

**THE GOVERNMENT**

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No: 75/2006/ND-CP

**SOCIALIST REPUBLIC OF VIET NAM**

**Independence - Freedom - Happiness**

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*Hanoi, August 02, 2006*

**DECREE**

DETAILING AND GUIDING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE  
EDUCATION LAW

**THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the June 14, 2005 Education Law;*

*At the proposal of the Minister of Education and Training,*

**DECREES:**

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.-** Governing scope and application subjects

1. This Decree details and guides the implementation of a number of articles of the Education Law regarding educational programs, textbooks and curricula; exams and tests, diplomas and certificates in the national education system; the network, organization, operation, tasks and powers of schools and other educational institutions; policies towards teachers; policies towards learners; education quality accreditation; assurance of financial conditions for education.

2. This Decree applies to schools and other educational institutions in the national education system as well as to organizations and individuals involved in educational activities.

Schools of state agencies, political organizations, socio-political organizations or people's armed force units shall also have to abide by the provisions of this Decree when carrying out educational programs of the national education system.

**Article 2.-** Universalization of education

1. Universalization of education is a process of organization for every citizen to study and reach a minimum educational level under the State's regulations. Primary education and lower secondary education are educational levels of universalization.

2. People's Committees at all levels shall have to:

a/ Guarantee that all children of 6 years of age be enrolled in grade 1; universalize primary education for the right age groups;

b/ Consolidate and maintain the results of universalization of primary education and fight illiteracy.

c/ Adopt plans and solutions for universalization of lower secondary education.

3. For localities (communes, districts, provinces) which have been recognized as attaining the standards of lower secondary education universalization, the People's Committees at all levels shall have to consolidate and maintain such results; base themselves on the specific conditions of their localities to elaborate plans to attract most lower secondary school graduates into upper secondary schools or professional secondary schools.

4. Annually, educational institutions and administrative units (collectively referred to as units) which have been recognized as attaining the standards of primary education or lower secondary education universalization shall have to check the situation by themselves under the set education universalization standards and send reports thereon to authorities competent to recognize the attainment of such standards.

5. The Ministry of Education and Training shall have to guide, oversee and inspect the universalization of education, sum up the results thereof and report them to the Prime Minister.

Those units which for two consecutive years fail to maintain the results of universalization of education shall have their names deleted from the list of standard-attaining units. The re-recognition of such units shall be considered as for their first-time recognition.

6. Families shall have to create conditions for their members in the defined age groups to study in order to attain the educational levels of universalization.

### **Article 3.- Career orientation and streaming in education**

1. Career orientation in education means a system of measures applied inside and outside schools to help pupils acquire knowledge about and be able to choose careers on the basis of combining their personal aspirations and strong points with the social labor demand.

2. Streaming in education means a measure to organize educational activities on the basis of conducting career orientation, creating conditions for graduates of lower secondary schools and upper secondary schools to further study at higher levels or degrees, to enter professional or vocational secondary schools or join the workforce, in suitability with their capabilities and specific conditions as well as social demands, thus contributing to regulating branch and occupation-based structure of the workforce and meeting the development requirements of the country.

3. The Minister of Education and Training shall direct the formulation of lower secondary and upper secondary programs according to the objectives set in Clauses 3 and 4, Article 27 of the Education Law, attach importance to the renewal of educational contents and methods, concretization of knowledge and skill standards of education of general techniques and career orientation. At lower secondary education level, the contents of career orientation shall be incorporated into study subjects, especially in the technology subject. At the upper secondary education level, the contents of career orientation shall be compiled into a separate subject.

4. The Ministry of Planning and Investment shall guide ministries, branches and provincial-level People's Committees in forecasting and determining the level- and branch-based structure of human resources under the national, regional and local socio-economic development plans and plans.

5. People's Committees at all levels shall have to forecast and publicize the demand for human resources in their local annual and five-year plans; to formulate specific policies in order to

associate training with employment, and direct local education administration agencies to conduct streaming in education with quality and efficiency.

6. Universities, colleges and professional secondary schools shall annually publicize their training degrees and disciplines and apply specific measures to use the results of career orientation at the general education in their enrolment and training process.

7. State agencies, social organizations, socio-professional organizations and economic organizations shall have to create opportunities for general education school pupils to get familiar with their activity environment.

#### **Article 4.- Transferability in education**

1. Transferability in education is a measure to assist learners in using their study results to further study at higher levels or degrees in the same discipline or to pursue other suitable disciplines, forms of education or training degrees with corresponding contents.

2. The Minister of Labor, War Invalids and Social Affairs and the Minister of Education and Training shall, according to their competence, direct the formulation of vocational and professional secondary education programs, which may be transferable with general education programs and other training programs, creating conditions for learners to perpetuate the study results they have obtained from general education.

3. The Ministry of Education and Training shall assume the prime responsibility for, and coordinate with the Ministry of Labor, War Invalids and Social Affairs in, recognizing the validity of converted study results.

4. The principals of higher or professional education institutions shall base themselves on the provisions of Clause 3 of this Article and the framework program to compare and determine the conformity of the programs and scrutinize the material conditions and contingent of lecturers before recognizing the validity of converted study results on a case-by-case basis.

5. Learners shall have the right to enroll in transferable programs according to regulations of the State and educational institutions.

