-school education takes place in special establishments or those included in schools where the 1st cycle of basic education is administered or also in buildings where other social activities are organised, particularly further education.
- 2 — Basic education takes place in different types of establishment which include all or part of the cycles constituting it, and for the purposes of resource rationalisation secondary education may also be administered in them.

- 3 — Secondary education takes place in multi-curricula secondary schools, although for certain subjects it is possible to utilise the premises of private organisations or other public organisations not responsible for the public education network for running classes or other teaching and training activities.
- 4 — The secondary school network should be organised so that each region is guaranteed the greatest possible diversity of courses taking local or regional interests into consideration.
- 5 — Secondary education should mainly take place in special establishments though cycles of basic education, especially the 3rd, may also take place there so as to rationalise respective resources.
- 6 — Different departments in the same higher education institution may be geographically separated so as to ensure they are adapted to relevant regional development needs.
- 7 — The flexible utilisation of buildings established in this article may in no way whatsoever contradict number 3 of the preceding article.

Article 41

(Educational resources)

- 1 — Educational resources are all the material means used for appropriately carrying out educational activities.
- 2 — The most important educational resources to be given special attention are:
 - a) School handbooks;
 - b) School libraries and media centres;
 - c) Laboratory and workshop equipment;
 - d) Physical education and sports equipment;
 - e) Musical and artistic education equipment;
 - f) Regional educational resource centres.
- 3 — To support and complement existing educational resources and schools and also to rationalise the use of available resources the creation of

regional centres equipped with appropriate resources and means to allow others to be set up according to the needs of educational innovation will be encouraged.

Article 42

(Financing education)

- 1 — In drawing up the State Plan and Budget education will be given national priority.
- 2 — Money allocated to education should be distributed according to the strategic priorities for developing the education system.

CHAPTER VI

Administration of the education system

Article 43

(General principles)

- 1 — Administration and management of the education system should guarantee total respect for the rules of democracy and participation designed to achieve pedagogical and educational objectives, particularly regarding social and civic training.
- 2 — The education system should be equipped with national, autonomous region, regional and local administrative structures to ensure its interaction with the community through appropriate degrees of participation from teachers, pupils, families, local authorities, social, economic and cultural organisations and also institutions of a scientific nature.
- 3 — For the purposes of the previous point organisations and forms of decentralisation and deconcentration of departments will be adopted and the State, via the ministry responsible for coordinating education policy, will be responsible for guaranteeing the required effectiveness and unity of action.

Article 44

(Levels of administration)

- 1 — Special laws will regulate definition and coordination of responsibilities between different levels of administration, though central government will be responsible particularly for:
 - a) Designing, planning and setting the standards for the education system so as to ensure its unity and adaptation to national objectives;
 - b) Overall coordination and evaluation of applying education policy measures to be taken in a decentralised or deconcentrated way;
 - c) Inspection and supervision in general so as to guarantee the necessary quality of teaching;
 - d) Definition of the general principles for establishing the school network, type of schools and equipment, as well as the pedagogical standards school building construction must follow;
 - e) Guaranteeing the pedagogical and technical quality of different teaching resources, including school handbooks.
- 2 — So as to integrate, coordinate and observe educational activity a regional education department will be established in each region in terms to be regulated by decree-law.

Article 45

(Administration and management of educational and teaching establishments)

- 1 — The operation of educational and teaching establishments of different levels follows the principles of community integration, and therefore local placement of the respective teaching staff is encouraged.
- 2 — In each education and teaching establishment or group of establishments administration and management are guided by the principles of democracy and participation of everyone involved in the educational process, taking into consideration the specific characteristics of each level of education and teaching.

- 3 — In educational and teaching establishment administration and management pedagogical and scientific criteria should always prevail over administrative criteria.
- 4 — Management of each basic and secondary education establishment or group of establishments is ensured by the latter's own organisations, for which representatives of teachers, pupils and non-teaching staff are democratically elected and are assisted by advisory bodies and specialised departments according to types to be regulated for each level of education.
- 5 — Pupils participation in the bodies referred to in the previous number is restricted to secondary education.
- 6 — Management of all higher education establishments is guided by the principles of democracy, and representation and community participation.
- 7 — Higher education institutions enjoy scientific, pedagogical and administrative autonomy.
- 8 — Universities also enjoy financial autonomy, notwithstanding the State's overall control.
- 9 — The autonomy of higher education institutions will be balanced with their involvement in the development of the region and the country.

Article 46

(National Board of Education)

The National Board of Education has been established as an advisory body, notwithstanding the personal responsibilities of supervisory organisations, so as to allow different social, cultural and economic forces to participate in seeking a wide consensus on education policy, in terms to be regulated by law.

