

EDUCATION
Office of the Secretary of State for Education

Decree

Decree-law no. 55/2018, of July 6, establishes the curriculum for primary and secondary education, the guiding principles of its design, and the operationalization and evaluation of learning, in order to ensure that all pupils acquire the knowledge and develop skills and attitudes that contribute to reach the abilities foreseen in the Profile of Students Exiting Compulsory Schooling.

The present decree regulates the educational modalities of individual education and home education provided for in paragraph 1 (b) and (c) respectively of the 8th decree-law no. 55/2018, of July 6th, defining the rules and procedures concerning enrolment and attendance, as well as the monitoring procedure and the learning certification.

It is intended, therefore, to respond to families who, for strictly personal reasons or for reasons of occupational mobility, aim to assume greater responsibility in the education of their children or school-age wards, choosing to teach them outside the school context.

The collaboration protocol is instituted as a privileged instrument to establish the organization of the student's educational path, the procedures for follow-up and monitoring of their educational process, as well as the responsibilities of the guardian and of the enrolment school, with a view to creating the conditions for the success of the student, ensuring the development of the principles, vision, values and areas of the competences established in the Profile of Students Exiting Compulsory Schooling. Therefore:

Under the provisions of paragraph 2 of article 8 of decree-law no. 55/2018, of July 6th, the Government mandates, by the Secretary of State for Education, the following:

CHAPTER I
General Provisions

Article 1
Object

The present decree regulates the educational modalities of individual teaching and home education provided for in paragraph 1 (b) and (c) respectively article 8 of decree-law no. 55/2018, of July 6, defining the rules and procedures concerning enrolment and attendance, as well as the monitoring procedure and the certification of learning, in view of the Profile of Students Exiting Compulsory Schooling.

Article 2
Scope of application

- 1 - The provisions of this decree apply to pupils covered by mandatory school age that intend to attend individual education or home education:
 - a) General elementary education;
 - b) Scientific-humanistic courses of the secondary level.
- 2 - The provisions of this decree shall also apply to groupings of schools and non-public schools, as well as private and cooperative learning circles, hereinafter referred to as schools, without impairment of the Statute of Private and Cooperative Education.
- 3 - The references contained in this ordinance to the administration and management of public education establishments, as well as pedagogical coordination and supervision, are considered to be for the organs and structures with equivalent competence in each private educational institution and cooperative.

Article 3
Definitions

For the purposes of this document, the following definitions shall apply:

- a) “Home education” shall mean that which is taught at the student's home by a family member or by a person living with him;
- b) “Individual education” shall mean that which is taught by a qualified teacher to a single student outside of an educational establishment;
- c) “School of enrolment” means the school where the pupil is enrolled;
- d) “Student Portfolio”, the record of the curricular and pedagogical-didactic course of the student, organized with documentation and information, presented on different platforms, concerning the evidence of work and learning done by the student, with reference to what is established in the collaboration protocol;
- e) “Teacher-tutor” means the teacher of the school of enrolment responsible for the accompaniment of the student;
- f) “Collaboration Protocol” means the agreement between the parent or guardian (*from here on referred to only as guardian*) and the school board where the student is enrolled, which enshrines the responsibilities of the signatory parties, in particular in respect to the organization of the educational path of the student and in respect to the implementation of the curriculum within the educational framework that the Profile of Students Exiting Compulsory Schooling constitutes;
- ‘h’) “Responsible educator”
 - i) In home education, the student's relative or person living with him/her who develops the curriculum together with the student.
 - ii) **In individual education, a teacher, indicated by the guardian of the child, who among others develops the curriculum together with the child.**

