

**Decree-Law nº 55/2019 (24/04/2019)**

*Portuguese Republic*

The XXI Constitutional Government Program establishes as a priority the articulation of sports policy with the school, reinforcing physical education and sports activity in schools and higher education establishments and making them compatible with school and academic pathways, in line with the recommendations of the European Union for the adoption of mechanisms to support the development of dual careers for student athletes.

The regular practice of physical and sports activity, in a school and academic context, is recognized as an important complement in the course of the student, with a view to their integral formation as an individual, promoting the development of healthy habits throughout life.

For that reason, Decree-Law no. 129/93, of April 22, which establishes the principles of the policy of social action in higher education, in its current version, and Law no. 62/2007 of 10 of September, which approves the legal regime of higher education institutions, determine that social action in higher education includes support for sports activities, to be provided to all students, regardless of their degree of lack.

For some years, a system of support has been in place for students who are high-performance athletes or who regularly integrate national teams, provided for in Decree-Laws no. 272/2009, of October 1 and 45/2013, of April 5, which was recently complemented by the implementation of the pilot project called "High Income Support Units in School", created by Order No. 9386-A / 2016, dated July 21, of the Assistant Secretary of State and Education and the Secretaries of State for Education and Youth and Sport, it is time to extend support to other student athletes, contributing to the improvement of the reconciliation of study, training and competition plans for young people who want to an involvement in formal sporting practice within the framework of the organization of sport in higher education.

The status of the student athlete of higher education who is now approved, following Resolution of the Assembly of the Republic No. 128/2017, of June 22, aims to support the development of dual careers in higher education institutions and the academic community, promoting the sporting representation of higher education institutions and student associations, representing an incentive to practice sports in this context.

It also provides support to students who develop their sports in the federated system and those who intend to continue the practice developed in the field of school sports.

Thus, within a framework of autonomy in which higher education institutions and student associations define the very terms of the organization and development of the practice of sport, the set of minimum rights of access to sports practice by all students of higher education is standardized, such as the assessment of absences, alteration of

evaluation dates, priority in the choice of schedules and the possibility of requiring special examinations.

The aim is to establish a legal and regulatory framework that improves the conditions of participation in competitions that are integrated in the sporting context of higher education, also contributing to increase the relevance of these competitions.

The Council of Rectors of Portuguese Universities, the Coordinating Council of the Polytechnic Institutes and the Academic Sports University Federation were heard.

## **Article 1**

This decree-law establishes the status of the student athlete of higher education (statute), defining the eligibility requirements and the corresponding minimum rights.

## **Article 2**

Scope of application

For the purposes of the provisions of this decree-law, students of higher education are students enrolled and enrolled in higher education who cumulatively:

- a) Participate in the championships and competitions provided for in the following article;
- (b) comply with the requirements of sporting merit applicable to them in accordance with Article 4;
- (c) achieve the minimum school performance provided for in Article 5

## **Article 3**

Participation in championships and competitions

1 - Students who, in the academic year in which they require the attribution of status, benefit from the student athlete status:

- a) Have participated, in representation of the higher education institution in which they are enrolled and registered or of the association of students in or integrating national university selection, in:
  - i) National university championships organized by the Academic Sports University Federation (FADU); or
  - ii) International university competitions organized by the European University Sports Association or the International University Sports Federation;

b) Have participated in the most recent ones:

i) Competitions for the attribution of national titles by sports federations, pursuant to paragraph h) of paragraph 1 of article 13 of Decree-Law no. 248-B / 2008, of December 31, current writing; or

(ii) international competitions for the award of European and world titles by international bodies in which national sports federations are integrated; or

c) Are enrolled as athletes in the sports service of the higher education institution in which they are enrolled and enrolled or in the respective student association and have participated, in the academic year prior to the year in which they require the attribution of the statute, in:

i) National school championships; or

ii) International competitions of school scope.

