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**THE NATIONAL ASSEMBLY***Number: 38/2005/QH11***SOCIALIST REPUBLIC OF VIET NAM****Independence - Freedom -  
Happiness***Ha Noi ,day 14  
month 06 year 2005***EDUCATION LAW**

(No. 38/2005/QH11 of June 14, 2005)

Pursuant to the 1992 Constitution of the Socialist Republic of Viet Nam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

This Law provides for education.

**Chapter I****GENERAL PROVISIONS****Article 1.- Governing scope**

The Education Law provides for the national education system; schools, other educational institutions of the national education system, state agencies, political organizations, socio-political organizations, people's armed forces, organizations and individuals involved in educational activities.

**Article 2.- Goals of education**

The goals of education are to train Vietnamese into comprehensively developed persons who possess moral qualities, knowledge, good health, aesthetic sense and profession, and are loyal to the ideology of national independence and socialism; to shape and foster personality, quality and capacity of citizens, satisfying the national construction and defense requirements.

**Article 3.- Nature and principles of education**

1. The Vietnamese education is an education of socialist nature with popular, national, scientific and modern characters, based on Marxism-Leninism and Ho Chi Minh's Thought.
2. Educational activities must be conducted on the principles of learning coupled with practice, education combined with production, theories closely linked to reality, and education at school combined with education in the family and in the society.

**Article 4.- National education system**

1. The national education system consists of formal education and continuing education.
2. Educational levels and training degrees of the national education system include:
  - a/ Preschool education with crèches and kindergartens;
  - b/ General education with primary education, lower secondary education, and upper secondary education;
  - c/ Professional education with professional secondary education and vocational training;
  - d/ Undergraduate and postgraduate education (hereinafter referred to as higher education) with college, university, master and doctoral degrees.

**Article 5.- Requirements on contents and methods of education**

1. Contents of education must ensure the basic, comprehensive, practical, modern, and systematic characters, with importance attached to ideological and civics education; inherit and promote the national fine traditions and cultural identity; absorb the cultural quintessence of mankind, and conform to the learners' psycho-physiological development according to their age groups.
2. Methods of education must bring into full play the activeness, consciousness, self-motivation and creative thinking of learners; foster the learners' self-study ability, practicing ability, learning eagerness and will to progress.

**Article 6.- Educational programs**

1. Educational programs shall reflect the goals of education; set standards of knowledge, skills, scope and structure of educational contents, methods and forms of educational activities, ways of evaluation of educational results for study subjects of every grade, each educational level or training degree.
  2. Educational programs must ensure the modernity, stability, consistency and inheritability among different educational levels and different training degrees, facilitate the streaming and transferability between training degrees, disciplines and educational forms in the national education system.
  3. Requirements on knowledge and skill contents defined in the educational programs must be concretized in textbooks for general education, curricula and teaching materials for professional education, higher education and continuing education. Textbooks, curricula and teaching materials must meet the requirements on educational methods.
  4. Educational programs shall be implemented according to school year, for preschool education and general education; according to either school year or credit accumulation, for professional education and higher education.
- Study results of subjects or credits accumulated by learners when pursuing their studies under an educational program shall be considered for transferable values for respective subjects or credits under other educational programs when learners change their fields of study or forms of studies or follow higher educational levels or training degrees.
- The Minister of Education and Training shall provide for the realization of educational programs in the form of credit accumulation, the recognition for considering the transferable values of study results of subjects or credits.

*Article 7.-* Language used in schools and other educational institutions; teaching and learning of spoken and written languages of ethnic minorities; teaching of foreign languages

1. Vietnamese is the official language used in schools and other educational institutions. Based on the goals of education and specific requirements of educational contents, the Prime Minister shall stipulate the teaching and learning via foreign languages in schools and other educational institutions.

2. The State shall create conditions for ethnic minority people to learn their spoken and written languages in order to preserve and develop their respective cultural identities, helping ethnic minority pupils easily absorb knowledge when they study in schools or other educational institutions. The teaching and learning of ethnic minority languages shall be conducted in accordance with the Government's regulations.

3. Foreign languages defined in educational programs are the languages used commonly in international communication. The teaching of foreign languages in schools and other educational institutions should ensure that learners study them continually and effectively.

*Article 8.-* Diplomas and certificates

1. Diplomas of the national education system shall be awarded to learners upon their completion of an educational level or a training degree as stipulated by this Law.

Diplomas of the national education system include lower secondary education diploma, upper secondary education diploma, professional secondary education diploma, college diploma, university diploma, master diploma and doctoral diploma.

2. Certificates of the national education system shall be issued to learners to acknowledge their study results upon successful completion of knowledge or professional improvement courses.

*Article 9.-* Educational development

Educational development is the top national priority, aiming to improve the people's knowledge, train human resource and foster talents.

Educational development must be linked to the requirements of socio-economic development, scientific-technological advances, and consolidation of national defense and security; realize the standardization, modernization and socialization; ensure the balance of qualifications, professional and regional structure; expand scale on the basis of quality and efficiency assurance; and combine education with employment.

*Article 10.-* Citizens' rights and obligations to learn

Learning is the right and obligation of every citizen.

All citizens, regardless of their ethnicity, religion, belief, gender, family background, social status or economic conditions, are equal in learning opportunities.

The State shall observe social justice in education and create conditions for everyone to get access to education. The State and the community shall help the poor access education, create conditions for gifted people to develop their talents.

The State shall give priority to, and create conditions for, children of ethnic minorities, children of families in the areas meeting with extreme socio-economic difficulties, beneficiaries of preferential policies, disabled and handicapped people and beneficiaries of other social policies to realize their learning rights and obligations.

*Article 11.-* Universalization of education

1. Primary education and lower secondary education are universal education levels. The State shall decide on plans for universalization of education; assure conditions for the universalization of education throughout the country.

2. All citizens within the defined age groups have the obligation to learn in order to obtain the level of universalized education.

3. Families have the responsibility to create conditions for their members in the defined age groups to learn in order to obtain the level of universalized education.

*Article 12.-* Socialization of the cause of education

To develop education and to build a learning society are the responsibilities of the State and the entire population.

The State plays the leading role in developing the cause of education; diversify school types and educational forms; encourage, mobilize and create conditions for organizations and individuals to take part in the development of education.

It is the responsibility of all organizations, families and citizens to care for education, to coordinate with schools in attaining the goals of education, and to build a sound and safe educational environment.

*Article 13.-* Investment in education

Investment in education is an investment for development.

The State shall give priority to the investment in education, encourage Vietnamese organizations and individuals, overseas Vietnamese, foreign organizations and individuals to invest in education and protect their legitimate rights and interests.

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

*Article 14.-* State management of education

The State shall exercise the unified management of the national education system in terms of goals, programs, contents, educational plans, teachers' standards, examination regulations and system of diplomas and certificates; focus on the management of education quality, effect the assignment and decentralization of education management; enhance the autonomy and responsibilities of educational institutions.

*Article 15.-* Roles and responsibilities of teachers

Teachers play the decisive role in ensuring the quality of education.

Teachers must study and improve themselves constantly to set bright examples for learners.

The State shall organize the training and fostering of teachers; adopt policies on employment and preferential treatment, ensuring necessary material and spiritual conditions for teachers to perform their roles and responsibilities; preserve and promote the tradition of respecting teachers and honoring the teaching job.

*Article 16.-* Roles and responsibilities of educational administrators

Educational administrators play an important role in organizing, managing and administering educational activities.

Educational administrators must study and improve themselves constantly in terms of moral standards, professional qualifications, managerial capability and personal responsibility.

The State shall adopt plans to build and improve the quality of the contingent of educational administrators in order to promote their roles and responsibilities, ensuring the development of the cause of education.

*Article 17.- Education quality accreditation*

Education quality accreditation is the major measure to define the level of achieving the goals, realizing the programs and contents of education by schools and other educational institutions.

Education quality accreditation is conducted regularly throughout the country and for every educational institution. Results of the education quality accreditation are publicly announced for awareness and supervision by the society.

The Minister of Education and Training shall have to direct the implementation of education quality accreditation.

*Article 18.- Scientific research*

1. The State shall create conditions for schools and other educational institutions to organize scientific-technological research, application and dissemination; to combine education with scientific research and production so as to improve education quality and to step by step play the role of cultural, scientific and technological centers of localities or the whole country.

2. Schools and other educational institutions shall cooperate with scientific research organizations, production-business-service establishments in training, scientific research and technology transfer in service of socio-economic development.

3. The State shall adopt priority policy for development of research, application and dissemination of educational sciences. Guidelines and policies on education must be formulated on the basis of the results of scientific research, suitable to Vietnamese reality.

