

National Education Act of B.E. 2542 (1999)

As Amended by National Education Act, B.E. 2545 (2002)

Translation

BHUMIBOL ADULYADEJ REX

Enacted on the 14th Day of August B.E. 2542;

Being the 54th Year of the Present Reign

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej is graciously pleased to proclaim that the promulgation of a National Education Act is deemed necessary.

This Act includes certain provisions having implications on restriction of a person's rights and liberties. Section 29 and Section 50 of the Constitution of the Kingdom of Thailand authorize such restriction by virtue of the provisions of specific laws.

His Majesty, therefore, granted His Royal assent for the promulgation of the National Education Act in accord with the recommendation and consent of the National Assembly as follows:

Section 1

This Act shall be called the "National Education Act, B.E.2542 (1999)"

Section 2

This Act shall be in force as of the day after its promulgation in the Government Gazette.

Section 3

All existing statutory provisions, rules, regulations, codes of practice, announcements, and orders relating to those promulgated in this Act or contrary to or inconsistent with the provisions in this Act shall be annulled and henceforth replaced by those in this Act.

Section 4

In this Act,

"Education" means the learning process for personal and social development through imparting of knowledge; practice; training; transmission of culture; enhancement of academic progress; building a body of knowledge by creating a learning environment and learning society and the availability of factors conducive to continuous lifelong learning.

"Basic education" means education provided before the level of higher education.

"Lifelong education" means education resulting from integration of formal, non-formal and informal education so as to create ability for continuous lifelong development of quality of life.

"Educational institutions" means early childhood development institutions, schools, learning centers, colleges, institutes, universities, educational agencies or other state or private bodies with powers and duties or aims of providing education.

"Basic education institutions" means institutions providing basic education.

"Educational standards" means specifications of educational characteristics, quality desired and standards required of all educational institutions. They serve as means for equivalency for purposes of enhancement and monitoring, checking, evaluation and quality assurance in the field of education.

"Internal quality assurance" means assessment and monitoring of the educational quality and standards of the institutions from within. Such assessment and monitoring are carried out by personnel of the institutions concerned or by parent bodies with jurisdiction over these institutions.

"External quality assurance" means assessment and monitoring of the educational quality and standards of the institutions from outside. Such assessment and monitoring are carried out by the Office for National Education Standards and Quality Assessment or by persons or external agencies certified by the Office. Such measures ensure the quality desired and further development of educational quality and standards of these institutions.

"Instructors" means teachers and faculty staff of educational institutions at different levels.

"Teachers" mean professional personnel with major responsibilities for learning and teaching and encouragement of learning among learners through various methods in both state and private educational institutions.

"Faculty staff" means personnel with major responsibilities for teaching and research in state and private educational institutions at degree level.

"Educational institution administrators" mean professional personnel responsible for administering each state and private educational institution.

"Educational administrators" mean professional personnel responsible for educational administration outside educational institutions. Their responsibilities cover the level of educational service area and above.

"Educational personnel" means educational institution administrators, educational administrators as well as supporting personnel providing services or whose responsibilities relate to teaching-learning process, supervision, and educational administration in the different institutions.

"Ministry" means the Ministry of Education

(The original definition in Section 4 was annulled by Section 3 of the Second National Education Act, B.E. 2545 (2002) and replaced by the above provision.)

"Minister" means the Minister who shall oversee the application of this Act.

Section 5

The Minister of Education, Religion and Culture shall oversee the application of this Act and shall be authorized to formulate ministerial rules, regulations and announcements related to its application.

Following their proclamation in the Government Gazette, the ministerial rules, regulations, and announcements shall enter into force.

(The original Section 5 was annulled by Section 4 of the Second National Education Act, B.E. 2545 (2002) and replaced by the above provision.)

Chapter 1

General Provisions: Objectives and Principles

Section 6

Education shall aim at the full development of the Thai people in all aspects: physical and mental health; intellect; knowledge; morality; integrity; and desirable way of life so as to be able to live happily with other people.

Section 7

The learning process shall aim at inculcating sound awareness of politics; democratic system of government under a constitutional monarchy; ability to protect and promote their rights, responsibilities, freedom, respect of the rule of law, equality, and human dignity; pride in Thai identity; ability to protect public and national interests; promotion of religion, art, national culture, sports, local wisdom, Thai wisdom and universal knowledge; inculcating ability to preserve natural resources and the environment; ability to earn a living; self-reliance; creativity; acquiring thirst for knowledge and capability of self-learning on a continuous basis.

Section 8

Educational provision shall be based on the following principles:

- (1) Lifelong education for all;
- (2) All segments of society participating in the provision of education;
- (3) Continuous development of the bodies of knowledge and learning processes.

Section 9

In organizing the system, structure, and process of education, the following principles shall be observed:

- (1) Unity in policy and diversity in implementation;
- (2) Decentralization of authority to educational service areas, educational institutions and local administration organizations;
- (3) Setting of educational standards and implementing system of quality assurance for all levels and all types of education;
- (4) Raising the professional standards of teachers, faculty staff and educational personnel, who shall be developed on a continuous basis;
- (5) Mobilization of resources from different sources for provision of education;
- (6) Partnerships with individuals, families, communities, community organizations, local administration organizations, private persons, private organizations, professional bodies, religious institutions, enterprises, and other social institutions.