2 - Under the terms regulated by each institution under the provisions of article 8, students may also benefit from the statute, among others:

a) They have participated, in the academic year in which they require the attribution of the status, in regional championships and in the other tests of qualification for the national university championships; or

b) Be affiliated to a sports federation governed by Decree-Law no. 248-B / 2008, of December 31, in its current version (federated athletes).

#### **Article 4**

##### Sports Merit

1 - In the academic year in which they require the attribution of the status, students referred to in paragraph a) of paragraph 1 of the previous article practitioners of collective sports must have:

a) Represented his team or selection in at least 60% of the games of one of the competitions referred to in paragraph a) in paragraph 1 of the previous article; and

b) Participated in at least 75% of their team's or team's training, or 25% in the case of federated athletes, provided that at least one training per week is carried out, except for vacations or examinations.

2 - The minimum requirements for participation in training and representation of the team or selection applicable to the students referred to in paragraph b) of paragraph 1 of the previous article practitioners of collective sports modalities integrated in other sports federations are defined by protocol between the institution of higher education

and the respective sports federation and provided for in the regulations referred to in Article 8.

3 - The students referred to in sub-paragraphs a) and b) of paragraph 1 of the previous article practicing of individual sporting modalities must have been classified in the first third of the league table of the national championships and competitions foreseen in the mentioned subparagraphs.

4 - The students referred to in sub-paragraph i) of paragraph c) of no. 1 of the previous article must have been classified in the first third of the league table of national school championships referred to in the said sub-line.

#### **Article 5**

##### School performance

1 - In order to benefit from the status, the students of higher education must have obtained at least 36 credits, or all the credits in which they have been enrolled, in the academic year prior to the one in which their number is less than 36.

2 - The provisions of the previous number do not apply to students who require the assignment of the status in the school year in which they are enrolled for the first time in a given study cycle.

#### **Article 6**

##### Duration

The statute shall have the duration provided for in the regulations referred to in Article 8, which may not be less than one year, and shall enter into force from the time of its attribution.

#### **Article 7**

##### Rights

The student athletes of higher education are holders of at least the following rights:

- a) Priority in the choice of schedules or classes whose frequency scheme best suits their sporting activity, provided that this is duly proven by the applicant;
- b) Relief of absences that are motivated by participation in official competitions of the modality they represent;
- c) Possibility of changing dates of formal moments of individual evaluation that coincide with the days of the championships and competitions referred to in a) and b) of paragraph 1 of article 3;

d) Possibility of requesting the accomplishment of at least two annual examinations or equivalent in special time of examinations.

## **Article 8**

### Regulation

1 - The legal and statutorily competent body of each higher education institution regulates the institutional application of this statute until the beginning of the 2019-2020 academic year, defining in particular:

- (a) the criteria for the award of the status to students who are enrolled and enrolled for the first time in a course of study;
- b) The criteria for the award of the status to students who participate for the first time in the championships and competitions referred to in Article 3 (1) (a);
- c) The criteria of academic and sporting merit necessary for the extension of the status to other students, in accordance with paragraph 2 of article 3;
- d) The duties of student athletes in higher education;
- e) The procedures for requesting, assigning, renewing and terminating the statute;
- (f) the duration of the statute, which shall comply with the provisions of Article 6;
- g) Mechanisms for monitoring compliance with statutory and regulatory provisions relating to status;
- h) The body or service that assures the management of procedures related to the statute in the higher education institution.

2 - The norms issued under the terms of the preceding paragraph may go beyond the provisions of this Decree-Law with respect to the rights of student athletes of higher education and their eligibility criteria, provided that in a more favorable sense to students, with the exception of of the minimum school use provided for in Article 5.

3. The regulations referred to in paragraph 1 shall be drawn up in close liaison between higher education institutions and sports federations and their clubs with a view to strengthening mutual collaboration and pursuit of the objectives of increasing the development of dual careers.