

A HOLISTIC APPROACH TO THE DUAL CAREER OF THE STUDENT-ATHLETE

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The Portuguese Experience for Dual Sport-Academic Career: Possibilities for Brazil

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Abstract

International research indicates that a regulatory framework encourages institutions, being schools, universities and/or sports' clubs, to take measures so ESA (elite student-athletes) can successfully reconcile the routines between sport and education. Portugal, over the last 30 years have been debating the subject, introducing laws, revising them, and then improving it through time. Meanwhile, in Brazil, there are almost no debates and the laws in discussions are not able to cover all the existing problems. Given this scenario, we analyzed some of the Portuguese laws, which, among others, established the general framework for the sports system, created a special regime for athletes to enter universities and defined specific supports for the development of high-performance sports. Some measures could be easily implemented in Brazil and others could be adapted to the national reality. However, the key objective of this study is to show that these young student-athletes need a formal structure with support to facilitate a successful dual-career.

Keywords: dual career, legal framework, holistic education.

1. Introduction

The development process of high-performance athletes has been understood as a period of life in which the youngsters will go through several sport and non-sport transitions (Stambulova et al., 2020). The demands faced by the student-athletes, whether from the club, the school, or the family, have shown researchers the importance of analyzing a broadened scenario, which leads to observing the athlete evolution from a holistic perspective (Wylleman, 2019). Currently, understanding the conciliation between sport and educational demands as a research object has gained importance in different countries (Ryba & Stambulova, 2013), with analysis of distinct political and social organizations for the development of programs for assistance of high-performance athletes (Torregrossa et al., 2021).

In addition to the training routine, treatment of injuries, recovery, etc., the holistic development of the athlete also requires the analysis of aspects such as the local culture, the sports market offered in terms of financial return, the legislation in place, the family context, and especially, the educational background (Wylleman, 2019). The conciliation of the sports and educational routine tends to provide the young student-athlete with better conditions to perform their routine, minimizing negative impacts that can lead to physical and mental stress, abandonment of one activity over the other, contributing to less traumatic transitions (Knights et al., 2016; Kuettel et al., 2017; Stambulova & Wylleman, 2015).

Over the past decades, Portugal has built a wide debate about the importance of sport in its society, culminating in laws that highlights different aspects of sports' practice in different dimensions, including the recognition of the condition of the high-performance sports-athlete (e.g. Decree-Law n° 272/2009 of October 1st), offering specific rights and duties to the student-athlete at different stages of his career (e.g. Decree-Law n° 55/2019 of April 24th). This legal framework serves both the athlete in his student condition during basic education⁵, and

5 See more at: <https://uaare.dge.min-educ.pt/pt/uaare/internacional>

the university athlete, providing in specific cases, the opportunity for them to enter higher education by their sports' merit.

These initiatives contrast with countries where young athletes do not have formal structures to face the challenges of dual career, such as Brazil, characterizing it as *laissez-faire* (Costa & Figueiredo, 2021), where the absence of legislation may contribute to the difficulty of disciplining institutions - sports and educational, whether for basic education or higher education - mitigating negative practices (Rocha et al., 2021). Thus, athletes become responsible for negotiating their needs without the due legal support, making it even more difficult for their development: whether in sport, in the psychosocial dimension or in the academic field (Costa et al., 2020, 2021; Miranda et al., 2020). The debate about sports development, analyzing the athlete's career considering its concomitance with educational formation has been held (Nogueira, 2022) showing the need for and importance of the constitution of public and institutional policies for assistance programs for student-athletes (Capranica et al., 2015; Costa & Figueiredo, 2021; Costa et al., 2020).

Therefore, the aim of this study was to analyze the Portuguese experience in terms of regulation, development, and promotion of good practices regarding dual sport careers as a reference for Brazil. The research will focus on policies aimed at higher education, a factor that enables the insertion of these youngsters in the formal labor market (Lopes, 2022), consequently creating opportunities for life after the sports' retirement.