Chapter 2

Educational Rights and Duties

Section 10

In the provision of education, all individuals shall have equal rights and opportunities to receive basic education provided by the State for the duration of at least 12 years. Such education, provided on a nationwide basis, shall be of quality and free of charge.

Persons with physical, mental, intellectual, emotional, social, communication and learning deficiencies; those with physical disabilities; or the cripples; or those unable to support themselves; or those destitute or disadvantaged; shall have the rights and opportunities to receive basic education specially provided.

Education for the disabled in the second paragraph shall be provided free of charge at birth or at first diagnosis. These persons shall have the right to access the facilities, media, services and other forms of educational aid in conformity with the criteria and procedures stipulated in the ministerial regulations.

Education for specially gifted persons shall be provided in appropriate forms in accord with their competencies.

Section 11

Parents or guardians shall arrange for their children or those under their care to receive compulsory education as provided by Section 17 and as provided by relevant laws, as well as further education according to the families' capabilities.

Section 12

Other than the State, private persons and local administration organizations, individuals, families, community organizations, private organizations, professional bodies, religious institutions, enterprises and other social institutions shall have the right to provide basic education as prescribed in the ministerial regulations.

Section 13

Parents or guardians shall be entitled to the following benefits:

- (1) State support for knowledge and competencies in bringing up and providing education for their children or those under their care;
- (2) State grants for the provision of basic education by the families for the children or those under their care as provided by the law;
- (3) Tax rebates or exemptions for educational expenditures as provided by the law.

Section 14

Individuals, families, communities, community organizations, private organizations, professional bodies, enterprises and other social institutions, which support or provide basic education, shall be entitled to the following benefits as appropriate:

- (1) State support for knowledge and competencies in bringing up those under their care;
- (2) State support for the provision of basic education as provided by the law;
- (3) Tax rebates or exemptions for educational expenditures as provided by the law.

Chapter 3 **Educational System**

Section 15

There shall be three types of education: formal, non-formal, and informal.

- (1) Formal education shall specify the aims, methods, curricula, duration, assessment, and evaluation conditional to its completion.
- (2) Non-formal education shall have flexibility in determining the aims, modalities, management procedures, duration, assessment and evaluation conditional to its completion. The contents and curricula for non-formal education shall be appropriate, respond to the requirements, and meet the needs of individual groups of learners.
- (3) Informal education shall enable learners to learn by themselves according to their interests, potentialities, readiness and opportunities available from persons, society, environment, media, or other sources of knowledge.

Educational institutions are authorized to provide any one or all of the three types of education.

Credits accumulated by learners shall be transferable within the same type or between different types of education, regardless whether the credits have been accumulated from the same or from different educational institutions, including learning from non-formal or informal education, vocational training, or from work experience.

Section 16

Formal education is divided into two levels: basic education and higher education.

Basic education is that provided for the 12 years before higher education. Differentiation of the levels and types of basic education shall be as prescribed in the ministerial regulations.

Higher education is divided into two levels: lower-than-degree level and degree level.

Differentiation or equivalence of the various levels of non-formal or informal education shall be as stipulated in the ministerial regulations.

Section 17

Compulsory education shall be for nine years; requiring children aged seven to enroll in basic education institutions until the age of 16 with the exception of those who have already completed grade 9. Criteria and methods of calculating children's age shall be as stipulated in the ministerial regulations.

Section 18

Early childhood and basic education shall be provided in the following institutions:

- (1) Early childhood development institutions, namely: child care centers; child development centers; pre-school child development centers of religious institutions; initial care centers for disabled children or those with special needs, or early childhood development centers under other names.
- (2) Schools, namely: state schools, private schools, and those under jurisdiction of Buddhist, or other religious institutions.
- (3) Learning centers, namely: those organized by non-formal education agencies, individuals, families, communities, community organizations, local administration organizations, private organizations, professional bodies, religious institutions, enterprises, hospitals, medical institutions, welfare institutes, and other social institutions.

Section 19

Higher education shall be provided in universities, institutes, colleges or those under other names in accord with the laws on higher education institutions, those on the establishment of such institutions and other relevant laws.

Section 20

Vocational education and occupational training shall be provided in educational institutions belonging to the State or the private sector, enterprises, or those organized through co-operation of educational institutions and enterprises, in accord with the Vocational Education Act and relevant laws.

Section 21

Ministries, bureaus, departments, state enterprises, and other state agencies shall be authorized to provide specialized education in accord with their needs and expertise, bearing in mind the national education policy and standard. The criteria, methods, and conditions as stipulated in the ministerial regulations shall be observed.

Chapter 4

National Education Guidelines

Section 22

Education shall be based on the principle that all learners are capable of learning and self-development, and are regarded as being most important. The teaching-learning process shall aim at enabling the learners to develop themselves at their own pace and to the best of their potentiality.

