

## QUESTIONNAIRE IN PREPARATION OF THE SEMINAR ON PARENTAL RIGHTS IN EDUCATION PORTUGAL

How does the law, in light of constitutional principles, regulate the legal relationship between school authorities and parents on the following points in the European member states:

Topic 1 primarily examines how the law regulates the legal relationship between school authorities and parents on school choice and admission?

- Can a school for primary or secondary education ask parents to pay fees?

Depends. If the school as (1) no contract with the state it can ask parents to pay fees (free charge). If the school as a (2) “contrato de associação” (association contract) then no fees can be asked because the state pays all cost (flat fee by number of students).

- Can a school refuse parents to register their child? On what grounds?

In (1) it can refuse parents to register their child based in any ground (in the general law). For example the school can refuse because the parents do not agree with the educational project.

In (2) the school as no liberty to choose their students.

- Can a child disagree with a parental decision on school choice and be heard to seek governmental review of a parental decision (right of the child to be heard)?

Yes. But the child as to go to court to overrule the decision. Until overruled the decision is mandatory to the child.

- Can denominational schools established by parents be legally enforced to teach "alternative worldviews"?

Yes. The educational system is of single curriculum. So if the state imposes “alternative worldviews” in the curriculum it becomes mandatory to all schools.

- Are parents prevented from homeschooling their children?

No. It's possible (with supervision) to have homeschooling. It's not a common reality in Portugal.

Topic 2 examines how the law regulates the legal relationship between school authorities and parents on the school project?

- What does the school's duty in loco parentis – to stand in the parent's place – essentially means? Is it interpreted that the rights of parents over their children end at the school door

No. The rights of parents (denomination in Portugal: parents responsibilities) are not giving to school at school door. When entering school the school as the right to enforce in name of the parents some of the rights of parents.

- What rights do pupils and parents have over their children?

Education (includes decision over religion). Home (giving a safe home, food and taking care with respect and care). Asset management (with exceptions). Representation in all acts (exterior) and make choices. All rights can be overruled by a courts decision. Parents can loose their rights of parents.

Topic 3 examines how the law regulates the legal relationship between school authorities and parents on the exercise of fundamental rights within the school?

- What are the limitations on the freedom of expression in school, can pupils express worldviews of parents in schools?

There aren't limitation to freedom of expression if within the general law.

- How is in educational environments the respect for the private life of parents regulated?

Topic 4 examines how the law regulates the legal relationship between school authorities and parents on the application of disciplinary measures/ questioning of pupils?

- What rights do parents have in discipline procedures against their child? Is parental notification part of student discipline procedures?

If the discipline procedure is less than suspension no notification needed. (it's illegal any procedure with physical punishment).

- Can a child be interrogated by school officials and coerced to give a confession for noncriminal offenses without notification to the pupils and parents that an interrogation is taking place?

No.

Topic 5 examines how the law regulates the legal relationship between school authorities and parents on curriculum development?

- Can parents choose which religious instruction their child should follow in school? Or do parents only have the authority to give their children advice about religion?

Parents can choose religious instruction to their children.

- Can parents opt their children out of religious instruction?

Yes. If the religious is in single curriculum it's mandatory (today isn't)

- Can parents opt their children out of sex education?

Yes. If the sex education is in single curriculum it's mandatory (in discussion if should be or not)

- Do pupils have the right to reproductive health information and services, including abortions, without parental knowledge or consent?

No information in the single curriculum exists about this matter. All materials given extra curriculum forces school to give information (general information and not detailed).

Topic 6 examines how the law regulates the legal relationship between school authorities and parents on the quality of education?

- What legal procedures exist for the parents to submit a complaint for failure in provision of quality education to their child?

None. There are conditions that all schools are enforced to have. If all legal conditions exist there aren't legal procedures to complaint for failure in quality.

- What is the responsibility of the school towards parents in case of failure to provide quality education?

None.

Topic 7 examines how the law regulates the legal relationship between school authorities and parents on the evaluation of educational performances?

- What legal procedures exist for parents to submit a complaint against the evaluation of educational performances of their child?

You can appeal to the Education Office to review the evaluation. (only in limited cases)

Concluding topic: What are special difficulties within the present legal norms of educational relations in the member states?

(a) curricular freedom.

(b) freedom of choice (double payment of parents who choose private schools – private schools fees plus taxes)