

THE MINISTRY OF EDUCATION AND TRAINING

Circular No. 34/2014/TT-BGDDT dated October 15, 2014 of the Ministry of Education and Training guiding the implementation of a number of the Decree No. 73/2012/ND-CP dated September 26, 2012 of the Government on the foreign cooperation and investment in education

Pursuant to the Decree No. 36/2012/ND-CP dated April 18, 2012 by the Government stipulating functions, duties, powers and organizational structure of ministries and ministerial level bodies;

Pursuant to the Decree No.32/2008/ND-CP dated March 19, 2008 by the Government stipulating functions, duties, powers and organizational structures of the Ministry of Education and Training;

Pursuant to the Decree No.75/2006/ND-CP dated August 02, 2006 by the Government defining in details and guiding the implementation of a number of articles of the Law of Education; Decree No. 31/2011/ND-CP dated May 11, 2011 by the Government amending and supplementing a number of articles of the Decree No.75/2006/ND-CP dated August 02, 2006 by the Government defining in details and guiding the implementation of a number of articles of the Law of Education;

Pursuant to the Decree No.73/2012/ND-CP dated September 26, 2012 by the Government defining foreign cooperation, investment in the area of education;

For the proposal by Head of International Cooperation Department;

The Minister of Education and Training issues the Circular which provides guiding the implementation of a number of the Decree No. 73/2012/ND-CP dated September 26, 2012 of the Government on the foreign cooperation and investment in education as follows:

Article 1. Scope of adjustment and subject of application

1. This Circular provides guidance on the implementation of a number of articles of the Decree No.73/2012/ND-CP dated September 26, 2012 by the Government on foreign cooperation, investment in education (hereinafter referred to as the Decree No.73/2012/ND-CP), including: inspection of education quality of joint training program and foreign-invested educational institutions; compulsory education program and curriculum intended for Vietnamese students who are studying at the foreign-invested educational

institutions; disciplines and majors in which cooperation and investment are permitted; calculation of number of students and minimum investment capital of short-term training institutions, and implementation of transitional clause.

2. This Circular does not regulate foreign cooperation and investment in vocational training under the management of the Ministry of Labor, Invalids and Social Affairs.

3. This Circular is applied to organizations, individuals in relation to foreign cooperation, investment in education and training in Vietnam.

Article 2. Education quality's inspection

1. Vietnamese educational institutions, foreign educational institutions who provide joint training programs in cooperation with either Vietnamese educational institutions or foreign-invested institutions in Vietnam must comply with current regulations on standards, procedures and cycles of education quality inspection in universities, colleges, vocational secondary schools, primary schools and secondary schools, continuing educational institutions, pre-school education institutions promulgated by the Minister of Education and Training; or complying with regulations of any international quality inspection organization certified in Vietnam.

2. Department of Education Testing and Accreditation affiliated to the Ministry of Education and Training shall announce and update the list of international education quality inspection organizations certified in Vietnam on the website of the Ministry of Education and Training.

Article 3. Admitting Vietnamese students to mixed-level general schools with multiple levels

1. Foreign-invested mixed-level compulsory education institutions (hereinafter referred to as foreign mixed-level schools) as defined at Paragraph 3, Article 21 of the Decree No.73/2012/ND-CP is those which comprise two levels and over in the following levels: pre-school education (if any), primary education, lower secondary and upper secondary education.

2. Foreign-invested mixed-level general schools are allowed to admit Vietnamese students in accordance with the regulations at Article 24 of the Decree No.73/2012/ND-CP.

3. Any student whose parent is a foreigner shall be admitted to the school the same way as foreign students.

Article 4. Compulsory education program for Vietnamese students as in the foreign-invested general educational institutions

1. For primary education

Students as Vietnamese citizens who study at primary schools or primary level of the foreign-invested mixed-level general schools must study Vietnamese program and Vietnamese studies, specifically as follows:

a) For Vietnamese program:

- Objectives: Help students establish and develop their power of vocabulary as well as Vietnamese skills (listening, speaking, reading and writing) to facilitate study and interactions with their peers; provide students with initial knowledge of Vietnamese, Vietnamese culture and people.