#### **Article 5.- Teaching and learning of foreign languages; teaching and learning in foreign languages at schools and other educational institutions**

1. The teaching and learning of foreign languages at schools and other educational institutions must fulfill the following requirements:

a/ For general education: To organize the teaching and learning of at least one foreign language which is common in international transactions; pupils can learn foreign languages continuously from grade 3 to grade 12. They are also encouraged to learn other foreign languages;

b/ For professional and higher education: To organize the learning of foreign languages according to professional requirements for learners, pupils and students.

2. The Minister of Education and Training shall elaborate a master plan on conditions for, and organization of, the teaching of foreign languages at schools and other educational institutions, ensuring the requirements set in Clause 1 of this Article.

3. The teaching and learning in foreign languages shall comply with the regulations of the Prime Minister.

## **Chapter II**

### **EDUCATIONAL PROGRAMS, TEXTBOOKS AND CURRICULA**

#### **Article 6.- Educational programs**

1. Educational programs and competence to promulgate educational programs are stipulated in Articles 6, 24, 29, 35, 41, 45 and 100 of the Education Law.

2. The Minister of Education and Training shall promulgate the preschool education program and programs for general education of all levels; specify the continuing education program and the educational program for disabled and handicapped people; promulgate framework programs of all disciplines for tertiary education; assume the prime responsibility for, and coordinate with ministers and heads of ministerial-level agencies in, promulgating framework programs for the disciplines of professional secondary education.

3. The Minister of Labor, War Invalids and Social Affairs shall coordinate with other ministers and heads of ministerial-level agencies in defining the framework program for every job-training level.

The Minister of Culture and Information shall coordinate with the Minister of Education and Training in specifying educational programs and training durations for art schools and classes of gifted pupils.

The Minister-Chairman of the Committee for Physical Training and Sports shall coordinate with the Minister of Education and Training in specifying educational programs and training durations for physical training and sport schools and classes of gifted pupils.

The Minister of Public Security shall coordinate with the Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs in defining educational programs for re-education schools.

4. Basing themselves on the promulgated framework programs and training tasks of their schools, principals of professional and higher education institutions shall formulate and promulgate educational programs of their schools.

5. The authority which is competent to promulgate an educational program shall also be competent to decide on changes in such educational program.

#### **Article 7.- Knowledge and skill standards**

1. Knowledge and skill standards in educational programs mean the minimum knowledge and skill levels which learners must achieve after completing an educational program.

Knowledge and skill standards in educational programs shall serve as major bases for the compilation of textbooks, curricula and the assessment of learners' study results.

2. Knowledge and skill standards must satisfy the following requirements:

a/ Reflecting educational objectives for each study subject, grade, level or training degree;

b/ Reflecting new knowledge and skills which meet the practical requirements and requirements of international integration;

c/ Being concretized into appropriate criteria, serving as a basis for the formulation, implementation, overseeing, supervision and objective evaluation of educational programs.

#### **Article 8.- Textbooks**

The Minister of Education and Training shall provide for the compilation of textbooks; the selection of textbooks for experimental teaching, the organization of experimental teaching, the gathering of opinions of teachers, scientists, educational administrators, professional associations and pupils; the review, approval and selection of books for use as textbooks, including textbooks in braille or ethnic minority languages and textbooks for pupils of specialized schools.

#### **Article 9.- Curricula**

1. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their competence, define study subjects which require common curricula and organize the compilation and approval thereof.

The principals of professional secondary schools, colleges and universities shall organize the compilation and approval of curricula of all study subjects; select advanced and modern domestic and foreign curricula suitable with their educational objectives, framework programs and training tasks, based on the review by the curriculum review councils they have set up, ensuring adequate official curricula for teaching and learning.

2. Teachers at professional and higher education institutions may, apart from using official curricula in teaching, select other teaching materials and expand knowledge for learners, ensuring the requirements of educational programs.

#### **Article 10.- Review councils for educational programs, textbooks and curricula**

1. A review council for educational programs, textbooks and curricula is an organization which assists competent persons in approving such programs, textbooks and/or curricula.

A review council for educational programs, textbooks and/or curricula comprises teachers, educational administrators, scientists and technicians, who have experience and prestige in education, and representatives of relevant organizations. A review council for general education programs and textbooks must have at least one third of its total members being teachers of the corresponding educational level.

2. The Minister of Education and Training shall define tasks, powers, mode of operation, standards, number and membership of the national review council for educational programs and textbooks, the branch review councils for professional secondary education programs, and the branch review councils for higher education programs; provide for the review of educational programs and curricula of professional secondary schools, colleges and universities, which is organized by the principals of such schools.

3. The Minister of Labor, War Invalids and Social Affairs shall define tasks, powers, mode of operation, standards, number and membership of the branch review council for vocational training programs; provide for the review of vocational training programs and curricula of vocational training institutions, which is organized by the heads of such vocational training institutions.

4. The review councils and their members shall be responsible for the review contents and quality.

### **Chapter III**

#### **EXAMS, TESTS, DIPLOMAS AND CERTIFICATES IN THE NATIONAL EDUCATION SYSTEM**

##### **Article 11.- Exams, tests, enrolment, recognition of graduation**

1. Exams and tests in the national education system include study subject-ending exams and tests, graduation exams, enrolment exams and outstanding pupil-selection exams.

2. The assessment of study results, the recognition of learners' completion of subject study courses, educational levels or training degrees shall be conducted through study subject-ending tests or exams, graduation exams or graduation consideration; the test and exam results shall serve as a major basis for schools and educational administrators at all levels to evaluate the education quality.

