

LAW

**AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE
EDUCATION LAW**

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10; The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Education Law No. 38/2005/QH11.

Article 1. To amend and supplement a number of articles of the Education Law.

1. To amend and supplement Clause 2, Article 6 as follows:

"2. Educational programs must ensure modernity, stability, consistency, practicality, reasonability and inheritability among different educational grades and different training levels; facilitate the streaming, transferability and conversion between training levels, disciplines and educational forms in the national education system; provide a basis to ensure comprehensive education quality; and meet international integration requirements."

2. To amend and supplement Clause 1, Article 11 as follows:

"1. Preschool education for five-year-old children, primary education and lower secondary education shall be made universal. The State shall decide on educational universalization plans and assure conditions for the universalization of education nationwide."

3. To amend and supplement Article 13 as follows:

"Article 13. Investment in education

Investment in education is development investment. Investment in education is a particular investment in the domain subject to conditional investment and entitled to investment incentives.

The State prioritizes investment in education, encourages domestic organizations and individuals, overseas Vietnamese and foreign organizations and individuals to invest in education and protects their legitimate rights and interests.

The State budget must play the key role in the total resources invested in education."

4. To amend and supplement Clause 3, Article 29 as follows:

"3. The Minister of Education and Training shall, based on appraisals made by the National Council for Appraising General Education Programs and Textbooks, promulgate general

education programs; approve and select textbooks for official, stable and uniform use in teaching and learning at general education institutions, including textbooks in Braille and ethnic minority languages and textbooks for students of specialized schools; provide standards of. and processes to develop and modify, general education programs and textbooks; and define the tasks, powers, operation mode, criteria, number and composition of members of the National Council for Appraising General Education Programs and Textbooks.

The Minister of Education and Training shall take responsibility for the quality of general education programs and textbooks."

5. To amend and supplement Clause 2, Article 35 as follows:

"2. Professional education textbooks must concretize requirements on knowledge and skills defined in the educational program for each subject, discipline, profession and training level of professional education, meeting the requirements on professional education methods.

Principals of schools or directors of vocational training centers shall develop or select and approve professional education textbooks for official use in teaching and learning in professional education institutions, based on appraisals of textbook appraisal councils set up by the principals of schools or directors of vocational training centers, to ensure sufficient teaching and learning materials.

The Minister of Education and Training and the head of the state management agency in charge of vocational training shall provide according to their competence the preparation, selection, appraisal, approval and use of professional education textbooks and prescribe common textbooks and organize the preparation and approval of textbooks for common use by professional education institutions."

6. To amend and supplement Clause 4, Article 38 as follows:

"4. Doctoral training, which is provided for four academic years for holders of university degrees, and from two to three academic years, for holders of master degrees. In special cases, the duration of doctoral training may be extended or shortened as stipulated by the Minister of Education and Training.

Postgraduates who are unable to attend continuous training and permitted by educational institutions to do so shall still ensure the duration of training under this Clause to complete a doctoral training program, with at least one year of continuous training."

7. To add the following Clause 5 to Article 38:

"5. The Minister of Education and Training shall coordinate with ministers and heads of ministerial-level agencies in specifying intensive training in practicing and application skills for university graduates of some special fields of training."

8. To amend Clause 2, Article 41 as follows:

"2. Textbooks of university education must concretize requirements on knowledge and skills defined in the educational program for each subject, discipline and training level of university education, meeting the requirements on university education methods.

Rectors of colleges or universities shall organize the preparation of or select and approve tertiary education textbooks for official use in teaching and learning in their colleges or universities, based on the appraisals of textbook appraisal councils set up by the rectors of colleges or universities, to ensure sufficient teaching and learning materials.

The Minister of Education and Training shall provide the preparation, selection, appraisal, approval and use of tertiary education textbooks and provide common textbooks and organize the preparation and approval of textbooks for common use by colleges and universities."

9. To amend and supplement Point b, Clause 1, Article 42 as follows:

"b/ Colleges, universities and academies (below referred to as universities), which provide collegial and university training and master and doctoral training when permitted by the Minister of Education and Training.

Scientific research institutes, which provide doctoral training and cooperate with universities in providing master training when permitted by the Minister of Education and Training."