*Article 19.- Non-preaching of religions in schools and other educational institutions*

No religions are to be preached nor religious rituals are to be conducted in schools or other educational institutions of the national education system, of State agencies, political organizations, socio-political organizations or the people's armed forces.

*Article 20.- Prohibition of the abuse of educational activities*

It is prohibited to abuse educational activities to distort State guidelines, policies or laws; to oppose the Socialist Republic of Vietnam, to disrupt the national unity bloc, provoke violence, propagate aggressive war, undermine the fine traditions and customs, disseminate superstitious beliefs and bad customs, or attract learners into social evils.

It is prohibited to abuse educational activities for self-seeking purposes.

Chapter II

THE NATIONAL EDUCATION SYSTEM

Section 1. PRESCHOOL EDUCATION

*Article 21.- Preschool education*

Preschool education carries out the nurture, care and education of children from three months to six years old.

*Article 22.- Objectives of preschool education*

The objectives of preschool education are to help children develop physically, emotionally, intellectually and aesthetically, in order to shape the initial elements of personality and to prepare children for the first grade.

*Article 23.- Requirements on contents and methods of preschool education*

1. Contents of preschool education must ensure the suitability with psycho-physiological development of children, the harmony between nurture, care and education; help children develop their well-proportioned, healthy, and active bodies; know how to respect, love and highly regard their grandparents, parents, teachers, and elderly persons; love their brothers, sisters and friends; be honest, bold, natural, love the beauty, be thirsty for knowledge and eager to go to school.

2. The major method in preschool education is to help children develop comprehensively through playing activities while attaching importance to praising, encouraging and stimulating good examples.

*Article 24.- Preschool education program*

1. The preschool education program shall reflect the objectives of preschool education; concretize requirements on nurturing, caring for and educating children of different age groups; regulate the organization of activities in order to create conditions for children to develop physically, sentimentally, intellectually and aesthetically; provide guidance on evaluation of the development of children at preschool age.

2. The Minister of Education and Training shall, based on the appraisals made by the National Review Council for the Preschool Education Program, promulgate the preschool education program.

*Article 25.- Institutions of preschool education*

Institutions of preschool education include:

1. Crèches, childcare groups for children from 3 months to 3 years old;
2. Kindergarten schools and classes for children from 3 years to 6 years old;
3. Young sprout schools are those that combine crèches and kindergartens, for children from 3 months to 6 years old.

Section 2. GENERAL EDUCATION

*Article 26.- General education*

1. General education consists of:

a/ Primary education, which is conducted for five school years, from the first to the fifth grade. The age of entrance to the first grade is six;

b/ Lower secondary education, which is conducted for four school years, from the sixth to the ninth grade. Pupils entering the sixth grade must complete the primary education program, at the age of eleven;

c/ Upper secondary education, which is conducted for three school years, from the tenth to the twelfth grade. Pupils entering the tenth grade must have a lower secondary education diploma, at the age of fifteen.

2. The Minister of Education and Training shall stipulate cases where schooling may start at lower ages for pupils with early intellectual development, or at higher ages for pupils living in regions meeting with socio-economic difficulties, pupils of ethnic

minorities, disabled and handicapped pupils, physically- and intellectually-retarded pupils, orphan pupils with no one to rely on, pupils of poor households under the State regulations, pupils returning from overseas; pupils leaping grades; pupils repeating grades; and the learning of Vietnamese language by ethnic minority children before entering the first grade.

**Article 27.- Objectives of general education**

1. The objectives of general education are to help pupils develop comprehensively in terms of morals, intellect, physical strength, aesthetics and other basic skills, develop personal ability, flexibility and creativeness, with a view to forming the socialist Vietnamese personality, building the civic conduct and duty, preparing pupils for further studies or productive labor, participation in the building and defending of the Fatherland.
2. Primary education aims to help pupils form initial foundations for a proper and long-term moral, intellectual, physical and aesthetic development, and develop basic skills for them to continue with the lower secondary education.
3. Lower secondary education aims to help pupils consolidate and develop the outcomes of primary education, acquire general and basic knowledge and initial understanding about techniques and vocational orientation to continue with the upper secondary education, professional secondary education or vocational training or enter the work force.
4. Upper secondary education aims to help pupils consolidate and develop the outcomes of lower secondary education, complete the general education and acquire common understanding about techniques and vocational orientation, as well as conditions to develop their personal ability in order to choose a development direction, to enter universities, colleges, professional secondary education schools, vocational training schools or the work force.

**Article 28.- Requirements on contents and methods of general education**

1. The contents of general education must ensure the popular, basic, comprehensive, vocationally-orienting and systematic characters, be linked to the realities of life, suitable to the psycho-physiological characteristics of pupils, and meet the objectives of education at each level.

Primary education must ensure that pupils acquire simple and necessary knowledge about nature, society and human being; basic listening, reading, speaking, writing and calculating skills; habits of physical training and hygiene; and initial understanding of singing, dance, music and fine-arts.

Lower secondary education must consolidate and develop the contents learned in primary education, provide pupils with the basic general knowledge about Vietnamese language, mathematics, national history, and other knowledge about social science, natural science, law, informatics, foreign languages; and with necessary minimum understanding about techniques and vocational orientation.

Upper secondary education must consolidate and develop the contents learned in lower secondary education and complete the contents of general education. Besides the main content of providing the general, basic, comprehensive, vocationally-orienting knowledge for all pupils, there shall be the content of providing higher knowledge in some study subjects to develop the pupils' abilities and satisfy their needs.

2. The methods of general education must promote the activeness, consciousness, initiative and creativeness of pupils; be suitable to the characteristics of each grade and subject; foster the self-study methods and the ability for team work; drill the skills of applying learned knowledge to reality; exert impacts on pupils' sentiment, bringing them joy and eagerness of learning.

**Article 29.- General education programs, textbooks**

1. General education programs must reflect the objectives of general education; set standards of knowledge, skills, scope and structure of the contents of general education, methods and forms of organizing educational activities, methods of evaluating educational results for each study subject of each grade and each level of general education.
2. Textbooks must concretize the requirements on knowledge contents and skills as defined in the educational program for study subjects of each grade of general education, meeting the requirements on methods of general education.
3. The Minister of Education and Training shall, based on appraisals made by the National Review Council for General Education Programs and Textbooks, approve general education programs and textbooks for official, consistent and uniform use in teaching and learning at general educational institutions.

**Article 30.- Institutions of general education**

Institutions of general education include:

1. Primary schools;
2. Lower secondary schools;
3. Upper secondary schools;
4. Multi-level general education schools;
5. Centers for general techniques and vocational orientation.

**Article 31.- Certification of completion of primary education and award of lower secondary education diplomas and upper secondary education diplomas**

1. Pupils who complete primary education and meet the requirements set by the Minister of Education and Training shall be certified in their school records by the principals of their primary schools that they have completed primary education.
2. Pupils who complete lower secondary education and meet the requirements set by the Minister of Education and Training shall be awarded lower secondary education diplomas by the Heads of the Education and Training Offices of rural or urban districts, provincial towns or cities (hereinafter referred collectively to as district level).
3. Pupils who complete upper secondary education and meet the requirements set by the Minister of Education and Training shall be eligible to take examination and those who pass the examination will be awarded upper secondary education diplomas by the directors of the Education and Training Services of the provinces or centrally-run cities (hereinafter referred collectively to as provincial level).

### Section 3. PROFESSIONAL EDUCATION

**Article 32.- Professional education**

Professional education consists of:

1. Professional secondary education which is conducted for three to four school years for learners with lower secondary education diplomas; for one to two school years for those with upper secondary education diplomas;

2. Vocational training which is conducted for less than one year for vocational preliminary program and from one to three years for vocational secondary and college program.

**Article 33.- Objectives of professional education**

The objectives of professional education are to train laborers who will possess professional knowledge and skills at different levels, good virtues, professional ethics, sense of discipline, industrial working styles and good health, thus providing them with employability, self-employability or ability to further study to improve their professional qualifications, meeting the requirements of socio-economic development, national defense and security.

Professional secondary education aims to train laborers who will possess basic knowledge and practicing skills of a profession, and ability to work independently and creatively as well as to apply technology to their work.

Vocational training aims to train technical workers directly involved in production and service activities to acquire the practicing capability corresponding to the relevant training degree.

**Article 34.- Requirements on contents and methods of professional education**

1. Contents of professional education must focus on the training of capability for professional practice, with importance attached to moral education and physical training, skill training as required by each profession and the raising of educational qualifications as required by training.

2. The methods of professional education must combine drills on practicing skills with theoretical teaching in order to help learners be capable of practicing and developing profession as required by each profession.

