

Decree-Law no. 23-2010

of December 9

**Approves the Statute of Careers for Child Educators
and Teachers of Basic and Secondary Education
(Statute of Teaching Careers)**

Preamble

The development of a quality educational and teaching system able to promote the essential values of human and scientific education for the future citizens of Timor-Leste is a strategic objective of the IV Constitutional Government.

Teachers play a fundamental role in the achievement of this objective. The better qualified Timorese teachers are, the better the educational and teaching system in the country will be.

The transition to independence of Timor-Leste was a very difficult period of time for keeping education alive in the country. Thanks to the efforts and dedication of many Timorese citizens, some without the necessary teaching qualifications, there was no breakdown in the system. Now that the most difficult work has been done, the urgent next step is to organize the teaching activity under the noble principles of qualification, merit, solidarity and professional dignity.

The teaching career is undoubtedly specific enough to require its own Career Statute. The IV Constitutional Government, in a joint effort with the entities representing teachers and the other government entities responsible for managing the human resources of the Timorese government, developed a professional statute to address the variety of concerns involved. We met the challenge and the new Statute hereby approved is the result of the consensus of all intervening parties.

Therefore, the Statute of Teaching Careers establishes a specific method to organize the teaching activity and mechanisms for training teachers and assessing their performance. It also establishes merit and qualification criteria, thus ensuring recognition for accumulated experience and access to quality training and qualification to all teachers already active before the effective date of this Statute. The objective is to provide teachers with what they need to fulfill the highly relevant duties they are called to fulfill: educating the children of Timor-Leste with excellence, thus preparing the country for its future.

Therefore,

The Government hereby decrees, under the terms of no. 3 of article 115 of the Constitution, in conjunction with the provisions of article 50 of Law 14/2008 of October 29, to be valid as law, the following:

CHAPTER I GENERAL PROVISIONS

Article 1 Scope of Application

1. The Statute of Careers for Child Educators and Teachers of Basic and Secondary Education, hereinafter designated Statute, applies to teachers of all levels, all teaching cycles and all training fields working on the various modalities of education or teaching within the scope of public educational establishments offering Pre-School and Basic and Secondary Education under the supervisory authority of the Ministry of Education or accredited by the latter, as well as to all teachers working in schools or institutes offering non-college programs which are subject to, or under, the supervisory authority of other Ministries, with the necessary adaptations.

2. This Statute also applies to teachers who join the Career and fulfill special roles established by the Ministry of Education which are related to training and education in the non-formal or extra-curricular sectors.

Article 2 Object

For the purposes of this Statute, *pessoal docente* refers to individuals with the academic qualifications defined in the *Lei de Bases da Educação* (Education Law) who obtain from the Ministry of Education the professional qualification to work in in the education and teaching systems foreseen in the previous article on a permanent, sequential and systematic way or on a temporary basis.

SECTION II FUNDAMENTAL PRINCIPLES

Article 3 Constitutional Framework

The teaching activity abides by the fundamental principles established in the Constitution of the Democratic Republic of Timor-Leste, the *Lei de Bases da Educação* and this statute.

Article 4
Principle of excellence of the education and teaching system

1. The quality of the education and teaching system is key to the human development and the economic, social and cultural progress of Timor-Leste.
2. The academic and continuing education of teachers is a determining factor in the optimum development of the education and teaching system and the academic success of students.
3. The Ministry of Education is in charge of implementing all the necessary measures for achieving the principle of excellence.

Article 5
Recognition of merit, qualification and experience

This Statute is grounded on the implementation of high quality criteria for initial and continuing training of teachers, as well as the recognition of professional merit as an assumption for progress in the career and experience as an essential value for performing higher responsibility roles at educational and teaching establishments.

Article 6
Principle of mandatory continuing and intensive education

1. Within the scope of their roles, teachers and aspirants to teaching careers must attend established training programs which are accredited and provided by the Ministry of Education or by the supervisory authorities or entities that enter agreements for that effect.
2. The different modalities of teacher training vary in accordance with the objective of teaching and the development of a mandatory set of skills.

Article 7
Performance Review

This Statute establishes a specific system for performance review under the terms of the specific teaching roles.

Article 8
Principle of Equality

Everyone has the right to equal opportunity in obtaining academic qualification in training, admission, access and progression in the career, without discrimination of any kind, namely gender, faith, race or any type of orientation.

Article 9
Principle of career flexibility and geographic mobility

1. Without detriment to the provisions of the general law, the Ministry of Education is responsible for adopting measures that help meet the demand for teachers in the entire country, namely:

- a) Creation of a system of special incentives;
- b) Development of continuing education courses promoting new career competencies for teachers;
- c) Creation of standards promoting the mobility of teachers for inclusion in hiring procedures.

SECTION III
SPECIAL STANDARDS

Article 10
Private and Cooperative Education

1. Under the terms of the provisions of the Constitution and Education Law, the State acknowledges the value of private and cooperative education as concrete expressions of the freedom to learn and to teach.

2. The standards for organization and operation of private and cooperative schools are provided in a separate Statute. The duty of the State is to support these schools in pedagogical, technical and financial terms for the achievement of the duty of providing a public service of basic education which is universal and mandatory and tends to be free of charge.

3. The cooperation between the State and institutions providing private and cooperative education will abide by its own regulations in all matters in which this Statute requires adaptations, namely in terms of deployment of teachers from public schools and any applicable methodologies for performance review.

Article 11
Special Transitional Arrangements

This Statute establishes a system of Special Transitional Arrangements for the purpose of creating the criteria and assumptions necessary for equivalency certification and integration into teaching careers for government employees who currently work at Pre-School and Basic/Secondary Schools and do not possess the academic qualifications necessary for teaching as provided in the Education Law.

CHAPTER II
FRAMEWORK OF MANDATORY COMPETENCIES
FOR TEACHERS

SECTION I
GENERAL PROVISIONS

Article 12
Scope and Object

1. The Framework of Mandatory Competencies for Teachers establishes the set of competencies that each teacher must possess and develop in order to enter, gain access and advance in the career.
2. The Framework of Mandatory Competencies for Teachers is organized according to the following knowledge sectors:
 - a) Fluency in the official languages;
 - b) Technical and scientific knowledge about the respective field and degree of teaching;
 - c) Pedagogical techniques;
 - d) Professional ethics.