2. Methodology

This essay is characterized as a documentary review, with an analysis of the legislation relevant to the theme of sports-academic career conciliation in Portugal. The country was chosen for the following reasons: (1) it has a sports' system similar to Brazil, as it is developed outside the school environment (clubs, training center etc.); (2) it has a national sports legislation that recognizes the student athlete and contemplates compulsory actions to the involved institutions.

After reviewing the laws, the ordinances, and the decree-laws available, dating back to the period from 1990 to 2019, we mainly analyzed Decree-Law (DL) n° 272/2009 and the updates that came after. We understand it as an important moment regarding the Portuguese legal framework, considering the legislation in place until that moment.

3. The value of sport for Portugal

Through Law no 1/1990, Portugal established a sport system aimed at promoting and guiding physical activity. Within this context, the legislation established that high-performance sports constitute a determining factor for sports development and in 2007, a new provision ensured that the State should “support and develop regular and high-performance sport practice, through the provision of technical, human and financial means, encourage the training activities of sports’ agents and exercise inspection functions, under the terms of the law” (Decree-Law no 7/2007, p. 357).

Decree-Law no 272/2009 was responsible for creating an integrated system of support for the development of high-performance sport, with specific measures, conceptualizing in a more judicious manner the meaning of high-performance athlete. Furthermore, the same decree states that high performance sport is of public interest as it “constitutes an important factor of sports development and is representative of Portugal in international sports competitions” (p. 7081).

Portugal, over the years, began to consider the sport condition as a social, cultural, and diplomatic asset developing policies to promote the practice of physical activity. The recognition of the role of high-performance sport in that society has allowed the production of extensive legislation, presenting mechanisms to discipline sport and academic institutions to ensure holistic development to ESA. This may include priority of enrollment in classes, the flexibility of the schedule, guarantee of academic rights when needing to be absent for sports commitments and mentoring programs (Costa & Figueiredo, 2021).

4. The high-performance sportsman/woman in Portugal

The high-performance athlete in Portugal has the possibility to apply for what is called *Estatuto de Alto Rendimento* (High Performance Statute). This recognition allows him/her access to some academic rights, providing greater stability to perform both as a student and as an athlete.

High-performance is defined as “the practice of sports in which the practitioners obtain classifications and sports results of high merit, measured against international sports’ standards” (Decree-Law no 272, 2009, p. 7080). Moreover, the high-performance practitioners are divided into three levels (A, B, C), reserving greater support for the most qualified, being defined for Olympic and non-Olympic sports from their highest sports qualifications (Decree-Law no 272/2009).

As for the sportsmen and sportswomen in development stages, they are classified as high-performance who show probability of achieving success at the international level, evidenced by the following conditions: (1) have participated in renowned international competitions representing the national team; (2) have participated in European or world championships representing the national team; and (3) have obtained significant results. In addition, the practitioner must be of an age that allows his gradual evolution into adulthood and have a preparation compatible with high-performance level.

The same law specifies the qualification of collective sports and the qualification of citizens with disabilities as high-performance sports practitioners. Also, the government, with the support of the sports’ federation and the Portuguese Sports Institute - currently Portuguese Institute of Sports and Youth (IPDJ), is responsible for determining the level of sports competitions “according to the criteria of sports selectivity, based namely on a minimum participation of countries, teams or sports practitioners with a certain classification in the ranking of the modality” (Decree-Law no 272/2009, p. 7082).

5. Access to higher education

The DL no 272/2009 maintains the special regime of access to higher education for high-performance athletes, established by Decree-Law no 393-A/99, guaranteeing the enrollment in university courses if the ESA “are approved in the high school subjects corresponding to the entrance examinations required” (Decree-Law no 272/2009, p. 6736-2). The 43rd article further determines that the ESA has a period of three years, from their sports retirement, to benefit from the special regime of access to higher education. Moreover, “whenever indispensable for their preparation, high-performance sportsmen and women may obtain the transfer of universities, through a declaration issued by the IPDJ” (Decree-Law no 272/2009, p. 7085).