Section 23

Education through formal, non-formal, and informal approaches shall give emphases to knowledge, morality, learning process, and integration of the following, depending on the appropriateness of each level of education:

- (1) Knowledge about oneself and the relationship between oneself and society, namely: family, community, nation, and world community; as well as knowledge about the historical development of the Thai society and matters relating to politics and democratic system of government under a constitutional monarchy;

- (2) Scientific and technological knowledge and skills, as well as knowledge, understanding and experience in management, conservation, and utilization of natural resources and the environment in a balanced and sustainable manner;
- (3) Knowledge about religion, art, culture, sports, Thai wisdom, and the application of wisdom;
- (4) Knowledge and skills in mathematics and languages, with emphasis on proper use of the Thai language;
- (5) Knowledge and skills in pursuing one's career and capability of leading a happy life.

Section 24

In organizing the learning process, educational institutions and agencies concerned shall:

- (1) provide substance and arrange activities in line with the learners' interests and aptitudes, bearing in mind individual differences;
- (2) provide training in thinking process, management, how to face various situations and application of knowledge for obviating and solving problems;
- (3) organize activities for learners to draw from authentic experience; drill in practical work for complete mastery; enable learners to think critically and acquire reading habit and continuous thirst for knowledge;
- (4) achieve, in all subjects, a balanced integration of subject matter, integrity, values, and desirable attributes;
- (5) enable instructors to create the ambiance, environment, instructional media and facilities for learners to learn and be all-round persons, able to benefit from research as part of the learning process. In so doing, both learners and teachers may learn together from different types of teaching-learning media and other sources of knowledge;
- (6) enable individuals to learn at all times and in all places. Co-operation with parents, guardians, and all parties concerned in the community shall be sought to develop jointly the learners in accord with their potentiality.

Section 25

The State shall promote the running and establishment, in sufficient number and with efficient functioning, of all types of lifelong learning sources, namely: public libraries, museums, art galleries, zoological gardens, public parks, botanical gardens, science and technology parks, sport and recreation centers, data bases, and other sources of learning.

Section 26

Educational institutions shall assess learners' performance through observation of their development; personal conduct; learning behavior; participation in activities and results of the tests accompanying the teaching-learning process commensurate with the different levels and types of education.

Educational institutions shall use a variety of methods for providing opportunities for further education and shall also take into consideration results of the assessment of the learners' performance referred to in the first paragraph.

Section 27

The Basic Education Commission shall prescribe core curricula for basic education for purposes of preserving Thai identity, good citizenship, and desirable way of life, livelihood, as well as for further education.

In accord with the objectives in the first paragraph, basic education institutions shall be responsible for prescribing curricular substance relating to needs of the community and the society, local wisdom and attributes of desirable members of the family, community, society, and nation.

Section 28

Curricula at all levels of education and those for the persons referred to in the second, third, and fourth paragraphs of Section 10 shall be diversified and commensurate with each level, with the aim of improving the quality of life suitable for each individual's age and potentiality.

The substance of the curricula, both academic and professional, shall aim at human development with desirable balance regarding knowledge, critical thinking, capability, virtue and social responsibility.

Apart from the characteristics referred to in the first and second paragraphs, higher education curricula shall emphasize academic development, with priority given to higher professions and research for development of the bodies of knowledge and society.

Section 29

Educational institutions in co-operation with individuals, families, communities, community organizations, local administration organizations, private persons, private organizations, professional bodies, religious institutions, enterprises and other social institutions shall contribute to strengthening the communities by encouraging learning in the communities themselves. Thus the communities will be capable of providing education and training; searching for knowledge, data and information; and able to benefit from local wisdom and other sources of learning for community development in keeping with their requirements and needs; and identification of ways of promoting exchanges of development experience among communities.

Section 30

Educational institutions shall develop effective learning processes. In so doing, they shall also encourage instructors to carry out research for developing suitable learning for learners at different levels of education.

Chapter 5

Educational Administration and Management

Part 1

Educational Administration and Management by the State

Section 31

The Ministry shall have the powers and duties for promoting and overseeing all levels and types of education; formulation of educational policies, plans and standards; mobilization of resources for education; promotion and coordination of affairs related to religion, art, culture and sport for education; as well as monitoring and evaluation of results in the provision of education and the discharge of other official functions mandated by the law to be under the powers and duties of the Ministry or the agencies under the jurisdiction of the Ministry.

(The original Section 31 was annulled by Section 5 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Section 32

Regarding the administrative organization of the Ministry, there shall be four main pillars in the form of groups of individuals called a "council" or a "commission" as the case may be. These are: the National Education Council; Commission of Basic Education; Commission of Vocational Education; and Commission of Higher Education. They shall be responsible for providing views or advice to the Minister or the Council of Ministers and shall have other powers and duties as provided by the law.

(The original section 32 was annulled by section 5 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Section 33

The National Education Council shall be responsible for:

- (1) Proposing the National Scheme of Education which integrates religion, art, culture, and sports into all levels of education;
- (2) Proposing educational policies, plans and standards for implementation in accord with the National Scheme of Education in (1);
- (3) Proposing policies and plans for mobilization of resources for education;
- (4) Evaluation of provision of education as stipulated in (1); and
- (5) Providing opinions or advice on various laws and ministerial regulations as stipulated in this Act.