Article 13
Objectives

1. The Framework of Mandatory Competencies for Teachers is guided by the following objectives:
 - a) Promote the professional development of teachers;
 - b) Create mechanisms and procedures for monitoring teaching quality;
 - c) Establish the scope of activities for entities in charge of teacher education;
 - d) Establish the scope of activities for entities in charge of performance review;
 - e) Constitute a matrix for the drafting of the special program for intensive education for government employees currently working as childhood education teachers and basic and secondary education teachers until this Statute comes into effect and do not possess the academic qualifications to teach as required by the Law.

SECTION II FRAMEWORK OF MANDATORY COMPETENCIES

Article 14 Fluency in the Official Languages

The Framework of Mandatory Competencies will be evaluated in terms of compliance with the following criteria:

Article 14 Fluency in the Official Languages

For the purposes of fluency in the official languages, the Framework of Mandatory Competencies will be evaluated in terms of compliance with the following criteria:

- a) Acquisition of proficiency in speaking, writing, comprehending and reading the Tetum and Portuguese languages during initial training;
- b) Acquisition of higher levels of proficiency in the Tetum and Portuguese languages as conditions for entering and advancing in the teaching career;
- c) Maintain a proficient fluency in the Portuguese language as the main language for instruction and acquisition of science and knowledge, namely through the use of technical language and different stylistic resources to facilitate student comprehension.

Article 15 Technical Knowledge

For the purposes of acquisition and development of technical and scientific knowledge in the respective fields of education or teaching, the Framework of Mandatory Competencies will be evaluated in terms of compliance with the following criteria:

- a) Demonstration of wide knowledge of the subjects and compliance with the curricular schedule within the specific field and degree;
- b) Competency for logical and systematic organization of curricular content;
- c) Competency for developing teaching materials in conformity with the curricula so as to adapt the pedagogical resources to the needs of students;
- d) Competency to adapt the program content to the current reality so as to facilitate student comprehension;
- e) When relevant, knowledge about child development theories applied to children's education;

- f) When relevant, competency to apply inclusive education and teaching techniques for students with special educational needs;
- g) Knowledge about the cultural heritage, values, customs and identity of Timorese society and the ways in which they must be integrated into teaching.

Article 16 **Teaching Techniques**

For the purposes of acquisition of the teaching techniques necessary for the teaching career, the Framework of Mandatory Competencies will be evaluated in terms of compliance with the following criteria:

- a) Awareness of the current differences between students and assurance of homogeneous absorption of program contents by students using various teaching methodologies;
- b) Drafting of short- and medium-term teaching plans to cater to the specific characteristics of each class and its students;
- c) Develop teaching methodologies that promote motivation to learn among students;
- d) Use of a continuing student evaluation system that allows for the identification of strengths and weaknesses;
- e) Promote a standard of discipline and interaction among students that fosters the development of a healthy environment and respect for teaching;
- f) Promote civic education for students;
- g) Foster creativity, discipline, organizational skills and work habits among students.

Article 17 **Professional Ethics**

For the proper development of professional and deontological ethics of teachers, the Framework of Mandatory Competencies will be evaluated in terms of compliance with the following criteria:

- a) Respect for and compliance with the fundamental principles, deontological standards and general rights and duties applicable to all government employees and agents;

- b) Compliance with the specific rights and duties of teaching professionals as stated in this Statute or its respective regulation;
- c) Competency to establish good relations with students, education officers, members of the community and school staff so as to promote the dignity of the educational institution and good dialogue and communications between all parties within the education system;
- d) Competency to recognize and promote social integration and smooth coexistence among the different cultural and linguistic customs in the schools;
- e) A sense of justice, dignity, independence, non-discrimination and common sense when evaluating students;
- f) Promotion of a high civic and social regard for teaching, schools, teachers and students;
- g) Competency to help in resolving organization problems within classrooms and school buildings;
- h) Interaction with students and teaching staff for self-evaluation of teaching methods;
- i) Competency to promote continuous learning and professional training;
- j) Competency to promote civic education and national pride;
- k) Respect for the laws governing the educational system and the country as a whole.

Article 18 Implementation

There will be a separate and specific Ministerial Statute for the definition of all program content and models for implementing and monitoring the Framework of Mandatory Competencies for Teachers in all different training modalities, in accordance with the standards stated in this Chapter.

CHAPTER III TRAINING

SECTION I GENERAL PROVISIONS

Article 19 Scope

1. The training of teachers in all its modalities is developed in accordance with the general principles stated in the Education Law and under the terms of the program contents established in the Framework of Mandatory Competencies.
2. Teachers are subject to the training programs established by the Ministry of Education through the appropriate services or entities accredited by the latter for that purpose.
3. Without detriment to the provisions of the following articles, the program contents and model programs for teacher training will be the object of a separate regulation.

Article 20 Objectives

1. The Ministry of Education ensures differentiated programs for teacher training with the objective of promoting quality in the Pre-School system, Basic and Secondary education system and special modalities of school teaching.
2. The models for training programs already in place are all in compliance with the legislation and the customs of the Democratic Republic of Timor-Leste and must also be based on the accumulated knowledge and current best practices.

SECTION II TRAINING PROGRAMS

Article 21 Programs

The training of teachers is divided into three distinct levels:

- a) Initial Training;
- b) Continuing Education;
- c) Specialized Training.

Article 22
Initial Training

1. The initial or academic training for childhood teachers and teachers of basic and secondary education is the one that grants the necessary academic qualification for applying for teaching careers at the respective level or degree.
2. The purpose of the initial training is to equip candidates with the mandatory competencies for teaching and also the practices necessary for active participation in the life of each school and its relations with the surrounding community;
3. The initial training is obtained in the following manners:
 - a) Through accredited academic courses at the Bachelor or Licenciature level which are specifically oriented to education and teaching;
 - b) Through additional initial training which is integrated into accredited academic course curricula at the level of Bachelor or Licenciature which are not specifically oriented to teaching.

Article 23
Continuing Education

1. The purpose of continuing education is to ensure that the teaching activity undergoes constant updating, improvement, reconversion, diversification and flexibility, thus promoting the objectives of career development and career mobility.
2. Continuing education is always an integral part of the work schedule and professional content of teachers.
3. The results obtained with continuing education are valid for the purposes of:
 - a) Performance review;
 - b) Career advancement;
 - c) Teacher placement procedures;
 - d) Access to management positions.
4. Continuing education programs are provided by the appropriate department of the Ministry of Education, but the latter can also enter agreements with specialized institutions to provide them.