Article 4

Individual Student Process

- 1 - The student's curricular path must be documented in a systematic way in the personal student file referred to in Article 11 of the Student Statute and School Ethics.
- 2 – The personal student file is updated throughout the compulsory schooling, in order to provide an overview of the student's educational path, facilitating his or her monitoring and, whenever is needed, to provide appropriate intervention.
- 3 - The updating of the student file foreseen in the previous number is the responsibility of the teacher-tutor **of the school of enrolment** in collaboration with the student's guardian.
- 4 - The personal student file accompanies the student whenever he or she changes the school of enrolment, the school of previous enrolment being responsible for making it available to the school of destination.
- 5 - The personal student file, which contains the student's identification data, should include all the elements that indicate the student's path and evolution, namely:
 - a) The collaboration protocol;
 - b) Individual reports on benchmarking tests, where verifiable;
 - c) Medical reports and/or psychological assessment reports, if necessary and available;
 - d) Participation in volunteer or artistic, cultural, or sports projects, among others, of relevant social and educational interest, developed by the student, duly certified by the respective entities and documented in the collaboration protocol;
 - e) Others considered relevant and appropriate for the educational path of the student.
- 6 - The provisions of the previous numbers are subject to constitutional and legal limits, in particular to the legislation on the protection of personal data, with regards to the access and processing of such data and professional secrecy.

CHAPTER II

Individual education and home education

Article 5

Goals

- 1 - The educational offerings of primary and secondary education, in the modalities of individual education and home education, aim to give a response to the families who, for reasons of strictly personal nature or occupational mobility, intend to assume a greater responsibility in the education of their children or school-age wards;
- 2 - In compliance with the principles, vision, values and areas of competence foreseen in the Profile of Students Exiting Compulsory Schooling the offers of general elementary education and of the scientific-humanistic courses aim to ensure, respectively, to the students:

- a) A common general training, providing them with the development of learning provided in the curriculum documents of general elementary education, in order to proceed to secondary level studies;
- b) A general training and specific training, in line with the interests of the student in terms of pursuing studies, seeking, through the organization of its educative path, to develop learning as defined in the curricular documents for the courses of Sciences and Technologies, Socioeconomic Sciences, Languages and Humanities, and Visual Arts.

Article 6

Organization of the curriculum

- 1 - The organization of the curriculum in the educational modalities of individual education and home education follows the principles, vision, values and areas of competence of the Profile of Students Exiting Compulsory Schooling, having as reference the curricular documents in force for each discipline, namely:
 - a) The Essential Learnings for each cycle of schooling of elementary education, in accordance with the provisions of Order no. 6944-A/2018, of July 19;
 - b) The Essential Learnings of the disciplines of the scientific-humanistic courses, in accordance with the provisions of Dispatch no. 8476-A/2018, of August 31.
- 2 - Notwithstanding the preceding paragraph, it should still be considered the mandatory subjects of Citizenship and Development, defined in the National Strategy of Education for Citizenship, contained in Annex I of this decree, and which is an integral part.

CHAPTER III

Frequency, enrolment, collaboration protocol and contributors

Section I

Frequency, enrolment and renewal, collaboration protocol

Article 7

Attendance

- The attendance of general elementary education and the scientific-humanistic courses at the secondary level in the modalities of individual education and home education implies:
- a) The enrolment;
 - b) The renovation of enrolment;
 - c) The creation of a protocol of collaboration between the school of enrolment and the guardian.

Article 8
Enrolment

- 1- The application for enrolment is submitted, in accordance with current regulations, upon request to the school's principal in the student's area of residence.
- 2- The application for enrolment made by the guardian must contain:
 - a) Identification of the guardian, indicating the name, address and the civil and tax identification numbers;
 - b) Identification of the responsible educator, indicating the name, address and the civil tax numbers;
 - c) Identification of the student, indicating the name, address, civil and tax identification numbers, age, and year of schooling;
 - d) The modality and the educational offering that the student wants to attend;
 - e) **The presentation of the factual and legal grounds on which the request is based.**
- 3- The application must be accompanied by the certificate of academic qualifications of the responsible educator, according to the qualifications required, in accordance with the provisions of article 15.
- 4- Other documents that the parent may consider relevant to the application for enrolment may also be submitted.
- 5- **The enrolment is complemented by an interview with the student and the guardian, upon summons of the school of enrolment, in order to get to know the student and his/her educational project.**
- 6- **In the case of the option of a private or cooperative educational establishment, the application is submitted at the school selected by the guardian.**

Article 9
Renewal of enrolment

The renewal of enrolment in the modalities regulated by this ordinance depends on:

- a) Compliance with the protocol of collaboration by the guardian;
- b) Renewal or creation of a new collaboration protocol.

