

**THE PRESIDENT OF THE STATE**

No: 11/2005/L/CTN

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**

*Ha Noi, 27 June 2005*

**ORDER OF THE PRESIDENT OF THE STATE**  
**ON PROMULGATION OF LAW**

**THE PRESIDENT**  
**OF THE SOCIALIST REPUBLIC OF VIETNAM**

Pursuant to Article 103 and Article 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented following the Resolution No. 51/2001/QH10 dated 25/12/2001 of the National Assembly Tenth Legislature, Tenth Session;

Pursuant to Article 91 of the Law on the organisation of the National Assembly;

Pursuant to Article 50 of the Law on the promulgation of Statutory Legal Documents,

**HEREBY PROMULGATES**

**The Education Law**

Adopted by the National Assembly of the Socialist Republic of Vietnam, Eleventh Legislature, Seventh Session, on 14 June 2005.

**PRESIDENT**  
**OF THE SOCIALIST REPUBLIC OF VIETNAM**  
**(signed)**

**TRAN DUC LUONG**

**NATIONAL ASSEMBLY**  
**OF**  
**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Eleventh Legislature, Seventh Session**

(From 5<sup>th</sup> May to 14<sup>th</sup> June, 2005)

**EDUCATION LAW**

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented following the Resolution No. 51/2001/QH10 dated 25/12/2001 of the National Assembly Tenth Legislature, Tenth Session;

This Law provides regulations on Education.

*Chapter I*

**GENERAL REGULATIONS**

***Article 1. Scope of regulations***

The Education Law regulates the national educational system; schools, other educational institutions of the national educational system; of state agencies; of political organisations; socio-political organisations; of people's armed forces; organisations and individuals taking parts in educational activities.

***Article 2. Goals of education***

The goals of educational are to educate the Vietnamese into comprehensively developed persons who possess ethics, knowledge, physical health, aesthetic sense and profession, loyal to the ideology of national independence and socialism; to shape and cultivate one's dignity, civil qualifications and competence, satisfying the demands of the construction and defense of the Fatherland.

***Article 3. Characteristics and principles of education***

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

#### ***Article 4. National educational system***

1. The national educational system consists of formal education and continuing education.
2. Educational levels and training qualifications of the national educational system include:
  - a) Early childhood 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, undergraduate, 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 civic conscious education; preserving and developing the good traditions and the national cultural identity, absorbing the essence of the mankind culture; and conforming to the psycho-physiology development of various age groups of learners.
2. Methods of education must bring into full play the activeness, the consciousness, the self-motivation, and the creative thinking of learners; foster the self-study ability, the practical ability, the learning eagerness and the will to advance forward.

#### ***Article 6. Educational programme***

1. Educational programme shall reflect the goals of education; set the standards for knowledge, skills, scope and structure of educational contents, for methods and forms of organising educational activities, for evaluation methods of educational outcomes for each subject of every grade and level or educational qualifications.

2. Educational programme must ensure the modernity, stability, consistency, and inheritability among different levels and different educational qualifications, facilitating the streaming and transferability among educational qualifications, specialisations and forms of the national educational system.
3. Requirements on knowledge and skill contents defined in the educational programme must be concretised in textbooks used for general education, in syllabi and teaching materials used for professional education, higher education, and continuing education. Textbooks, syllabi and teaching materials must meet the requirements on educational methods.
4. Educational programme shall be implemented based on school year for early childhood education and general education, and based either on school year or on credit accumulation for professional education and higher education.

Study results of subjects or credits accumulated by learners after pursuing their studies in an educational programme are considered for transferable values for respective subjects or credits of other educational programmes when learners change their educational specialisations, forms of studies, or follow higher educational levels or qualifications.

The Minister of Education and Training shall stipulate the realisation of educational programme in the form of credit accumulation, the recognition for considering the transferable values of study results of subjects or credits.

***Article 7. Languages 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 to be used in schools and other educational institutions. Based on the goals of educational and specific needs on the educational contents, the Prime Minister shall stipulate the teaching and learning via foreign languages in schools and other educational institutions.
2. The State shall enable ethnic minority people to learn their spoken and written languages in order to preserve and develop their ethnic cultural identity, helping pupils from ethnic minorities easily absorb knowledge when they study in schools and other educational institutions. The teaching and learning of these languages shall be conducted in accordance with the Government regulations.
3. Foreign languages defined in educational programme are the languages used commonly in international communication. The teaching of foreign languages in schools and other educational institutions should guarantee learners with continuing and effective learning process.

### ***Article 8. Degrees/diplomas and certificates***

1. Degrees/diplomas of the national educational system are conferred to learners upon successful completion of the level or degree of education as stipulated by this Law.

Degrees/diplomas of the national educational system consist of the following: lower secondary diploma, upper secondary diploma, professional secondary education diploma, college diploma, university degree, master degree and doctoral degree.

2. Certificates of the national educational system are granted to learners to acknowledge their learning results upon successful completion of courses for knowledge or professional upgrading.

### ***Article 9. Educational development***

Educational development is the first national priority with a view to improving people's knowledge, training manpower, and fostering talents.

Educational development must be linked with the requirements of socio-economic development, to the scientific-technological advances, and to the consolidation of national defence and security; must implement standardisation, modernisation, and socialisation; must ensure the balance in terms of qualifications, professional and regional structure; must expand scale on the basis of quality and efficiency assurance; and must link education with employment.

### ***Article 10. Rights and obligations to learn of citizens***

Learning is the right and obligation of every citizen.

Every citizen, regardless of ethnic origins, religions, beliefs, gender, family background, social status or economic conditions, has equal rights of access to learning opportunities.

The State shall undertake social equity in education and enable everyone to get access to education. The State and the community shall help the poor have access to education, enabling gifted people to develop their talents.

The State shall give priority in enabling children of ethnic minorities, children of families in areas with special socio-economic difficulties, targeted groups of socially prioritised policies, disabled and handicapped persons and beneficiaries of other social policies to realise their learning rights and obligations.

### ***Article 11. Universalisation of education***

1. Primary education and lower secondary education are universal education levels. The State shall make decisions on plans of universal education; shall assure conditions to implement the universalisation of education throughout the country.
2. All citizens within the defined age group shall have the obligation to learn in order to obtain the level of universalised education.
3. Families shall have the responsibilities of facilitating or their members in the defined age group to pursue learning in order to obtain the level of universalised education.

#### ***Article 12. Socialisation of the cause of education***

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

The State shall play the dominant role in developing the cause of education; carry out the diversification of schooling types and modes of education; encourage, promote and facilitate organisations and individuals to take part in the development of the cause of education.

It is the responsibility of all organisations, families and citizens to take care of education, to cooperate with schools in realising the goals of education, and to build a sound and safe educational environment.

#### ***Article 13. Investment for education***

Investment for education is an investment for development.