The recognition of the graduation of an educational level or a training degree shall be conducted through graduation consideration for lower secondary education; graduation exams, for upper secondary, secondary and college education; graduation exams or defense of graduation projects or papers, for higher education; defense of dissertations, for master degree; and defense of theses, for doctoral degree.

For credit-based training, the recognition of learners' completion of subject study courses or graduation shall comply with the credit-based training regulation promulgated by the Ministry of Education and Training.

3. Enrolment exams and enrolment consideration in the national education system are aimed to assess the learning capabilities of enrolling persons in order to select learners. The enrolment shall be conducted through enrolment exams, enrolment consideration or the combination thereof.

4. Outstanding pupil-selection exams are aimed to encourage learners to learn more, contributing to the discovery of talents. Pupils who win prizes in outstanding pupil-selection exams shall be granted certificates and commended. The Minister of Education and Training shall specify outstanding pupil-selection exams.

5. Enrolment regulations provide forms, subjects, order of, and procedures for, enrolment; the application of priority policies to every type of subject, region or discipline in order to ensure justice in education, meet the training structure requirements and encourage gifted pupils.

6. Enrolment regulations and regulations on graduation exams and graduation consideration must ensure the following requirements:

a/ Achieving the examination and enrolment objectives;

b/ Ensuring the accuracy, justice, objectivity and suitability with the psycho-physiological characteristics of pupils of different age groups;

c/ The contents of exams and tests shall be included in educational programs, compatible with the knowledge and skill standards already set in such programs, which may help classify pupils

by their qualifications, and the test and exam results must properly reflect the knowledge and skills which pupils have accumulated in their study and training process;

d/ Ensuring the stringent organization of tests and exams, preventing and promptly handling negative acts in examination.

7. The Minister of Education and Training shall promulgate Regulations on examination and enrolment of pupils and students for upper secondary schools, professional secondary schools, colleges, universities, master and doctoral degrees. The Minister of Labor, War Invalids and Social Affairs shall promulgate the Regulation on examination and enrolment for vocational training schools.

The provincial-level People's Committees shall decide on the enrolment of pupils into upper secondary schools through examination, enrolment consideration or combination of both, based on the local specific conditions and the examination and enrolment Regulations.

#### **Article 12.- Diplomas, certificates**

1. Diplomas of the national education system shall be awarded to learners after they graduate from an educational level or in a training degree; certificates of the national education level shall be issued to learners after they complete a training or re-training professional course or program.

Diplomas and certificates must properly reflect the requirements of educational programs and learners' qualifications.

2. The management of diplomas and certificates must ensure the following principles:

a/ The system of diplomas and certificates must be uniformly managed under the decentralization of state management, guaranteeing the rights and responsibilities of educational institutions and conforming with the international integration trend;

b/ To prevent and strictly handle all fraudulent acts in the grant and use of diplomas and certificates.

3. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their competence, provide conditions, order of, and procedures for, the award of diplomas and certificates; define forms of diploma and certificate; and stipulate the printing of diplomas and certificates and the management of the award, withdrawal and cancellation thereof.

#### **Article 13.- Competence to award diplomas and certificates**

1. The competence to award diplomas of the national education system is defined as follows:

a/ Lower secondary education diplomas shall be awarded by heads of district-level Education and Training Departments;

b/ Upper secondary education diplomas shall be awarded by directors of provincial/municipal Education and Training Services;

c/ Intermediate, college and university diplomas shall be awarded by the principals of schools or institutions which organize the training of corresponding degrees; for higher education institutions

which have member universities, the principals of such member universities shall award diplomas;

d/ Master diplomas shall be awarded by principals of universities permitted to conduct master-degree training; where scientific research institutes are allowed to coordinate with universities in conducting master-degree training, the principals of such universities shall award master diplomas;

e/ Doctoral diplomas shall be awarded by principals of universities or directors of scientific research institutes, which are permitted to conduct doctoral training.

2. Certificates of the national education system defined in Clause 2, Article 8 of the Education Law shall be issued by heads of educational institutions or organizations permitted to award certificates.

**Article 14.-** Cases of withdrawal and competence to withdraw diplomas and certificates

1. Diplomas and certificates shall be withdrawn in the following cases:

a/ Acts of fraudulence are committed in study, examination, enrolment or compilation of dossiers in order to be awarded diplomas or certificates;

b/ They are awarded to unqualified persons;

c/ The diplomas or certificates are awarded not by competent persons;

d/ The diplomas or certificates are erased or modified;

e/ The diplomas or certificates are used by persons other than awardees.

2. The authorities competent to award diplomas or certificates shall also be responsible for withdrawing and canceling such diplomas or certificates.

**Article 15.-** Recognition of diplomas awarded to Vietnamese people by foreign educational institutions

1. Diplomas awarded to Vietnamese people by foreign educational institutions shall be recognized in the following cases:

a/ They are awarded by foreign educational institutions which are lawfully operating in Vietnam, conducting educational activities according to their permits and having quality accredited by Vietnamese or foreign accrediting organizations;

b/ They are awarded by foreign educational institutions subject to the application of agreements on diploma equivalence or mutual recognition of diplomas or treaties related to diplomas to which the Socialist Republic of Vietnam is a contracting state;

c/ They are awarded by foreign general education institutions, professional education institutions or higher education institutions whose educational programs have been accredited by educational quality-accrediting agencies of the concerned foreign countries.



2. The Minister of Education and Training shall specify the order of, and procedures for, recognition of diplomas awarded to Vietnamese people by foreign educational institutions.