10. To amend and supplement Clause 2, Article 42 as follows:

"2. Universities and scientific research institutes may provide doctoral training when meeting the following conditions:

a/ Having sufficient professors, associate professors and doctors capable of formulating and implementing training programs and organizing thesis evaluation councils:

b/ Having physical foundations and equipment to meet doctoral training requirements:

c/ Having experience in scientific research: having conducted researches related to scientific subjects under state-level scientific programs or quality scientific researches which have been announced domestically and overseas: having experience in training and retraining scientific researchers."

11. To amend and supplement Clause 6, Article 43 as follows:

"6. The Minister of Education and Training shall coordinate with ministers and heads of ministerial-level agencies in prescribing diplomas to recognize practicing and application skills of university graduates in some special fields of training having received intensive training therein."

12. To add Point c to Clause 1, Article 46 as follows:

"c/ Foreign language and computer skill-training centers established by organizations and individuals."

13. To amend and supplement Clause 3, Article 46 as follows:

"3. Continuing education centers shall implement continuing education programs specified in Clause 1. Article 45 of this Law and may not implement educational programs to grant diplomas of professional education and tertiary education. Community-based learning centers shall implement educational programs specified at Points a and b. Clause 1. Article 45 of this Law. Foreign language and computer skill-training centers shall implement educational programs on foreign languages and computer skill-training specified at Point c. Clause I. Article 45 of this Law."

14. To amend and supplement Clause 2, Article 48 as follows:

"2. Schools of all types in the national education system are established under the State's master plans and plans to develop education. The State shall create conditions for public schools to play the leading role in the national education system.

The conditions, procedures and competence to establish or permit the establishment of schools and permit or terminate educational activities; merger, division, separation and dissolution of schools are provided in Articles 50. 5(a). 50b and 51 of this Law."

15. To amend and supplement Article 49 as follows:

"Article 49. Schools of state agencies, political organizations, socio-political organizations and people's armed forces

1. Schools of state agencies, political organizations and socio-political organizations shall train and retrain cadres and civil servants. Schools of people's armed forces shall train and retrain officers, non-commissioned officers, professional army personnel and defense workers; and retrain leaders and state administrators in defense and security tasks and knowledge.

2. Schools of state agencies, political organizations, socio-political organizations and people's armed forces are educational institutions of the national education system under Articles 36 and 42 of this Law if they meet socio-economic development requirements, are organized and operate under the Education Law and charters of schools at each educational grade and training level, are licensed for educational activities by competent state agencies, and implement educational programs to award diplomas and certificates of the national education system.

3. The Government shall provide in detail schools of state agencies, political organizations, socio-political organizations and people's armed forces."

16. To amend and supplement Article 50 as follows:

"Article 50. Conditions on establishment of schools and licensing of educational activities

1. A school is established when the following conditions are fully met:

a/ Having a school establishment plan in conformity with the master plans on socioeconomic development and the network of educational institutions already approved by competent state agencies:

b/ The school establishment plan clearly identifies educational objectives, tasks, programs and contents: land, physical foundations, equipment, location planned for school building, organizational apparatus, resources and finance: and orientations and strategies for school building and development.

2. A school may operate when it fully meets the following conditions:

a/ Having a decision to establish the school or permit its school establishment:

b/ Having land, buildings, physical foundations and equipment meeting requirement on educational activities:

c/ Its building location ensuring an educational environment and safety for its learners, trainers and employees;

d/ Having educational programs and teaching and learning materials relevant to each educational grade and training level under regulations;

e/ Having qualified teachers and administrators sufficient in number and structure, ensuring the implementation of educational programs and organization of educational activities:

f/ Having sufficient financial resources under regulations to maintain and develop educational activities;

g/ Having a charter on organization and operation of the school.

3. Within the prescribed time limit, a school fully meeting the conditions under Clause 2 of this Article shall be licensed for educational activities by a competent authority. Past the prescribed time limit, a school failing to fully meet the prescribed conditions shall have the decision to establish the school or permit its establishment withdrawn.

4. The Prime Minister shall specify the conditions to establish and license educational activities of universities; the Minister of Education and Training and the head of the vocational training state management agency shall specify according to their competence specific conditions to establish schools and license educational activities of schools at other educational grades and training levels. "

17. To add Article 50a and Article 50b as follows:

"Article 50a. Suspension of educational activities

1. A school shall be suspended from educational activities when:

a/ It commits frauds in order to be licensed for educational activities:

b/ It fails to meet one of the conditions under Clause 2. Article 50 of this Law;

c/ It is licensed for educational activities ultra vires;

d/ It fails to carry out educational activities within the prescribed time limit after being licensed:

e/ It violates the education law and is administratively sanctioned at the level of operation suspension;

f/ In other cases under law,

2. A decision to suspend educational activities of a school must clearly state the reason for and duration of suspension and measures to guarantee the interests of its teachers, learners and employees. This decision shall be announced in the mass media.