The State shall give priority to the investment for education, encourage and protect the legal rights and benefits of Vietnamese organisations and individuals, overseas Vietnamese, foreign organisations and individuals to invest in education.

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

#### ***Article 14. State management of education***

The State shall carry out the unified management of the national educational system in terms of goals, programmes, contents, educational plans, teachers' standards, examination regulations and system of degrees/diplomas; focus on the management of educational quality, exercise decentralisation on educational management; strengthen the autonomy and accountabilities 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 continuously to set examples for learners.

The State shall organise education and training for teachers, issuing policies on employment and rewards, ensuring necessary material and spiritual conditions for teachers to fulfil their roles and responsibilities, preserving and developing the tradition of respecting teachers and honouring the teaching profession.

### ***Article 16. Roles and responsibilities of educational management staff***

Educational management staff play an important role in organising, managing and directing educational activities.

Educational management staff must study and improve themselves continuously in terms of moral standards, qualifications, management competence and personal responsibility.

The State shall have plan to build and improve the quality of educational management staff in order to promote roles and responsibilities of educational management staff, ensuring the development of the cause of education.

### ***Article 17. Educational quality accreditation***

Educational quality accreditation is the major measure to define the level of achieving educational objectives, programmes, and contents for schools and other educational institutions.

Educational quality accreditation is conducted regularly throughout the country and for every educational institution. Results of the educational quality accreditation are publicly announced for the information and monitoring purposes of the whole society.

The Minister of Educational and Training shall be responsible for directing the implementation of educational quality accreditation.

### ***Article 18. Scientific research***

1. The State shall facilitate schools and other educational institutions in organising scientific-technological research, application, and dissemination; in combining education with research and production so as to improve educational quality, gradually implementing the role of a cultural, scientific and technological centre for the locality or the whole country.

2. Schools and other educational institutions shall cooperate with scientific research organisations, production-trade-service units to carry out education, scientific research and technology transfer for socio-economic development.
3. The State shall elaborate priority policy for the development of research, application and dissemination of educational sciences. Guidelines and policies concerning education must be formulated based on the results of scientific research, appropriate to the Vietnamese reality.

***Article 19. No religious propagating in schools and other educational institutions***

Neither religious propagating nor religious rituals are to be conducted in schools and other educational institutions of the national educational system, of the State agencies, of political organisations, of socio-political organisations and of the people's armed forces.

***Article 20. Prohibition of making corrupt use of educational activities***

It is prohibited to make corrupt use of educational activities to distort State guidelines, policies, legislation; to oppose the Socialist Republic of Vietnam, to separate the block of great national solidarity, to incite violence, to propagate invasion war, to arose the good traditions and customs, to publicise superstitious beliefs and bad customs, or to attract learners into social evils.

It is prohibited to make corrupt use of educational activities for self-interest purposes.

## ***Chapter II***

### **THE NATIONAL EDUCATIONAL SYSTEM**

#### ***Section 1. Early childhood education***

***Article 21. Early childhood education***

Early childhood education carries out the nurturing, caring, and educating children from three months to six years of age.

***Article 22. Objectives of early childhood education***



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

***Article 23. Requirements on contents and methods of early childhood education***

1. The contents of early childhood education must be suited to the psycho-physiological development of children, balanced between nurturing, caring and educating, with a view to helping children develop a harmonious, healthy, and active body; know how to respect, love and regard grand-parents, parents, teachers, and elderly persons; be attached to brothers, sisters, and friends; be frank, forthright, natural, aesthetically sensitive and intellectually inquisitive.
2. The main method in early childhood education is to help children develop comprehensively through organising play activities while giving special attention to example posing, encouraging and promoting.

***Article 24. Educational programme of early childhood education***

1. Programme of early childhood education shall reflect the objectives of early childhood education; concretising requirements on nurturing, caring, and educating children at different age groups; regulating the organisation of activities in order to facilitate children to develop physically, emotionally, intellectually and aesthetically; providing guidelines to evaluate the development of children at early childhood age.
2. The Minister of Education and Training, based on the appraisals made by the National Review Council for Appraising Curricula of Early Childhood Education, shall make decisions on the issuance of programme for early childhood education.

***Article 25. Institutions of early childhood education***

Institutions of early childhood education include:

Crèches for children from 3 months to 3 years of age;

Kindergarten schools and classes for children from 3 years to 6 years of age;

Young sprout schools are those that combine crèches and kindergartens, for children from 3 months to 6 years of age.

***Section 2. General education***

***Article 26. General education***

General education consists of:

1. Primary education is conducted in five years of schooling, from the first to the fifth grade. The age of commencement to the first class is six;
2. Lower secondary education is conducted in four years of schooling, from the sixth to the ninth grade. Pupils entering the sixth grade must complete the primary educational programme, at the age of eleven;
3. Upper secondary education is conducted in three years of schooling, from the tenth to the twelfth grade. Pupils entering the tenth grade must have a Lower Secondary Education Diploma, at the age of fifteen.

The Minister of Education and Training shall make provisions on cases where schooling could be commenced at lower ages for pupils with early intellectual development, at ages higher for pupils living at disadvantaged socio-economic regions, pupils belonging to ethnic minorities, disabled and handicapped pupils, pupils with physical and intellectual disadvantage, orphan pupils, pupils of poor households according to the State regulations, pupils returning from overseas; pupils leaping grades; pupils repeating classes; on Vietnamese studies for children of ethnic minorities before entering the first grade.

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

1. The objectives of general education are to help pupils develop comprehensively by acquiring morals, knowledge, physical health, aesthetic values and other basic skills, develop personal ability, flexibility and creativeness, with a view to forming the socialist Vietnamese personality, to building the civic conduct and duty, to preparing them for further studies or entering the work force, participating in the building and defending of the Fatherland.
2. Primary education aims to help the pupils form initial foundations for a correct and long-lasting moral, intellectual, physical and aesthetic developments, along with the development of basic skills for them to enter lower secondary education.
3. Lower secondary education is directed towards the pupils' consolidation and development of the outcomes of primary education, provision of a general and basic knowledge along with initial understanding on techniques and career orientation to enter upper secondary education, professional secondary education, vocational training or the workforce.
4. Upper secondary education is directed towards the pupils' consolidation and development of the outcomes of lower secondary education, completion of the general education and common understanding on techniques and career orientation, provision of conditions for pupils to develop their personal ability in order to choose their development direction, to enter universities, colleges,

professional secondary education schools, vocational training schools or the workforce.

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

1. The contents of general education must ensure the popular, basic, comprehensive, career-orienting, and systematic characteristics, linking or with the realities of life, appropriateness to the psycho-physiological characteristics of pupils, and meeting the objectives of education at each level.