#### **Chapter IV**

### **NETWORK, ORGANIZATION, OPERATION, TASKS AND POWERS OF SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS IN THE NATIONAL EDUCATION SYSTEM**

#### **Article 16.-** Schools and other educational institutions

1. Schools in the national education system include kindergartens, young sprout schools, primary schools, lower secondary schools, upper secondary schools, multi-level general education schools, professional secondary schools, colleges and universities.

2. Other educational institutions within the national education system include the educational institutions defined in Clause 1, Article 69 of the Education Law.

3. Schools and other educational institutions in the national education system are referred to collectively as educational institutions.

#### **Article 17.-** Planning of the educational institution network

1. The planning of the educational institution network means the distribution and arrangement of educational institutions within the national education system according to geographical positions or territorial region throughout the country and in each locality, for each period so as to concretize the educational development strategy, which shall serve as a basis for elaboration of educational development plans.

2. The planning of the educational institution network must ensure the following principles:

a/ Conforming with the national, branch and regional socio-economic development strategies and plannings as well as local development plannings; ensuring branch, level and regional structure, satisfying the people's learning demand;

b/ Ensuring the diversity and consistency of the education system, associating training with scientific research, production and services; step by step raising the training quality in service of national industrialization and modernization;

c/ Being compatible with the state investment capacity and capability of mobilizing social resources; creating conditions for every person to have a chance to participate in the construction of educational institutions;

d/ Concentrating investment on major tasks, key educational institutions, branches and economic zones as well as areas meeting with exceptional difficulties.

3. The planning of the educational institution network shall have the following principal contents:

a/ Structuring of the education system and training scope by each educational level, field of study, training degree and type of educational institution;

b/ Distribution of educational institutions by the nature and socio-economic characteristics of each region and each locality;

c/ The contingent of teachers and educational administrators;

d/ The material and technical bases.

**Article 18.-** Types of educational institution

Educational institutions in the national education system shall be organized in the form of public, people-founded or private ones.

1. Public educational institutions shall be set up under decisions of competent state agencies and managed directly by the State. Sources of investment in the construction of material foundations and funds for regular expenditures of such institutions shall be supplied mainly by the state budget.

2. People-founded educational institutions shall be set up and invested by local population communities for non-profit purposes, that shall build material bases and finance the operation thereof. Local population communities include organizations and individuals at villages, hamlets, communes, wards or townships.

People-founded educational institutions shall operate on the basis of autonomy and self-responsibility in terms of finance and human resources and be supported by local administrations. People- founded educational institutions shall not be set up at general education, professional education and higher education levels.

Presidents of district-level People's Committees shall decide on setting up people-founded educational institutions while commune-level People's Committees shall directly manage such institutions.

3. Private educational institutions shall be set up by social organizations, socio-professional organizations, economic organizations or individuals when so permitted by competent state agencies. Investment sources for construction of material foundations and funding of operation of private educational institutions shall be capital sources outside the state budget.

**Article 19.-** Responsibilities to formulate and competence to approve the planning of the educational institution network

1. The Minister of Education and Training shall assume the prime responsibility for, and coordinate with the other ministers, heads of ministerial-level agencies or government-attached agencies as well as presidents of provincial/municipal People's Committees in, formulating the planning of tertiary education institutions, to be submitted to the Prime Minister for approval.

2. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall coordinate with heads of concerned ministries and branches and presidents of provincial-level People's Committees in formulating the planning of the professional education institution network; and approve according to their competence the planning of the professional education institution network.

3. Provincial-level People's Committees shall, basing themselves on the planning of higher education institution network and the general planning of the professional education institution network, formulate plannings of the locally-managed educational institution network, then submit them to the People's Councils of the same level for approval.

4. District-level People's Committees shall, basing themselves on the planning of the provincial educational institution network, formulate plannings of the district educational institution network and submit them to the People's Councils of the same level for approval.

5. For areas meeting with exceptional socio-economic difficulties, presidents of People's Committees at all levels shall have to consolidate and develop boarding and semi-boarding general education schools for ethnic minorities, professional education institutions and educational institutions in their respective localities under the network planning, giving priority to the arrangement of teachers, material foundations, equipment and budget for boarding and semi-boarding general education schools for ethnic minorities.

6. The planning of a locally-managed educational institution network must satisfy the following requirements:

a/ Every commune, ward or township (hereinafter collectively referred to as communes) shall have at least one preschool institution, one primary school and a community learning center as well. Every commune or commune cluster shall have at least one lower secondary school and may have a multi-level general education school (primary-cum-lower secondary school);

b/ Every district, town or provincial city (hereinafter collectively referred to as districts) shall have at least one upper secondary school; one district-level center for continuing education; and may have a multi-level general education school, a vocational training center, a center for general techniques and career orientation and a district-level school for disabled and handicapped people. For mountainous or island districts, there may be district-level boarding general education schools for ethnic minorities and semi-boarding general education schools;

c/ Every province or centrally-run city (hereinafter collectively referred to as provinces) shall have at least one provincial-level professional secondary school and one center for continuing education. Depending on the specific conditions and local demands, one province may have provincial-level boarding general education schools for ethnic minorities, art schools or physical training and sport schools for gifted pupils, specialized upper secondary schools and schools for disabled and handicapped people.

#### **Article 20.- Establishment of educational institutions**

1. The establishment of educational institutions must ensure the following requirements:

a/ Conformity with the planning of the educational institution network;

b/ Feasibility and efficiency;

c/ Creation of favorable conditions for organizations and individuals to invest in educational development;

d/ Simplicity, publicity and transparency of administrative procedures;

e/ The school location ensures the educational environment and safety for learners, teachers and laborers.