6. Expanding rights in higher education

In 2019, DL no 55/2019 expanded support for ESA, promoting the sports representation of higher education institutions and student associations, encouraging the practice of sports in that context, continuing the practice developed during school years. This new statute for student-athletes in universities defines the eligibility requirements, the duties, and the corresponding rights.

To benefit from the status, the student-athlete must: (1) have participated by the Higher Education Institution in national or European university championships (under the aegis of FADU or EUSA, respectively) or participated by the national university selection for Portugal, (under the aegis of FISU); (2) have participated in national competitions of sports federations or in international competitions, in which the national sports federations are integrated; (3) be registered as an athlete in the sports service of the higher education institution and have participated in regional championships or in the trials for the national university championships, (4) have participated in national school championships or international school competitions; or (5) be affiliated to a sports federation.

Regarding the sports' merit, to obtain the status, team players must have represented their team in at least 60% of the games and participated in at least 75% of the training sessions. Individual athletes, on the other hand, must be ranked in the first third of the table in national competitions. As for academic achievement, student-athletes in universities must have a minimum of 36 credits in the academic year prior to their request, "or all the credits in which they were enrolled, if their number is less than 36" (Decree-Law no 55/2019, p. 2268).

In this way, it is given, in the period not less than one year, the minimum rights to all these students, such as justification of absences, changes in exam dates, priority to choose schedule and special period for exams. Thus, establishing better conditions for participation in higher education sports competitions, "contributing, also, to the increased relevance of these competitions" (Decree-Law no 55/2019, p. 2267).

7. Obligations for the academic institutions

The 15th article of DL no 272/2009 states that in school life, at any level, ESA should be granted, "the school schedule and attendance regime that best suits their sports preparation" (Portugal, 2009, p. 7083). In the same way, attendance in different classes and/or school performance by subjects may be allowed. In this sense, possible absences during the period of preparation and/or participation in competitions should be relieved, upon proof through the IPDJ. If this period coincides with exams, the dates of the exams should also change.

In educational institutions that are attended by ESA, a teacher will be appointed to monitor the progress of youngsters to "detect any difficulties and propose measures for their resolution" (Decree-Law no 272/2009, p. 7083). It is the responsibility of this teacher to propose reinforcement classes, if necessary, to make up for possible absences due to sports practice, so that the student does not arrive with a deficit in universities. This teacher also has the duty to make a report on the school performance, at the end of each school year, of the practitioners

who benefit from the support measures. In addition, the students will also have the right to transfer from schools when the sporting activity justifies this, or even to attend classes at another school.

Likewise, ESA enjoy “preference in attending training courses for coaches of the sport they practice, whatever the specialty and the promoting entity” (Decree-Law no 272/2009, p. 7085). They may also benefit from academic scholarships, in Portugal or abroad, even if it is not related to their sports’ field, whenever the circumstances justify.

8. Obligations of the sports institutions

Sports federations must submit an annual report on high-performance athletes eligible for public support. This report must contain, among other information: results obtained, proof of physical fitness, international norms and technical regulations that justify the qualification of the same as high-performance, a development program plan, and a funding source.

IPDJ is responsible for the application and control of important support measures to high-performance sports such as: a) organize the registration of high-performance practitioners, either in sports or academic/professional; b) secure the support measures are ensured; c) financial co-participation to the programs presented by the federations; and d) evaluation of the results obtained. This organization is also responsible for reporting to the Ministry of Education and Federations, any “information that is transmitted to them by the educational establishments regarding the regime and the school performance of high-performance sports practitioners” (Decree-Law no 272/2009, p. 7083).

9. Other rights and duties

Those who have been part of the Olympic or Paralympic Project for at least 8 years, after the end of their sporting career, are guaranteed the

right to “receive a temporary reintegration grant, of an amount equal to the level of the last grant they received” (Decree-Law no 272/2009, p. 7086).

Besides the benefits already mentioned, student-athletes are entitled to: (a) special conditions and priority use of the sports infrastructure of high-performance centers; b) prizes in recognition of sports results; c) specialized medical assistance; d) special insurance; e) voluntary social insurance; f) benefits in contributions to the social security system while in the high-performance regime; g) apply to internal admission process of public administration bodies as long as they meet the general conditions.