Article 24
Specialized Training

The objective of specialized training is to equip teachers with the qualifications necessary to perform specialized educational activities, namely special education and technical-vocational and technological education developed within secondary school.

CHAPTER IV
LEGAL REGIME

Article 25
Forms of Employment

1. The legal employment relationship in teaching careers can take the following forms:
 - a) Appointment;
 - b) Fixed-term labor contract;
2. Appointment may be provisional, indefinite term or service commission.

Article 26
Provisional Appointment

The first stage of entry in the professional category of Assistant takes the form of provisional appointment.

Article 27
Appointment for Indefinite Term

1. The appointment for indefinite term is a provision for access to the position of Teacher or Teacher Senior.
2. The provisional appointment is converted into appointment for indefinite term for access to the position of Teacher in the school year subsequent to the completion of the probationary period, provided that all the following requirements are cumulatively fulfilled:
 - a) Minimum grade of *Good* in the performance review procedures that take place during the period of time corresponding to the normal duration of each grade;
 - b) Knowledge Assessment Exam of the Mandatory Framework of Competencies which takes place only for teachers who have complied with the provisions of the previous item.

3. The appointment for indefinite term also applies to the cases of hired teachers who fulfill the requirements of candidacy to the position of Teacher and pass the Knowledge Assessment Exam of the Mandatory Framework of Competencies.

Article 28 **Appointment with Service Commission**

1. The appointment through service commission applies to teachers in positions of directorship and heads of department in public pre-schools and basic and secondary schools or in the other government positions and follows the requirements foreseen in the career plans and positions of directorship and department heads in the government sphere.

2. Teachers who are appointed with service commissions will maintain the rights inherent to their career status in the original staff, namely all the rights related to career access and career advancement.

Article 29 **Fixed-Term Labor Contract**

1. For the purposes of this Statute, fixed-term labor contracts are bilateral agreements entered by the appropriate sectors of the Ministry of Education by which one teacher who is not integrated into the frameworks of careers or staff fulfills special or non-permanent service needs during a fixed period of time under subordinate status.

2. Fixed-term labor contracts can be entered in the following cases:

- a) To meet the non-permanent needs of normal operations of schools which cannot feasibly be met by teachers in the Staff Frameworks.
- b) To meet the needs resulting from temporary absences of teachers;
- c) To develop projects which are not included in normal service activities;
- d) When it proves convenient to entrust specialized technicians to teach technological, artistic, vocational, linguistic or special education subjects or those subjects that constitute innovation or represent needs related to curricular or pedagogical coordination work.

3. The faculty hired under the terms of item (d) of the previous number are designated as Guest Teachers.

4. The supply of employment is advertised through the appropriate method, namely with a Public Notice at the central and regional services of the Ministry of Education, as well as in the educational establishments in question using media outlets at the local, regional or national level, including the following aspects, among other relevant ones:

- a) Reference to the type of contract to be entered;
- b) The desired service;
- c) The position and the term of duration;
- d) The modes of complaint, resolution or renewal;
- e) The compensation proposal to be used;
- f) The specific criteria for recruiting candidates.

5. The basis for the decision and the criteria adopted in the decision must be included in the minutes, which is provided in certificate format to candidates upon request.

6. Candidates will only be hired if they have the appropriate literary or professional qualifications for the performance of the respective positions.

7. Fixed-term labor contracts entered without prior authorization of the Ministry of Education or the entities delegated by the latter or entities with express competency dictated by Law for that effect will be deemed null.

8. Prior communication with the Ministry of Finance will be required before meeting the education and teaching needs by way of fixed-term labor contracts which are not foreseen and duly granted in the General Official Budget.

9. The provisions in numbers 4 and 5 are not applicable to the cases foreseen in items (c) and (d) of number 2 when there is a duly authorized invitation, as foreseen in number 7, directed at a certain faculty member or members because of the special characteristics of the work or the desired projects and the qualifications of the parties hired to perform it.

10. The cases foreseen in items (a) and (b) of number 2 will be governed by the terms of this Statute, namely in matters of training, disciplinary regime and performance review.

11. Without detriment of the requirement to meet the necessary academic qualifications, teachers who are hired may apply to the following:

- a) *Concurso* to secure access to the professional category of Assistant;
- b) Knowledge Assessment Exam of the Framework of Mandatory Competencies for access to the professional category of Teacher as long as the candidate has obtained a minimum grade of *Good* in the last 3 performance reviews or a grade of *Very Good* in the last 2 performance review.

12. The criteria for hired teachers to apply for positions in the Teaching Career is established in a separate regulation by way of a Ministerial Statute.

CHAPTER V
CARREIRA DOCENTE

SECTION I
GENERAL PROVISIONS

Article 30
Framework

1. *Pessoal docente* [Docent Staff] who are teaching under the terms of the provisions of number 1 of this statute in a permanent, sequential and systematic way constitute a special body of Public Administration and are treated under a separate Career.
2. The *Carreira Docente* [Education Career] is developed according to the following hierarchized professional categories:
 - a) Assistant;
 - b) Teacher;
 - c) Senior Teacher.
3. Each professional category is composed of *escalões* [levels] with corresponding and differentiated compensation indexes or absolute compensation amounts, in accordance with Annex I of this Statute and an integral part thereof.
4. The professional category of Assistant has a fixed two-year duration and is composed of one single level.
5. With the exception of the professional category of Assistant, the other professional categories are composed of levels with the duration of 3 years, except when they have to comply with the special criteria foreseen in this Statute.
6. The access to the professional category of Teacher is obtained by definitive appointment resulting from a *concurso* [contest] for filling a vacancy in the plan.
7. The category of Senior Teacher has corresponding duties besides teaching, which are differentiated by nature, scope and degree of responsibility, namely lighter working hours and the right to apply for positions of directorship and management in the school administration and management systems.

Article 31 Recruitment

1. The *Concurso* is the regular and mandatory process of recruitment and selection of docent staff to fill vacancies by way of appointment, instead of *quadro de ingresso* or *access*.

2. Without detriment of the competencies inherent to the entities foreseen in the Public Positions Statute and other relevant legislation, the Ministry of Education is responsible for conducting all procedures needed for assessing the needs of annual recruitment and hiring of docent staffs.