CHAPTER VII

Development and evaluation of the education system

Article 47

(Curriculum development)

- 1 — Curricula organisation of school education will be geared towards promoting horizontal and vertical balance between the levels of pupils' physical and motor, cognitive, affective, aesthetic, social and moral development.
- 2 — Basic education curricula, in all cycles and in appropriate forms, will include a personal and social education element components of which may include ecological, consumer, family and sexual education, accident prevention, health education, education for participation in institutions, civic departments and others of the same field.
- 3 — Basic and secondary education curricula also include the teaching of morals and, optionally, the catholic religion, according to the constitutional principles of separation of Church and State and the non-denominational nature of public education.
- 4 — Basic education curricula should be established at national level, notwithstanding a flexible content including regional components.
- 5 — Secondary education curricula will have a national structure though the components may have regional and local characteristics justified particularly by socio-economic circumstances and qualified staff requirements.
- 6 — Higher education curricula are related to each of the teaching institutions which run the respective courses established or to be established in accordance with national and regional needs and taking integrated planning of the respective network into consideration.
- 7 — Teaching-learning of the mother tongue should be organised so that all other parts of the curricula of basic and secondary education contribute in a systematic way to developing pupils ability in terms of comprehension and production of oral and written communication in Portuguese.

Article 48

(Leisure time activities and school sports)

- 1 — Curricula in different levels of education should be complemented by activity geared to pupils' integral education and personal fulfilment regarding creative and formative utilisation of leisure time.
- 2 — These complementary activities are geared mainly to cultural and civic improvement, physical education and sports, artistic education and community involvement of pupils.
- 3 — Complementary activities may be national, regional or local and in the last two cases may be at the initiative of each school or group of schools.
- 4 — Activities for occupying leisure time should encourage the participation and involvement of children and young people in its organisation, development and evaluation.
- 5 — School sports are specifically geared to promoting health and physical fitness, acquisition of motor habits and behaviour and awareness of sport as part of culture, stimulating feelings of solidarity, cooperation, autonomy and creativity, and pupils should be encouraged to run their respective sports themselves, though qualified staff will provide overall supervision.

Article 49

(Evaluation of the education system)

- 1 — The education system should be subject to continuous evaluation which should consider the educational and pedagogical, psychological and sociological, organisational, economic and financial as well as the politico-administrative and cultural aspects.
- 2 — Such evaluation will relate particularly to the development, regulation and application of this law.

Article 50

(Educational research)

Educational research is geared to scientifically evaluating and interpreting activity in the education system and should be encouraged particularly in higher education institutions equipped with educational science centres or departments, notwithstanding the establishment of specialised independent centres in this field.

Article 51

(Educational statistics)

- 1 — Educational statistics are a basic tool for evaluating and planning the education system and should be organised so as to ensure its timely and universal application.
- 2 — For this purpose general standards should be established and organisations responsible for collecting, processing and publishing educational statistics should be defined.

Article 52

(Supporting structures)

- 1 — The Government shall create appropriate structures to guarantee and support curricula development and encourage innovation and evaluation of the education system and activities.
- 2 — These organisations should develop their activity in coordination with schools and educational research and teacher training institutions.

Article 53

(School inspection)

School inspection enjoys autonomy of activity and is meant to evaluate and control the development of school education bearing in mind achievement of the ends and objectives established in this law and other supplementary legislation.

CHAPTER VIII

Private and cooperative education

Article 54

(Special nature)

- 1 — The State recognises the value of private and cooperative education as a concrete expression of freedom to learn and teach and the right of the family to guide the child's education.
- 2 — Private and cooperative education is governed by its own legislation and statutes which are subordinate to the stipulations in this law.

Article 55

(Coordination with the school network)

- 1 — Private and cooperative educational establishments working within the framework of the general principles, ends, structures and objectives of the education system are considered to be an integral part of the school network.
- 2 — For extending or altering the network the State will also bear in mind initiatives coming from private and cooperative establishments so as to rationalise and take advantage of resources and guarantee the quality of teaching.

Article 56

(Operation of establishments and courses)

- 1 — In exercising freedom to teach and learn, private and cooperative teaching institutions may follow the curricula and programmes of State education or adopt their own curricula and programmes, notwithstanding what is stipulated in number 1 of the preceding article.
- 2 — When private and cooperative education adopts its own curricula and programmes official recognition is granted on a case by case basis

through positive evaluation arising from analysis of the respective curricula and the pedagogical conditions of education, according to standards to be established by decree-law.

- 3 — Authorisation for the establishment and operation of private and cooperative higher education institutions and courses as well as approval of the respective syllabuses and official recognition of corresponding certificates will be given on a case by case basis by decree-law.

