



REPÚBLICA DEMOCRÁTICA DE TIMOR-LESTE
MINISTÉRIO DA EDUCAÇÃO
DIREÇÃO NACIONAL DO ENÇINO DE RECORRENTE
(DNER)

TERMS OF REFERENCE

Recurrent Education Legal Adviser

I. General Information

Duty Station : Dili, Timor-Leste
Desired start date : February , 2015
Duration and input : 10 months from February 2015– December 2015.
Reporting to : National Director for Recurrent Education and MSP/SCEP
Project Coordinator.

II. General Introduction

The National Directorate of Recurrent Education (the NDRE), within the Ministry of Education (the MOE), is a provider designated by the Government of the Republic of Timor-Leste of primary education equivalency programs for youth and adults who have left the formal education delivery system. Although there are some NGO programs available that offer non-formal programs, the NDRE is the only public education authority serving Timor Leste's primary/secondary school leavers. It provides a number of related primary/secondary level equivalency programs that are primarily delivered through classroom-based, teacher led courses of instruction. In January 2015, the DNER will trial equivalency Level 2 curriculum in six selected districts. The DNER at the same time will establish at least six Community Learning

Centers for community to run literacy, equivalency, and income generating programs. These activities will be funded by the World Bank through its SCEP project.

During the Mid Term Review in July 2014, both MoE and the World Bank indentified a need of legal framework to be developed for the DNER to serve as a basis for its operation (including planning and financing of the recurrent education programs) and establishment of quality assurance system (including program accreditation and certification). Subsequently, it was discussed and agreed to include that in the revised activity plan. A task force will be established and supported by the Recurrent Education Specialist and the Recurrent Education Legal Advisor to ensure that the legal framework for the Recurrent Education better fits both operation and legal context.

III. Assignment Objective

Main objectives of this assignment are:

1. To provide the DNRE with legal assistance in the elaboration of Recurrent Education Legal Framework through: (a) revising and, if necessary, drafting relevant laws and regulations as a basis for the proposed legal framework; (b) drafting the Recurrent Education Legal Framework and; (c) coordinating development of the legal framework for the Recurrent Education with the MoE Legal Office; and (d) presenting the draft Recurrent Education Legal Framework to the MoE management (Minister, Vice Minister, DG of Pre-School and Basic Education and DG of Secondary and Vocational Education) and other relevant officials.
1. To work with Recurrent Education Specialist and the Task Force in identifying and developing relevant processes and procedures required to implement the proposed legal framework.
2. To provide legal advice and opinion to the DNER and assist with drafting regulations, rules and other legal documents as required to support implementation of equivalency programs for Levels I and II and establishment of Community Learning Centers.

IV. Supervision and Reporting

The adviser will work at the DNER and will report to the National Director for Recurrent Education as the immediate supervisor, and the MSP/SCEP Project Coordinator.

V. Responsibilities

A. Establishment of Recurrent Education Legal Framework Task Force:

1. Together with the Recurrent Education specialist and the Curriculum Development Specialist (as needed) to develop, review and finalize the Terms

of Reference for the Recurrent Education Legal Framework Task Force (the Task Force) that includes key DNER staff/officials, representatives of the National Directorate of Curriculum and the National Directorate of Ensino Basico; and in consultation with DNER management to prepare a letter of assignment for the Task Force.

2. Provide legal support to the Task Force throughout the whole period of revision, presentation and finalization of the proposed Legal Framework.
3. Review the existing draft Recurrent Education Legal Framework and prepare situational analysis identifying among other issues weaknesses and gaps in the existing Recurrent Education Legal Framework, comparative analysis of Recurrent Education Legal Frameworks in other countries, best practices, and recommendations to strengthen the Recurrent Education Legal Framework in Timor-Leste, including laws, regulations and other legal acts to be amended or developed to establish and implement the Recurrent Education Legal Framework;
4. Coordinate development of the Recurrent Education Legal Framework with the Ministry of Education Legal Office.