Primary education must guarantee pupils to acquire simple and necessary knowledge about nature, society and human being; with basic skills in listening, reading, speaking, writing and calculating, with habits of physical exercise and hygiene; and with initial understanding of singing, dancing, music and arts.

Lower secondary education must consolidate and develop the contents learned in primary education, guarantee pupils the basic general knowledge in Vietnamese, mathematics, national history, other knowledge in social sciences, natural sciences, law, informatics, foreign languages; with necessary minimum understanding on techniques and career-orientation.

Upper secondary education must consolidate and develop the contents learned in lower secondary education and complete the contents of general education. Besides guaranteeing the general, basic, comprehensive, career-orienting knowledge for all pupils, there shall be advanced teaching in some subjects for developing the pupils' abilities and satisfying their needs.

2. The methods of general education are to promote the activeness, consciousness, initiatives and creativeness of pupils; to be appropriate to the characteristics of each grade and subject; to nurture the methods of self-study and the ability to work in team, to drill the ability of applying learned knowledge into practice; to have impact on pupils' emotional development, to bring them joy and pleasure of learning.

**Article 29. Educational programme of general education, textbooks**

1. Educational programme of general education must reflect the objectives of general education, setting the standards of knowledge, skills, scope and structure of the contents of general education, methods and forms of organising educational activities, evaluation methods for educational results for each subject of all grades and levels of general education.
2. Textbooks must concretise the requirements on knowledge contents and skills as defined in the educational programme of subjects of each grade of general education, meeting the requirements on methods of general education.

3. The Minister of Education and Training, based on appraisals made by the National Review Council for Appraising Educational Programme of General Educational and Textbooks, shall approve educational programme of general education and textbooks for official, uniformed and steady use in teaching and learning at general educational institutions.

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

The institutions of general education include:

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

***Article 31. Certification for completion of primary education and issuance of lower secondary diploma and upper secondary diploma***

1. Pupils who complete primary education, meeting the requirements set by the Minister of Education and Training, will be certified in their school records by the principle of the primary school that they have completed the primary education.
2. Pupils who complete lower secondary educational programme, meeting the requirements set by the Minister of Education and Training, will be issued with diplomas of lower secondary education by the Head of the Bureau of Education and Training in the district, precinct, town or city under provincial administration (will be referred to as district level).
3. Pupils who complete upper secondary educational programme, meeting the requirements set by the Minister of Education and Training, will be eligible to take the examination and those who pass the examination are issued with diplomas of upper secondary education by the Director of the Department of Education and Training in province, city under central administration (will be referred to as provincial level).

***Section 3. Professional education***

***Article 32. Professional education***

Professional education consists of:

1. Professional upper secondary education which is conducted from three to four years of studies for learners with lower secondary education diplomas; from one to two years of studies for those with upper secondary education diplomas;
2. Vocational training which is conducted in less than one year for preliminary vocational programme and from one to three years for vocational upper secondary and college programme.

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

The objectives of professional education are to educate potential labourers who will be equipped with knowledge, professional skills at different levels, with morals, professional ethics, discipline awareness, industrialised habits and physical health, thus providing working people with employability, self-employability or ability to further study to improve professional qualifications, meeting the needs of socio-economic development, national defence and security.

Professional upper secondary education is directed towards the training of working people with basic knowledge and practical skills of a profession, having ability to work independently and creatively as well as to apply technology into work.

Vocational training is directed towards the training of technical workers directly participating in production and service to have the practical ability of a profession adequate to the relevant training qualification.

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

1. The contents of professional education must focus on the training of vocational abilities, paying attention to moral and physical education, as well as improving skills as required by each profession, improving educational qualification levels as required.
2. The methods of professional education must combine practical skill drilling and theoretical teaching, enabling learners to practice and to develop profession as required by each profession.

### ***Article 35. Educational programme and syllabi of professional education***

1. Educational programme of professional education reflects the objectives of professional education; setting standards for knowledge, skills, scope and structure of the contents of professional education, methods and form of training, ways of evaluating training results for each subject, field, profession, training qualification of professional education; ensuring the demand for transferability with other educational programmes.

The Minister of Education and Training, in co-ordination with other relevant Ministers and Heads of ministry-equivalent agencies, based on the appraisals of the Sector Review Council for Programme of Professional Upper Secondary Education, shall define the core programme for professional upper secondary education which includes content structure, number of subjects, duration of the subjects, proportion of theory and practice, ensuring the objectives for each subject and profession to be trained. Professional upper secondary education schools shall define their own training programmes based on the core programme.

Head of the State agency in charge of management of vocational training, in co-ordination with other relevant ministers and heads of agencies equivalent to ministry, based on the review of the Sector Review Council for Programme of Vocational Training, shall define the core programme for each vocational training level, including content structure, number of subjects, duration of the subjects, proportion of theory and practice, ensuring the objectives for each subject and profession to be trained. Vocational training institutions shall define their own vocational training programmes based on the core programme.

2. Syllabi of professional education shall concretise requirements on contents of knowledge and skills defined in educational programme for each subject, field, profession, and training qualification of professional education, meeting the requirements of methods of professional education.

The preparation and approval of textbooks for official use as teaching and learning materials in professional educational institutions are to be organised by the head of school or director of vocational training centre based on the review of Textbook Review Councils appointed by the head of school or director of vocational training centre.

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

1. Institutions of professional education include:
  - a) Professional upper secondary education schools;
  - b) Vocational training colleges, vocational upper secondary schools, vocational training centres, vocational training classes (referred to as vocational training institutions).
2. Vocational training institutions could be organised independently or linked with production units, businesses or other educational institutions.

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

1. Learners who complete preliminary vocational training programme, vocational skill upgrading programme, if meeting the requirements set by head of the state

agency in charge of management of vocational training, will be eligible to take the test for the certificate. Learners who pass the test are issued with certificates by head of professional educational institution.

2. Learners who complete professional upper secondary education programme, if meeting the requirements set by the Minister of Education and Training, will be eligible to take the examination. Learners who pass the examination are issued with professional upper secondary education diplomas by head of school.
3. Learners who complete vocational upper secondary programme, meeting the requirements set by head of the state agency in charge of management of vocational training, will be eligible to take the examination. Learners who pass the examination are issued with vocational upper secondary diplomas by head of school. Learners who complete vocational training college programme, meeting the requirements set by head of the state agency in charge of management of vocational training, will be eligible to take the examination. Learners who pass the examination are issued with vocational college diplomas by head of school.

#### ***Section 4. Higher education***

##### ***Article 38. Higher education***

Higher education includes:

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

The Prime Minister shall give specific provisions for the equivalent qualifications to the master and doctoral education in some special fields of education.