The policies, the National Scheme of Education and the educational standards shall be submitted to the Council of Ministers.

The National Education Council shall be comprised of the Minister as Chairman; ex-officio members from the various agencies concerned; representatives of private, local administration, professional organizations; Buddhist monks representing the Sangha, representatives of the Central Islamic Committee of Thailand; representatives of other religious organizations; and scholars whose total number shall not be less than that of all other categories combined.

Office of the National Education Council shall be a legal entity with its Secretary-General serving as member and secretary.

The number of members of the Council, their qualifications, criteria, nomination procedures, selection method, term and termination of office shall be as prescribed by the law.

(The original Section 33 was annulled by Section 5 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Section 34

The Commission of Basic Education shall be responsible for proposing policies, development plans, standards, and core curricula for basic education in line with the National Economic and Social Development Plan and the National Scheme of Education; mobilization of resources; monitoring; inspection; and evaluation of the provision of basic education.

The Commission of Vocational Education shall be responsible for proposing policies, development plans, standards and core curricula for all levels of vocational education, which meet the needs specified in the National Economic and Social Development Plan and the National Scheme of Education; promoting co-ordination of provision of vocational education by the State and the private sector; mobilization of resources; monitoring; inspection; and evaluation of the provision of vocational education, taking into consideration the quality and professional excellence.

The Commission of Higher Education shall be responsible for proposing policies, development plans, and standards for higher education in line with the needs specified in the National Economic and Social Development Plan and the National Scheme of Education; mobilization of resources; monitoring; inspection; and evaluation of the provision of higher education, taking into consideration academic freedom and excellence of degree-level institutions in accord with the laws on the establishment of such institutions and other relevant laws.

(The original Section 34 was annulled by Section 5 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Section 35

The Commissions referred to in Section 33 shall be comprised of: ex officio members from various agencies concerned; representatives of private, local administration, professional organizations; and scholars whose total number shall not be less than that of all other categories combined.

The number of members of the Commissions, their qualifications, criteria, nomination procedure, method of selecting chairpersons and members, term and termination of office of each Commission shall be as provided by the law with due consideration to different functions under the responsibilities of each Commission.

The secretariats of the Commissions referred to in Section 33 shall be legal entities and the secretary-general of each commission shall serve as member and secretary of the Commission.

Section 36

The state educational institutions providing education at the degree level shall be legal entities and enjoy the status of government or state-supervised agencies with the exception of those providing specialized education referred to in Section 21.

The above institutions shall enjoy autonomy; be able to develop their own system of administration and management; have flexibility, academic freedom and be under supervision of the councils of the institutions in accord with the foundation acts of the respective institutions.

Section 37

The administration and management of basic education shall be based on the educational service areas, taking into consideration the number of educational institutions, the number of population and cultural background as the main criteria as well as other appropriate conditions, with the exception of the provision of basic education stipulated in the vocational education legislations.

In cases where the educational service areas cannot implement the provision in the above clause, the Ministry can supplement the administration and management of basic education in the educational service areas through the following measures:

- (1) Provision of basic education for persons with physical, mental, intellectual, emotional, social, communication and learning deficiencies or physical disabilities; or the cripples;
- (2) Provision of basic education given non-formally or informally;
- (3) Provision of basic education for gifted persons; and
- (4) Provision of long-distance education and education covering several educational service areas.

The Minister, on the advice of the National Education Council shall be authorized to announce designation of educational service areas in the Government Gazette.

(The original Section 37 was annulled and replaced by Section 6 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Section 38

In each educational service area, there shall be an Area Committee and its Office, which shall have the powers and duties for establishing, dissolving, amalgamating or discontinuing educational institutions at the basic level in the educational service area; promotion and support for private educational institutions in the educational service area; co-ordination and support for local administration organizations so as to be able to provide education in accord with the educational policies and standards; promotion and support for education provided by individuals, families, community organizations, private

organizations, professional bodies, religious institutions, enterprises, and other social institutions offering a variety of education in the area.

The Area Committee shall be comprised of representatives of community, private, and local administration organizations; teacher associations; educational administrator associations; parent-teacher associations; religious leaders; and scholars in education, religion, art, and culture.

The number of the committee members, their qualifications, criteria, nomination procedures, selection of the chairperson and members, and terms and termination of office shall be as stipulated in the ministerial regulations.

The Director of the Educational Service Area Office shall serve as member and secretary of the Area Committee.

(The original Section 38 was annulled by Section 6 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Section 39

The Ministry shall decentralize powers in educational administration and management regarding academic matters, budget, personnel and general affairs administration directly to the Committees and Offices for Education, Religion and Culture of the educational service areas and the educational institutions in the areas.

Criteria and procedure for the decentralization shall be as stipulated in the ministerial regulations.