B. Re-drafting of the Recurrent Education Legal Framework.

5. Together with the Recurrent Education Specialist review and consolidate inputs presented by task force regarding the following:
 - Key findings of the “Need, demand and supply of Recurrent Education Study” relevant to the Recurrent Education Legal Framework;
 - Drafts regulations/policies;
 - Lessons learned from the current practices of the Recurrent Education in Timor-Leste and other countries.
 - Key findings/lessons learned from the trial of curriculum of Equivalency Program Level II
6. Revise the draft Recurrent Education Legal Framework and incorporate inputs as specified in point 5 above;
7. In collaboration with the Recurrent Education Specialist, develop different sets of presentations that targets different level of audience. The presentations should be in plain language to allow the audience without legal background to easily understand the information to be presented;
8. In collaboration with the Recurrent Education Specialist, present the revised draft Recurrent Education Legal Framework to the DNER and the Task Force for their feedback.
9. Present the draft Recurrent Education Legal Framework to the MoE management (Minister, Vice Minister and DG of Pre-School and Basic Education and DG of Secondary and Vocational Education) and other relevant officials;
10. Analyse and summarize the comments and recommendations provided by the MoE management, the DNER and other officials and finalize the

Recurrent Education Legal Framework accordingly, before submitting formally to the Council of Ministers for approval.

11. Provide further support to MoE during the process of review by the Council of Ministers, include providing timely responses to comments and incorporate them into the final document for endorsement.

C. Identify and develop relevant regulations to support implementation by the DNER of the endorsed Recurrent Education Legal Framework.

12. Assists and facilitates the Task Force with the following :
 - identify and develop relevant rules and regulations required to implement the endorsed Recurrent Education Legal Framework;
 - regularly discuss the draft rules and regulation with DNER during the development stages;
 - present the drafted rules and regulations to the DNER, MoE management and relevant staff before adoption;
 - assist with drafting regulations, rules and other legal documents as required to support implementation of equivalency programs for Levels I and II and establishment of Community Learning Centers;
 - advise and provide legal opinion to the DNER on the documents prepared to support Recurrent Education operations to ensure that they comply with the national regulations and the MoE Legal Framework.
13. Assists the Recurrent Education Specialist in developing a **Policy note** assessing status of the recurrent education teachers in consultation with the National Directorate for Human Resources of the Ministry of Education.

VI. Expected Deliverables:

14. Situational analysis with focuses on laws, regulations and other legal acts to support the establishment and implementation of the Recurrent Education Legal Framework – within 10 months from the Contract Commencement Date;
15. Legal advice and opinion to Recurrent Education task force in identifying and reviewing relevant laws and regulations to be incorporated in the draft Recurrent Education Legal Framework.
16. Presentation of the revised draft Recurrent Education Legal Framework to the Ministry of Education management (Minister, Vice Minister and DG of Pre-School and Basic Education and DG of Secondary and Vocational Education);
17. Presentation of the revised draft Recurrent Education Legal Framework to the DNER and the Task Force;
18. the Recurrent Education Legal Framework submitted to the MoE for subsequent approval by the Council of Ministers – by 7 September 2015;
19. regulations, rules and other legal documents as required to support implementation of the Recurrent Education Legal Framework – within the contract period;

- 20.regulations, rules and other legal documents as required to support implementation of equivalency programs for Levels I and II and establishment of Community Learning Centers – within the contract period;
- 21.A final report provided with recommendation on implementation of the approved legal framework for DNER to further consider.

VII. Qualification Requirement

- (a) Law degree and relevant professional status;
- (b) Minimum 5 years' experience in the Legal Continental System;
- (c) Experience in drafting laws and other legal documents;
- (d) Relevant experience as a legal consultant preferably in public sector. Relevant working experience in education sector is highly desirable;
- (e) Good knowledge and experience in the Public Administration System of Timor Leste;
- (f) Experience in advising senior management and political decision makers;
- (g) Fluency in written and spoken Tetum and Portuguese legal terminology; knowledge of English is an advantage.
- (h) This position is open for Timorese Nationals only.