2. Schools shall be established when there exists a contingent of teachers, administrators, educational programs, material bases, equipment and finance that meet specific criteria and operation requirements of the schools.

The Prime Minister shall specify conditions for the establishment of universities; the Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their competence, specify conditions for the establishment of schools at other educational levels and training degrees.

3. The conditions for establishment, the competence to establish or permit the establishment of other educational institutions provided for at Point b, Clause 1, Article 69 of the Education Law shall comply with the Regulations on organization and operation of other educational institutions, promulgated by the Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs according to their competence.

4. The order of, and procedures for, the establishment of educational institutions shall be specified by competent state management agencies in the school charters or in the regulations on organization and operation of schools and other educational institutions.

**Article 21.-** Merger, division or separation of educational institutions

1. The merger, division or separation of educational institutions must satisfy the following requirements:

a/ Conforming with the planning of the educational institution network;

b/ Meeting socio-economic development requirements;

c/ Ensuring the interests of teachers and learners;

d/ Contributing to raising the quality and efficiency of education.

2. The merger, division or separation of educational institutions for the establishment of new educational institutions shall fall under the competence of the persons who issue decisions to establish or permit the establishment of such educational institutions. In case of merger of educational institutions established by competent authorities of different levels, the authority of higher level shall decide on such merger; the merger of educational institutions established by authorities of the same level shall be decided under agreement of such authorities.

3. The order of, and procedures for, the merger, division or separation of educational institutions shall be specified in the school charters or regulations on organization and operation of other educational institutions.

**Article 22.-** Termination of operation of educational institutions

1. An educational institution shall have to terminate its operation in one of the following cases:

a/ It violates legal provisions on sanctioning of administrative violations in education to the extent of termination of operation;

b/ It fails to ensure normal operation due to objective reasons.

2. The authorities competent to decide on or permit the establishment of educational institutions shall also be competent to decide on the termination of operation of such institutions. The decisions on termination of operation of educational institutions must point out reasons for such termination and specify the termination period; as well as measures to guarantee the benefits of

teachers and learners. The decisions on termination of operation of educational institutions must be publicized on the mass media.

3. After the termination period, if the causes of termination are redressed, the agencies competent to decide on such termination shall issue decisions to permit the educational institutions to resume their operation.

4. The order of, and procedures for, the termination or resumption of operation of educational institutions shall be provided for in the school charters or the regulations on organization and operation of other educational institutions.

#### **Article 23.-** Dissolution of educational institutions

1. An educational institution shall be dissolved in one of the following cases:

a/ It seriously violates the regulations on management, organization and operation of educational institutions;

b/ It fails to redress causes of termination of its operations upon the end of the termination period.

c/ The objectives and contents of its operation in the establishment decision or the permit for its establishment are no longer suitable to the socio-economic development requirements;

d/ The dissolution is requested by organizations or individuals that have established it.

2. The authorities competent to decide on the establishment or permit the establishment of educational institutions shall also be competent to decide on or permit the dissolution of educational institutions. Agencies directly managing educational institutions shall elaborate dissolution plans and submit them to authorities competent to issue dissolution decisions or permit the dissolution of educational institutions according to the provisions of Article 51 of the Education Law. The dissolution decisions must point out causes of dissolution, measures to guarantee the benefits of teachers and learners. The decisions on dissolution of educational institutions must be publicized on the central mass media.

3. The order of, and procedures for, dissolution of educational institutions shall be provided for in the school charters or regulations on organization and operation of other educational institutions.

#### **Article 24.-** School councils

1. The school councils, for public schools, and the managing boards, for people-founded schools and private schools, shall be collectively referred to as school councils.

A school council is an organization that administers and represents the school owner, and is the sole ownership representative, for schools.

2. Tasks of school councils are defined in Article 53 of the Education Law and specified in the charters or regulations on organization and operation of schools.

3. The school councils shall decide on operation orientations and mobilization of resources for schools; supervise activities of the schools and recommend persons for competent agencies to appoint the principals (for public schools) or recognize the principals (for private schools); and decide on organizational, personnel, financial and property issues as well as development investment orientations of the schools under regulations.

4. Members of a school council include representatives of the Party organization, the directorate, teachers, educational administrators, representatives of organizations and individuals investing in the building of the school, and representatives of relevant production and/or business units.

Members of the school's managing board are those who have contributed capital to the building of the school.

5. Specific provisions on the establishment procedures, organizational structure, tasks and powers of the school councils and the school managing boards are reflected in the school charters or Regulations on organization or operation of schools as provided for in Article 27 of this Decree.

**Article 25.- Organizational models of universities**

1. The organizational model of universities shall cover:

a/ The school council;

b/ The director and deputy directors;

c/ Member universities and university-attached departments;

d/ Dependent scientific and technological institutions;

e/ Dependent functional offices and divisions;

f/ The scientific council; other advisory councils set up by the director;

g/ The Communist Party of Vietnam organizations;

h/ Mass and social organizations;

i/ Training service organizations, production, business and service-providing organizations;

Member schools of a university shall not have school councils.

2. The organizational model of universities and institutes shall cover:

a/ The school council;

b/ The principal and deputy principals, for universities; the director and deputy directors, for institutes;

c/ The departments; disciplines managed directly by the university or institute;

d/ The disciplines managed by departments. Some universities and institutes may have only departments or disciplines which they manage directly;

e/ The scientific council; the other advisory councils set up by the university principal or institute director;

f/ The functional divisions and sections;

g/ Scientific and technological institutions; training service organizations, scientific and technological research institutions; production, business and service-providing organizations;

h/ The Communist Party of Vietnam organizations;

i/ Mass and social organizations.