**Article 35.- Professional education program and curricula**

1. The professional education program reflects the objectives of professional education; sets standards of knowledge, skills, scope and structure of the contents of professional education, methods and form of training, ways of evaluating training results for each subject, discipline, profession and degree of training of professional education; ensures the requirements of transferability with other educational programs.

The Minister of Education and Training shall, in coordination with other relevant ministers and heads of ministerial-level agencies, based on the appraisals of the sector review council for professional secondary education programs, define the core program for professional secondary education which includes content structure, number of subjects, time volume of each subject, temporal proportion of theory and practice, for each discipline and profession of training. Professional secondary education schools shall define their own training programs based on the core program.

The head of the State management agency in charge of vocational training shall, in coordination with relevant ministers and heads of ministerial-level agencies, based on the appraisals of the sector review council for vocational training programs, define the core program for each vocational training level, including content structure, number of subjects, time volume for each subject and professional skills, temporal proportion of theory and practice, ensuring the objectives for each discipline and profession of training. Vocational training institutions shall define their own vocational training programs based on the core program.

2. Curricula of professional education shall concretize the requirements on contents of knowledge and skills defined in the educational program for each subject, discipline, profession and training degree of professional education, meeting the requirements on professional education methods.

The professional education curricula shall be prepared and approved by principals of schools or directors of vocational training centers for official use as teaching and learning materials in professional education institutions, based on the appraisals of textbook review councils, set up by the principals of schools or directors of vocational training centers.

**Article 36.- Institutions of professional education**

1. Institutions of professional education include:

a/ Professional secondary schools;

b/ Vocational training colleges, vocational secondary schools, vocational training centers, vocational training classes (hereafter referred collectively to as vocational training institutions).

2. Vocational training institutions may be organized independently or in association with production and/or business establishments or other educational institutions.

**Article 37.- Diplomas and certificates of professional education**

1. Learners who complete the preliminary vocational training program, vocational skill fostering program, if meeting the requirements set by the head of the State management agency in charge of vocational training, shall be eligible to take a test for certificates. Learners who pass the test shall be granted certificates by the heads of professional education institutions.

2. Learners who complete professional secondary education program, if meeting the requirements set by the Minister of Education and Training, shall be eligible to take examination. Learners who pass the examination shall be awarded professional secondary education diplomas by principals of schools.

3. Learners who complete vocational secondary program and meet the requirements set by the head of the State management agency in charge of vocational training, shall be eligible to take examination. Learners who pass the examination shall be awarded vocational secondary diplomas by principals of schools. Learners who complete vocational training college program, meeting the requirements set by the head of the State management agency in charge of vocational training, shall be eligible to take examination. Learners who pass the examination shall be granted vocational training college diplomas by principals of schools.

**Section 4. HIGHER EDUCATION**

**Article 38.- Higher education**

Higher education includes:

1. College education, which, depending on the discipline, is conducted for two to three academic years for persons with upper secondary education diplomas or professional secondary education diplomas; and for one and a half to two academic years for persons with professional secondary education diplomas in the same discipline;

2. University education, which, depending on the discipline, is conducted for between four and six academic years for persons with upper secondary education diplomas or professional secondary education diplomas; and from two and a half to four academic years for persons with professional secondary education diplomas in the same discipline; from one and a half to two academic years for persons with college diplomas in the same discipline;
3. Master education, which is conducted from one to two academic years for persons with university diplomas;
4. Doctoral education, which is conducted for four academic years for persons with university diplomas; and from two to three academic years for persons with master degrees. In special cases, the duration of doctoral education may be extended as stipulated by the Minister of Education and Training.

The Prime Minister shall specify training degrees equivalent to the master and doctoral degrees in some special professional disciplines.

*Article 39.- Objectives of higher education*

1. The objectives of higher education are to train learners to be persons who possess political and moral qualities, good sense of serving people, professional knowledge and practicing skills relevant to the training degrees, and good health, meeting the requirements of building and defending the Fatherland.
2. College education shall help students acquire professional knowledge and basic practicing skills for solution of common problems in their disciplines.
3. University education shall help students firmly grasp professional knowledge and dexterous practicing skills with the ability to work independently and creatively as well as to solve problems in their disciplines.
4. Master education shall help students master the theory, acquire advanced practicing skills and the ability to work independently and creatively, as well as to identify and solve problems in their disciplines.
5. Doctoral education shall help doctoral candidates acquire advanced level in theory and practice and the ability to conduct independent and creative research, to identify and solve emerging scientific and technological issues, to guide scientific research and professional activities.

*Article 40.- Requirements on contents and methods of higher education*

1. Contents of higher education must be of modern and developmental characters, ensuring a rational structure between fundamental scientific knowledge, foreign languages and information technology, the professional knowledge as well as subjects of Marxism-Leninism and Ho Chi Minh Thought; must inherit and promote the national fine traditions and cultural identity; and be on a par with the common international and regional level.

College education must guarantee students with fundamental scientific knowledge and necessary professional knowledge, attaching importance to the drilling of basic skills and the ability to perform professional work.

University education must guarantee students with fundamental scientific knowledge and relatively complete professional knowledge, scientific working methodology and the ability to apply theory to professional work.

Master education must ensure the supplementation and raising of students' knowledge obtained in university education; enhance interdisciplinary knowledge and the ability to perform professional work and scientific research in their specialized branches.

Doctoral education must ensure the improvement and raising of doctoral candidates' fundamental scientific knowledge; provide in-depth understanding of professional knowledge; and develop the ability to conduct independent and creative scientific research in their professional activities.

2. Methods of college and university education must attach importance to fostering the sense of self-consciousness in study, self-study and self-research ability, development of creative thinking, drilling of practicing skills, and creation of conditions for students to participate in research, experimentation and application.

Methods of master education shall be realized by combining various modes of in-class study and self-study, self-research, with importance attached to promoting the ability to practice and the ability to identify and solve professional problems.

Methods of doctoral education shall be mainly self-study and self-research under supervision of instructors and scientists, with importance attached to the development of scientific research habits and creativity in identifying and solving professional problems.

*Article 41.- Educational programs and curricula of higher education*

1. Educational programs of higher education reflect objectives of higher education; set standards of knowledge, skills, scope and structure of the contents of higher education, methods and forms of training, ways of evaluating training results for each subject, discipline or training degree of higher education; ensure the requirements of transferability with other educational programs.

The Minister of Education and Training shall, based on the appraisals of the National Review Council for Higher Education Programs, shall define the core program for each field of training for college and university degrees, including content structure of all subjects, duration of training, proportion of training duration among different subjects, between theory, practice and internship. Colleges and universities shall design their own programs based on the core program.

The Minister of Education and Training shall define the knowledge volume, program structures, thesis, and dissertation for master and doctoral education.

2. Curricula of higher education concretize requirements on knowledge contents and skills as defined in the educational program for each subject, discipline, and training degree.

Principals of colleges or universities shall have to organize the compilation and approval of curricula for official use in their respective colleges or universities, based on the appraisals of the curricula review councils set up by the principals; and ensure sufficient curricula for teaching and learning.

The Minister of Education and Training shall have to organize the compilation and approval of curricula for common use by colleges or universities.

*Article 42.- Institutions of higher education*

1. Institutions of higher education include:

a/ Colleges, which provide college education;

b/ Universities, which provide college, university education; master and doctoral education as assigned by the Prime Minister;

Scientific research institutes, which provide doctoral education and cooperate with universities to offer master education when assigned by the Prime Minister.

2. Institutions of higher education shall be assigned the task of providing doctoral education if they meet the following conditions:

a/ Having the contingent of professors, associate professors and doctors, enough in quantity, capable of building and carrying out educational programs and organizing thesis evaluation councils.

b/ Having adequate infrastructure and equipment, meeting the requirements of doctoral education;

c/ Having experience in scientific research activities; having performed tasks of research related to scientific subjects under the state-level scientific programs; having experience in training and fostering people for scientific research activities.

3. The specific organizational models of various types of higher education institutions shall be stipulated by the Government.

#### *Article 43.- Diplomas of higher education*

1. Students who have completed the college program and satisfy the set criteria shall be eligible to take examination and, if meeting the requirements stipulated by the Minister of Education and Training, be awarded college diplomas by principals of colleges or universities.

2. Students who have completed the university program and satisfy the set criteria shall be eligible to take examination or defend projects or graduation theses and, if meeting the requirements stipulated by the Minister of Education and Training, be awarded university diplomas by principals of universities.