3. The regime of *concurso* for docent staff is governed by the regulatory principles of *concursos* for government positions, with the necessary adaptations foreseen in this statute and attached regulations.

4. The following are general admission requirements:

- a) Professional qualifications legally required for teaching at the desired level and recruitment group;
- b) No impediment to perform government duties or interdictions for the performance of the desired duties;
- c) Psychological profile and personality characteristics indispensable to perform the duties;
- d) Passing an exam for assessing knowledge and competencies.

5. The following will be deemed grounds for unfeasibility of the application for *concurso* and the performance of teaching duties: proven instances of personality characteristics or pathologies of a neuropsychiatric nature which can affect the relationship with students, proven instances of problems with alcoholism, violence of any kind or drug dependency.

6. The conditions for application for each *Concurso* and for conducting the Assessment Exam of the Mandatory Framework of Competencies have to be approved by a Ministerial Statute.

7. The regulation governing the procedures for the *Concursos* foreseen in this Statute is the object of a separate regulation, following consultation with the organizations representing teaching staff and the appropriate government entities.

Article 32
Quadros de Pessoal [Staff Plans]

1. The staff plans for teaching positions in pre-schools and basic and secondary schools are built upon the provisions of the relevant legislation for administration and management of the education and teaching system in the following manner:

- a) Plans for integrated establishments of education and/or teaching;
- b) Regional plans for docent staff.

2. The purpose of staff plans is to meet the permanent needs of their integrated educational establishments.

3. The procedures for creating, financing, staffing, organizing and subdividing staff are organized in a manner that ensures greater flexibility in managing the available education resources and are approved by a joint ministerial statute by the members of government responsible for the areas of Education and Finances, upon consultation with the applicable bodies in charge of managing all government employees and agents.

Article 33
Functional Content

1. The duties of docent staffs must be fulfilled in a responsible manner and with technical and scientific autonomy, without detriment of the provision in number 2 below.

2. Docent staffs must perform their professional activities in accordance with their own education policy guidelines and Professional Statute and in compliance with the requirements of the national curriculum and the program guidance or curricular guidelines in effect, as well as the education project of the school itself.

3. The functional content of docent staffs must conform to the principle of decreasing the classroom component in the professional category of Senior Teacher and include the positions of management, training and scientific and pedagogical research.

4. The functional content of docent staffs must comply with the fundamental principles stated in this statute, the set of rights and duties of docent staffs, and the respect due to students as primary components of the education system.

5. The general duties of docent staff are the following:

- a) Teach the subjects and courses they are primarily or complementarily qualified to teach, in accordance with the educational needs of the students entrusted to them and in compliance with the applicable educational services;

- b) Plan, organize and prepare the teaching activities directed at the class or group of students in the subject matters under their responsibility;
- c) Conceive, apply, correct and classify the instruments for evaluating the content to be learned and participate in exam sittings and evaluation meetings;
- d) Draft didactic and pedagogical resources and materials and participate in their respective evaluation;
- e) Promote, organize and participate in all extra activities, both curricular and extra-curricular, included in the activities plan or educational project of the specific school, both in and out of the school building;
- f) Organize, provide and follow-up on all curricular enriching activities;
- g) Provide educational support activities, execute student follow-up plans as established by the education administrators and cooperate in detecting and tracking learning problems;
- h) Track and guide student performance in cooperation with parents or the parties responsible for each child's education;
- i) Provide guidance and counseling for students in the educational, social and professional spheres, in cooperation with the specialized counseling services;
- j) Participate in the evaluation activities performed by the school;
- k) Guide supervised pedagogical practice at the school level;
- l) Participate in activities related to investigation, innovation and experimentation in the scientific and pedagogical spheres;
- m) Organize continuing education and specialized education activities and participate in them as trainee or trainer;
- n) Perform administration and pedagogical coordination activities which are not under the exclusive sphere of the senior teacher;

6. Besides the ones foreseen in the previous number, the following are also specific duties of senior teachers:

- a) Pedagogical and curricular coordination of the year, cycle or course as organized into Departments, in cooperation with the other staff as foreseen in the Law;
- b) Follow-up and support for the probation period, namely as Advisor;

- c) Drafting and grading of national exams for assessment of knowledge and competencies for admission into the docent career, when requested;
 - d) Participate in the jury for the public admission exam for the *concurso* to access the category of senior teacher;
 - e) The right to request a decrease in working hours.
7. The specific regulation of career content for Docents will be established and approved by way of a Ministerial Statute.

SECTION II ADMISSION, PROGRESSION AND ACCESS TO THE CAREER

Article 34 Entry

1. Admission is the *concurso* procedure for entering the Docent Career with a spot in the professional category of Assistant, depending on available vacancies, with the beginning of the probation period.
2. The probation period is for ascertaining the fitness of the Assistant Docent to the required professional profile under the terms of the Framework of Mandatory Competencies. It lasts 2 school years and is served at the established where the Assistant is working.
3. The probation period for Assistants is followed and supported by a didactic, pedagogical and scientific plan by a senior teacher designated as Advisor and assigned by the respective Director of the Steering Council for the group of Education Establishments.
4. The non-teaching component is limited to attendance at training activities, classroom assistance and various individual or group tasks and reports, as assigned by the Advisor.
5. Each Performance review procedure must be accompanied by an Advisor Report with his own assessment of the probation period up to the specific date.
6. The Advisor can also perform duties related to monitoring of career Teachers;
7. If the Assistant completes his probation period with a grade equal or higher than *Good*, he receives the right of admission to the Mandatory Competencies Exam for access to the professional category of Teacher.

8. If the Assistant receives a *Sufficient* grade, he or she will have the opportunity of retaking one school year of the probation period, not to exceed two times, with the obligation to submit the assigned individual training project and pedagogical activity.

9. If the Assistant obtains an *Insufficient* grade or a *Sufficient* grade 3 times, she is automatically exonerated from her position and will have to leave, with no allowance for further attempts to apply for docent positions for a minimum of 2 years.

10. The staff designated as *Advisor Teacher* receive a monetary incentive to be determined by a Ministerial Statute issued jointly by the Finance and Education sectors.

Article 35 Progression

1. Progression in docent careers consist in the move to the next higher *escala* [level] within each professional category.