3. The organizational model of the national universities shall comply with separate regulations.

4. Private universities may also have their own rules which shall be included in the regulations on organization and operation of private universities.

**Article 26.-** Higher education institutions implementing continuing education programs to award college or university diplomas

1. Higher education institutions shall be tasked to implement continuing education programs in order to award college or university diplomas when they satisfy the following conditions:

a/ Having formulated continuing education programs for college or university- level disciplines, meeting the requirements of formal education;

b/ Having an adequate contingent of lecturers up to the set standards and well structured to perform concurrently the tasks of formal education and continuing education;

c/ Having material foundations and equipment to meet the requirements of performing concurrently the tasks of formal education and continuing education.

2. When implementing the continuing education programs to award college or university diplomas, higher education institutions shall have to set enrolment targets, organize enrolment and training in compatibility with their training capacity, ensuring quality fulfillment of their training tasks.

3. In case of joint- training together with other educational institutions, a higher education institution (the principal training institution) may only join educational institutions being universities, colleges, professional secondary schools or provincial-level continuing education centers, provided that the latter meet the requirements on material foundations, equipment and administration personnel of the joint- training discipline. The joint-training shall be conducted on a contractual basis; the principal training institution shall take overall responsibility therefor.

4. The Minister of Education and Training shall assign the task of implementing the continuing education programs to award college or university diplomas to higher education institutions which meet the conditions specified in Clause 1 of this Article; specify, guide and inspect the implementation of continuing education programs for awarding college or university diplomas by higher education institutions, ensuring the implementation of the provisions of Article 12 of this Decree.

**Article 27.-** School charters, regulations on organization and operation of educational institutions

1. School charters shall apply commonly to all types of school at one or several educational levels and training degrees. A school charter must reflect all principal contents specified in Article 52 of the Education Law, specify criteria of equipment, material foundations for teaching and learning,

the ratio between teachers and learners, the structure of the contingent of teachers and educational administrators for each educational level and training degree.

2. The Regulation on organization and operation of a school shall consist of provisions concretizing the school charter, to be applicable to a specific type of school.

3. A regulation on organization and operation of other educational institutions shall apply to one or several educational institutions defined at Point b, Clause 1, Article 69 of the Education Law, which may be public, people-founded or private ones. Such regulation shall specify tasks and powers of the educational institution; the organization of educational activities; duties and rights of teachers; duties and rights of learners; the organization and management of the educational institution; the finance and assets of the educational institution; the relationship between the educational institution and the learners' families and society.

4. The competence to promulgate school charters, regulations on organization and operation of schools and regulations on organization and operation of other educational institutions is provided for as follows:

a/ The Prime Minister shall promulgate university charters, regulations on organization and operation of private universities and regulations on organization and operation of national universities;

b/ The Minister of Education and Training shall assume the prime responsibility for, and coordinate with the Minister of Labor, War Invalids and Social Affairs in, promulgating charters of colleges and professional secondary schools;

c/ The Minister of Education and Training shall promulgate charters of multi-level general schools, upper secondary schools and lower secondary schools; primary schools, kindergartens and young sprout schools; regulations on organization and operation of universities, regulations on organization and operation of private colleges, professional secondary or general education schools; regulations on organization and operation of people-founded and private young sprout schools; and regulations on organization and operation of special schools;

d/ The Minister of Labor, War Invalids and Social Affairs shall promulgate regulations on organization and operation of private vocational secondary schools and colleges;

e/ The competence to promulgate regulations on organization and operation of other educational institutions is provided for in Clause 3, Article 69 of the Education Law.

#### **Article 28.- Transformation of educational institutions**

1. The transformation of semi-public or people-founded educational institutions established prior to January 1, 2006 into other types is provided for as follows:

a/ For preschool education: In areas meeting with exceptional socio-economic difficulties, semi-public educational institutions shall be transformed into public ones; in other areas, semi-public educational institutions shall be transformed into people-founded or private ones; where people-founded institutions are kept unchanged, they shall comply with the provisions of Clause 2, Article 18 of this Decree;

b/ For general education: Semi-public or people-founded educational institutions shall be transformed into private ones. Where some semi-public educational institutions are transformed



into public ones, the provincial-level People's Committees shall submit proposals thereon to the People's Councils of the same level for consideration and decision.

c/ For vocational education and higher education: Semi-public or people-founded educational institutions shall be transformed into private ones.

2. The Prime Minister shall specify principles for transformation of semi-public or people-founded educational institutions established prior to January 1, 2006; the Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their respective competence, specify the order of, and procedures for, the transformation of semi-public or people-founded educational institutions at all educational levels and training degrees into public, people-founded or private ones.

## **Chapter V**

### **POLICIES TOWARDS TEACHERS**

#### **Article 29.- Recruitment, management and transfer of teachers**

1. The recruitment of teachers must comply with the provisions of Articles 70 and 77 of the Education Law.

2. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their respective competence, assume the prime responsibility for, and coordinate with the Minister of Home Affairs in, guiding educational institutions in the recruitment, management and participation in the transfer by competent state agencies of teachers, cadres and personnel working at public educational institutions; and provide the working regime for teachers at every educational level and training degree.