**Article 39. Objectives of higher education**

1. The objectives of higher education are to educate learners in acquiring political and moral qualities, endeavour to serve the people, professional knowledge and practical skills relevant to the educational levels, and physical health, meeting the needs of construction and defense of the Fatherland.
2. College education shall equip students with professional knowledge and basic practical skills in one profession with the ability to solve common problems in the field of study.
3. University education shall help students acquire in-depth professional knowledge and fluently practical skills in one profession with the ability to work independently and creatively as well as to solve problems in the field of study.
4. Master education shall help students master theories, acquire advanced practical skills with the ability to work independently and creatively, as well as to identify and solve problems in the field of study.
5. Doctoral education shall help students acquire advanced level in theory and practice with the ability to conduct independent and creative research, to identify and solve emerging issues relating to science and technology, to guide scientific research and professional activities.

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

1. Requirements on contents of higher education:

The contents of higher education must have modern and developmental characteristics, ensuring a rational balance between basic knowledge, foreign languages and information technology, professional knowledge and subjects in Marxism-Leninism and Ho Chi Minh Thoughts; must inherit and develop further the good traditions and national cultural identity; up to the international and regional level.

College education must guarantee students basic scientific knowledge and necessary professional knowledge, focusing on drilling of basic skills and the ability to implement professional activities.

University education must guarantee students basic scientific knowledge and relatively complete professional knowledge, scientific working methodology and the ability to apply theory into professional activities.



Master education must ensure the supplementing and upgrading of students' knowledge obtained in undergraduate education; enhance interdisciplinary knowledge and the capability of conducting professional activities and research in their fields of study.

Doctoral education must ensure the completion and upgrading of students' basic scientific knowledge; provide in-depth understanding in specialised knowledge; and develop the capacity of conducting independent research and being creative in their professional activities.

2. Requirements on methods of higher education:

Methods of college and university education must pay attention to the advancement of self-consciousness in study, of ability for self-study, self-taught, developing creative thinking, drilling of practical skills, facilitating students in participating in research, experimentation and application.

Methods of master education shall be realised by combination of various modes of in-class study and self-study, self-research; with special attention to the improvement of practical skills and abilities to identify and solve professional problems.

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

***Article 41. Educational programme and syllabi of higher education***

1. Educational programme of higher education reflects objectives of higher education; setting standards for knowledge, skills, scope and structure of the contents of higher education, methods and forms of training, ways of evaluating training results for each subject, field, profession, training qualification of higher education; ensuring the demand of transferability with other educational programmes.

The Minister of Education and Training, based on the review of the Sector Review National Council for Programme of Higher Education, shall define the core programme for each field of education for college and university education, including content structure of all subjects, duration of education, proportion of education duration among different subjects, of theory and practice, internship. Colleges and universities shall design their own programmes based on the core programme.

The Minister of Education and Training shall define knowledge quantity, programme structure, thesis, and dissertation for master and doctoral education.

2. Syllabi of higher education concretise requirements on knowledge contents and skills as defined in the educational programme for each subject, field, and educational qualifications.

Heads of colleges and universities shall be responsible for the compilation and approval of syllabi for official use for each college, each university based on the review of the Syllabi Appraising Council appointed by the head of the institution, ensuring sufficient syllabi for teaching and learning.

The Minister of Education and Training shall be responsible for the compilation and approval of syllabi for common use by colleges or universities.

#### ***Article 42. Institutions of higher education***

1. Institutions of higher education include:

- a) Colleges providing college education;
- b) Universities providing college, university education; master and doctoral education as assigned by the Prime Minister;

Research institutes providing doctoral education, co-operating with universities to offer master education as assigned by the Prime Minister.

2. Institutions of higher education will be assigned the task of doctoral education if they meet the following conditions:
  - a) To have sufficient quantity of professors, associate professors, and doctors with ability to build and conduct educational programmes, organising thesis evaluation council.
  - b) To have sufficient infrastructure and equipment, meeting the requirements of doctoral education;
  - c) To have experience in scientific research activities, having conducted research tasks of scientific subject of scientific programmes at State level, having experience in educating and fostering people for scientific research activities.
3. The specific organisational models of various types of higher educational institutions shall be stipulated by the Government.

#### ***Article 43. Degrees of higher education***

1. Students who have completed the college programme and have met the criteria are eligible to take the examination and if meeting the requirements as stipulated

by the Minister of Education and Training will be awarded with college diploma by head of college or rector of university.

2. Students who have completed the university programme and have met the criteria are eligible to take the examination or to defend the graduation theses or projects, and if meeting the requirements as stipulated by the Minister of Education and Training will be awarded with university degree by rector of university.

University degrees of technical fields are called engineer degree; of architecture are called architect degree, of medicines and pharmaceuticals are called medical doctor, pharmacist and bachelor degree; of basic sciences, education, law, economics are called bachelor degree, of all other fields are called university degree.

3. Students who have completed the master's training programme and have met the criteria are eligible to defend the graduation theses, and if meeting the requirements as stipulated by the Minister of Education and Training will be awarded with master degree by rector of university.
4. Students who have completed the doctoral educational programme and have met the criteria are eligible to defend the dissertations, and if meeting the requirements as stipulated by the Minister of Education and Training will be awarded with doctoral degree by rector of university or head of scientific research institute.
5. The Minister of Education and Training shall define the responsibility and authority for degree granting of local higher educational institutions stipulated in the paragraph 1 of the Article 42 of this Law when the institution is involved in joint educational programmes with foreign higher education institutions.
6. The Prime Minister shall give provisions for the equivalent qualifications to master and doctoral degrees in some special fields of training.

## ***Section 5. Continuing education***

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

Continuing education enables people to learn while in-service, to learn continuously and for lifelong for refinement of their personality, broadening their understanding, and for educational, professional, operational enhancement with a view to improving their quality of life, employability, self-employability, and adaptation to the social life.

The State shall make policies to develop continuing education, to implement education for all, to build a learning society.

**Article 45. Requirements on educational programme, contents and methods of continuing education**

1. The contents of continuing education are reflected in the following programmes:
  - a) Illiteracy eradication and continuing post-literacy education;
  - b) Educational programme responding to the needs of learners, updating of knowledge and skills, transferring of technology;
  - c) Training and upgrading programmes, programmes for enhancement of qualifications and professions.
  - d) Programmes leading to diplomas of the national educational system.
2. Forms to conduct continuing educational programmes leading to diplomas of the national educational system are as follows:
  - a) In-service learning;
  - b) Distance learning;
  - c) Guided self-learning.
3. The educational contents of the programmes as defined in items a, b, and c, paragraph 1 of this Article must guarantee the usefulness, and help the learners improve their working productivity and quality of life.

The educational contents of the programme as defined in item d, paragraph 1 of this Article, must guarantee the requirements on contents of the educational programme of the same educational level and educational qualifications defined in Articles 29, 35, and 41 of this Law.