Article 57

(Teaching staff)

- 1 — For each level of education and teaching, teaching staff in private and cooperative educational establishments integrated in the school network require the academic qualifications and professional training set down in this law.
- 2 — The State can support continuous training of teaching staff employed in private and cooperative teaching establishments integrated in the school network.

Article 58

(State intervention)

- 1 — The State pedagogically and technically supervises and supports private and cooperative education.
- 2 — The State financially supports private and cooperative education initiatives and establishments when, in carrying on activities of public interest, they are part of the educational development plan, and will oversee the application of sums allocated.

CHAPTER IX

Final and temporary provisions

Article 59

(Development of the law)

- 1 — Within one year the Government will publish the complementary legislation in the form of a decree-law required for developing this law, which covers the following areas:
 - a) Free compulsory education;
 - b) Teacher training;
 - c) Careers for teaching staff and other qualified educational staff;
 - d) School administration and management;
 - e) Basic and secondary education curricula;
 - f) Vocational training;
 - g) Recurrent education for adults;
 - h) Distance teaching;
 - i) Portuguese teaching abroad;
 - j) Educational support and complementary activities;
 - k) Private and cooperative education;
 - m) Physical education and school sports;
 - n) Artistic education.
- 2 — When the issues referred to in the previous number are already included in Parliamentary law, the Government, within the same period, must present the necessary bills.
- 3 — The National Board of Education should observe the application and development of the provisions in this law.

Article 60

(Development plan for the education system)

Within two years the Government must draw up and present for Parliamentary approval a development plan for the education system in the medium term up to the year 2000 to ensure phased development of this law and other supplementary legislation.

Article 61

(Transition)

Transition of the present system to the one established in this law will be determined by regulations to be published in due course by the Government, and established rights will not be taken away from teachers, pupils and non-teaching staff.

Article 62

(Temporary provisions)

- 1 — Measures will be taken to supply basic and secondary education with professionally qualified teaching staff by means of initial training, according to the provisions in this law, so as to make it unnecessary in the very short term to permanently engage teachers who are not professionally qualified.
- 2 — An in-service training scheme will be organised for duly qualified teaching staff working at present or who may enter teaching so as to provide them with vocational training equivalent to that administered in initial training institutions for the respective levels of education.
- 3 — In deciding the capacity to be established for initial training courses for teachers the authority responsible for this should bear in mind the relationship between the number of qualified teachers already in service and forecast vacancies available within a five year transition period.
- 4 — Until the administrative regions, responsibilities and geographical scope of the regional education departments referred to in number 2 of article

44 have been created, these will be defined by decree-law to be published within one year.

- 5 — The Government will draw up an emergency plan for the construction and renovation of school buildings and equipment so as to satisfy the needs of the school network, giving priority to basic education.
- 6 — In the 1st cycle of basic education the functions of the present school district directors and school delegates are of an exclusively administrative nature.

Article 63

(Final provisions)

- 1 — The provisions regarding the duration of compulsory schooling apply to pupils who enroll in the 1st year of basic education in or after the 1987-1988 school year.
- 2 — Special legislation will determine the educational administration and support which municipalities will be responsible for.
- 3 — The Government, by decree-law, must define the system of equivalence between studies, levels and diplomas in the Portuguese education system and those of other countries, as well as the circumstances in which higher education students may complete part of their courses in equivalent foreign institutions, and also the criteria for determining transferrable credits.
- 4 — Conditions should be established to facilitate the integration of Portuguese emigrants' children returning to Portugal into the education system.

Article 64

(Revocation)

All legislation contradicting what is stipulated in this Law is hereby revoked.

**Law no. 115/97
of 19 September**

**Amendment of Law no. 46/86, of 14 October
(Comprehensive Law on the Education System)**

The Assembly of the Republic hereby decrees the following, under the terms of articles 164, sub-paragraph d), 167, sub-paragraph i) and 169, no. 3, of the Constitution:

Article 1

Scope

Articles 12, 13, 31 and 33 of Law no. 46/86, of 14 October (Comprehensive Law on the Education System), are hereby amended to read as follows:

Article 12

[...]