However, the decree also foresees the duties of ESA: a) maintain an exemplary behavior; b) be available for public appearances; c) submit to anti-doping examinations, randomly; d) integrate national teams when called upon; and e) inform when they want to leave the high-performance programs.

10. Discussion

The current laws, as well as the cultural understanding about sport, places Portugal as a reference in terms of recognition of the athlete and his/her role in society. The importance given to sport and to the education of its athletes is clear through the legislation that offers mechanisms to include its athletes in formal education, offering these kids the opportunity to attend higher education, and thus, enter the formal labor market after their sports retirement.

The short career of the ESA and the dual career, which can become triple if we consider work, studies, and training, can create complex challenges for the holistic development of these youngsters. There is even a tendency to make a conceptual upgrade regarding dual career, considering it as multi-career, given the multidimensional nature of the life of a student-athlete.

Along with the demands in terms of high-performance sports practice and high standards in academics, other interests also emerge

in the life of the student-athletes such as social, personal, and family, and only all these combined allow them to be an individual. Tough (2012) has shown that one of the most important factors for academic and professional success of students in the U.S. is the structure offered to them. This research supports the idea that ESA needs an environment that also looks after their education through the implementation of the mechanisms mentioned above. The negative impact caused by the training routine, the high demand for results, and the necessary travel could and should be softened by public policies.

Some of the proposals presented are straightforward, with no direct costs for the State and/or universities, such as the possibility of changing schedules or exams; priority in choosing their subjects in universities; a specific regime for admission to higher education; and justifications for absences due to sports commitments. These are measures that can be adapted and implemented in Brazil to encourage high-performance athletes to continue studying and be prepared for the formal labor market.

Other measures as the qualification of high-performance athletes would need more research to establish a national standard. Portugal is a country with a small territory, and part of the European Union, where there are several other countries in an area that resembles Brazil, in geographical terms. Therefore, in their perception, the elite athlete has all the conditions to be always competing in international events. In Brazil's scenario, we question how we can measure the level of our athletes to be in accordance to the international level of high-performance athletes - especially if considering this as a decisive criterion for access to higher education. A fundamental aspect of the Portuguese experience – that Brazil can really learn – is the understanding of that society around sport, and the attention given to the education of high-performance athletes over the years. A good example was the support given to student-athletes at universities, aiming to expand the practice of sports in that context. While Portugal advances in creating laws and programs that recognizes the student-athlete, values sports and build conditions for athletes' development, Brazil made little progress in its legislation to promote sport between 2000 and 2016, showing legislators have no

concern with the issue (Athayde et al., 2016). In fact, the changes in legislation were made just to meet commercial interests and most of the time focused on football.

11. Conclusion

We believe laws can be of great help to change how society view sports and athletes in Brazil. International research indicates that a regulatory framework would encourage institutions (sports and non-sports) to take more care of their student-athletes - or at least initiate concrete proposals and actions to meet their real needs. Measures such as the establishment of a psychological support network to deal with the stress of the intense routine, policies for special admission to higher education, and financial and structural support for high-performance training, help ESA have a successful conciliation of the routines between sport and education (Capranica et al., 2022; Guidotti & Cortis, 2015; López de Subijana Hernández & Equiza Vaquero, 2018; Stambulova & Wylleman, 2019). Thus, the development of public policies that promote dual careers favors student-athlete to break the barriers that hinder them to achieve their full development, both as an athlete and as a human being.

Due to the specificity of the student-athlete's condition, who needs to be absent from classes to compete at various times, it is essential that they have proper treatment within the educational system, through legal mechanisms. We have countless cases of post-athletes who ended their careers and did not prepare themselves (even if they earned significant amounts of money in their glory years in sports) and faced both psychological and financial difficulties. We hope that through this reading, we can promote reflection and greater clarity as to the path we can take to improve this scenario, giving athletes the opportunity to study and have a harmonious career transition to have a dignified life after their retirement from sports.

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