2. The Professional Category of Assistant includes one single level with the duration of 2 years.

3. The Professional Category of Teacher includes six levels with the normal duration of 3 years each.

4. The Professional Category of Senior Teacher includes five levels of regular 3-year duration but the compliance with the two last levels confers the designation of *Professor Titular* [Full Teacher].

5. The right of progression to the next level of each professional category depends on a minimum grade of *Good* in the performance review procedures.

6. Failure to comply with the provisions of the previous number during any of the performance review periods will imply in the following:

- a) Freezing of progression for a period of one school year;
- b) Addition of one more school year to the duration of the respective level;
- c) Mandatory *Good* grade in the subsequent performance review.

7. In cases when one docent obtains a *Very Good* grade in 2 consecutive periods of performance review, he or she acquires the right to automatic progression to the next level in the subsequent year.

8. The freezing of progression does not preclude the rights acquired for seniority purposes.

9. The right to progress to the next level expires on the subsequent January 1st of each fiscal year, with retroactive effect in relation to the completion of administrative procedures on which it is grounded.

10. The listing of docents with acquired progression rights is posted in the respective Teaching Establishments using available formats.

Article 36

Access

1. Access is the procedure allowing the Docent to apply to the higher professional category in the Career.

2. The recruiting for provision of a spot in the category of Teacher or Senior Teacher is achieved by way of a *concurso de acesso* which includes technical-scientific, pedagogical and linguist exams and does not depend on vacancies available.

3. The access to the professional categories of Teacher and Senior Teacher is achieved by cumulative compliance with the following requisites:

a) Minimum grade of *Good* in the 2 or 3 last performance reviews, depending on each category, respectively, or a grade of *Very Good* in the two last performance reviews, always relative to the last level;

b) Passing the respective Exam for the Framework of Mandatory Competencies.

4. Docents who reach the professional category of Teacher and have a Licenciature degree in his or her teaching field will automatically integrate the 2nd level of the category.

5. Docents who reach the professional category of Teacher and have a Master's or Doctoral degree in his teaching field or in Education Sciences or in School Management and Administration will automatically integrate the 2nd level of the category.

6. Docents who obtain a Licenciature, Master's or Doctoral degree in his teaching field or in Education Sciences or in School Management and Administration during the time he serves in the professional category of Teacher or Senior Teacher acquire the right of progressing automatically to the next level.

Article 37

Regulation

The regulations for taking the *concurso* for access and admission and their respective public examinations, as well as the procedures for recruiting and hiring to be adopted in the case of *concurso deserto* [no response], will be established by a separate Decree-Law.

**SECTION III
PERFORMANCE REVIEW**

**SUBSECTION I
GENERAL PROVISIONS**

**Article 38
Scope**

1. The performance review process applies to the docent staff object of this Statute and includes all Teachers hired for periods of time equal or longer than 6 months.
2. Docent staff who are active in principal or director positions in public schools offering pre-school or basic and secondary education will be subject to the performance review system foreseen for all employees and agents of the Public Administration, with identical responsibilities.

**Article 39
Characterization and Objectives**

1. The purpose of performance reviews is to evaluate docent staff, to hold them accountable and to recognize their merit according to productivity and fulfillment of the fundamental goal of developing an educational and teaching system of high quality to ensure student success.
2. The following are additional objectives of performance reviews:
 - a) Motivate docent staff;
 - b) Improve their professional performance;
 - c) Ensure adherence to the principle of personal merit in career progression and access;
 - d) Ensure evaluation of the Framework of Mandatory Competencies for Teachers;
 - e) Improve the integrated management and monitoring of docent staff.
3. The implementation of the system to evaluate performance of docent staff must conform to the provisions of the specific rules included in this statute and other related regulations and adheres to its subsidiary regime, which is the legislation applicable to Public Administration in general, with the necessary adaptations.

SUBSECTION II PRINCIPLES

Article 40 General Principles

1. Performance reviews are based on objective criteria and subordinated to the principles of justice, impartiality and adequate reasoning.
2. The performance of docent staff is reviewed in accordance with the criteria established in this statute and takes into consideration the specific objectives established for the field of the teaching and the level of each docent.
3. The objectives of performance reviews are established in a clear way and take into account the proportionality between the desired results and the means available to implement them.

Article 41 Confidentiality

1. The procedures used in performance reviews are confidential and all review sheets must be kept in the individual file of each person being reviewed.
2. All parties intervening in performance review procedures are subject the duty of confidentiality, with the exception of the person being reviewed.

Article 42 Frequency

1. Annual performance reviews and their respective procedures are to take place during the period of time and in the form established in a separate applicable regulation.
2. In the absence of performance review procedures due to reasons not attributable to the docent, the grade will have to be *Good* for all due purposes.

SUBSECTION III EFFECTS AND FACTORS OF PERFORMANCE REVIEWS

Article 43 Grade

Performance reviews are expressed in qualitative rankings of “*Very Good*”, “*Good*”, “*Sufficient*” and “*Insufficient*” which are obtained by way of an assessment system based on quantitative and qualitative judgment of the service rendered in relation to pre-established evaluation factors.

Article 44
Results of Performance Reviews

1. Performance reviews for docent staff must be relevant for producing results in the following areas:

- a) Career progression and access;
- b) Conversion from provisional to final nomination;
- c) Access to senior positions in school administration and management;
- d) Renewal of fixed-term employment contracts for docents;
- e) Awarding of prizes or incentives related to performance;
- f) Grounds for implementing disciplinary procedures.

2. For the purposes of career progression, the minimum grade must be *Good* in all 3 review procedures conducted during the period of time the docent remained at the specific level.

3. The attribution of a *Very Good* grade during the first two years at a specific level will determine the immediate and automatic progression to the next level.

Article 45
Results of an Insufficient Grade

1. In the case of docents provided with final nomination locations, an *Insufficient* grade will imply in the immediate opening of an investigation to determine one or more of the following measures:

- a) Ascertaining the appropriatedness of preventive suspension of the docent during the investigation period if his active status is deemed harmful to the regular operations of the school periods he is responsible for;
- b) Determining an emergency plan for monitoring the docent;
- c) Submitting the investigated facts to the entities in charge of disciplinary measures in order to determine the suspension penalty or the penalty of reconversion to non-docent positions in the Public Administration.

2. In the case of hired docents or Assistant docents, an *Insufficient* grade will determine, respectively, immediate cessation of work or dismissal due to inadequacy.