- Duration: No less than 140 minutes/week, from 1st grade to 5th grade.

b) For Vietnamese studies:

- Objectives: Help students grasp basic knowledge of typical historical events and characters, good traditions, customs and practices of Vietnam and its people; grasp basic knowledge of Vietnam's geographical position, territory, territorial waters, sea and islands, climate, natural resources, and minerals; through which the students will establish in their hearts the love for the native land, the country and pride in its people.

- Duration: No less than 70 minutes/week, from 4th grade to 5th grade.

2. For secondary education

- Students as Vietnamese citizens who study at lower secondary schools, upper secondary schools or at lower and higher secondary levels of the foreign-invested mixed-level general schools must take Vietnamese studies program to equip themselves with general, basic, modern and systematic knowledge of history, geography, culture, traditions, customs and practices of Vietnam.

- Objectives: Enhance students' love for the native land, the country, and pride in its people, the respect for national historic heritages and heroic traditions during the building and protection of the country by the forefathers and at the same time develop crucial qualities of a citizen: positive attitudes for the society, sense of responsibility to the community, love of labor, compassion, good disciplines, respect and obey the law, sense of national self-strengthening, willing to take part in the protection and development of the country.

- Duration: No less than 90 minutes/week, lower and upper secondary classes.

Article 5. Teaching, examination and evaluation at foreign-invested general schools

1. Organization of teaching in compulsory education programs for students being Vietnamese citizens must meet the following conditions:
 - a) Teachers are Vietnamese citizens who are fully qualified according to the regulation of the Vietnamese law;
 - b) There are teaching materials compiled by the Ministry of Education and Training, or compiled by the educational institutions themselves based on the Vietnamese program and Vietnamese studies program as defined in Article 4 of this Circular and approved by the Provincial Service of Education and Training;
 - c) Language for teaching is Vietnamese.
2. The evaluation of the performance of Vietnamese students that study compulsory education programs must rely on objectives and standardized knowledge, skills of the general education program promulgated by the Minister of Education and Training.
3. Foreign-invested general educational institutions are encouraged to run Vietnamese programs and Vietnamese studies program in Vietnamese or in foreign language if it is intended for foreign students who are studying at the school.

Article 6. Benefits for Vietnamese studying in foreign-invested general educational institutions

1. Students as Vietnamese citizens who study at foreign-invested general educational institutions running foreign curriculum approved by Vietnamese competent authorities shall be transferred for studying at general educational institutions running Vietnamese curriculum at their request. The general educational institutions shall decide the admission of such students according to evaluation of their performance.
2. Students being Vietnamese citizens who study at foreign-invested general educational institutions in Vietnam, have obtained Senior High School Certificate overseas and registered with the Ministry of Education and Training are entitled to taking part in exams to get entrance into vocational secondary schools and tertiary education institutions in Vietnam according to applicable regulations.

Article 7. Compulsory subjects for Vietnamese students at foreign-invested vocational secondary schools, colleges, universities and programs of educational association with foreign partners

1. For foreign-invested vocational secondary schools

a) When organizing the training through foreign programs and awarding diplomas to students, foreign-invested vocational secondary schools must include Law in the curriculum as a compulsory subject. The teaching is implemented in accordance with the regulation of the Ministry of Education and Training applied to vocational secondary schools in Vietnam. Grades of the compulsory subject must be shown in the student's school performance report.

b) A student at a foreign-invested vocational secondary school shall be exempted from the compulsory subject mentioned in Point a Clause 1 of this Article if he/she submits a transcript showing that he/she has completed that subject at another vocational secondary school or higher education institution which lawfully operates in Vietnam.

2. For foreign-invested colleges, universities

a) When running foreign training programs and awarding diplomas to the students, foreign-invested colleges, and universities must put a compulsory subject into the teaching in accordance with the regulations applied to schools in Vietnam.

b) A student at a foreign-invested college, university shall be exempted from the compulsory subject mentioned in Point a, Paragraph 2 of this Article if he/she submits a certificate or a transcript of the finished subject to an alternative college, university lawfully operating in Vietnam.