Article 10
Decision about the application for enrolment ~~and its renewal~~

- 1- Once the application for enrolment ~~or its renewal~~ has been submitted under the terms of articles 8 ~~and 9~~ respectively, it is the responsibility of the school director:
 - a) **In home education, to decide within 15 working days, counting from the date of registration to enter school;**
 - b) **In individual education, issue an opinion, within 10 working days, counting from the date of registration to enter school;**

- 2- For the purposes of the preceding paragraph, the director, if he/she deems necessary, may request prior opinion of the school's body of pedagogy coordination and supervision.
- 3- For the purposes of sub-paragraph b) of the proceeding paragraph, the school director shall submit his/her opinion and other documentation related to the student to the Director-General of Educational Institutions, who has 15 working days to decide on the application, counting from the date of enrolment in the respective latter body.
- 4- The decision to grant approval shall be communicated within 10 working days:
 - a) To the applicant, in the case of the educational modality of home education;
 - b) To the applicant and to the school where the application for enrolment or renewal of the enrolment was submitted, in the case of individual education.
- 5- The enrolment or renewal of the enrolment must be considered conditional, only becoming effective after the conclusion of the protocol referred to in article 11, and such indication must appear in the notification.
- 6- At the time of the notification referred to in paragraph 3, the director shall forward the protocol draft to the guardian.
- 7- The guardian shall forward to the director the draft protocol within 10 working days, counting from the business day following the receipt of the notification referred to in the previous number.
- 8- The final decision of rejection shall be communicated to the applicant, stating the respective legal and factual grounds that led to that decision, after a hearing of the interested party by the competent body for the decision, in a period of not less than 10 working days.
- 9- In the case of individual education, without detriment to the provisions of the preceding paragraph, the decision shall also be communicated to the school where the applicant submitted the application for enrolment.
- 10- **The decision to reject the application for enrolment shall be subject to a hierarchal appeal to the competent government member, within 10 working days, counting from the working day following the notification.**

Article 11

Collaboration protocol

- 1- The collaboration protocol lasts for at least one academic year and may be subject to renewal or amendment by agreement between the parties.
- 2- The collaboration protocol shall include, in particular:
 - a) The object of the agreement;
 - b) The participants in the student's educational process and their responsibilities;
 - c) **A clear management of the curriculum that will to allow the school of enrolment to access:**

- i) **The development of Essential Learnings in line with the Areas of Competency as defined in the Profile of Students Exiting Compulsory Schooling;**
 - ii) **The work on the themes of the National Strategy of Education for Citizenship in accordance with the provisions of paragraph 2 of Article 6;**
- d) The forms of monitoring and following up with the student's learning, including the scheduling of **at least one** face-to-face session **coinciding with the end of the academic year** to take place at the school of enrolment with the student and the guardian;
- e) The assumption of Portuguese as the language of instruction **without prejudice that parts of the curriculum can be taught in a foreign language that integrates the national curriculum through the bilingual approach, provided that the following cumulative requirements are met:**
- i) **The guardian presents proof of linguistic proficiency in his or her foreign language;**
 - ii) **The school of enrolment has this educational offer;**
- f) **The possibility of a multidisciplinary inclusive education team from the school of enrolment to advise the responsible educator or guardian about inclusive pedagogic practises.**
- g) The taking of supplementary tests (*for passing from one cycle to the next*), the final tests of elementary education and the national final exams, in accordance with the regulations in force;
- h) The possibility of taking the benchmarking tests, in accordance with the regulations in force;
- i) **The obligation to keep up-to-date the identification data of the parties as well as of relative elements;**
- j) The period of validity.
- 3- The collaboration protocol may also include the possibility of using school spaces, namely the educational resources centre and the library.
- 4- In the implementation of what is set forth in paragraphs c) and d) of paragraph 2, it is of particular importance to organize the information related to the work and the learning carried out by the student, using the portfolio as set forth in article 3.
- 5- In the situations provided for in paragraph 3, students enrolled in public schools shall be covered by school insurance, in accordance with the provisions of ordinance no. 413/99, of June 8.