Article 46
Performance Review Factors

1. Performance reviews are based on a system in which docent staff must be evaluated in relation to each one of the following criteria:

- a) Class observation by evaluators;
- b) Evaluation of fitness to apply the content foreseen in the Framework of Mandatory Competencies in all its aspects;
- c) Attendance;
- d) Fitness for fulfilling the duty of integrating community and school;
- e) Fitness for developing extra-curricular activities and quality of the latter;
- f) Assessment of performance indicators in the execution of the curriculum and school success;
- g) Assessment of the results of continuing education activities performed during each specific period of time;
- h) All other criteria as foreseen in specific regulations.

2. The system used in performance reviews is based on the attribution of a global value which is linked to a corresponding grade and is the result of the weighting of all the factors that encompass the system.

3. The reviewed docent also has the right to fill out a self-assessment sheet which is assigned a weighting by comparison with the global result of the performance review.

4. The system for reviewing the performance of docent staff who are active in senior positions foreseen in pre-school and basic and secondary establishments is identical to the one used for the other senior positions of the Public Administration.

5. In the case of Assistants, the specific criteria foreseen in the work plan established by the Advisor are added to applicable performance review system.

6. The performance review system for senior teachers is also subject to the review of criteria related to content requirements inherent to that professional category.

Article 47
Interveners in the performance review process

1. With no detriment of the provisions in the general legislation regarding performance reviews in the Public Administration, the services responsible for human resources

management and administration at the Ministry of Education will be in charge of coordinating and approving performance review procedures.

2. The execution of performance review procedures is the responsibility of the individual managing all pedagogic, curricular and programmatic matters within each group of establishments or individual establishments of the educational/teaching system.

3. For the purposes of the provisions of the previous number, commissions will be created to coordinate the procedures for performance review. These commissions may operate per groups of establishments or by way of district level or regional level frameworks.

4. Education General Inspection Services is the party responsible for providing all the necessary support for the execution and validation of performance review procedures, as well as to ensure monitoring and legality control.

Article 48 **Procedural Phases**

1. Performance review procedures include the following mandatory phases:

- a) Self-evaluation;
- b) Evaluation and classification;
- c) *Homologação* [approvals].

2. Performance review procedures include all the following optional phases:

- a) Complaints about performance review grades;
- b) Hierarchical appeal of the *homologação* of the performance review grade;

Article 49 **Regulation**

1. With no detriment to the provisions in this Section, the regulation of the performance review system is included in a Ministerial Statute, upon consultation of the entity or entities responsible for the recruitment, assessment and discipline of employees and agents of the Public Administration.

2. The specific regulation of the performance review system includes the following points:

- a) Procedures and list of competencies for the coordination, execution, approval and inspection of the performance review process;

- b) Grading system;
 - c) Regime for complaints and appeals;
 - d) Results of reviews;
 - e) Guarantees of the review process.
3. Performance review results can legitimate the implementation of disciplinary procedures, namely sanctions for temporary or final transfers for performing non-educational work.
4. The absence of review procedures for docents for reasons attributable to the State will imply in a *Good* grade for the docent, regardless of the educational nature of the work.

SECTION IV COMPENSATION, SUBSIDY AND INCENTIVE REGIME

Article 50 Compensation

1. Docent staff will be paid according to the salary regime foreseen in Annex I of this Statute.
2. Docent staff will also benefit from those supplements foreseen in the general Law which are applicable for recruiting, managing, evaluating and disciplining employees and agents of the Public Administration by way of instructions transposed to a Ministerial Statute.

Article 51 Incentives and subsidies

1. Docents in the Docent Career will benefit from special incentives to teach in remote areas of the country.
2. The entity in charge of managing employees and agents of the Public Administration is responsible for creating the general regime of incentives to work in remote areas.
3. Docent staff further benefits from the other incentives and subsidies granted to employees and agents of the Public Administration.
4. The Government may authorize special subsidies or incentives for docent staffs.

SECTION V
ADVANCEMENT AND MANAGEMENT OF HUMAN RESOURCES

SUBSECTION I
MOBILITY

Article 52
Modalities of Mobility

1. The following are advancement instruments for docents:
 - a) Annual placement in the Framework of Integrated Educational or Teaching Establishment;
 - b) *Concurso* for recruiting and placement of docents;
 - c) Exchange;
 - d) Requisition and posting;
 - c) Transfer.

2. The rules for special career mobility applicable to docents without a teaching component are the ones foreseen in a separate statute.

Article 53
Annual Placement

The Ministry of Education determines the annual placement of docents within the scope of the same framework of integrated educational or teaching establishment, with no detriment of the area or degree of teaching of each docent.

Article 54
Concurso

Concurso has the purpose of filling existing personnel vacancies and it can also be an instrument of advancement from one framework to another.

Article 55
Exchange

1. Exchange is the reciprocal and simultaneous appointment of docents belonging to different personnel frameworks and to the same category, level and degree of teaching.

2. Exchanges occur at the request of the interested parties or by initiative of the Public Administration, with their agreement.

Article 56
Requisition and Posting

Requisition and posting is understood as the performance of work by docents at State institutions or institutions external to the State Administration but in its interest, under provisional status and with all costs paid by the destination service, in the case of requisition, or by the source service, in the case of posting.

Article 57
Transfer

1. The transfer of one docent to perform activities that are external to the educational and teaching establishments object of this Statute may occur in the following modalities:

- a) Transfer to another Career: appointment of a docent without having passed *concurso* to fill a vacancy in the staff of a service or body of the Public Administration, provided that all academic fitness requirements are met;
- b) Transfer of non-docent activities: by determination of the Ministry of Education for conducting training, education and teaching work in the informal or extra-school sectors of the educational system, without harming their integration into the docent career and with all inherent rights and duties.

2. Transfers can occur upon request of the docent or for the convenience of service when grounded in inadequacy or disciplinary infraction.

SUBSECTION II
HUMAN RESOURCES MANAGEMENT

Article 58
Competency

The management and placement of docent staff by the educational and teaching establishments to provide for all its pedagogical and curricular needs is conducted with the use of mobility instruments foreseen in the previous Subsection and is the responsibility of the central services of the Ministry of Education in charge of managing human resources.