3. People-founded and private educational institutions shall recruit and manage teachers, cadres and personnel working for them according to the provisions of Clause 2, Article 65 of the Education Law.

#### **Article 30.- Raising and fostering of professional qualifications of teachers**

Persons who have completed certain training degrees and wish to become teachers but have not yet been pedagogically trained, must go through pedagogical training courses.

The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their respective competence, define programs, contents, methods, organizational forms and duration of pedagogical training for persons who have not yet gone through such training; provide for the fostering and raising of professional qualifications of teachers; and specify conditions for educational institutions to organize training courses and grant pedagogical training certificates.

Teachers who are nominated to attend professional refresher courses shall enjoy full salaries and allowances throughout the refresher courses.

#### **Article 31.- Guest lecturing**

Guest lecturing means that an educational institution invites teachers or persons fully meeting the teachers' standards from other institutions to teach at such institution. Educational institutions are

encouraged to invite domestic teachers and scientists, scientists being overseas Vietnamese or foreigners to teach at Vietnamese institutions according to the guest lecturing regime.

The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their respective competence, specify the guest lecturing regime.

**Article 32.-** Conferment of honorary doctor title

1. The honorary doctor title shall be conferred on political or social activists of international prestige, teachers or scientists being overseas Vietnamese or foreigners who make many contributions to Vietnam's education and science.

2. Higher education institutions assigned to train doctoral degree shall be entitled to confer honorary doctor titles.

Honorary doctor diplomas shall comply with the doctor diploma form in which the phrase "danh hieu tien si danh du" (honorary doctor title) shall replace the phrase "hoc vi tien si" (doctoral degree) of the school.

3. The Minister of Education and Training shall guide the order of, and procedures for, the conferment of the honorary doctor title.

## **Chapter VI**

### **POLICIES TOWARDS LEARNERS**

**Article 33.-** Subjects entitled to scholarships, tuition subsidies, reduction or exemption

1. Subjects entitled to consideration for the grant of learning-promotion scholarships:

a/ Pupils with outstanding achievements at specialized schools or schools for gifted pupils;

b/ Learners with good study and training results at professional education institutions or universities.

2. Subjects to be granted policy scholarships:

a/ Students enrolled through nomination;

b/ Pupils at pre-university schools or boarding general schools for ethnic minorities;

c/ Learners of vocational training schools for war invalids, disabled or handicapped people.

3. Subjects entitled to tuition subsidies, exemption or reduction and enrolment priority:

a/ War invalids, diseased soldiers and persons enjoying policies as war invalids;

b/ People's armed forces' heroes, labor heroes, persons with outstanding achievements in labor, study, production or combat;

c/ Pupils or students being children of fallen war combatants, war invalids or those who enjoy the same policy as war invalids; children of Vietnamese hero mothers, of people's armed forces'

heroes, labor heroes or of persons with meritorious services to the revolution; natural children of resistance war activists who are infected with toxic chemicals; children of revolutionary activists or resistance war activists who were arrested and imprisoned by the enemies in the wartime; children of persons who joined the resistance wars for national liberation, defense of the Fatherland or performance of international duties; children of persons who joined the revolution prior to January 1, 1945, or from January 1, 1945 up to the August 19, 1945 general uprising.

d/ Ethic minority people in the areas meeting with exceptional socio-economic difficulties;

e/ Pupils and students whose parents permanently reside in high mountain areas (except cities, provincial towns or cities) and island and deep-lying areas;

f/ Orphans without anyone to rely on;

g/ Disabled and handicapped people who meet with economic difficulties;

h/ Persons who overcome particularly difficult circumstances to study;

i/ Pupils and students who are children of workers or state officials and whose mothers or fathers have met with labor accidents and enjoy regular allowances;

j/ Pupils and students of families being poor households under the State's general regulations.

4. Subjects exempt from tuition:

a/ Pupils of public primary schools

b/ Pupils and students of pedagogical schools, attendants of pedagogical training courses.

5. Pupils and students of pedagogical schools and attendants of pedagogical training courses defined in Clauses 1, 2 and 3 of this Article shall be given priority in consideration for the grant of scholarships and social allowances.

6. The Prime Minister shall specify criteria, levels and procedures for consideration of the grant of policy scholarships and tuition reduction or exemption. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their respective competence, specify priorities in enrolment and criteria, levels and procedures for consideration of the grant of learning-promotion scholarships to learners.

The Minister of Labor, War Invalids and Social Affairs shall provide for social allowances for learners.

#### **Article 34.-** Policies towards children at preschool education institutions

Children at preschool education institutions shall be nurtured, cared, educated and protected according to the provisions of the Education Law, the Law on Child Protection, Care and Education and other provisions of law.

The Minister of Education and Training shall promulgate preschool education targets, plans and programs suitable to the psychological development of children. The People's Committees at all levels shall be responsible for directing preschool education development on the basis of socio-economic development planning and local preschool development demands; expanding the

system of creches and kindergartens in all population areas; prioritizing investment in the development of preschool education in communes meeting with exceptional socio-economic difficulties and areas inhabited by ethnic minority people.

Education management agencies at all levels shall have to manage and oversee the exercise of children's rights at preschool education institutions according to the provisions of Clause 1, Article 84 of the Education Law; coordinate with medical agencies, women's unions, population, family and child committees at all levels and boards of representatives of pupils' parents in guiding the nurture, care and education of children, enhancing the popularization of knowledge about childcare, disease prevention and periodical health checks for children in preschool education institutions, ensuring that children comprehensively develop in a healthy and safe education environment.