4. The methods of continuing education must promote the initiatives and take advantage of the experience of learners, with an emphasis on the development of their self-taught ability, using modern facilities and information technology to improve quality and efficiency of teaching and learning.
5. The Minister of Education and Training, Head of the State agency in charge of management on vocational training, within their authority, shall give specific provisions on programme, syllabi, textbooks and materials of continuing education.

**Article 46. Institutions of continuing education**

1. Institutions of continuing education include:

- a) Centres for continuing education organised at province and district levels;
  - b) Community learning centres organised at commune, ward, town (referred to as commune level);
2. Programmes of continuing education are also conducted at general educational institutions, professional educational institutions, higher educational institutions and through mass media.
  3. Centres of continuing education that conduct programmes of continuing education as defined in paragraph 1, Article 45 of this Law are not eligible to conduct educational programmes leading to professional upper secondary education diploma, college diploma, or university degree. Community learning centres conduct educational programmes as defined in items a and c, paragraph 1, Article 45 of this Law.
  4. General education institutions, professional education institutions, higher education institutions conducting programmes of continuing education must ensure the fulfilment of their own formal educational duties; they can only implement the programmes as defined in item d, paragraph 1, Article 45 of this Law as permitted by competent State educational authorities. Higher education institutions conducting programmes of continuing education leading to college or university degrees can link with local education institutions of universities, colleges, professional secondary schools, provincial continuing educational centres with conditions that local education institutions guarantee requirements on material facilities, equipment and management staff appropriate to college and university education levels.

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

1. Learners who complete lower secondary education programme, meeting the requirements set by the Minister of Education and Training, will be issued with diplomas of lower secondary education Besides, learners who have completed educational programmes as defined in item d, paragraph 1, Article 45 of this Law are eligible to take the examination for diplomas if they meet the following requirements:
  - a) Being registered at an educational institution authorised to provide the training at the relevant levels, in relevant qualifications;
  - b) Having completed the programme, fulfilled requirements on learning assessment and evaluation, and attested by the educational institution as eligible to take the

examination according to the regulations set out by the Minister of Education and Training.

The authority in issuing continuing education diplomas is the same as provided for that defined in Article 31, 37, and 43 of this Law.<<<<<<<

2. Learners who have completed educational programmes as defined in items a, b, and c, paragraph 1, Article 45 of this Law, and have met the criteria set out by the Ministry of Education and Training are eligible to take the examination; and if meeting the requirements will be issued with the continuing education certificates.  
Directors of centres of continuing education shall issue continuing education certificates.

### *Chapter III*

## SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS

### *Section 1. School organisation and activities*

#### **Article 48. Schools in the national educational system**

1. Schools in the national educational system are organised in the following forms:
  - a) Public schools are established, invested for infrastructure, covered financially for regular expenditures by the State;
  - b) People-founded schools are established, invested for infrastructure, covered financially for operating costs by local community;
  - c) Private schools are established, invested for infrastructure, covered financially for operating costs by social organisations, social-professional organisations, economic organisations, or individuals with non-state budget funding.
2. Schools in the national educational system of all forms are established according to the State plans aiming at development of the cause of education. The State shall facilitate public schools to take the leading role in the national educational system.

Conditions, procedures and authority to establish schools or to give permission for school establishment are defined in Article 50 and 51 of this Law.

#### **Article 49. Schools of State agencies, political organisations, socio-political organisations and people's armed forces**

1. Schools of State agencies, political organisations, socio-political organisations have the responsibility to educate and train civil servants. Schools of people's armed forces have the responsibility to educate and train officers, non-commissioned officers, professional staff and defence workers; to foster leaders and state managers on functions and knowledge of national defence and security.
2. The Government shall give detailed provisions on schools of State agencies, political organisations, socio-political organisations and people's armed forces.

***Article 50. School establishment***

1. Conditions for school establishment
  - a) Have management and teaching staff sufficient in quantity and structure, qualified in moral quality and educational qualifications, ensuring the implementation of educational objectives and programmes;
  - b) Have sufficient infrastructure, equipment and financial sources, capable of meeting the requirements of school activities.
2. Those that have authority as defined in Article 51 of this Law, based on the needs of educational development, shall make decision on school establishment for public schools, or on giving permission for establishment of people-founded and private schools.

***Article 51. Authority in the establishment, permission for establishment, termination, merging, separation, and dissolution of schools***

1. Authority in the establishment of public schools and authority of giving permission for establishment of people-founded and private schools are as follows:
  - a) Chairman of district People's Committee shall make decisions for crèches, kindergartens, primary schools, lower secondary schools, and semi-boarding general education schools for ethnic children;
  - b) Chairman of provincial People's Committee shall make decisions for upper secondary schools, boarding general education schools for ethnic children; professional upper secondary education schools under provincial administration.
  - c) Ministers, heads of ministry-equivalent agencies shall make decisions for professional upper secondary educational schools under the concerned agency's administration.

- d) The Minister of Education and Training shall make decisions for colleges, pre-university schools; Head of the State agency in charge of management of vocational training shall make decisions for vocational colleges;
  - đ) The Prime Minister shall make decisions for universities.
2. Those that have authority to establish or give permissions to establish schools shall have the authority to terminate, merge, separate or dissolve respective schools.

The Prime Minister shall give detailed provisions on procedures of establishment, termination, merging, separation, and dissolution of university.

The Minister of Education and Training, Head of the State agency in charge of management of vocational training, according to their authorities, shall define procedures of establishment, termination, merging, separation, and dissolution of schools of other educational levels in the national educational system.

### ***Article 52. School charter***

1. Schools are organised and operated according to the regulations of this Law and the school charter.
2. School charter must include the following components:
  - a) Tasks and rights of the school;
  - b) Organisation of educational activities in the school;
  - c) Duties and rights of teachers;
  - d) Duties and rights of learners;
  - đ) Organisation and management of the school;
  - e) Financing and properties of the school;
  - g) Relationships among school, family and society.
3. The Prime Minister shall promulgate the University Charter, the Minister of Education and Training and Head of the State agency in charge of management of vocational training shall promulgate school charters at other levels of education according to their authorities.

### ***Article 53. School council***

1. School council of public schools or board of directors of people-founded and private schools (hereinafter referred to as school council) is the body responsible for making decisions on the directions of school activities, mobilising and monitoring the use of resources for the school, linking the school with community and society, ensuring the realisation of educational objectives.



2. School council has the following tasks:
  - a) To pass a resolution on the objectives, strategies, projects and development plans of the school;
  - b) To pass a resolution on or to make supplements and amendments of regulations on organisation and operation of the school to submit to the competent authorities for approval;
  - c) To pass a resolution on policies on using financial sources, properties of the school;
  - d) To monitor the implementation of the resolution of the school council, of democratic regulations of school activities.
3. Detailed establishment procedures, organisation structures, rights and duties of school council shall be defined in the school charter.

