

## **DECREE LAW 36/2009**

### **Legal status of access to higher education**

Considering the need to regulate the conditions of access to higher education and technical degree training, aiming primarily the scientific preparation and capacity building for the performance of vital functions to the country, providing it with qualified staff;

In light of the requirements of clarity and fairness criteria of the process, ranging from the application and preliminary selection, to the evaluation of the minimum abilities required for the frequency and qualifications;

Taking into account the high volume of applicants, which implies a substantial mobilization of expert teams for the preparation of admission tests, their correction and evaluation, on site supervision of the tests, information and logistics, which require hard decentralization and accountability of higher education institutions;

It is crucial to establish the future coordination structure, capable of managing all above mentioned procedures, consisting of entities from the various institutions and academic fields and endowed with autonomy thereof.

Therefore:

The Government decrees as provided for in subparagraph d) of Article 116 of the Constitution, and in compliance with paragraph 3 of Article 18 of the Basic Law of Education, approved by Law No 14/2008 of 29 October, to rule as law, the following:

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1 Scope**

1. This legal regime applies to the access and entrance in public, private and cooperative higher education institutions for the frequency of courses conferring Licentiate degrees and integrated Master degrees, hereinafter referred to as "courses" and "conditions for access" for individuals qualified and certified by the Ministry of Education as holding:

- a) The general course of secondary education;
- b) A professional training course equivalent to that of secondary education;
- c) Other certificate courses referred to above obtained abroad, after equivalence or transition is formally recognised.

2. Entry in each higher education institution and in each course may be subject to quantitative limitations arising from the number of places determined annually by the statutorily competent bodies of each institution and reported to the Directorate of Higher Education, within the deadlines set in ministerial diploma.

3. The procedure for admission of students attending higher education institutions abroad and wishing to enter higher education in East Timor, before they have completed the course abroad, requires prior recognition of equivalences centralized at the National Directorate of Technical and Higher Education of the Ministry of Education.

## **Article 2** **Principles and Criteria**

1. As provided for in Article 18 of the Basic Law on Education, hereinafter referred to as BLE, approved by Law No 14/2008 of 29 October, access to higher education is governed by the following principles:

a) Equal opportunities to applicable candidates, under the law, the regulations and the specifications of each course;

b) Objective rules and criteria, excluding any personal or subjective criteria, for each subsystem of higher education, namely technical, polytechnic and vocational learning;

c) The final classification or classification obtained in the core disciplines relevant to the current application, obtained in secondary education, will always be valued, with a coefficient to be determined by higher education institutions;

d) Admission tests to higher technical education, shall value the technical knowledge applied to the exercise of professional duties in accordance with the previous sub-paragraph;

e) Without prejudice to the proper competences of higher education institutions, set out in paragraph 4 of Article 18 of the BLE, the National Directorate of Technical and Higher Education, hereinafter called NDTHE will be responsible for coordinating the procedures in accordance with the terms of paragraph 1), number 3 of the same legal provision.

3. Different higher education institutions may establish specific criteria, including written and oral tests to access certain courses, in compliance with the BLE, including, but not limited to, those courses requiring proficiency in Portuguese language, under this law.

4. In all matters not contrary to the provisions of the BLE and the present diploma, it is the responsibility of higher education institutions to establish the form of implementation of the assessment of capacity for course attendance, the selection criteria and the ranking of candidates, including the methods of classification in percentage or numeric values as appropriate to the courses

5. Without prejudice to the provisions set in the previous number, the timing of access and admission test, as well as the possible standardization of the written tests at national level for each course may be set by ministerial decree.

**Article 3**  
**Coordinating Commission for Higher Education Access**  
**(CCHEA)**

1. A Coordinating Commission for Higher Education Access may be created for each school year, to lead public higher education access procedures, under the present Decree-Law whose members and functions shall be defined by ministerial dispatch.

2. In the event that such Commission is created, a chairman and a vice-chairman are to be elected among its members and shall be composed as follows:

- a) The Director of Technical and Higher Education;
- b) Two representatives of public university education appointed by UNTL
- c) Two representatives of private and cooperative higher education
- d) Two representatives of polytechnic institutions

3. The Commission shall be a multidisciplinary entity with legal personality and endowed with scientific and pedagogical autonomy according to the self proposed rulings submitted to the approval of the Minister of Education. Its members are to be appointed annually by ministerial decree, for the subsequent academic year.

4. Once the Commission is established, the power to approve the contents of the admission tests proposed by each learning institution for their respective courses shall be transferred to the NDTHE.

**CHAPTER II**  
**ADMISSION TESTS**

**Article 4**  
**Admission Requisites**

1. Taking into account the procedures defined in Article 5 hereinafter, the implementation of admission tests to higher education institutions shall comply with the following conditions and requirements:

- a) Are to be performed by each institution of higher education;

- b) Are to be evaluated according to objective and technically accurate criteria;
  - c) May differ in nature, intending the selection, the selection and ranking or just the ranking of candidates
  - d) Admission and access tests must obtain a minimum classification, announced beforehand for each course;
  - e) Are to be held on an annual basis.
2. Institutions demanding pre-requisites for similar courses are obliged to coordinate in the assessment of such pre-requisites.
3. The pre-requisites are to be submitted to the approval of NDTHE by the legal and statutory bodies of the higher education institutions demanding said pre-requisites.

## **Article 5 Procedures**

1. Applicants to public higher education shall submit their applications to the respective institutions.
2. Applicants to private and cooperative higher education shall submit their applications directly to the institutions they wish to join, and these institutions shall lead the processes of selection, evaluation and qualification by means of public exams.
3. For the purposes of the preceding number, public exams shall mean the completion of written or written and oral admission tests, held to join any institution of higher education.
4. Three types of lists and information will be posted in the usual places in higher education institutions:
- a) List of candidates admitted to the tests in the institution, specifying the respective courses;
  - b) Calendar and place of the admission tests;
  - c) Result list of the candidates that qualified and failed the admission tests.

## **CHAPTER III SPECIFIC TESTS**

### **Article 6 Access to the Portuguese Course**

The admission tests to Portuguese and Teaching courses will always be composed by a written test and an oral test.

### **Article 7 Access to Specific Courses**

Admission tests for specific courses whose nature involves particular requirements may be subject to preliminary conditions depending on their structure and complexity.

### **Article 8 Entry into force**

The present Decree-law enters into force in the following day of its publication in the Official Gazette.

Approved by the Council of Ministers on November 4, 2009

The Prime Minister

**Kay Rala Xanana Gusmão**

The Minister of Education

**Dr. João Câncio Freitas**

Promulgated on 30/11/2009

To be published

The President of the Republic

**José Ramos Horta**