Section 40

In each institution providing basic education, that at lower-than-degree level, and vocational education, there shall be a board supervising and supporting the management of the institution. The board shall be comprised of representatives of parents; those of teachers, community and local administration organizations, alumni of the institution, Buddhist monks and those of other religious institutions in the area, and scholars.

Educational institutions providing higher education at lower-than-degree level and vocational education may have additional board members as provided by the law.

The number of board members, their qualifications, criteria, nomination procedure, selection of chairperson and members of the board, term and termination of office shall be as stipulated in the ministerial regulations.

The director of the educational institution shall serve as member and secretary of its board.

Provisions in this section shall not be applicable to the educational institutions referred to in section 18 (1) and (3).

(The original Section 40 was annulled by Section 6 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Part 2

Educational Administration and Management by Local Administration Organizations

Section 41

Local administration organizations shall have the right to provide education at any or all levels of education in accord with readiness, suitability and requirements of the local areas.

Section 42

The Ministry shall prescribe the criteria and procedure for assessing the readiness of the local administration organizations to provide education. The Ministry shall be responsible

for co-ordination and promotion of the local administration organizations' capability to provide education in line with the policies and standards required. It shall also advise on the budgetary allocations for education provided by local administration organizations.

Part 3

Educational Administration and Management by the Private Sector

Section 43

The administration and management of education by the private sector shall enjoy independence with the State being responsible for overseeing, monitoring, and assessing educational quality and standards. Private educational institutions shall follow the same rules for assessment of educational quality and standards as those for state educational institutions.

Section 44

Private education institutions referred to in Section 18 (2) shall be legal entities and shall establish their own boards comprising private education administrators; authorized persons; representatives of parents; those of community organizations; those of teachers and alumni; and scholars.

The number of board members, their qualifications, criteria, nomination procedure, selection of chairperson and members, term and termination of office shall be as stipulated in the ministerial regulations.

Section 45

Private education institutions shall be authorized to provide education at all levels and of all types as stipulated by the law. Clear-cut policies and measures shall be defined by the State regarding participation of the private sector in the provision of education.

*In formulating policies and implementing plans of education provided by the State, educational service areas or local administration organizations, due consideration shall be given to effects on provision of private education. The Minister or the Area Committees or the local administration organizations shall accordingly take into account views of the private sector and the public.

Private institutions providing education at the degree level shall be allowed to function with autonomy develop their own system of administration and management, flexibility, and academic freedom and shall be under supervision of their own council in accord with the Act on Private Higher Education Institutions.

(The original second clause of Section 45 was annulled by Section 7 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision)

Section 46

The State shall provide support in terms of grants, tax rebates or exemptions and other benefits to private education institutions as appropriate. It shall also provide academic support to private education institutions to reach the standards required and attain self-reliance.

Chapter 6

Educational Standards and Quality Assurance

Section 47

There shall be a system of educational quality assurance to ensure improvement of educational quality and standards at all levels. Such a system shall be comprised of both internal and external quality assurance.

The system, criteria, and methods for quality assurance shall be as stipulated in the ministerial regulations.

Section 48

Parent organizations with jurisdiction over educational institutions and the institutions themselves shall establish a quality assurance system in the institutions. Internal quality assurance shall be regarded as part of educational administration, which must be a continuous process. This requires preparation of annual reports to be submitted to parent organizations, agencies concerned and made available to the public for purposes of improving the educational quality and standards and external quality assurance.

Section 49

An Office for National Education Standards and Quality Assessment shall be established as a public organization, responsible for development of criteria and methods of external evaluation, conducting evaluation of educational achievements in order to assess the quality of institutions, bearing in mind the objectives and principles and guidelines for each level of education as stipulated in this Act.

All educational institutions shall receive external quality evaluation at least once every five years since the last exercise and the results of the evaluation shall be submitted to the relevant agencies and made available to the general public.

Section 50

The educational institutions shall lend co-operation in preparation of documents and evidence providing relevant information on institutions. They shall also arrange for their personnel, institutions' boards, including parents and those associated with the institutions to provide additional information considered relevant to their functioning, on the request of the Office for National Education Standards and Quality Assessment, or persons, or external agencies certified by the Office and entrusted with the task of conducting external evaluation of these institutions.

Section 51

In cases where the results of the external evaluation show that an educational institution has not reached the standards required, the Office for National Education Standards and Quality Assessment shall submit to the parent organizations recommendations on corrective measures for that institution to improve its functioning within a specific period of time. In cases where corrective measures are not implemented, the Office for National Education Standards and Quality Assessment shall submit reports to the Commission of Basic Education, the Commission of Vocational Education or the Commission of Higher Education so as to take the necessary remedial action.

(The original Section 51 was annulled by Section 8 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Chapter 7

Teachers, Faculty Staff and Educational Personnel

Section 52

The Ministry shall promote development of a system for teachers and educational personnel, including production and further refinement of this category of personnel, so that teaching will be further enhanced and become a highly respected profession. The Ministry shall, in this regard, take a supervisory and co-coordinating role so that the institutions responsible for production and development of teachers, faculty staff, and educational personnel shall be ready and capable of preparing new staff and continuously developing in-service personnel.