**Article 35.-** Facilitation of development of learners' aptitudes

1. Educational institutions shall be responsible for detecting and fostering learners with aptitudes, creating favorable conditions for them to develop their talents on the basis of ensuring comprehensive education.

2. The Ministry of Education and Training, the Ministry of Culture and Information, the Physical Training and Sport Committee and provincial/municipal People's Committees shall give priority to the arrangement of teachers, material foundations, equipment and budget for specialized schools and schools for gifted pupils, which are established by the State and under their respective management.

3. Learners in art or physical and sport schools for gifted pupils shall enjoy special treatment regime. The Minister of Finance shall assume the prime responsibility for, and coordinate with the Minister of Culture and Information, the Minister-Chairman of the Physical Training and Sport Committee and the Minister of Education and Training in, elaborating treatment policies for learners of schools for gifted pupils and preferential investment policies for schools for gifted pupils established by organizations or individuals and submit them to the Prime Minister for decision.

**Article 36.-** Creation of study conditions for disabled and handicapped people

1. Disabled and handicapped learners may study at special or integrated schools or classes, be considered for the grant of scholarships, allowance, tuition reduction or exemption according to the provisions of Clause 3, Article 33 of this Decree as well as for the supply of textbooks and necessary learning materials.

2. The Minister of Labor, War Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, formulating priority and preferential mechanisms and policies for schools and classes for disabled and handicapped people, established by the State, organizations or individuals so as to help them rehabilitate their functions, study and learn jobs and integrate into the community, and submit them to the Prime Minister for decision.

The Minister of Education and Training shall provide for the integration of disabled and handicapped people into educational institutions of the national education system.

**Article 37.-** Exemption, reduction of public-service charges for pupils and students

Pupils and students shall enjoy charge exemption or reduction when using mass transit or recreation facilities or visiting museums, historical relics or cultural works under regulations.

The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Education and Training and concerned ministries and branches in, providing for the exemption or reduction of public service charges for pupils and students.

## **Chapter VII**

### **EDUCATION QUALITY ACCREDITATION**

**Article 38.-** State management of education quality accreditation

1. Tasks of state management of education quality accreditation include:

a/ Promulgating regulations on criteria for assessment of education quality; education quality accreditation processes; operation principles, conditions and criteria for organizations and individuals involved in education quality accreditation activities; and licensing of education quality accreditation activities;

b/ Organizing the management of accreditation of educational programs and educational institutions;

c/ Guiding organizations, individuals and educational institutions to participate in education quality accreditation activities;

d/ Inspecting, supervising and assessing the implementation of regulations on education quality accreditation.

2. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall, according to their respective competence, promulgate legal documents on the state management of education quality accreditation; provide conditions for the establishment, functions, tasks and powers of education quality accreditation organizations at each educational level and training degree; and direct education quality accreditation.

**Article 39.-** Organizations in charge of management and organization of education quality accreditation

1. Organizations in charge of management and organization of education quality accreditation include:

a/ Education quality accreditation management agencies set up by the State;

b/ Independent education quality accreditation organizations run by the State or set up by socio-professional organizations.

2. Education quality accreditation organizations shall accredit educational programs and institutions on the following principles:

a/ Independence, objectivity and lawfulness;

b/ Honesty, publicity and transparency.

**Article 40.-** Results of accreditation of educational programs and institutions

1. Results of accreditation of educational programs or institutions shall serve as a basis for recognition or non-recognition that such educational programs or institutions attain the quality standards. Accreditation results shall be made public for social awareness and monitoring.

2. Educational institutions may lodge complaints, denunciations or initiate lawsuits with competent state agencies against decisions, conclusions or acts of organizations and individuals performing the education quality accreditation task if having grounds to believe that such decisions or conclusions are wrong or such acts are illegal.

**Chapter VIII**

**ASSURANCE OF FINANCIAL CONDITIONS FOR EDUCATION**

**Article 41.-** State budget expenditure for education

The estimation, allocation and management of the state budget expenditure for education shall comply with the principles defined in Article 102 of the Education Law. The Minister of Education and Training shall coordinate with heads of concerned ministries or branches in setting technical criteria for education which shall serve as a basis for the estimation, allocation and management of the state budget expenditure for education.

Annually, the Ministry of Education and Training and the Ministry of Labor, War Invalids and Social Affairs shall coordinate with the Ministry of Finance and the Ministry of Planning and Investment in estimating, planning the allocation of, and managing the state budget expenditure for education according to the provisions of the state budget law.

**Article 42.-** Education credit, learning promotion funds and education sponsoring funds

1. Education credit means non-profit activities to help learners from low-income families to borrow money for study and enjoy preferences in terms of interest rates and repayment terms.

Education credit shall be provided by the Social Policy Bank according to the provisions of law on credit for the poor and other policy beneficiaries.

2. Learning promotion funds and education sponsoring funds are those set up by organizations or individuals on the principle of voluntariness and non-profit, aimed to support, encourage, commend and promote learners as well as provide them with financial supports, thus contributing to education development.

**Chapter IX**

**IMPLEMENTATION PROVISIONS**

**Article 43.-** Implementation effect

This Decree shall take effect 15 days after its publication in "CONG BAO." All regulations which are contrary to this Decree are hereby annulled.

**Article 44.-** Responsibilities for implementation of this Decree

1. The Minister of Education and Training shall guide the implementation of this Decree.
2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial/municipal People's Committees, and relevant agencies shall have to guide the implementation of this Decree.