University diplomas for technical disciplines are called engineer diplomas; of architecture are called architect diplomas, of medicine and pharmacy are called medical doctor, pharmacist or bachelor diplomas; of basic sciences, pedagogy, law, economics are called bachelor diplomas, and of all other disciplines are called university diplomas.

3. Students who have completed the master training program and satisfy the set criteria shall be eligible to defend graduation theses, and, if meeting the requirements stipulated by the Minister of Education and Training, be awarded master diplomas by principals of universities.

4. Doctoral candidates who have completed the doctoral training program and satisfy the set criteria shall be eligible to defend dissertations, and, if meeting the requirements stipulated by the Minister of Education and Training, be awarded doctor diplomas by principals of universities or heads of scientific research institutes.

5. The Minister of Education and Training shall define the responsibility and competence to award diplomas of domestic higher education institutions stipulated in Clause 1, Article 42 of this Law when such institutions are involved in joint training programs with foreign higher education institutions.

6. The Prime Minister shall provide graduation diplomas equivalent to master and doctoral degrees in some special professional disciplines.

### Section 5. CONTINUING EDUCATION

#### *Article 44.- Continuing education*

Continuing education helps people pursue in-service, continuous and lifelong learning to perfect their personality, broaden their understanding, and raise their educational, professional and operational qualifications in order to improve the quality of life, to seek jobs, self-employ, and adapt themselves to the social life.

The State shall adopt policies to develop continuing education, realize education for all and build a learning society.

#### *Article 45.- Requirements on educational programs, contents and methods of continuing education*

1. Contents of continuing education are reflected in the following programs:

a/ Illiteracy eradication and post-literacy education programs;

b/ Programs on education to meet learners' needs; updating knowledge and skills, and transferring technology;

c/ Programs on training, fostering, and raising professional qualifications;

d/ Programs on education to obtain diplomas of the national education system.

2. Forms of carrying out continuing educational programs to obtain diplomas of the national education system are as follows:

a/ In-service learning;

b/ Distance learning;

c/ Guided self-learning.

3. The educational contents of the programs defined at Points a, b and c, Clause 1 of this Article must guarantee the practicality and help learners raise their capacity for labor or production as well as the quality of life.

The educational contents of the educational programs defined at Point d, Clause 1 of this Article must meet the requirements on contents of the educational programs of the same educational levels and training degrees defined in Articles 29, 35, and 41 of this Law.

4. The methods of continuing education must promote the initiatives and tap the experience of learners, with importance attached to the development of their self-study ability, using modern facilities and information technology to raise the teaching and learning quality and efficiency.

5. The Minister of Education and Training, the head of the State management agency in charge of vocational training shall, within their competence, specify programs, curricula, textbooks and materials of continuing education.

#### *Article 46.- Institutions of continuing education*

1. Institutions of continuing education include:

a/ Centers for continuing education, organized at provincial and district levels;

b/ Community-based learning centers organized in communes, wards or townships (hereinafter referred collectively to as commune level).

2. Programs of continuing education shall also be carried out at the institutions of general education, professional education and higher education, and through the mass media.

3. Centers for continuing education that carry out continuing education programs defined in Clause 1, Article 45 of this Law must not offer educational programs to obtain professional secondary education diplomas, college diplomas or university diplomas.

Community-based learning centers shall carry out educational programs defined at Points a and b, Clause 1, Article 45 of this Law.

4. General education institutions, professional education institutions, higher education institutions carrying out continuing education programs must fulfil their training tasks; and can only carry out the programs defined at Point d, Clause 1, Article 45 of this Law when permitted by competent State agencies in charge of education. Higher education institutions carrying out continuing education programs to obtain college or university diplomas can align with local educational institutions being universities, colleges, professional secondary schools, provincial-level continuing education centers only when the latter meet the requirements on material foundations, equipment and managerial staff for college and university education levels.

*Article 47.- Diplomas and certificates of continuing education*

1. Learners who complete the lower secondary education program and meet the conditions set by the Minister of Education and Training, shall be awarded lower secondary education diplomas.

Except for learners having completed the lower secondary program mentioned in this Clause, learners following the educational programs defined at Point d, Clause 1, Article 45 of this Law, if meeting the following conditions, shall be eligible to take examination and awarded diplomas if passing the examination:

- a/ Being registered at an educational institution authorized to provide training at the corresponding educational levels and degrees;
- b/ Having completed the program, fulfilled requirements on learning assessment and evaluation, and attested by the educational institution where they make registration as being eligible to take examination under regulations of the Minister of Education and Training.

The competence to award continuing education diplomas is the same as that provided for in Articles 31, 37 and 43 of this Law.

2. Learners who have completed the educational programs defined at Points a, b, and c, Clause 1, Article 45 of this Law and meet the conditions set by the Minister of Education and Training shall be eligible to take examination, and, if passing the examination, be granted continuing education certificates.

Directors of centers for continuing education shall issue continuing education certificates.

### Chapter III

## SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS

### Section 1. SCHOOL ORGANIZATION AND ACTIVITIES

*Article 48.- Schools in the national education system*

1. Schools in the national education system are organized in the following types:

- a/ Public schools, which are established, invested with material foundations, and provided with regular expenditure funding by the State;
- b/ People-founded schools, which are established, invested with material foundations, and provided with operation funding by local communities;
- c/ Private schools, which are established, invested with material foundations, and provided with operation funding by social organizations, socio-professional organizations, economic organizations, or individuals with non-state budget capital.

2. Schools of all types in the national education system are established according to the State plans and planning, aiming to develop the cause of 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 schools or permit the establishment of schools are provided for in Articles 50 and 51 of this Law.

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

1. Schools of state agencies, political organizations, socio-political organizations shall have the task of training and fostering officials and public employees. Schools of the people's armed forces shall have the task of training and fostering officers, non-commissioned officers, professional army personnel and defense workers; fostering leaders and state managerial staff in defense and security tasks and knowledge.

2. The Government shall provide in detail for schools of State agencies, political organizations, socio-political organizations and the people's armed forces.

*Article 50.- School establishment*

1. Conditions for school establishment include:

- a/ Having the managerial and teaching staff sufficient in quantity, uniform in structure, qualified in moral quality and training degrees, ensuring the realization of educational objectives and programs;
- b/ Having adequate infrastructure, equipment and finance, meeting the requirements of school activities.

2. The competent persons defined in Article 51 of this Law shall base themselves on the needs of educational development to issue decisions on school establishment for public schools, or permit the establishment of people-founded and private schools.

*Article 51.- Competence to establish or permit the establishment, termination, 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/ Presidents 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 minority pupils;
- b/ Presidents of provincial-level People's Committees shall make decisions for upper secondary schools, boarding general education schools for ethnic minority pupils and professional secondary education schools of provinces;
- c/ Ministers, heads of ministerial-level agencies shall make decisions for their attached professional secondary education schools;
- d/ The Minister of Education and Training shall make decisions for colleges, pre-university schools; the head of the State management agency in charge of vocational training shall make decisions for vocational training colleges;
- e/ The Prime Minister shall make decisions for universities.

2. Those persons that have competence to establish or permit the establishment of schools shall have competence to terminate, merge, separate, divide or dissolve such schools.



The Prime Minister shall specify procedures for establishment, termination, merger, division, separation and dissolution of universities.

The Minister of Education and Training, the head of the state management agency in charge of vocational training shall, based on their competence, specify procedures for establishment, termination, merger, division, separation and dissolution of schools of other educational levels.

**Article 52.- School charter**

1. Schools are organized and operate according to the provisions of this Law and school charters.

2. A school charter must comprise the following main contents:

- a/ The tasks and powers of the school;
- b/ The organization of educational activities in the school;
- c/ The duties and rights of teachers;
- d/ The duties and rights of learners;
- e/ The organization and management of the school;
- f/ The finance and properties of the school;
- g/ The relationships between the school, families and society.

3. The Prime Minister shall promulgate the university charter, the Minister of Education and Training and the head of the State management agency in charge of vocational training shall promulgate school charters at other educational levels according to their competence.

**Article 53.- School council**

1. The school council of a public school or the managing board of a people-founded or private school (hereinafter referred to as school council) is the body responsible for making decisions on the orientations of school activities, mobilizing and supervising the use of resources for the school, linking the school with community and society, ensuring the realization of educational objectives.

2. A school council has the following tasks:

- a/ To resolve on the objectives, strategies, projects and development plans of the school;
- b/ To resolve on the organizational and operational regulations of the school or supplements and/or amendments thereto, to be submitted to competent authorities for approval;
- c/ To resolve on policies for the use of financial sources and properties of the school;
- d/ To supervise the implementation of the resolutions of the school council, and materialization of democratic regulations in school activities.