Sufficient funds shall be allocated by the State for the budget required and for establishing the Fund for Development of Teachers, Faculty Staff and Educational Personnel.

Section 53

There shall be an Organization for Teachers, Educational Institution Administrators, and Educational Administrators. The Organization shall enjoy the status of an independent body administered by a professional council under supervision of the Ministry. The Organization shall have the powers and duties for setting professional standards; issuing and withdrawal of licenses; overseeing maintenance of professional standards and ethics; and development of the profession of teachers, educational institution administrators, and educational administrators.

Teachers, administrators of educational institutions, educational administrators and other educational personnel of both the state and private sectors shall have professional licenses as provided by the law.

In establishing the Organization for Teachers, Educational Institution Administrators and Educational Administrators and other educational personnel, determination of qualifications required, criteria and procedure for issuing and withdrawal of licenses shall be as stipulated by the law.

The provision in the second paragraph shall not apply to educational personnel providing informal education, educational institutions referred to in Section 18 (3), administrators at the educational levels above education service areas, and specialized educational resource persons.

The provisions in this Section shall not apply to the faculty staff, educational institution administrators and educational administrators for higher education at the degree level.

Section 54

There shall be a central organization responsible for administering personnel affairs of teachers. All teachers and educational personnel of agencies at both state educational institution level and educational service area level shall enjoy the status of civil servants under jurisdiction of the Teacher Civil Service Organization. The personnel affairs administration shall be based on the principle of decentralization to educational service areas and educational institutions as stipulated by the law.

Section 55

There shall be a law on salaries, remuneration, welfare and other benefits allowing teachers and educational personnel sufficient incomes commensurate with their social status and profession.

A Fund for Promotion and Development of Teachers, Faculty Staff and Educational Personnel shall be established and be used as grants for innovations, outstanding achievements and rewards in honor of teachers, faculty staff, and teaching personnel as stipulated in the ministerial regulations.

Section 56

The production and development of faculty staff and educational personnel; development of professional standards and ethics; and personnel administration for civil servants or officials in degree-level educational institutions enjoying legal entities shall be as provided by the foundation laws of the respective institutions or other relevant laws.

Section 57

Educational agencies shall mobilize human resources in the community to participate in educational provision by contributing their experience, knowledge, expertise and local wisdom for educational benefits. Contributions from those who promote and support educational provision shall be duly recognized.

Chapter 8

Resources and Investment for Education

Section 58

There shall be mobilization of resources and investment in terms of budgetary allocation, financial support and properties from the State; local administration organizations; individuals; families; communities; community organizations; private persons; private organizations; professional bodies; religious institutions; enterprises; other social institutions; and foreign countries, for use in the provision of education as follows:

- (1) The State and local administration organizations capable of providing education shall mobilize resources for education. In so doing, they shall be authorized to levy educational taxes as appropriate, in accord with provisions in the law.
- (2) As providers and partners in educational provision, individuals; families; communities; local administration organizations; private persons; private organizations; professional bodies; religious institutions enterprises; and other social institutions shall mobilize resources for education, donate properties and other resources to educational institutions and share educational expenditures as appropriate and necessary.

The State and local administration organizations shall encourage and provide incentives for mobilization of these resources by promoting, providing support and applying tax rebate or tax exemption measures as appropriate and necessary, in accord with provisions in the law.

Section 59

State educational institutions which are legal entities shall be empowered to take charge of, oversee, maintain, utilize and earn interest from their properties, both state land as provided by the State Land Act and other properties; earn income from their services; and charge tuition fees not contrary to or inconsistent with their policies, objectives, and main missions.

Immovable properties of state educational institutions, which are legal entities, acquired through donation or purchase or in exchange for their income shall not be regarded as state land, and the institutions shall have the right of ownership.

Income and interest of educational institutions which are legal entities; interest from the state land; indemnities from violation of study leave; and those from violation of contracts for purchasing properties or hiring of work using budgetary allocations shall not be income to be submitted to the Ministry of Finance as stipulated by the Treasury Reserve Act and the Budgetary Procedure Act.

Income and interest of educational institutions which are not legal entities, interest from state land, indemnities from violation of study leave, and those from violation of contracts for purchasing properties or hiring of work using budgetary allocations shall be utilized by educational institutions in their educational provision as stipulated by the rules of the Ministry of Finance.

Section 60

The State shall be responsible for the following:

- (1) Distribution of general subsidies for per head expenditure commensurate with the needs of those receiving compulsory and basic education provided by the State and the private sector. These grants shall be distributed on an equal basis.
- (2) Distribution of grants in terms of loans for those from low-income families, as appropriate and necessary.
- (3) Distribution of budgetary allocations and other special educational resources suitable and in line with the requirements for educational provision for each group of persons with special needs referred to in the second, third and fourth paragraphs of Section 10. In so doing, consideration shall be given to equality of educational opportunity and justice in accord with the criteria and procedures stipulated in the ministerial regulations.