- 1 — Access to higher education is open to individuals who have successfully completed a secondary education course or its equivalent and who demonstrate their capacity to attend.
- 2 — The Government shall issue a decree-law defining the rules on access and admission to higher education in accordance with the following principles:
 - a) Democracy, fairness and equality of opportunity;
 - b) Objectivity of the criteria used for the selection and sorting of applicants;
 - c) The same rules shall apply in each higher education sub-system;
 - d) The secondary school career of the applicant, including marks for both continuous assessment and national examinations, shall be taken into account, so that the national system for certifying secondary education is of relevance to the process of access to higher education;
 - e) The applicant's final secondary school grade shall be taken into account;

- f) Higher education establishments shall run a co-ordinated assessment, selection and sorting system, so as to avoid proliferation of the entrance examinations which applicants are required to sit;
 - g) The process of application, matriculation and enrolment at public higher education establishments shall be organised on a national basis, notwithstanding that selection processes may be organised locally when duly justified;
 - h) The application process shall be managed by the central and regional education authorities.
- 3 — Within the limits established in the preceding paragraph, each higher education establishment shall have powers to administer the process of assessing the applicant's capacity to follow the course, and that of selection and sorting of applicants for admission to each course and educational establishment.
- 4 — The State shall ensure that restrictions on the total number of students admitted to higher education – *numerus clausus* – is gradually eliminated and shall take steps to ensure that existing courses and courses created in future respond to the overall need for qualified personnel, to individual aspirations and to the need to raise the educational, cultural and scientific standard of the country, and to guarantee the quality of the education given.
- 5 — Individuals over 25 years of age who have not successfully completed secondary education or its equivalent, and who do not have a higher educational qualification, shall also have access to higher education if they are able to demonstrate their capacity to attend by means of a specific and appropriate examination.
- 6 — The State shall take steps to ensure that citizens are able to attend higher education, so as to counteract the discriminatory effects of economic and regional inequality and the effects of underprivileged backgrounds.

Article 13

(Degrees and diplomas)

- 1 — In higher education the following academic degrees shall be awarded: bachelor (bacharel), post-graduate (licenciado), master (mestre) and doctor (doutor).

- 2 — In university education the following academic degrees shall be awarded: bachelor (bacharel), post-graduate (licenciado), master (mestre) and doctor (doutor).
- 3 — In polytechnic education the following academic degrees shall be awarded: bachelor (bacharel), post-graduate (licenciado).
- 4 — Courses leading to bachelor's degrees shall normally have a duration of three years and may, in special cases, have a duration of one or two semesters less.
- 5 — Courses leading to post-graduate degrees shall have a normal duration of four years and may, in special cases, have a duration of one to four semesters more.
- 6 — The Government shall issue a decree-law, after consulting higher education establishments, regulating the conditions for awarding academic degrees in order to guarantee the academic standard of the education acquired.
- 7 — Higher education establishments may offer courses not leading to academic degrees but for which a diploma is awarded to those successfully completing the course.
- 8 — Mobility between university and polytechnic education shall be ensured on the basis of the principle of mutual recognition of the value of the education given and the skills acquired.

Article 31

[...]

- 1 — Infant teachers and teachers in basic and secondary education shall acquire a professional qualification through higher education courses which lead to a post-graduate degree (licenciado), organised in accordance with their professional needs in their respective levels of education and teaching.
- 2 — The Government shall issue a decree-law defining the skills and training requirements for the admission of infant teachers and teachers in basic and secondary education.

- 3 — Infant teachers and teachers in the 1st, 2nd and 3rd cycles of basic education shall be trained in teacher training colleges and in university establishments.
- 4 — The Government shall issue a decree-law defining the requirements to be met by teacher training colleges in order to provide initial training for teachers of the 3rd cycle of basic education, namely in respect of human and material resources, so as to guarantee the academic standard of the training acquired.
- 5 — Secondary school teachers shall be trained in university establishments.
- 6 — Teachers of occupational, vocational or artistic subjects in basic or secondary education may be qualified through post-graduate (licenciatura) courses which provide training in the respective area, provided such studies are complemented by appropriate pedagogical training.
- 7 — Secondary school teachers may also be qualified through post-graduate (licenciatura) courses which provide academic training in their respective subject area, provided such studies are complemented by appropriate pedagogical training.

Article 33

[...]

- 1 — Infant teachers and teachers in basic and secondary education with experience of normal or special teaching shall be qualified to teach in special education when they successfully conclude courses especially designed for the purpose and given in higher education establishments which have the appropriate resources for this field.
- 2 — The training institutions referred to in paragraphs 3 and 5 of article 31 may also run specialised courses in school administration and inspection, social and cultural education, basic adult education and other courses needed for the development of the education system.
- 3 —

Article 2

Temporary provisions .

- Without prejudice to the provisions of paragraph 1 of article 31, the Government shall establish, by decree-law, the rules for the process whereby infant teachers and teachers in basic and secondary education who hold bachelors degrees or the equivalent may obtain post-graduate degrees (licenciatura).
- Without prejudice of the provisions of paragraph 6 of article 13 and in paragraph 1 and 2 of article 31, the Government shall issue in 180 days, by decree-law, the regulations needed to organize the new courses provided in this Law.