SECTION II

Participants and their responsibilities

Article 12

Participants

1- The following entities are involved in the student's educational process:

- a) **The school of enrolment;**
- b) **The guardian;**
- c) **The teacher-tutor;**
- d) **The responsible educator.**

2- **Also involved in the case of individual education are:**

- a) **Other teachers of the student, whenever they exist**
- b) **The Director-General of Educational Institutions.**

~~2- Whenever there is a change of the participants referred to in the previous paragraph, it must be communicated between the parties.~~

Article 13

School of enrolment

1- The school of enrolment ensures the supervision, the monitoring and the certification of the learning.

2- **The school of enrolment also ensures:**

- a) **The registration of the student in the computer application destined to this effect, after granting the enrolment request;**
- b) **Support for the guardian as defined in the collaboration agreement.**

3- It is up to the director of the school of enrolment to:

- a) Conduct the student's enrolment process;
- b) Designate the teacher-tutor;
- c) Formulate, with the guardian, a protocol of collaboration, in accordance with the provisions of article 11;
- d) Inform the guardian of the current curricular documents, as well as other documents relevant to the student's educational process;
- e) Inform the competent authorities of situations that go against the student's rights or inhibit his/her normal psycho-social development;
- f) Proceed with the cancellation of the enrolment authorization, in the case of home education, after hearing the guardian, within a period of not less than ten working days, if the following occurs:
 - i) Failure to comply with the collaboration protocol, without reasonable justification;
 - ii) **Not passing, for two consecutive years, at the end of each cycle of elementary education;**
 - iii) **Not passing, for two consecutive years, the final subjects of the 11th year of the end of secondary education.**

- ii) ~~The student's continued failure to comply with the conditions that guaranties the student's learning, according to his/her level of education and the curricular reference documents, taking into account the reports of the teacher tutor, the results of the supplementary tests, the final tests of elementary education and national final exams.~~
 - g) To notify the guardian of the decision regarding the cancellation of the enrolment authorization, also informing him/her about the obligation of the student to **transfer to an elementary school or to the scientific-humanistic courses taught in an educational establishment**, in accordance with **number 2 of article 19**, with effect from the **tenth** business day following the respective notification.
 - h) To propose to the General-Director of Educational Institutions the cancellation of the enrolment authorization, in the case of individual education, observing the provisions of paragraphs f) and g), with the necessary adaptations.
- 4- It is up to the school of enrolment to:
- a) Register the students in the computer application destined for this effect, after granting the enrolment request;
 - b) Support the guardian in the terms defined in the collaboration protocol.

Article 14

The guardian

The student's guardian assumes special responsibilities in the development of the educational process of the student, being responsible for:

- a) **Present at the school of enrolment the portfolio of his/her ward, with the regularity defined by the collaboration protocol**, in order to allow monitoring, and to assess the evolution of the student's learning process;
- b) To enrol the student, within the deadlines established in the current regulations, to carry out:
 - i) Benchmarking tests, where applicable;
 - ii) Final tests of elementary education;
 - iii) Supplementary tests;
 - iv) National final exams.
- c) Ensure the student's presence in the exams and tests referred to in the previous paragraph;
- d) To appear at the school of enrolment whenever notified for this purpose;
- e) To follow the protocol referred to in article 11 and to fulfil the obligations arising therefrom.

Article 15

The responsible educator

- 1- In home education, the educator must hold at least a Bachelor's degree.