- (4) Distribution of budgetary allocations for operating and capital costs of educational institutions in accord with the policies, the National Education Development Plan and the missions of the respective institutions, which shall be allowed freedom in utilization of the allocations and educational resources. In so doing, consideration shall be given to quality and equality of educational opportunity.
- (5) Distribution of budgetary allocations as general subsidies for state degree-level institutions, which are legal entities and are state-supervised or public organizations.
- (6) Distribution of low-interest loans to private educational institutions for eventual self-reliance.
- (7) Establishment of the State and Private Education Development Fund.

Section 61

The State shall distribute subsidies for education provided by individuals, families, communities, community organizations, private organizations, professional bodies, religious institutions, enterprises and other social institutions as appropriate and necessary.

Section 62

There shall be a system for auditing, following-up and evaluation, by internal units and state agencies responsible for external auditing, of efficiency and effectiveness in utilization of educational budgetary allocations in line with the Principles of Education, National Educational Guidelines and the educational quality and standards required. The criteria and procedures for the auditing, following-up, and evaluation as prescribed in the ministerial regulations shall be observed.

Chapter 9

Technologies for Education

Section 63

The State shall distribute frequencies, signal transmission devices, and other infrastructure necessary for radio broadcasting, television, telecommunication radio and other media of communication for use in provision of formal, non-formal and informal education and enhancement of religious, artistic, and cultural affairs as necessary.

Section 64

The State shall promote and support the production and refinement of textbooks, reference books, academic books, publications, materials, and other technologies for education through acceleration of production capacity; provision of financial subsidy for production and incentives for producers; and development of educational technologies. In so doing, fair competition shall be ensured.

Section 65

Steps shall be taken for personnel development for both producers and users of technologies for education so that they shall have the knowledge, capabilities, and skills required for the production and utilization of appropriate, high-quality, and efficient technologies.

Section 66

Learners shall have the right to develop their capabilities for utilization of educational technologies as soon as feasible so that they shall have sufficient knowledge and skills in using these technologies for acquiring knowledge themselves on a continuous lifelong basis.

Section 67

The State shall promote research and development; production and refinement of technologies for education; as well as following-up, checking and evaluating their use to ensure cost-effective and appropriate application to the learning processes of the Thai people.

Section 68

Financial resources shall be mobilized for the establishment of the Technology for Education Development Fund. These resources shall include state subsidies, concession fees and profits from enterprises relating to mass media and information and communication technologies from all sectors concerned, namely, state sector, private sector, and other public organizations. Special tariffs shall be charged for the application of these technologies for human and social development.

The criteria and procedures for distribution of the Fund for the production, research and development of technologies for education shall be as prescribed in the ministerial regulations.

Section 69

The State shall establish a central unit responsible for proposing policies, plans, promotion and co-ordination of research, development and utilization of technologies for education, including matters relating to evaluation of the quality and efficiency of the production and application of the technologies for education.

Transitory Provisions

Section 70

All legislations, rules, regulations, statutes, announcements and orders pertaining to education, religion, art and culture applicable on the enactment date of this Act shall continue to be in force until the necessary amendments in line with this Act have been made, which shall not exceed five years after the enactment date.

Section 71

The ministries, bureaus, departments, educational agencies, and institutions in existence on the enactment date of this Act shall enjoy the same status and shall have the same powers and duties until the educational administration and management as provided by this Act have been in place, which shall not exceed three years after the enactment date of this Act.

Section 72

At the initial stage, the provisions in the first paragraph of Section 10 and Section 17 shall not apply until the necessary actions in line with these provisions have been taken, which shall not exceed five years after the promulgation date of the Constitution of the Kingdom of Thailand.

Within one year of the enactment date of this Act, the ministerial regulations referred to in the second and fourth paragraphs of Section 16 shall be in force.

Within six years of the enactment date of this Act, the Ministry shall have completed the first round of external evaluation of all educational institutions.

Section 73

At the initial stage, provisions in Chapter 5: Educational Administration and Management and Chapter 7: Teachers, Faculty Staff and Educational Personnel shall not apply until the necessary actions in line with these provisions have been taken. These actions include amendment of the Teachers' Act of 1945 and Teacher Civil Service Act of 1980, which shall not exceed three years after the enactment date of this Act.

Section 74

At the initial stage pending the establishment of the Ministry, the Prime Minister, the Minister of Education, and the Minister of University Affairs shall oversee the application of this Act; and shall have the powers to issue ministerial rules, regulations and announcements as provided by this Act, as related to their respective powers and duties.

*Necessary actions shall be required regarding provisions in Chapter 5 of this Act relating to educational administration. Before the necessary actions are completed, the Ministry of Education, the Ministry of University Affairs and the National Education Commission shall carry out the tasks in their respective responsibilities.

(The original second clause of Section 74 was annulled by Section 9 of the Second National Education Act B.E. 2545 (2002) and replaced by the above provision.)