***Article 54. School head***

1. School head is appointed or recognised by the competent State managerial authority, and is responsible for managing the school's operations.
2. Heads of schools in the national educational system must be trained and upgraded in school management.
3. Criteria, functions and rights, procedures for appointment, recognition of heads of universities shall be stipulated by the Prime Minister, and by the Minister of Education and Training with regard to schools at all other levels, by State management authority for vocational training with regard to vocational training institutions.

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

Advisory board in school is set up by the school head in order to gather opinions from educational managers, teachers, representatives of organisations at the school in realising tasks under the duties and rights of the school head. Organisation and activities of the advisory board is stipulated in the school charter.

***Article 56. Party organisation in school***

Organisation of the Communist Party of Vietnam within the school shall lead the school and operate according to the Constitution and laws.

***Article 57. Mass and social organisations in school***

Mass and social organisations shall operate in school according to the laws and are responsible for contributing to the realisation of educational objectives as defined in this Law.

## ***Section 2. Functions and rights of schools***

### ***Article 58. Functions and rights of schools***

Schools have the following functions and rights:

1. To organise teaching, studies and other educational activities according to educational objectives and programme; to ratify or issue diplomas, certificates within its authorities.
2. To recruit, administer teachers and staff; to participate in the process of personnel mobilisation by competent state agencies for teachers and staff;
3. To enrol and administer learners;
4. To mobilise, manage and utilise resources according to the laws;
5. To build up infrastructure in conformity with the requirements of standardisation and modernisation;
6. To co-ordinate with learners' families, organisations 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 is subject to accreditation by competent quality accreditation agency;
9. Other functions and rights as regulated by laws.

### ***Article 59. Functions and rights of professional upper secondary schools, colleges and universities in scientific research and social services***

1. In conjunction with the functions described in Article 58 of this Law, professional upper secondary schools, colleges, universities have the following additional functions:
  - a) To perform scientific research; application, development and transfer of technology and to participate in solving socio-economic problems of the localities and the country;
  - b) To perform scientific services, production and business in accordance with laws.
2. In implementing functions defined in paragraph 1 of this Article, professional upper secondary schools, colleges and universities have the following rights:

- a) To receive land allocation or rental, infrastructure allocation or rental by the State, to benefit tax reduction or exemption, to receive loans as regulated by laws;
- b) To associate with economic, educational, cultural, sporting, athletics, medical and research organisations to improve educational quality, to link training with use, to serve socio-economic development and to generate extra financial sources for institutions;
- c) To spend incomes from economic activities to invest in the institution's infrastructure, to expand production and business activities and to compensate for educational activities as regulated by laws.

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

Professional upper secondary schools, colleges and universities are given autonomy and self-accountability as defined by laws and by their charters in the following aspects:

- 1. Developing educational programmes, syllabi, teaching and learning plans for authorised educational fields;
- 2. Planning enrolment quota, conducting enrolment, organisation of educational process, recognition of graduation and issuance of degrees/diplomas;
- 3. Organising the institution's organisational structure; recruiting, administering, using and compensating faculty and staff members;
- 4. Mobilising, managing and utilising resources;
- 5. Co-operating with domestic and international economic, educational, cultural, sporting, athletics, medical, and research organisations according to governmental 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 children, and/or children of long-term resident families in areas with extreme socio-economic difficulties to help prepare 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, infrastructure, equipment and budget.

***Article 62. Specialised schools, schools for gifted students***

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

Schools for gifted students in arts, sports and athletics are established to develop talented pupils in these fields.

2. The State shall give priority in allocating teachers, infrastructure, equipment and budget to specialised schools and schools for gifted students established by the State and give incentives to schools for gifted students established by individuals or organisations.
3. The Minister of Education and Training shall, in co-operation with other related ministers and heads of governmental agencies, promulgate educational programmes, organisational regulations for specialised schools and schools for gifted students.

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

1. The State shall establish and encourage organisations and individuals to establish schools and classes for disabled and handicapped people to enable them to restore their functions, to receive education and vocational training and to integrate into the communities.
2. The State shall give priority in allocating teachers, infrastructure, equipment and budget to schools and classes for disabled and handicapped people established by the State and give incentives to schools and classes for disabled and handicapped people established by individuals or organisations.

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

1. Re-education schools are responsible for educating juvenile offenders to enable them to correct, develop and become good citizens, capable of re-integrating into the society.
2. The Minister of Public Security shall have the responsibility for co-operating with the Minister of Education and Training and the Minister of Labour, War Invalids and Social Affairs to stipulate educational programme for re-educational schools.

## ***Section 4. Policies for people-founded and private institutions***

### ***Article 65. Duties and rights of people-founded and private institutions***

1. People-founded and private institutions shall have equal rights as those of public institutions concerning the implementation of educational objectives, contents, programmes, methods, and other regulations on admissions, teaching, learning, testing, examinations, recognition of graduation, issuance of degrees, diplomas and certificates.
2. People-founded and private institutions are autonomous and self-accountable for their planning, institutional development plan, organisation of educational activities, development of teaching staff, mobilisation, utilisation and management of other resources to implement educational objectives.
3. Degrees, diplomas and certificates issued by people-founded, private or public institutions shall have equal legal values.
4. People-founded and private institutions are subject to the management of State management bodies for education as regulated by the Government.

### ***Article 66. Financial regulations***

1. People-founded and private institutions shall operate on the principle of financial autonomy, self-balancing of revenue and expenditure, in compliance with regulations of laws on accounting and auditing.
2. Incomes of people-founded and private institutions shall be used for expenditures of the institution's necessary operations, fulfilment of duties to the State budget, establishment of investment development funds and other funds of the institution. The remained incomes shall be distributed to the members according to their contribution of capital.
3. People-founded and private institutions shall follow transparent financial practices and are responsible for producing annual financial reports for the competent State management agencies for education and for the financial agencies where they are located.

### ***Article 67. Rights on ownership of properties, withdrawal and transfer of capital***

Properties, finance of people-founded institutions shall fall under collective ownership of local community; properties, finance of private institutions shall fall under ownership of its shareholders. Properties and finance of people-founded and private institutions are protected by the State as regulated by laws.

Withdrawal and transfer of capital of private institutions shall be made in accordance with the Government's regulations, to ensure the institution's stability and development.

***Article 68. Preferential policies***

People-founded and private institutions shall receive land allocation or rental, infrastructure allocation or rental by the State, receive budget support when implementing duties requested by the State, and benefit from preferential policies on taxes and credits. People-founded, private institutions shall receive financial assurance by the State in order to implement policies for learners as stipulated in Article 89 of this Law.

The Government shall provide detailed regulations on preferential policies for people-founded and private institutions.