3. Establishment procedures, organizational structure, specific rights and duties of school councils shall be provided for in school charters.

**Article 54.- The principal**

1. The principal is a person responsible for managing the school's operations, appointed or recognized by the competent State authority.

2. Principals of schools in the national education system must be trained and fostered in school management.

3. The criteria, tasks and powers of principals; procedures for appointment, recognition of principals shall be stipulated by the Prime Minister, for universities; by the Minister of Education and Training, for schools of other levels; and by the State management agency in charge of vocational training, for vocational training institutions.

**Article 55.- Advisory board in school**

The advisory board in a school is set up by the principal in order to gather opinions of educational administrators, teachers, representatives of organizations in the school for performing a number of tasks falling under the responsibilities and powers of the principal. The organization and activities of the advisory board are stipulated in the school charter.

**Article 56.- Party organization in school**

Organizations of the Communist Party of Vietnam in schools shall lead the schools and operate according to the Constitution and laws.

**Article 57.- Mass and social organizations in schools**

Mass and social organizations shall operate in schools according to laws and have to contribute to the realization of educational objectives as defined in this Law.

## Section 2. TASKS AND POWERS OF SCHOOLS

**Article 58.- Tasks and powers of schools**

A school has the following tasks and powers:

- 1. To organize teaching, learning and other educational activities according to educational objectives and programs; to certify or award diplomas, certificates according to competence.
- 2. To recruit, manage teachers and staff; to participate in the process of personnel mobilization of teachers and staff by competent State agencies;
- 3. To enrol and manage learners;
- 4. To mobilize, manage and use resources according to the provisions of law;
- 5. To build up material and technical foundations according to the standardization and modernization requirements;
- 6. To coordinate with learners' families, organizations and individuals in educational activities;
- 7. To arrange for teachers, staff and learners to participate in social activities;
- 8. To conduct quality self-evaluation and be subject to accreditation by the competent quality accreditation agency;
- 9. Other tasks and powers provided for by law.

**Article 59.- Tasks and powers of professional secondary schools, colleges and universities in scientific research and social service**

1. Apart from the tasks and powers specified in Article 58 of this Law, professional secondary schools, colleges, universities shall have the following tasks:

a/ To conduct scientific research; apply, develop and transfer technologies; participate in the settlement of local and national socio-economic problems;

b/ To provide scientific, production and business services in accordance with the provisions of law.

2. While performing their tasks defined in Clause 1 of this Article, professional secondary schools, colleges and universities shall have the following powers:

a/ To be assigned or leased land or material foundations by the State; to enjoy tax reduction or exemption, to receive credit loans in accordance with provisions of law;

b/ To associate with economic, educational, cultural, physical training and sport, medical and scientific research organizations in order to raise educational quality, to link training with employment in service of socio-economic development and supplementation of financial sources for the school;

c/ To use revenues from economic activities for investment in the school's material foundations, expansion of production and business activities and expenditures on educational activities as provided for by law.

**Article 60.-** Autonomy and self-responsibility of professional secondary schools, colleges and universities

Professional secondary schools, colleges and universities have autonomy and take self-responsibility as defined by laws and their charters in the following activities:

1. Formulating educational programs, curricula, teaching and learning plans for the permitted training fields;

2. Making enrolment quota, organizing enrolment, organizing the process of training, recognizing graduation and granting diplomas;

3. Organizing the school's organizational apparatus; recruiting, managing, employing and adopting preferential treatment toward, teachers and other staffs;

4. Mobilizing, managing and using resources;

5. Cooperating with domestic and foreign economic, educational, cultural, physical training and sport, medical, and scientific research organizations under the Government's regulations.

### Section 3. TYPES OF SPECIAL SCHOOLS

**Article 61.-** Boarding general education schools and semi-boarding general education schools for ethnic minorities, pre-university schools

1. The State shall establish boarding general education schools, semi-boarding general education schools, and pre-university schools for ethnic minority pupils, and/or pupils from families permanently residing in areas meeting with extreme socio-economic difficulties to help train human resources for these areas.

2. Boarding general education schools, semi-boarding general education schools, and pre-university schools for ethnic minorities shall be given priority in allocation of teachers, material foundations, equipment and budget.

**Article 62.-** Specialized schools, schools for gifted students

1. Specialized schools are established at upper secondary education level for pupils with outstanding achievements in learning to develop their aptitudes for certain subjects while assuring comprehensive general education.

Schools for gifted students in arts, athletics and sports are established to develop student's talents in these fields.

2. The State shall give priority in allocating teachers, material foundations, equipment and budget to specialized schools and schools for gifted students established by the State; adopt preferential policies towards schools for gifted students, established by organizations or individuals.

3. The Minister of Education and Training shall cooperate with other relevant ministers and heads of ministerial-level agencies in deciding on the promulgation of educational programs and organizational regulations for specialized schools and schools for gifted students.

**Article 63.-** Schools and classes for disabled and handicapped people

1. The State shall establish and encourage organizations and individuals to establish schools and classes for disabled and handicapped people to help them restore their functions, or receive education and vocational training and integrate themselves into the community.

2. The State shall give priority in allocating teachers, material foundations, equipment and budget to schools and classes for disabled and handicapped people, which are established by the State; adopt preferential policies toward schools and classes for disabled and handicapped people, which are established by organizations or individuals.

**Article 64.-** Re-education schools

1. Re-education schools have the task of educating juvenile delinquents so that they may train themselves, develop healthily and become honest persons, capable of re-integrating into the social life.

2. The Minister of Public Security shall have to cooperate with the Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs in stipulating educational programs for re-education schools.

### Section 4. POLICIES TOWARD PEOPLE-FOUNDED AND PRIVATE SCHOOLS

**Article 65.-** Tasks and powers of people-founded and private schools

1. People-founded and private schools shall have the same tasks and powers as provided for public schools in the implementation of educational objectives, contents, programs, methods, and other regulations on enrolment, teaching, learning, testing, examinations, recognition of graduation, award of diplomas and certificates.

2. People-founded and private schools enjoy autonomy and take self-responsibility for their planning, school development plans, organization of educational activities, development of teaching staff, mobilization, use and management of various resources for the achievement of educational objectives.

3. Diplomas and certificates issued by people-founded, private or public schools shall have equal legal validity.

4. People-founded and private schools shall be subject to the management by State management agencies in charge of education under the Government's regulations.

**Article 66.-** Financial regime

1. People-founded and private schools shall operate on the principle of financial autonomy, self-balancing of their revenues and expenditures, in observance of the provisions of law on accounting and auditing.
2. Incomes of people-founded and private schools shall be used for expenditures on their necessary activities, fulfilment of obligations toward the State budget, establishment of investment development funds and other funds of the schools. The remainders shall be divided to the capital-contributing members according to their capital contribution proportions
3. People-founded and private schools shall observe the financial publicity regime and have to submit annual financial reports to competent State management agencies in charge of education and competent local finance agencies.

*Article 67.- Ownership of properties, withdrawal and transfer of capital*

Properties and finance of people-founded schools shall belong to the collective ownership of local population communities; properties and finance of private schools shall belong to the ownership of capital-contributing members. Properties and finance of people-founded and private schools shall be protected by the State according to the provisions of law.

The withdrawal and transfer of capital of private schools shall comply with the Government's regulations, ensuring the stability and development of schools.

*Article 68.- Preferential policies*

People-founded and private schools shall be assigned or leased land and/or material foundations by the State, receive budget support when performing tasks assigned by the State, and enjoy preferential policies on taxes and credits. People-founded and private schools shall be provided with funding by the State for realization of policies towards learners defined in Article 89 of this Law.

The Government shall specify the preferential policies towards people-founded and private schools.

## Section 5. ORGANIZATION AND OPERATION OF OTHER EDUCATIONAL INSTITUTIONS

*Article 69.- Other educational institutions*

1. Other educational institutions in the national education system consist of:

a/ Childcare groups, crèches; independent classes, including kindergarten classes, anti-illiteracy classes, foreign language classes, informatics classes, classes for disadvantaged children who are unable to go to school, classes for disabled and handicapped children, vocational training classes and professional secondary education classes organized within production, business and service establishments;

b/ Centers for general technical education and vocational orientation; vocational training centers; continuing education centers; community-based learning centers;

c/ Scientific research institutes, which are assigned the task of providing doctoral education, or cooperating with universities to provide master education.

2. Scientific research institutes, when assigned by the Prime Minister to coordinate with universities in providing master education, shall have to sign contracts with universities to organize the education.

3. The Minister of Education and Training shall promulgate regulations on organization and operation of other educational institutions defined at Point b, Clause 1 of this Article; organizational and operational principles of other educational institutions defined at Point a, Clause 1 of this Article; and principles on coordination in training for other educational institutions defined at Point c, Clause 1 of this Article.