- 2- In individual education, the responsible educator and/or other teachers responsible for the development of the curriculum must be qualified for teaching, in accordance with the legislation in force.
- 3- It is the responsibility of the responsible educator to develop the curriculum in accordance with the provisions of article 6, taking Portuguese as the language of schooling **or in the case of a bilingual project demonstrate his/her linguistic proficiency in the foreign language of the national curriculum in which he/she intends to develop part of the curriculum.**
- 4- In individual education, it's also up to the responsible educator to:
 - a) To conduct the evaluation of the student's learning in its formative and summative modalities, developing the appropriate procedures to the collecting, analysis and registration of the information connected with the learning, according to the established protocol.
 - b) Provide information to the student, his/her guardian and his/her teacher-tutor, regarding the development of the learning achieved by the student.

Article 16

Director-General of Educational Establishments

- 1- Without prejudice to the powers that are legally assigned to it, it's the responsibility of the Director-General of Educational Institutions to collaborate with schools in the context of individual education and home education, namely in the preparation of the draft of the protocol of cooperation, referred to in article 11.
- 2- In individual education, it's the responsibility of the Director-General of Educational Institutions **to decide on:**
 - a) ~~The application for enrolment and renewal of enrolment;~~
 - b) ~~The cancellation of the enrolment authorization, upon proposal of the director of the school of enrolment, after hearing the guardian.~~
- 3- **The proposal for the cancellation of the enrolment authorization referred to in part b) of the previous number is made by the director of the school of enrolment, after hearing the guardian.**
- 4- **The decision about the cancellation of enrolment in the case of individual education is given to the guardian and to the school, accompanied by the information the obligation of the student to transfer to an elementary school or to the scientific-humanistic courses taught in an educational establishment, in accordance with number 2 of article 19, with effect from the tenth business day following the respective notification.**
- 5- **The decision to reject the application for enrolment shall be subject to a hierarchal appeal to the competent government member, within 10 working days, counting from the working day following the notification.**
- 6- **The plea referred to in the previous number shall not have an effect of suspension, unless the body competent to hear the appeal, either on its own initiative or at the request of the interested party, considers that immediate execution causes irreparable damage to the student or it will be detrimental to the public in general.**

CHAPTER IV

Monitoring, evaluation and certification of learning

Article 17

Monitoring of the educative process

- 1- The monitoring by the school of enrolment, through the teacher-tutor, takes place through the discussion of the portfolio, which brings together the evidences of the learning achieved and its **evolution**.
- 2- **In addition to the student's self-assessment, which is part of the portfolio, it must also include:**
 - a) An appreciation of the work developed, prepared by the responsible educator;
 - b) Other elements considered relevant.
- 3- **The portfolio and documentation referred to in the previous number are sent to the school of enrolment, the regularity defined by the collaboration protocol, for the assessment of the teacher-tutor in a joint meeting with the student and the guardian.**

~~The presentation of the portfolio to the teacher-tutor by the responsible educator, is carried out in person at least twice a year, one of them coinciding with the end of the school year.~~

- 4- **After the meeting referred to in the proceeding number, the teacher-tutor shall draw up a summary assessment, with possible recommendations, to be sent to the guardian by the school director, within 10 working days of the working day following the date of the discussion of the portfolio.**

~~Considering the provisions in the previous paragraphs, it is the responsibility of the teacher-tutor to prepare a synthesis report, to be sent to the responsible educator by the school director within 10 working days, starting on the next day of the date of the portfolio discussion.~~

Article 18

Cycle and level of education completion

- 1- For the purposes of cycle or level of education completion, the students perform in the school of enrolment, under the terms and periods defined in the regulations in force:
 - a) In elementary education (*years 1-9*), supplementary tests in the years ending each cycle of elementary education (*the cycles are: first cycle - years 1-4; second cycle - years 5-6; third cycle - years 7-9*);
 - b) In secondary education (*years 10-12*), supplementary tests in the terminal years of each discipline.

- 2- In the situations envisaged in the previous number, whenever there is an offer of a final test in elementary education or national final exam in secondary education, these replace the supplementary tests.