Article 59
Managing the System

1. By the end of July of each school year, the Integrated Education and Teaching Establishments must submit to the competent central services of the Ministry of Education all the complete data regarding the following:

- a) Estimated student registrations for the subsequent school year, by teaching area and by degree;
 - b) Estimated need for docents for the subsequent school year, by teaching area and by degree;
 - c) List of existing school schedules.
2. For the pending month of October, central services establishes the docent staff needs for the subsequent school year.
 3. At the end of October, central services drafts the technical documents for conducting all relevant *concursons*, placements and hirings to meet the needs of the educational and teaching system in the subsequent school year.
 4. At the end of November, central services submit to the integrated establishments all the guidelines for drafting school schedules related to the subsequent school year.
 5. By the end of February of the respective school year, the integrated establishments must submit the definitive lists of registered students and docents, by area and by degree, which is followed by the activation of the mechanisms necessary for eliminating all pending needs.

SECTION VII DURATION OF EMPLOYMENT

Article 60 Weekly Duration

1. Active docent staff must work 40 hours a week.
2. The weekly work schedule of docents has one teaching component and one non-teaching component.
3. The teaching component has a maximum of 24 hours a week.
4. The non-teaching component includes:
 - Training needs;
 - Preparation of pedagogical and curricular content;
 - Extra-curricular activities;
 - Relations with the community;
 - Teachers meetings;
 - Research, investigation and disclosure activities

Article 61
Organization of the Teaching Component

The organization of the teaching component must ensure conformity with the principle of quality in education, optimum distribution of schedules and training needs of docents.

Article 62
Reduction of the Teaching Component

1. The access to the professional category of Senior Professor grants a reduction of the teaching component.
2. The progression in the different levels of the Senior Professor category can also conform to a decrease in the teaching component as established in a separate ministerial statute.

Article 63
Regulation

The specific regulation governing the provisions of this section is drafted in a Ministerial Statute.

SECTION VIII
LEAVE AND ABSENCE REGIME

Article 64
Leaves

With no detriment to the provisions of the following articles, docent staffs will be governed by the regime for leaves and absences established in the general Law for government employees, with the necessary adaptations.

Article 65
Annual Leave

Annual leaves for active docent staff can only be awarded during the periods when the teaching component is closed at the education and teaching establishments.

Article 66
Absences

1. Absences are defined as the absence of a docent during the entire daily period or part thereof when presence is mandatory at the establishment, during the performance of teaching activities or at locations where the docent must commute in order to work.

2. Absences may be accounted for by teaching periods or full days.

Article 67
Justified Absences

For the purposes of the provisions of this Statute, the following absences, in addition to others foreseen in separate legislation, will be deemed as working hours:

- a) Assistance to minor children for health reasons;
- b) Illness;
- c) Long-term illness;
- d) Attendance at evaluation exams;
- e) Study leaves.

Article 68
Waivers for Training Programs

Docent staff have the right to obtain working waivers in order to attend activities related to training as defined by the Ministry of Education.

Article 69
Accumulation

Docents integrated in the career are authorized to accumulate positions, as follows:

- a) Activities of an occasional nature which may be deemed additions to the docent activity;
- b) Performance of docent or training activities at other educational or teaching establishments.

Article 70
Regulations

The specific regulations for implementing leaves and absences regimes are approved by Ministerial Statute.

CHAPTER VI DISCIPLINARY REGIME

Article 71 Application

Docent staffs are governed by the disciplinary regime of employees and agents of the Public Administration, with the applicable adaptations and no detriment of the provisions of the following articles.

Article 72 Disciplinary Infractions

Disciplinary infraction is the violation of, disrespect of, or non-compliance with the ethical competencies and general and specific duties of docent staff during their working hours.

Article 73 Modalities of Penalties

1. In addition to the modalities foreseen in the general Law, a penalty of transfer due to inadequacy may also be applied to docent staff.
2. The penalty of transfer due to inadequacy imposes the need to reclassify the docent and reintegrate him or her to a vacant spot in the framework of the general career of public administration by reason of inadequacy to the special duties and competencies necessary for the exercise of docency.
3. The penalty of transfer due to inadequacy may result from a process of investigation due to an *Insufficient* grade in a performance review procedure or it can result from the practice of facts which originate a complaint and immediate implementation of a disciplinary process.

Article 74 Effects of Transfer Penalties

1. The application of transfer penalties implies in restriction to enter the docent career for a minimum of 3 years.
2. Transfers to Public Administration positions will imply in a position with an equivalent degree and level closest to the professional category and level in which the docent was allocated.

Article 75

Implementation, Instruction and Decision of the Disciplinary Procedure

1. The parties authorized to order the application of disciplinary procedures will be the applicable School Principals, National Directors, General Directors, the Inspector-General or the entities delegated by the above.
2. The implementation, instruction and decision of the disciplinary procedure are under the competence of the inspection services of the Ministry of Education, under the terms of its own regulations.
3. The competent entity for the recruiting, evaluation and discipline of employees and administration agents has the power to order, implement, claim, assist and approve the decision in each and every disciplinary procedure.
4. The decision on the procedure will always depend on approval by the entity in charge of recruiting, evaluating and disciplining employees and agents of the administration within the deadlines established in a separate regulation.

Article 76

Guarantees

The following are guaranteed to docents under the terms of the provisions of the general Law:

- a) Complaints;
- b) Appeal;
- c) Impugnation;
- d) Other guarantee-related measures foreseen in the Law.

CHAPTER VII

SPECIAL PROVISIONAL REGIME

Article 77

Object

The rules stated in this Chapter establish the special requirements for integration in the docent career for all public employees, agents of the administration and hired teachers who are active in the Educational and Teaching Establishments for Pre-School, Basic and Secondary Education on the effective date of the Statute and who do not possess the academic qualifications foreseen in the Education Law as necessary to work as a docent.

Article 78
Intensive Training Program for Teachers

1. The docent staff referred to in the previous article are subject to an intensive training program established by the Ministry of Education and intended to provide certification equivalent to the academic qualifications of a Bachelor's degree or Licenciature as required by the Education Law.
2. The intensive training program for teachers is based on the acquisition of a proficiency level in the fields that are part of the Framework of Mandatory Competencies so as to ensure the quality of all programmatic and curricular content and also encourage success in school.
3. The intensive training program is developed by way of a system composed of modules with the content organized according to the subjects foreseen in the Framework of Mandatory Competencies and is organized in 3 different levels of teaching and learning certification.
4. Docents can only proceed to the following level of certification if they pass the evaluation of the modules applicable to the previous level.
5. When docents obtain the third level of certification, they are automatically qualified to enter the career foreseen in Annex I to this statute.