***Section 5. Organisation and operation of other educational institutions***

***Article 69. Other educational institutions***

1. Other educational institutions in the national educational system consist of:
  - a) Groups of baby sitters, crèche; independent classes include kindergarten classes, illiteracy eradication classes, foreign language classes, informatics classes, classes for disadvantaged children who are unable to attend schools, classes for disabled and handicapped children, vocational training classes and professional upper secondary education classes organised within production, business and service enterprises.
  - b) Centres for general technical education and professional orientation; vocational training centres; continuing educational centres; community learning centres;
  - c) Scientific research institutes with permission to offer programs at doctoral level, or in co-ordination with universities to offer programs at master level.
2. Scientific research institutes, upon receiving the Government's permission to co-ordinate with universities to offer programs at master level, are responsible to sign contracts with the universities to implement their educational programmes.
3. The Minister of Education and Training shall promulgate regulations on the organisation and operation of other educational institutions as defined in point b, paragraph 1 of this Article; regulations on the organisational and operational

principles of other educational institutions as defined in point a, paragraph 1 of this Article; regulations on training co-ordination principles of other educational institutions as defined in point c, paragraph 1 of this Article.

## *Chapter IV*

### TEACHERS

#### *Section 1. Duties and rights of teachers*

##### ***Article 70. Teachers***

1. Teachers are persons who carry out teaching, educating at schools or other educational institutions.
2. Teachers must possess the following criteria:
  - a) Having good moral, mental and ideological qualifications;
  - b) Having obtained the standardised level in the profession;
  - c) Having good health as required by the profession;
  - d) Having a clear curriculum vitae.
3. Teachers working at institutions of pre-school education, general education, professional education are called teachers, at institutions of higher education are called lecturers.

##### ***Article 71. Professors and associate professors***

Professors and associate professors are titles of teachers teaching at institutions of higher education.

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

##### ***Article 72. Teachers' duties***

Teachers have the following duties:

1. Educating and teaching according to educational objectives, principles and curriculum;

2. Being exemplary in the fulfilment of civic duties, regulations of law and school charters;
3. Maintaining moral quality, prestige and honour of teacher, respecting learners' dignity, to treat learners equally, and protect legitimate rights and interests of learners;
4. Studying continuously to improve moral quality, ethics, professional qualification and being good example for learners.
5. Performing other duties as regulated by laws.

#### ***Article 73. Rights of teachers***

Teachers have the following rights:

1. To teach according to their educated specialisation;
2. To receive further education and training to improve qualifications;
3. To work under contract as visiting teacher and/or researcher in other schools, educational and research institutions provided that they fulfil their tasks assigned by their school;
4. To be protected with regard to their honour and dignity;
5. To have summer vacation, Lunar New Year holidays, and semester holidays as stipulated by the Minister of Education and Training and other holidays as stipulated in the Labour Law.

#### ***Article 74. Visiting teaching***

1. Educational institutions are entitled to invite persons meeting criteria as stipulated in paragraph 2, Article 65 of this Law to teach as visiting teachers;
2. Visiting teacher must perform duties as defined in Article 72 of this Law;
3. Visiting teacher, if being civil servants, must first assure the fulfilment of tasks at his/her organisations.

#### ***Article 75. Prohibited behaviours of teachers***

Teachers are prohibited from having the following behaviours:

1. Disrespect the honour, dignity of learners, hurt or abuse them physically;
2. Fraudulent in admission, examinations, intentionally mis-evaluating learners' study and training results;
3. Distort educational contents;
4. Force learners to take extra classes for money



### ***Article 76. Vietnamese Teachers' Day***

Annually, the 20<sup>th</sup> of November is the Vietnamese Teachers' Day.

## ***Section 2. Education and training for teachers***

### ***Article 77. Standardised educational qualifications of teachers***

1. The standardised educational qualifications of teachers are defined as follows:
  - a) Pre-school and primary education teachers must possess upper secondary pedagogical diploma;
  - b) Lower secondary education teachers must possess pedagogical college diploma or college diploma and certificate of pedagogy training;
  - c) Upper secondary education teachers must possess pedagogical university degree and certificate of pedagogy training;
  - d) Teachers guiding practice at vocational training institutions must possess diploma from professional upper secondary school; vocational training college or be qualified artisans, high skilled technical workers;
  - d) Professional upper secondary teachers must possess pedagogical university degree or university degree and certificate of pedagogy training;
  - e) Teachers at colleges and universities must possess university degree or higher and certificate of pedagogy training; master degree or higher for teaching specialised subjects or supervising master thesis, doctoral degree for teaching specialised subjects or supervising doctoral thesis.
2. The Minister of Education and Training and heads of the State management agencies for vocational training, according to their competence, shall stipulate further education and training for teachers who have not met the required standards.

### ***Article 78. Pedagogical institutions***

1. Pedagogical institutions are established by the State to educate and train teachers and educational management staff.
2. Pedagogical institutions shall be given priority in teacher recruitment, allocation of administrators, investment in infrastructure and dormitories, as well as availability of funding.
3. Pedagogical institutions have dormitories, schools or establishments for trainee-teachers' practice.

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

Teachers of colleges and universities are recruited based on preferential recruitment of good and excellent graduates with good personal quality and those with undergraduate, master, or doctoral qualifications, practical experience and desire to become teacher. Prior to their teaching assignment, college and university teachers must receive pedagogy training. These training programs shall be regulated by the Minister of Education and Training.

## ***Section 3. Policies for teachers***

### ***Article 80. Professional and pedagogical enhancement***

The State shall elaborate policies for upgrading teachers professionally and pedagogically so as to enhance their qualifications and bring them up to the required standards.

Teachers nominated to attend professional and pedagogical enhancement programmes will receive salary and subsidies as regulated by the Government.

### ***Article 81. Salary***

Teachers will receive salary, professional allowances and other allowances regulated by the Government.

### ***Article 82. Policies for teachers, educational administrators working at special schools, in areas with extreme socio-economic difficulties***

1. Teachers and educational administrators working at specialised 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 receive allowances and other preferential rewards as stipulated by the Government.
2. Teachers and educational administrators working in areas with extreme socio-economic difficulties shall be facilitated by the People's Committees at various levels concerning housing and shall receive allowances and other preferential rewards as stipulated by the Government.
3. The State shall elaborate policies to rotate teachers and educational administrators working in areas with extreme socio-economic difficulties, encourage and provide preferential rewards to teachers and educational administrators working in more favourable areas to move into areas with extreme

socio-economic difficulties; facilitate teachers in these areas to settle to their work, provide training of ethnic minority languages for teachers and educational administrators working in ethnic minority areas 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 educational system. Learners include:
  - a) Children at pre-school education institutions;
  - b) Pupils at general education establishments, vocational training classes, vocational training centres, professional upper secondary schools and pre-university schools;
  - c) Students at colleges and universities;
  - d) Students at institutions providing master education ;
  - đ) Doctoral candidates at institutions providing doctoral education ;
  - e) Learners in continuing educational programmes.
2. The stipulations in the Articles 85,86, 87, 88, 89, 90, 91, 92 of this Law are only applicable to learners mentioned in the points b, c, d, đ and e, paragraph 1 of this Article.