## Chapter IV TEACHERS

### Section 1. DUTIES AND RIGHTS OF TEACHERS

*Article 70.- Teachers*

1. Teachers are persons who perform the teaching and educating tasks at schools or other educational institutions.

2. Teachers must possess the following criteria:

a/ Having good moral and ideological qualities;

b/ Having obtained the standardized professional level;

c/ Having good health as required by the profession;

d/ Having a clear background.

3. Teachers working at institutions of preschool education, general education, professional education are called teachers, at institutions of higher education are called lecturers.

*Article 71.- Professors and associate professors*

Professor and associate professor are titles of teachers teaching at institutions of higher education.

The Prime Minister shall stipulate the criteria and procedures for appointing and dismissing the titles of professor and associate professor.

*Article 72.- Teachers' duties*

Teachers have the following duties:

1. Conducting education and teaching according to educational objectives and principles, observing fully and qualitatively realizing educational programs;

2. Being exemplary in the implementation of civic duties, provisions of law and school charters;

3. Preserving the teachers' moral quality, prestige and honor; respecting learners' dignity, treating learners equally, and protecting legitimate rights and interests of learners;

4. Studying and training themselves constantly to raise their moral qualities, political and professional qualifications, renew teaching methods, and set good examples for learners.

5. Other duties provided for by law.

*Article 73.- Rights of teachers*

Teachers have the following rights:

1. Teaching according to their disciplines;

2. Receiving further education and training to raise their professional qualifications;
3. To work under contracts as guest teachers/lecturers and/or researchers in other schools, educational and research institutions, provided that they fulfil their tasks assigned by their schools;
4. To have their honor and dignity protected;
5. To have summer vacation, lunar New Year holidays, and semester holidays as stipulated by the Minister of Education and Training and other holidays provided for by the Labor Code.

**Article 74.- Guest teachers/lecturers**

1. Educational institutions are entitled to invite persons meeting the criteria in Clause 2, Article 70 of this Law to teach as guest teachers/lecturers;
2. Guest teachers/lecturers must perform the duties defined in Article 72 of this Law;
3. Guest teachers/lecturers, if being officials or public servants, must first assure the fulfilment of their tasks at their organizations.

**Article 75.- Prohibited acts of teachers**

Teachers must refrain from taking the following acts:

1. Offending honor or dignity or physically abusing learners;
2. Cheating in enrolment, examinations, intentionally mis-evaluating learners' study and training results;
3. Distorting educational contents;
4. Forcing learners to take extra classes for money.

**Article 76.- Vietnam Teachers' Day**

Annually, the 20th of November is the Vietnam Teachers' Day.

## Section 2. TEACHER TRAINING AND FOSTERING

**Article 77.- Standardized training degrees of teachers**

1. The standardized training degrees of teachers are defined as follows:
  - a/ Preschool and primary education teachers must possess professional secondary pedagogical school diplomas;
  - b/ Lower secondary education teachers must possess pedagogical college diplomas or college diplomas and certificates of pedagogical training;
  - c/ Upper secondary education teachers must possess pedagogical university diplomas or university diplomas plus certificates of pedagogical training;
  - d/ Teachers guiding practice at vocational training institutions must possess diplomas from professional secondary schools; vocational training colleges or be qualified artisans, high-skilled technical workers;
  - e/ Professional secondary teachers must possess pedagogical university diplomas or university diplomas plus certificates of pedagogical training;
  - f/ Teachers at colleges and universities must possess university diplomas or higher and certificates of pedagogical training; master or higher diplomas for teaching specialized subjects or supervising master theses; and doctoral diplomas for teaching specialized subjects or supervising doctoral theses.
2. The Minister of Education and Training and heads of the State management agencies in charge of vocational training shall, according to their competence, stipulate the training and fostering of those teachers who have not met the required standards.

**Article 78.- Pedagogical schools**

1. Pedagogical schools are established by the State to train and foster teachers and educational administrators.
2. Pedagogical schools are given priority in teacher recruitment, allocation of administrators, investment in construction of material foundations and dormitories, as well as assurance of funding.
3. Pedagogical schools have institutions or establishments for practice.

**Article 79.- Teachers of colleges and universities**

Teachers of colleges and universities are recruited by mode of giving priority to good and excellent graduates with good moral qualities and those with university, master or doctoral diplomas, practical experience and desire to become teachers. Before being assigned the teaching task, college and university lecturers must be pedagogically fostered.

The Minister of Education and Training shall promulgate pedagogical fostering programs.

## Section 3. POLICIES TOWARDS TEACHERS

**Article 80.- Professional fostering**

The State shall adopt policies on professional fostering for teachers in order to raise their qualifications and effect the standardization of teachers.

Teachers nominated to attend professional fostering programs will enjoy salaries and allowances under the Government's regulations.

**Article 81.- Salaries**

Teachers will enjoy salaries, occupational allowances and other allowances under the Government's regulations.

**Article 82.- Policies towards teachers, educational administrators working at special schools, in areas meeting with extraordinary socio-economic difficulties**

1. Teachers and educational administrators working at specialized schools, schools for gifted students, boarding general education schools or semi-boarding general education schools for ethnic minorities, pre-university schools, schools for disabled and handicapped persons, re-education schools and other special schools shall enjoy allowances and other preferential policies under the Government's regulations.
2. Teachers and educational administrators working in areas meeting with extraordinary socio-economic difficulties shall be given conditions in terms of accommodation by the People's Committees at various levels and enjoy allowances and preferential policies under the Government's regulations.
3. The State shall adopt policies to rotate teachers and educational administrators working in areas meeting with extraordinary socio-economic difficulties; encourage and provide preferences for teachers and educational administrators working in more favorable

areas to move to areas meeting with extraordinary socio-economic difficulties; create conditions for teachers in these areas to settle to their work; organize the study of ethnic minority languages for teachers and educational administrators working in ethnic minority areas so as to improve teaching and learning quality.

## Chapter V LEARNERS

### Section 1. DUTIES AND RIGHTS OF LEARNERS

#### *Article 83.- Learners*

1. Learners are persons currently learning at educational institutions of the national education system. Learners include:

- a/ Children at preschool education institutions;
- b/ Pupils at general education establishments, vocational training classes, vocational training centers, professional secondary schools and pre-university schools;
- c/ Students at colleges and universities;
- d/ Students at master-training institutions;
- e/ Doctoral candidates at doctor-training institutions;
- f/ Learners following the continuing education programs.

2. The provisions of Articles 85, 86, 87, 88, 89, 90, 91 and 92 of this Law are only applicable to learners defined at Points b, c, d, e and f, Clause 1 of this Article.

#### *Article 84.- Rights of, and policies towards, children at preschool institutions*

1. Children at preschool institutions have the following rights:

- a/ To be cared for, nurtured and educated according to the preschool education objectives and plans of the Ministry of Education and Training;
- b/ To be given primary health care, free medical examination and treatment at public health establishments;
- c/ To enjoy reduction of public entertainment service charges.

2. The Government shall promulgate policies towards children at preschool education institutions.

#### *Article 85.- Duties of learners*

Learners have the following duties:

- 1. To perform learning and training duties according to the educational programs and plans of schools or other educational institutions;
- 2. To respect teachers, staff of schools and other educational institutions; unite with and assist one another in learning and training; to observe school regulations and charters, and abide by the State laws;
- 3. To participate in labor and social activities, environmental protection activities suitable to their age groups, health and ability;
- 4. To preserve and protect properties of schools or other educational institutions;
- 5. To contribute to building, protecting and promoting the traditions of schools or other educational institutions.

#### *Article 86.- Rights of learners*

Learners have the following rights:

- 1. To be respected and equally treated by schools or other educational institutions, to be provided by the latter with adequate information on their learning and training;
- 2. To have the schoolings before the prescribed ages, to leap grades, shorten program duration, learn at the age higher than the prescribed age, extend program duration or repeat grades;
- 3. To be awarded degrees, diplomas or certificates after graduation at educational or training levels according to regulations;
- 4. To participate in activities of mass organizations and social organizations in schools or other educational institutions in accordance with the provisions of law;
- 5. To use equipment and facilities in service of learning, cultural, physical training and sport activities at schools or other educational institutions;
- 6. To propose, directly or through their lawful representatives, to schools or other educational institutions measures to improve schools, protect learners' legitimate rights and interests;
- 7. To enjoy the State's preferential policies in recruitment into the State agencies upon graduation with excellent records and good moral qualities.