3. After the suspension duration, if the causes of such suspension are remedied, the person competent to decide on the suspension shall issue a decision to permit the school to resume its educational activities.

Article 50b. School dissolution

1. A school is dissolved when:

a/ It seriously violates regulations on the management, organization and operation of the school:

b/ It fails to remedy causes of its operation suspension after the suspension duration:

c/ The operation objectives and contents stated in the decision to establish the school or permit its establishment no longer meet socioeconomic development requirements:

d/ Such dissolution is requested by the organization or individual establishing the school.

2. A decision to dissolve a school must clearly state the reason for dissolution and measures to guarantee the interests of its teachers, learners and employees. This decision shall be announced in the mass media."

18. To amend and supplement Article 51 as follows:

"Article 51. Competence and procedures to establish schools or permit the establishment, permit and suspend educational activities: and merger, division, separation and dissolution of schools

1. The competence to establish public schools and permit the establishment of people-founded and private schools is provided for as follows:

a/ Chairpersons of district-level People's Committees shall make decisions for crèches, kindergartens, primary schools, lower secondary schools, and semi-boarding general education schools for ethnic children:

b/ Chairpersons of provincial-level People's Committees shall make decisions for upper secondary schools, boarding general education schools for ethnic children and vocational intermediate schools of provinces:

c/ Ministers and heads of ministerial-level agencies shall make decisions for their attached vocational intermediate schools:

d/ The Minister of Education and Training shall make decisions for colleges and pre-university schools: the head of the vocational training state management agency shall make decisions for vocational colleges:

e/ The Prime Minister shall make decisions for universities.

2. The Minister of Education and Training shall license educational activities for tertiary education institutions.

The Minister of Education and Training, the head of the vocational training state management agency shall provide the competence to license educational activities for schools at other educational grades and training levels.

3. Those having the competence to establish schools or permit the establishment of schools have the competence to withdraw decisions to establish, or permit the establishment of. merge, divide, separate or dissolve, these schools.

4. The Prime Minister shall provide in detail procedures to establish, or permit the establishment, permit or suspend educational activities, permit the merger, division, separation and dissolution of, universities. The Minister of Education and Training, the head of the vocational training state management agency shall, based on their competence, specify procedures to establish, or permit the establishment, permit or suspend educational activities, and permit the merger, division, separation and dissolution of, schools of other educational grades and training levels."

19. To amend and supplement Clause 1, Article 58 as follows:

"1. To publicize educational objectives and programs, resources and finance, education quality evaluation results and the system of diplomas and certificates of the school.

To organize teaching, learning and other educational activities according to educational objectives and programs: to certify or award diplomas and certificates according to its competence."

20. To amend and supplement Point b, Clause 1, Article 69 as follows:

"b/ Centers for general technical education and vocational orientation: vocational training centers: continuing education centers; community-based learning centers: foreign language and computer skill-training centers."

21. To amend and supplement Point c, Clause 1, Article 69 as follows:

"c/ Scientific research institutes, which are licensed to provide doctoral training and cooperate with universities to provide master training."

22. To amend and supplement Clause 2, Article 69 as follows:

"2. Scientific research institutes, when assigned by the Minister of Education and Training to coordinate with universities in providing master training, shall sign contracts with universities to organize such training."

23. To amend and supplement Clause 3, Article 70 as follows:

"3. Teachers with basic or intermediate vocational training degree and professional secondary degree working at institutions of preschool education, general education and professional education are called teachers. Those teaching at university education institutions and vocational colleges are called lecturers."

24. To amend and supplement Article 74 as follows:

"Article 74. Visiting lecturing

1. Visiting lecturing is the lecturing at an educational institution by a person fully meeting the criteria under Clause 2, Article 70 of this Law at the invitation of that educational institution. The person invited to give lectures at an educational institution is called visiting teacher or lecturer.

2. A visiting teacher or lecturer shall perform the duties defined in Article 72 of this Law. A visiting teacher or lecturer being a cadre or civil servant shall assure the fulfillment of his/her tasks at the agency where he/she works.

3. Invitation of Vietnamese teachers and scientists, overseas Vietnamese scientists and foreigners to teach at educational institutions as visiting teachers or lecturers is encouraged."