Section 75

An Education Reform Office shall be established as an ad hoc public organization by virtue of a royal decree as provided by the Public Organizations Act. Taking public views into consideration, the Office shall:

- (1) propose the structures, organs and division of responsibilities as provided in Chapter 5 of this Act;
- (2) propose systems of teachers, faculty staff, and educational personnel as provided in Chapter 7 of this Act;
- (3) propose mobilization of educational resources and investment as provided in Chapter 8 of this Act;
- (4) submit proposals to the Council of Ministers regarding the necessary bills for actions required in (1), (2) and (3);
- (5) submit to the Council of Ministers proposals regarding amendments to legislations, rules, regulations, statutes and orders in force to meet the requirements in (1), (2) and (3) in accord with this Act;
- (6) carry out other functions as provided by the Public Organizations Act.

Section 76

There shall be established a nine-member Executive Committee of the Education Reform Office, comprised of a chairperson and members, appointed by the Council of Ministers from among those with knowledge, capability, experience and expertise in educational administration; state affairs administration; personnel administration; budgetary, monetary, and financial systems; public laws; and educational laws. The Executive Committee shall include not less than three scholars who are neither civil servants nor officials of state agencies.

The Executive Committee shall be authorized to appoint scholars as its advisers and appoint sub-committees to carry out the tasks it has assigned.

The Secretary-General of the Education Reform Office shall serve as member and secretary of the Executive Committee, which shall supervise the Secretary-General in the administration of the Office.

The Executive Committee and the Secretary-General shall have a single term of office of three years, at the end of which their tenures shall be terminated and the Education Reform Office shall be dissolved.

Section 77

There shall be established a fifteen-member Nominations Committee for the Executive Committee of the Education Reform Office. The Nominations Committee shall propose twice the number of the chairperson and members of the Executive Committee from among those qualified for submission to the Council of Ministers for appointment. The Nominations Committee shall comprise:

- (1) Five representatives of the agencies concerned, namely: Permanent Secretary for Education, Permanent Secretary for University Affairs, Secretary-General of the Council of State, Secretary-General of the National Education Commission and Director of the Budget Bureau.
- (2) Two members elected among rectors of state or private higher education institutions which are legal entities; three members elected among deans of faculties of pedagogy, educational science, or education of both state and private universities offering master's degree courses in pedagogy, education science or education. The three members shall include at least a dean of the faculty of pedagogy, education science, or education of a state university.
- (3) Five members elected among representatives of academic or professional associations in the field of education, which are legal entities.

The Nominations Committee shall elect one of its members as chairman and another as secretary of the Committee.

Section 78

The Prime Minister shall oversee the enactment of the royal decree establishing the Education Reform Office and shall have the powers to oversee the functioning of the Office as provided by the Public Organizations Act.

Other than the provisions in this Act, the royal decree establishing the Education Reform Office shall include at least the following:

- (1) Composition, powers and duties and term of office of the Executive Committee referred to in Section 75 and Section 76.
- (2) Composition, powers and duties of the Nominations Committee, criteria, nomination procedure and proposal for appointment of the Executive Committee referred to in Section 77.
- (3) Qualifications and restrictions including termination of office of the Executive Committee, the Secretary-General and staff.
- (4) Capital fund, income, budget, and properties.
- (5) Personnel administration, welfare, and other benefits.
- (6) Supervision, inspection, and evaluation of achievements.
- (7) Dissolution.
- (8) Other provisions necessary for the smooth and efficient functioning of the Office.

Countersigned by

Chuan Leekpai

Prime Minister

Note: The rationale for the promulgation of this Act is the stipulation in the Constitution of the Kingdom of Thailand that the State shall provide education and training for creation of knowledge and morality. The private sector shall also be encouraged to participate in the provision of education and training. The Constitution thus demands that the enactment of the National Education Act is imperative. It requires improvement in the provision of education consistent with economic and social changes; providing knowledge and inculcating sound awareness of politics and a democratic system of government under a constitutional monarchy; promoting research in various disciplines; accelerating the application of education, science, and technology for national development; promoting the teaching profession; and encouraging the revival of wisdom, art, and culture of the nation. In the provision of education, due consideration shall be given by the State to the

participation of local administration organizations and the private sector as provided by the law and the protection of providing education and training by professional bodies and the private sector under state supervision. There should therefore be a National Education Act to serve as the fundamental law for the administration and provision of education and training in accord with the provisions in the Constitution. It has, thus, become necessary to promulgate this Act.

National Education Act B.E. 2542 (1999) Proclaimed in the Government
Gazette, Volume 116, Section 74a, on August 19, 1999

**Second National Education Act B.E. 2545 (2002) Proclaimed in the Government
Gazette, Volume 119, Section 123a, on December 19, 2002**

Note: The rationale for the promulgation of this Act is the governmental policy on bureaucratic reform following which the tasks related to artistic and cultural affairs are assigned to the newly established Ministry of Culture. Furthermore, it has been deemed appropriate to streamline the administration and management of education in the educational service areas. Besides, it has been considered desirable to establish the Commission of Vocational Education responsible for proposing policies, development plans, standards and core curricula for all levels of vocational education, which meet the needs specified in the National Economic and Social Development Plan and the National Scheme of Education; mobilization of resources; monitoring; inspection; and also evaluation of the provision of vocational education. It has thus, become necessary to promulgate this Act.

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