Article 19

Transition between teaching modalities

- 1- **The transition, during the academic year, to individual or home education shall follow the rules defined in article 8.7.**
- 2- **The transition from individual or home education to the attendance at an elementary school or for secondary level scientific-humanistic courses at an educational establishment follows the rules of enrolment in these establishments.**
- ~~1- The entry into an educational institution by a student who has attended the individual education or home education modalities follows the rules laid down for general elementary education and the scientific-humanistic courses.~~
- ~~2- For the purposes of the previous number, the student is integrated:
 - a) In the subsequent year of education, fulfilling the requirements of the preceding article, when applicable, in case the enrolment is done in the normal period set for the purpose;
 - b) In the school year in which the student is registered, if the enrolment is made outside the normal period established for that purpose, with the acceptance of the enrolment dependent only on the existence of a vacancy in the classes already constituted.~~
- ~~3- In the situations provided for in the sub-paragraph b) of the preceding paragraph, when the student attends only one term, he/she will be subject to a special evaluation test in each discipline, except in the disciplines that already have final tests in the school year in question, or final cycle tests.~~
- ~~4- It is not allowed to make the transition to individual education or home education outside the enrolment period.~~
- ~~5- In special situations duly substantiated, the Director General of Educational Institutions may authorize, on an exceptional basis, the transition between modalities referred to in the previous paragraph, based on the opinion of the school director.~~

Article 20

Conclusion and certification

Students who complete their general elementary education and the scientific-humanistic courses of the secondary level, in the educational modalities of individual education and

home education, are granted the right to the emission of a diploma and certificate by the school of enrolment.

CHAPTER V **Final dispositions**

Article 21

Subsidiary system

To the modalities regulated by the decree shall apply subsidiarily, decree no. 223A/2018, of August 3, which regulates general elementary education, as well as decree no. 226-A/2018, of August 7, which regulates the scientific-humanistic courses.

Article 22

Accompaniment and monitorization

- 1- The implementation of this ordinance is monitored and supervised by the Directorate-General of Education and by the Director-General of Educational Institutions, in coordination with the Directorate-General of Statistics on Education and Science.
- 2- The services referred to in the preceding number shall produce and send to the member of government responsible for the area of education, an annual national report on the implementation of this decree for the academic years 2019-2020, 2020-2021 and 2021-2022.

Article 23

Effect production

- 1- This decree shall take effect from the academic year 2019-2020 on, without prejudice to the provisions of the following paragraph.
- 2- In the attendance of individual education and home education modalities, in the school year 2018-2019, the following rules are observed:
 - a) The guardians make available to the school of enrolment the data referred to in article 8 (2) (a) to (c), as well as the identification of the offer and modality attended by the student, for enrolment purposes;
 - b) The organization of the curriculum complies with the provisions of article 6;
 - c) Whenever the year of enrolment corresponds to a final year of the cycle or discipline, in the case of secondary education, the guardians shall register the students for the supplementary tests, final tests of elementary education and national final exams in the terms and periods defined in the regulations in force.

Article 24
Implementation

This decree shall enter into force on the day following its publication.

PROJETO

Annex I

(referred to in number 2 of article 6)

The areas for the education strategy for citizenship are:

a) Compulsory areas to develop:

- i) Human rights (civil and political, economic, social and cultural, and of solidarity);
- ii) Gender equality;
- iii) Interculturality (cultural and religious diversity);
- iv) Sustainable development;
- v) Environmental education;
- vi) Health (health promotion, public health, nutrition and physical exercise).

b) Areas to develop in at least two cycles of elementary education:

- i) Sexuality (diversity, rights, reproductive and sexual health);
- ii) Media;
- iii) Institutions and democratic participation;
- iv) Financial literacy and consumption education;
- v) Road safety;
- vi) Risk;
- vii) Entrepreneurship (in the economic and social fields);
- viii) World of work;
- ix) Security, defence and peace;
- x) Animal welfare;
- xi) Volunteering;
- xii) Others to be defined according to the needs of education for citizenship diagnosed by the school.