#### *Article 87.- Obligations to work for definite term according to the State's placements*

- 1. Students following higher education programs who are provided with scholarships or training costs by the State or foreign countries under agreements signed with the State, upon graduation, must comply with definite-term job placements by the State; in case of non-compliance, they must refund all training costs and scholarships.
- 2. The Government shall specify job terms under placement by competent State agencies, duration of waiting for job placement and refunding levels defined in Clause 1 of this Article.

#### *Article 88.- Prohibited acts of learners*

Learners must refrain from taking the following acts:

- 1. Offending the honor or dignity or physically infringing upon school teachers, staff and other learners;
- 2. Cheating in learning, tests, examinations, enrolment exams;
- 3. Smoking or drinking liquor or beer during class hours; causing disorder and disturbance at schools or in public places.

### Section 2. POLICIES TOWARD LEARNERS

#### *Article 89.- Scholarships and social subsidies*

- 1. The State shall adopt policies on granting learning-promotion scholarships to pupils with excellent study achievements at specialized schools, schools for gifted students stipulated in Article 62 of this Law and to learners with good study and training results at vocational education institutions and universities; on granting policy scholarships to students enrolled through nomination,

pupils at pre-university schools, boarding schools for ethnic minorities, vocational training schools for war invalids, disabled and handicapped people.

2. The State shall adopt policies on tuition subsidy and reduction/exemption for learners being social policy beneficiaries, ethnic minority people in areas meeting with extraordinary socio-economic difficulties, orphans with no one to rely on, disabled and handicapped people meeting with economic difficulties, people who overcome their exceptional economic difficulties to gain excellent study results.

3. Students at pedagogical institutions and learners following teacher-training courses shall be exempted from tuition and given priority in consideration for the grant of scholarships and/or social subsidies defined in Clauses 1 and 2 of this Article.

4. The State encourages organizations and individuals to grant scholarships or allowances to learners according to the provisions of law.

#### **Article 90.- Enrolment through nomination**

1. The State shall enrol students from areas meeting with extraordinary socio-economic difficulties into colleges, universities or professional secondary schools through nomination in order to train officials and public employees for these areas.

The State shall set aside nomination quotas for some ethnic minorities with no or few officials of collegial, university or professional secondary education degrees; adopt policies to create enrolment sources by creating favorable conditions for students of these ethnic minorities to enter general education boarding schools for ethnic minorities and increase pre-university study time.

2. The provincial-level People's Committees shall, based on the need of their respective localities, have to propose nomination quotas, allocate nomination quotas according to appropriate fields and disciplines, and send persons to study according to approved quotas and set criteria, assign jobs to the nominees after their graduation.

3. Nominated students, upon graduation, must follow job placement by competent State agencies that have sent them to study. The Government shall specify the criteria and beneficiaries of the nomination mode, the implementation of the nomination mode, the refund of scholarships and training costs by nominated students if they fail to follow the job placement.

#### **Article 91.- Educational credits**

The State shall adopt preferential credit policies regarding interest rates, the borrowing conditions and terms to enable learners from low-income families to study.

#### **Article 92.- Reduction, exemption of public service charges for pupils and students**

Pupils and students shall enjoy charge reduction or exemption when using public services in transportation, entertainment, and visits to museums, historical relics and cultural works under the Government's regulations.

### **Chapter VI**

### **SCHOOL, FAMILY AND SOCIETY**

#### **Article 93.- Responsibility of schools**

Schools shall have to take initiative in coordination with families and society to realize educational objectives and principles. Regulations related to schools in this Chapter shall apply to other educational institutions.

#### **Article 94.- Responsibility of families**

1. Parents or guardians shall be responsible for nurturing, educating and caring for, creating conditions for their children or their wards to learn, train themselves and participate in school activities.

2. All family members shall be responsible for building a cultured family and a favorable environment for the all-sided moral, intellectual, physical and aesthetic development of their children; adults are responsible for educating, setting examples for children and joining the schools in raising the quality and efficiency of education.

#### **Article 95.- Rights of parents or guardians of pupils**

Parents or guardians of pupils shall have the following rights:

1. To request schools to keep them informed of the learning and training results of their children or wards;
2. To take part in educational activities under the school plans; to participate in activities of pupils at schools;
3. To request schools and/or educational management agencies to settle issues related to the education of their children or wards according to the provisions of law.

#### **Article 96.- Boards of representatives of pupils' parents**

A board of representatives of pupils' parents is established for each school year at preschool and general education level, with members being nominated by parents or guardians of pupils of each class or school to coordinate with the school in the implementation of its educational activities.

Such board shall not be established at inter-school or administrative level.

#### **Article 97.- Responsibility of society**

1. State agencies, political organizations, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, professional organizations, economic organizations, people's armed forces units and all citizens shall have the following responsibilities:

- a/ Assisting schools in organizing educational and scientific research activities; creating conditions for teachers and learners to conduct field tours, practices and scientific research;
- b/ Contributing to the building of a learning movement and a healthy and safe educational environment, while preventing activities which may exert negative impacts on youth and children;
- c/ Creating conditions for learners to join in healthy recreational, cultural, physical training and sport activities;
- d/ Contributing finance and labors to the cause of educational development according to their capabilities.

2. The Vietnam Fatherland Front Committees and the Front's member organizations shall have to mobilize the entire population to take care of the cause of education.

3. The Ho Chi Minh Communist Youth Union shall have to coordinate with schools in educating the youth and children; mobilizing its members and youths to set examples in learning, training themselves and participating in the development of the cause of education.

*Article 98.-* Learning promotion funds, education sponsoring funds

The State encourages organizations and individuals to set up learning promotion funds and education sponsoring funds. These funds shall operate in accordance with the provisions of law.

## Chapter VII

### STATE MANAGEMENT OF EDUCATION

#### Section 1. CONTENTS OF STATE MANAGEMENT OF EDUCATION AND STATE MANAGEMENT AGENCIES IN CHARGE OF EDUCATION

*Article 99.-* Contents of State management of education

Contents of State management of education comprise:

1. Formulating and directing the implementation of strategies, planning, plans and policies on educational development;
2. Promulgating and organizing the implementation of legal documents on education; school charters and regulations on organization and operations of other educational institutions;
3. Defining objectives, programs, contents of education; teacher standards; standards of material foundations and equipment of schools; compilation, publication, printing and distribution of textbooks, curricula, regulations on examination and award of diplomas or certificates;
4. Organizing and managing the assurance and accreditation of educational quality;
5. Conducting the statistical and information work on educational organization and operations;
6. Organizing educational management apparatus;
7. Organizing and directing the training, fostering and management of teachers and educational administrators;
8. Mobilizing, managing and using resources for educational development;
9. Organizing and managing scientific and technological research and application in the education sector;
10. Organizing and managing international cooperation on education;
11. Providing for the conferment of honorary titles to people with outstanding contributions to the cause of education;
12. Inspecting and supervising the observance of law on education; settling complaints, denunciations and handling violations of the education law.

*Article 100.-* State management agencies in charge of education

1. The Government shall perform the unified State management of education.

The Government shall submit to the National Assembly for decision major guidelines affecting learning rights and duties of citizens nationwide, orientations for reform of educational contents of an educational level; and report annually to the National Assembly on educational operations and the use of educational budget.

2. The Ministry of Education and Training shall be accountable to the Government for performing the State management of education.
3. Other ministries and ministerial-level agencies shall have to coordinate with the Ministry of Education and Training in performing the State management of education according to their competence.
4. The People's Committees at all levels shall perform the State management of education under the Government's decentralization and have to assure conditions on teachers, finance, material foundations and teaching equipment of public schools under their management, meeting the requirements of expanding and raising the educational quality and efficiency in their localities.

#### Section 2. INVESTMENT IN EDUCATION

*Article 101.-* Financial sources of investment in education

Financial sources of investment in education comprise:

1. State budget;
2. Tuition; enrolment fees; incomes from consultancy, technology transfer, production, business and service activities of educational institutions; investments from domestic and foreign organizations and individuals for educational development; other funding from domestic and foreign organizations and individuals as provided for by law.

*Article 102.-* State budget expenditure for education

1. The State shall give top priority to the allocation of budget for education, ensuring that the increasing proportion of the annual State budget expenditure for education shall be higher than the necessary proportion of the State budget expenditure.
2. The State budget expenditure for education must be allocated on the principle of openness, democratic centralization, based on the educational scale and socio-economic development conditions of each region, reflecting the State's priority policy for universalized education and educational development in ethnic minority areas and areas meeting with extraordinary socio-economic difficulties.
3. The finance agencies shall be responsible for allocating fully and timely educational expenditures in conformity with the progress of the school year. Management agencies in charge of education shall be responsible for managing and using efficiently the allocated budgets and other revenues in accordance with the provisions of law.