3. Every student that follows a joint training program provided by a Vietnamese vocational secondary school, college, university, institute, or foreign-invested school in Vietnam in cooperation with a foreign educational institution and is awarded a diploma by the foreign educational institution shall be exempted from the compulsory subject mentioned in Clause 1 and Clause 2 of this Article.

Article 8. Disciplines, majors for training which are granted cooperation with foreign partners with respect to vocational secondary schools, colleges and universities

1. Foreign-invested vocational secondary schools, colleges, universities in Vietnam are permitted to provide training in the majors and disciplines on the list of majors and disciplines at professional secondary, college, tertiary, post-graduate and doctorate levels according to the current regulations of the Ministry of Education and Training except disciplines, majors for training in relation to national security, defense, politics and religion.

2. Conditions, procedures and authority to permit foreign-invested vocational secondary schools, colleges, universities in Vietnam to open disciplines, majors are applied in accordance with applicable regulation to schools in Vietnam.

3. Foreign vocational secondary schools, colleges, universities; vocational secondary schools and tertiary educational institutions in Vietnam; foreign-invested vocational secondary schools, colleges, universities in Vietnam which are permitted to provide joint training program within the list of disciplines, majors for training at professional secondary, college, tertiary, post-graduate and doctorate levels according to current regulation of the Ministry of Education and Training except disciplines, majors in connection with national security, defense, politics and religion.

4. The Minister of Education and Training decides to permit joint training or opening of new disciplines, majors for training which are not subject to the list of the promulgated disciplines, majors based on consideration of the necessity of those disciplines, majors for the human resource and socio-economic development of the country. In this case, the dossier of educational association or the proposals to open disciplines, majors for training must contain the additional documents below:

- a) Documents determining the demand for human resource and training objectives which meet the demand for human resource passed by the educational institution's Scientific and Training Council;
- b) Realities and experiences in training from a number of countries in the world, accompanied with the training programs certified in quality or certified in quality by competent bodies from at least two foreign educational institutions for reference.

Article 9. Regulations on foreign language level in joint training for foreign language branch

Both partners from the cooperation must be unanimous in requirements for input of foreign language, provide explanations for quality and training objective assurance and make submissions to competent levels for approval of The Scheme of joint training with foreign partners.

Article 10. Number of full-time students and minimum investment capital for short-term training institutions

1. The number of full-time students is calculated to determine minimum investment capital of the project and this is only applied to short-term training institutions.

2. Calculating number of full-time students is done with the following formula:

a) Conversion for a short-term training course i:

$$K_i = \frac{\text{Number of periods x number of classes of course i}}{1152 \text{ periods}} \times 20 \text{ students}$$

Where:

- K_i : number of full-time students of the short-term training course i.
- 1152: number of periods of a full-time class in a year (6 periods/day on average, 6 days/week and 32 weeks/school year by convention).
- 20: average number of students/class of short-term training courses.

b) Total number of full-time students:

$$\text{Total number of students} = \sum K_i \quad \text{With } i = 1, 2, \dots, n$$

Where n is the number of short-term training courses in a school year.

Example: During the peak period, the educational institution is expected to run two training courses/year, specifically as follows:

- Course 1: Total number of periods is 200; the number of classes is 8.
- Course 2: Total number of periods is 250; the number of classes is 10.

The numbers of full-time students are calculated as follows:

- Course 1: [(200 periods x 8 classes): 1152 periods] x 20 students/class = 28 students
- Course 2: [(250 periods x 10 classes): 1152 periods] x 20 students/class = 43 students

Total number of full-time students is 71 (28 + 43).

3. Calculating minimum investment capital is based on the number of students during the peak period and with the minimum investment as stipulated in Paragraph 3, Article 28 of Decree No.73/2012/ND-CP.

Example: According to the example in Paragraph b, Point 2 of this article, the minimum investment capital of a short-term training institution at the time of establishment shall be:

$$71 \text{ (students)} \times \text{VND}20.000.000 \text{ g} = \text{VND}1.420.000.000$$

In case the educational institution leases all its infrastructure from a third party instead of building new one, or the infrastructure is contributed as capital by the Vietnamese party, the minimum investment capital will be VND 997.000.000 (70% of the regulated rate according to Paragraph 8, Article 28 of Decree 73/2012/ND-CP).