Article 79
System for Assessing Qualifications

1. The integration of docents into the intensive training program is established by the relationship between the qualifications they possess at the time of the effective date of this statute and the resulting training needs in order to complete the criteria for acquiring the knowledge established by the programmatic and curricular content of the intensive training program.
2. For the purposes of the provisions of the previous number, the Ministry of Education issues by Ministerial Statute the list of qualifications recognized on the effective date of this Statute and determines the value to be attributed to each qualification or set of qualifications that each teacher possesses for the purposes of automatic acquisition of modules and levels of certification included in the intensive training program for teachers by way of a comparative review of the knowledge criteria imposed by the Framework of Mandatory Competencies.
3. The implementation of the provisions of the previous number allows for the definition of the training that each teacher will have to undergo in order to enter the Docent Career under the terms stated in Annex I of this statute.

4. The system for assessing the qualifications foreseen in this article also allows for the identification of cases in which the qualifications found in a specific docent may allow for automatic certification of equivalency to a Bachelor's or Licenciature Degree and immediate access to the Docent Career.

Article 80

Compensation Table for the Intensive Training Program

1. All docents subject to the intensive training program are provisionally subject to the compensation table and provisional career framework stated in Annex II of this statute and an integral part thereof.
2. The ministerial statute related to the qualification assessment system will determine the level applicable to each docent for the purposes of the intensive training program.
3. The compensation progression of docents during the intensive training program is done vertically by levels of certification to the compensation level in which the docent is integrated when he starts the Program.

Article 81

Integration in the Docent Career

1. All docents referred to in the previous article who possess the academic qualifications for docent work required by the Education Law on the effective date of this Statute or obtain the automatic equivalency certification to a Bachelor's or Licenciature Degree under the terms of the qualification assessment system will automatically enter the Career foreseen in Annex I to this Statute, subject to the seniority rules in effect.
2. Docents who automatically enter the Docent Career are appointed to the professional category of Teacher at a level to be determined according to their academic qualifications and their seniority.
3. For the purposes of the provisions of this Statute, seniority is measured in relation to docents who are public employees of the Administration with a reference date of May 20, 2002, the day of the Restoration of National Independence.
4. Every 3 years of seniority entitles the docent who is a public employee of the Administration the right to automatically advance one level to enter the Docent Career.
5. For the purposes of the calculations mentioned in the previous number, all docents who acquire the right to advance one level on May 20, 2011 will automatically benefit from the same on January 1st, 2012.
6. All public employees eligible for the provisions of this article who have a Licenciature Degree on the effective date of this Statute or obtain later certification of equivalency to a

Licenciature Degree acquire the right to enter the Docent Career in the second level of the professional category of Teacher.

7. All public employees eligible for the provisions of this article who have a Master's or Doctoral Degree on the effective date of this Statute acquire the right to enter the Docent Career at the third level of the professional category of Teacher.

8. The criteria for automatic progression due to seniority and academic qualification foreseen in this article are cumulative.

9. The Ministry of Education approves by *Despacho* the criteria by which all those who have worked as docents on a permanent, sequential and systematic manner before and after the restoration of independence and who are not active on the effective date of this Statute are eligible to apply for integration to the new Docent Career.

Article 82 **Exclusion from the Docent Career**

All docents who fail the intensive training program evaluation exams 3 times will maintain their relationship to the public position but they are no longer docents and will be the object of a transfer procedure due to inadequacy.

CHAPTER VIII **FINAL AND TRANSITORY PROVISIONS**

Article 83 **Principle of Criteria Adequacy**

In all cases foreseen in this statute when the required criteria is impossible to meet, namely those referring to professional categories or necessary qualifications, the rule will be the principle of applying the criteria which most resemble the requirements.

Article 84 **Subsidiarity**

The General Regime for Careers in Public Administration is subsidiary to this Statute and its legislation and regulation.

Article 85
Effective Date

This statute will be in effect on January 1st, 2011.

Approved at the Council of Ministers meeting on August 25, 2010

The Prime-Minister,

Kay Rala Xanana Gusmão

The Ministry of Education,

João Cância Freitas, Ph.D.

Enacted on 11/ 3/ 10

Publication authorized.

The President of Timor-Leste

José Ramos-Horta

ANNEX I

| Salary Structure – Docent Career – Regular Career | | | | | | | |
|--|----------------------|------------------|-----|-----|-----|-----|---|
| Category | Salary / Levels (\$) | | | | | | |
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Senior Teacher | 438 | 489 | 510 | 560 | 600 | | |
| Teacher | 298 | 310 | 323 | 349 | 374 | 400 | |
| Assistant | \$264 | Probation Period | | | | | |

Structure automatically applied to Teachers with Bachelors or Licenciature Degrees obtained after the effective date of this Statute

| | |
|-----|---|
| 264 | Exam for Access to the Category of Teacher |
| 400 | Exam for Access to the Category of Senior Teacher |
| 298 | Initial Salary for Teacher with Bachelor's Degree |
| 310 | Initial Salary for Teacher with Licenciature Degree |

ANNEX II

| Salary Framework for Docent Career Regime – Transitional Career | | | | |
|--|---------------------|-----|-----|---|
| Category | Salary/ Levels (\$) | | | Framework applied to Docents who at the effective date of the Statute, have not Evolution of salaries according to qualifications obtained by Docents until final certification allowing automatic access to Docent Career |
| | 1 | 2 | 3 | |
| Level 3 Teacher Training | 255 | 264 | 272 | Completion of this level provides Final Certificate of Equivalency to a Bachelor's or Licenciature and |

| | | | | |
|---|-----|-----|-----|--|
| | | | | automatic access |
| Level 2 Teacher Training | 230 | 238 | 247 | Completion of this level provides Level 2 Certificate and move to following training level |
| Level 1 Teacher Training D Level in 2010 | 230 | 238 | 247 | Completion of this level provided Level 1 Certificate and move to following training level |
| Level 1 Teacher Training E level in 2010 | 174 | 183 | 191 | |
| Salary Structure Currently in Effect | | | | |
| Permanent Employee D Level (2010) | 223 | 230 | 247 | Salary structure in effect now for D Level Teachers |
| Permanent Employee Level E (2010) | 366 | 174 | 183 | Salary structure in effect now for E Level Teachers |