*Article 103.-* Priority in finance and land allocation for building schools

Ministries, ministerial-level agencies, People's Councils and People's Committees at all levels shall be responsible for incorporating the construction of schools, athletic, sport, cultural and artistic facilities in service of education into socio-economic development planning and plans of their sectors or localities; and shall prioritize the finance and land allocation for the construction of schools, dormitories for pupils and students under their socio-economic development plans.

*Article 104.-* Encouragement of investment in education

1. The State encourages and creates conditions for organizations and individuals to contribute their intellects, labor and money to education.
2. The enterprises' investments, contributions, grants for education and their expenditures for the establishment of enterprise-based training schools and classes, for coordination in training with educational institutions, sending staff for training and acquiring new

technologies in service of their own needs shall be accounted as reasonable expenses and deducted from taxable enterprise income calculated under the Law on Enterprise Income Tax.

3. The contributions and grants of individuals to education shall be considered for reduction or exemption of income tax for high-income earners under the Government's regulations.

4. Organizations and individuals investing in the construction of works in service of education; contributing and funding in cash or kind for development of the cause of education shall be acknowledged in appropriate forms.

#### *Article 105.- Tuition, enrolment fees*

1. Tuition, enrolment fees are money amounts payable by learners' families or learners to help cover costs of educational activities. Pupils at public primary schools are not required to pay tuition. Apart from tuition and enrolment fees, learners and learners' families are not required to make any other pecuniary contributions.

2. The Government shall set mechanisms for tuition collection and use for all types of schools and other educational institutions.

The Minister of Finance shall coordinate with the Minister of Education and Training and the head of the State management agency in charge of vocational training in setting tuition and enrolment fee levels for centrally-run public educational institutions.

The provincial-level People's Councils shall set tuition and enrolment fee levels for provincial-level public educational institutions, at the proposal of the People's Committees of the same level.

People-founded and private educational institutions may take initiative in setting tuition and enrolment fee levels.

#### *Article 106.- Tax incentives for the publication of textbooks and production of equipment, teaching aids and toys*

The State shall adopt tax incentives for the publication of textbooks, curricula, teaching materials; for the production and supply of teaching aids, children's toys; for the import of books, newspapers, teaching aids and research equipment to be used in schools and other educational institutions.

### Section 3. INTERNATIONAL COOPERATION ON EDUCATION

#### *Article 107.- International cooperation on education*

The State shall expand and develop international cooperation on education on the principles of respect for each other's national independence and sovereignty, equality and mutual benefit.

#### *Article 108.- Encouragement of cooperation on education with other countries*

1. The State encourages and creates conditions for Vietnamese schools and other educational institutions to cooperate with foreign organizations, individuals, and overseas Vietnamese in teaching, learning and scientific research.

2. The State encourages and creates conditions for Vietnamese citizens to participate in teaching, learning, research and academic exchange abroad, either with their own expenses or with funding from domestic or foreign organizations and individuals.

3. The State shall set aside its budget to send persons meeting criteria in moral qualities and qualifications to study or conduct research overseas in the key areas and fields in service of the construction and defense of the Fatherland.

#### *Article 109.- Encouragement of cooperation on education with Vietnam*

1. The Vietnamese State encourages and creates conditions for foreign organizations and individuals, international organizations and overseas Vietnamese to involve to teach, study, invest in, provide funding for, cooperate on, conduct scientific application or technology transfer to, Vietnamese education; and protects their legitimate rights and interests in accordance with the provisions of Vietnamese law and treaties which the Socialist Republic of Vietnam has signed or acceded to.

2. The cooperation on education, the establishment of schools or other educational institutions by overseas Vietnamese or foreign organizations and/or individuals, international organizations on the Vietnamese territory shall be provided for by the Government.

#### *Article 110.- Recognition of foreign diplomas*

1. Foreign diplomas awarded to Vietnamese shall be recognized according to regulations of the Minister of Education and Training and treaties which the Socialist Republic of Vietnam has signed or acceded to.

2. The Minister of Education and Training shall sign agreements with other countries or international organizations on the equivalence or mutual recognition of diplomas.

### Section 4. EDUCATIONAL INSPECTORATE

#### *Article 111.- Educational inspectorate*

1. Educational inspectorate shall exercise inspection rights within the scope of State management of education so as to ensure law enforcement, bring into play positive elements, prevent and handle violations, protect interests of the State, legitimate rights and interests of organizations and individuals in the education sector.

2. Educational inspectorate shall have the following tasks:

a/ Inspecting the implementation of policies and law on education;

b/ Inspecting the realization of educational objectives, plans, programs, contents and methods; the implementation of professional regulations and examination regulations, and the award of diplomas and certificates; the satisfaction of necessary conditions to assure educational quality at educational institutions;

c/ Settling complaints and denunciations in education according to the provisions of law on complaints and denunciations;

d/ Handling of administrative violations in education in accordance with the provisions of law on administrative violation handling;

e/ Performing tasks of preventing and fighting corruption in education in accordance with the provisions of anti-corruption law;

f/ Proposing measures to ensure the enforcement of education law as well as amendments and supplements to the State's policies and regulations on education;

g/ Performing other tasks as provided for by law.

#### *Article 112.- Rights and duties of the educational inspectorate*

Educational inspectorate shall have the rights and duties as provided for by the Law on Inspection.

When performing inspection, within the management competence of the heads of educational management agencies at the same level, the educational inspectorate shall have the right to temporarily suspend all illegal activities in education, report to competent agencies for handling and be responsible for their decisions.

#### *Article 113.- Organization and operation of educational inspectorate*



1. Educational inspection agencies comprise:

- a/ Educational inspectorate of the Ministry of Education and Training;
- b/ Educational inspectorates of the provincial/municipal Education and Training Services;

2. Educational inspection activities shall comply with the provisions of the Inspection Law.

Educational inspection activities at the district level shall be placed under the management of the directors of education and training offices, with professional guidance from educational inspectorates of the provincial/municipal Education and Training Services.

Educational inspection activities at vocational training institutions, higher education institutions shall be placed under the management of the heads of institutions, in accordance with regulations of the Minister of Education and Training and the heads of State management agencies in charge of vocational training.

#### Chapter VIII

#### COMMENDATION, REWARDING AND HANDLING OF VIOLATIONS

*Article 114.-* Award of titles of "People's Teacher" and "Outstanding Teacher"

Teachers, educational administrators and educational researchers who meet the criteria set by law shall be awarded the titles of "People's Teacher" or "Outstanding Teacher" by the State.

*Article 115.-* Commendation/rewarding of organizations and individuals with outstanding contributions to education

Organizations and individuals with outstanding contributions to the cause of education shall be commended/rewarded in accordance with the provisions of law.

*Article 116.-* Commendation/rewarding of learners

Learners recording achievements in learning and training shall be commended/rewarded by schools, other educational institutions or educational management agencies. In case of exceptional achievements, the commendation/rewarding shall comply with the provisions of law.

*Article 117.-* Award of honorary doctor title

Political and social activists of international prestige, teachers and scientists who are overseas Vietnamese or foreign nationals with major contributions to the cause of education and science in Vietnam shall be awarded by universities the title of Honorary Doctor in accordance with the Government's regulations.

*Article 118.-* Handling of violations

1. Any person who commits one of the following acts shall, depending on the nature and extent of the violation, be subject to discipline, administrative sanction or examination for penal liabilities; if causing damage, he/she must pay compensations therefor in accordance with the provisions of law:

- a/ Illegally establishing an educational institution or organizing educational operations;
- b/ Violating regulations on organization, operations of schools or other educational institutions;
- c/ Adding or removing without permission subjects and/or contents of teaching as already defined in curricula;
- d/ Publishing, printing and distributing textbooks illegally;
- e/ Forging dossiers; violating regulations on enrolment, examination and award of diplomas and certificates;
- f/ Infringing upon teachers' body or dignity; maltreating and persecuting learners;
- g/ Causing disorder and disturbance in schools or other educational institutions;
- h/ Causing losses of educational budget, abusing educational operations to collect money illegally;
- i/ Causing material damage to schools or other educational institutions;
- j/ Other acts of violating the education law.

2. The Government shall detail the sanctioning of administrative violations in the education sector.

#### Chapter IX

#### IMPLEMENTATION PROVISIONS

*Article 119.-* Implementation effect

- 1. This Law takes effect from January 1st, 2006.
- 2. This Law replaces the 1998 Education Law.

*Article 120.-* Detailed stipulations and implementation guidance

The Government shall detail and guide the implementation of this Law.