Minimum investment capital is exclusive of land use cost.

4. During the training, the short-term training institution shall adjust the number of students admitted to different courses depending on the minimum capital and registered investment plan.

Article 11. Guiding joint training dossier's forms, foreign-invested educational institutions and representative offices

1. For joint training with foreign partners.

A written approval for the Scheme for joint training and diploma awarding issued by a competent authority as stipulated in Points a, d and D, Paragraph 2, Article 16 of the Decree No.73/2012/ND-CP. (Form No. 1).

2. For foreign-invested educational institutions.

a) A written approval for establishment of the foreign-invested educational institution issued by a competent authority as stipulated in Paragraphs 2, 4 and 5, Article 39 of the Decree No.73/2012/ND- (Form No. 2);

b) A written approval for educational operation issued by a competent authority as stipulated in Paragraphs 1, 3 and 4, Article 49 of the Decree No.73/2012/ND-CP(Form No. 3).

3. For foreign educational representative offices.

Operation registration licenses of the foreign educational representative offices as stipulated in Paragraph 3, Article 62 of the Decree No.73/2012/ND-CP (Form No. 4).

Article 12. Implementing the transitional clause on admission of Vietnamese students and conducting foreign teaching programs

1. Vietnamese students who are admitted to foreign-invested preschools, primary schools and secondary schools intended for overseas students before the effective date of Decree No. 73/2012/ND-CP are allowed to continue their learning at the schools.

2. Foreign primary schools and secondary schools permitted by competent authorities to provide a model of foreign programs or bilingual programs for

Vietnamese students before the effective date of Decree No.73/2012/ND-CP are allowed to continue the model according to the regulations of that Decree.

Article 13. Implementing transitional clause on establishment of educational institutions and opening of branches of educational institutions

1. Any foreign-invested educational institution and its branches which are granted Investment Certificate (which is also a business registration certificate) and educational operation license before the effective date of Decree No.73/2012/ND-CP are exempted from undergoing the assessment mentioned in Article 36 or Article 41 of the Decree No.73/2012/ND-CP, but the additional documents below must be provided:

- a) A written request for permission to establish educational institutions;
- b) Authenticated copy of Investment Certificate concurrently a business registration certificate, the amended investment certificate (if any) accompanied with the approved scheme dossiers;
- c) An unexpired Educational operation license;
- d) Report on the investment project developments according to the contents of investment registration at the Investment Certificate;
- D) Report on educational activity performance in most recent three years.

2. The investor prepares 6 sets of documents, one of which is the original, and submit them to the receiving agencies mentioned in Articles 38, 43 of the Decree No.73/2012/ND-CP.

3. Within 20 days, the dossier receiving agency shall examine the documents and request the competent authority mentioned in Article 39 of the Decree No.73/2012/ND-CP to consider issuing the decision to approve the establishment of the foreign-invested educational institution or the decision to approve the opening of branches of the foreign-invested educational institution.

4. Apart from the regulations in Paragraphs 1, 2 of this Article, the receiving agency must not request the investor to fulfill any other conditions.

Article 14. Investigation, examination and violation handling

Foreign-invested educational institutions, foreign educational representative offices are under the management, supervision, investigation and examination, regularly and unexpectedly, by the Vietnamese education authorities.

Organizations, individuals and foreign-invested educational institutions, foreign representative offices that commit violations of the law on education, depending

on the nature and seriousness of violations, shall incur penalties according to applicable regulations of the law.

Article 15. Implementation provisions

1. This Circular takes effect on December 01, 2014.
2. To abrogate all regulations contrary to this Circular's regulations.
3. Chief, Head of the International Cooperation Department, heads of relevant agencies under the Ministry of Education and Training; Director of the Department of Education and Training, manager of the office of education and training, relevant organizations, individuals shall implement this Circular./.

For the Minister

The Deputy Minister

Bui Van Ga

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