25. To amend and supplement Article 78 as follows:

"Article 78. Educational institutions providing training and refresher training for teachers and educational administrators

1. Educational institutions providing training and refresher training for teachers include pedagogical institutions, educational institutions with a pedagogical faculty and educational institutions licensed to provide training and refresher training for teachers.

Pedagogical institutions are established by the State to provide training and refresh (raining for teachers and educational administrators. Pedagogical institutions are given priority in recruitment of teachers, allocation of administrators, investment in building physical foundations and dormitories, and assurance of training funds. Pedagogical institutions have schools or establishments for practice.

3. Educational institutions providing training and refresher training for educational administrators include tertiary education institutions with an education administration faculty and educational institutions licensed to provide training and refresher training for educational administrators.

4. The Minister of Education and Training shall license educational institutions to provide training and refresher training for teachers and educational administrators."

26. To amend and supplement Article 81 as follows:

"Article 81. Salaries

Teachers will enjoy salaries, professional allowances, seniority allowances and other allowances under the Government's regulations."

27. To amend and supplement Clause 4, Article 100 as follows:

"4. People's Committees at all levels shall, within the scope of their tasks and powers, perform the state management of education as decentralized by the Government, including planning of the educational institution network; examine local educational institutions in observing the education law; assure conditions on teachers, finance, physical foundations and teaching equipment of public schools under their management; and develop types of schools and socialize educational activities, meeting the requirements of expanding the scale and raising the quality and efficiency of education in their localities."

28. To amend and supplement Clause 2, Article 101 as follows:

" 2. School fees, enrolment fees: revenues from counseling, technology transfer, production, business and service activities of educational institutions; investments of domestic and foreign organizations and individuals for educational development: and other funds from domestic and foreign organizations and individuals under law.

The State encourages organizations and individuals to give donations and supports for educational development. Abuse of donation and support for education to force contributions in cash or in kind is prohibited."

29. To add the following Clause 4 to Article 108:

"4. The Prime Minister shall provide in detail overseas teaching, study, scientific research and academic exchange by Vietnamese citizens: and educational cooperation with foreign organizations and individuals and overseas Vietnamese."

30. To amend and supplement Article 109 as follows:

"Article 109. Encouragement of educational cooperation with Vietnam

1. The Vietnamese State shall encourage and create conditions for foreign organizations and individuals, international organizations and overseas Vietnamese to teach, study, invest in, fund, cooperate on, apply sciences and transfer technology to, education in Vietnam: and protect their legitimate rights and interests in accordance with Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Educational cooperation with Vietnam must ensure education of learners in personality, qualification and civic capacity; respect the identity of national culture; fulfill educational objectives and meet requirements on educational contents and methods suitable to each educational grade and training level in the national education system; and carry out educational activities in accordance with Vietnamese law.

3. Foreign cooperation on and investment in education in Vietnam include:

a/ Establishment of educational institutions;

b/ Training partnership:

c/ Establishment of representative offices;

d/ Other forms of cooperation.

4. The Government shall provide in detail foreign cooperation on and investment in education."

31. To add the following Section 3a to Chapter VII:

"Section 3a

EDUCATION QUALITY ASSESSMENT

Article 110a. State management of education quality assessment

1. To promulgate regulations on criteria for evaluating education quality: processes and periods of education quality assessment at each educational grade and training level; and operation principles of and conditions and criteria for organizations and individuals conducting education quality assessment; to license education quality assessment: and to grant and withdraw certificates of education quality assessment.
2. To manage the assessment of educational programs and educational institutions.
3. To guide organizations, individuals and educational institutions in appraising and assessing education quality.
4. To examine and evaluate the observance of regulations on education quality assessment.

Article 110b. Principles of education quality assessment

Education quality assessment must adhere to the following principles:

1. Independence, objectiveness and lawfulness.
2. Honesty, publicity and transparency.

Article 110c. Education quality assessment organizations

1. Education quality assessment organizations include:

a/ Education quality assessment organizations established by the State:

b/ Education quality assessment organizations established by organizations or individuals.

2. The Minister of Education and Training shall decide on or permit the establishment of education quality assessment organizations; and provide conditions to establish and dissolve, and tasks and powers of. education quality assessment organizations."

Article 2.

1. This Law takes effect on July 1. 2010.

This Law was passed on November 25, 2009, by the 12th National Assembly of the Socialist Republic of Vietnam at its 6th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)

Nguyen Phu Trong