##### ***Article 84. Rights of and policies for children at pre-school institutions***

1. Children at pre-education institutions have the following rights:
  - a) To receive care, nurture, educational according to the objectives, pre-education plans of the Ministry of Education and Training;

- b) To benefit from the primary health care service, free medical examinations, treatment at the public health care establishments;
  - c) To benefit from discounted public entertainment services.
2. The Government shall define policies for children at pre-school institutions.

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

Learners have the following duties:

1. To perform learning and training tasks according to the educational programmes and plans of schools or other educational institutions;
2. To respect teachers, staff of the school and of other educational institutions; to maintain solidarity and mutual support in learning and training, to comply with State's laws and conform to school regulations and charters;
3. To participate in working and social activities, environmental protection activities appropriate to their age group, health and ability;
4. To preserve and protect properties of the school and of other educational institutions;
5. To contribute to building, protection and development of the tradition of the school and of other educational institutions.

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

Learners have the following rights:

1. To receive respect, equal treatment and full provision of adequate information concerning their own learning and training by schools or other educational institutions;
2. To have the possibility of learning at earlier ages, leaping grades, shortening program duration, learning at the age higher than regulated, extending program duration or repetition;
3. To be awarded degrees, diplomas or certificates after graduation at academic and training levels as regulated by laws;
4. To participate in activities of mass organisations and social organisations in schools and other educational institutions in accordance with laws;
5. To use equipment and facilities assigned to learning, cultural, sporting, athletic activities at schools or other educational institutions;

6. To submit, directly or through their legal representatives, to schools or other educational institutions measures for the school improvement, to protect learners' legitimate rights and interests;
7. To benefit from preferential State policies in recruitment into State agencies upon merit graduation with excellent records and good conduct.

***Article 87. Obligations to work for time-bound duration according to the State's placements***

1. Students at public colleges and universities who receive scholarships or funding from the State or foreign countries under agreement with the State, upon graduation, must comply to job placements for time-bound duration by the State; in case of non-compliance, education costs and scholarships must be refunded by the students.
2. The Government shall provide detailed provisions on the specific duration of job under placement of relevant authorities, on the duration of waiting for job placement and on the amount of refunding as defined in paragraph 1 of this Article.

***Article 88. Prohibited behaviours of learners***

Learners are prohibited from having the following behaviours:

1. Disrespect honour, dignity or infringe physically upon school's teachers, staff and other learners;
2. Fraudulent in learning, tests, examinations, admission exams;
3. Smoke or drink alcohol during class; cause disorders and disturbances at the school or in public areas.

***Section 2. Policies for learners***

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

1. The State shall elaborate policies on granting academic scholarships to pupils with excellent scholastic achievements at specialised schools, schools for gifted students as stipulated in Article 62 of this Law or to learners with good academic and training results at vocational education institutions and at universities; on granting policy scholarships to students enrolled by form of 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 elaborate policies on subsidy and reduction/exemption of tuition for learners from social policy targeted groups, ethnic minorities in areas with

extreme socio-economic difficulties, homeless orphans, disabled and handicapped people 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 are exempted from tuition, and receive preferential treatment in the consideration for scholarships and/or social subsidies as defined in Items 1 and 2 of this Article.
4. The State shall encourage organisations and individuals to grant scholarships or allowances to learners as prescribed by laws.

#### ***Article 90. Admission by form of nomination***

1. The State shall grant admission for students in areas with extreme socio-economic difficulties into colleges, universities or professional upper secondary schools by means of nomination, in order to educate human resources, civil servants for these areas;

The State shall set aside nomination quotas for some ethnic minorities with no or few officials having obtained degrees/diplomas from colleges, universities or professional upper secondary schools; make policies to create admission source based on favourable conditions for students of these ethnic minorities to enter general education ethnic boarding-schools and increase pre-university period.

2. People's Committee at provincial level, based on the need of the province, shall be responsible for proposing nomination quotas, allocating nomination quotas according to appropriate fields and disciplines, selecting persons according to approved quotas and set criteria, assigning jobs for learners after graduation.
3. Students of this nomination mode, upon graduation, must comply with job placement by the competent State agency sending them to study.

The Government shall regulate criteria and beneficiaries of nomination mode, implementation of nomination mode, refunding of the scholarships and educational costs to be made by the students if they fail to comply with the job placement.

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

The State shall elaborate preferential credit policies concerning interest rates, credit's conditions and duration to enable learners from low-income families to study.

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

Pupils and students qualify for fee reduction or exemption when using public services in health care, transportation, entertainment, and visits to museums, historical relics and cultural attractions as stipulated by the Government.

## *Chapter VI*

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

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

Schools shall be responsible for active liaison with families and society to implement the educational objectives and principles.

Other regulations related to schools in this Chapter will be applied for other educational institutions.

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

1. Parents or guardians shall be responsible for nurturing, caring and facilitating their children or persons under their guardianship in learning, training and participation in school activities.
2. All family members shall be responsible for creation of a cultural family and a favourable environment for comprehensively moral, intellectual, physical and aesthetic development of their children; adults are responsible for educating, setting examples, and working with schools to improve quality and efficiency of education.

#### ***Article 95. Rights of parents or guardians of students***

Parents or guardians shall have the following rights:

1. To request schools to inform them about results in learning and training of their children or persons under their guardianship;
2. To take part in educational activities according to school' plans ; to participate in activities for parents or guardians at schools;
3. To request schools and/or educational management agencies to respond to issues related to the education of their children or persons under their guardianship by laws.

#### ***Article 96. Representative committee of pupils' parents***

Representative committee for the pupils' parents is annually established at pre-school and general education level, nominated by parents or guardians in each class or school to liaison with schools in the implementation of its educational operations. This committee shall not be established at inter-school or administrative level.

***Article 97. Responsibility of society***

1. State agencies, political organisations, socio-political organisations, socio-political-professional organisations, social organisations, socio-professional organisations, professional organisations, economic organisations, people's armed forces units and all citizens shall have the following responsibilities:
  - a) Helping schools in organising educational and research activities; facilitating teachers and learners in visits, practice and research;
  - b) Contributing to the creation of a healthy learning movement and educational environment, while preventing activities with possible negative affects on youth and children;
  - c) Facilitating learners in healthy recreational, cultural, sporting and athletic activities;
  - d) Contributing labours, resources and finance for the cause of educational development according their capacities.
2. The Vietnam Fatherland Front Committee and its member organisations shall be responsible for mobilising the population to take care of the cause of education.
3. The Ho Chi Minh Communist Youth Union shall be responsible for co-ordinating with schools in the education of the youth and children; mobilising its members and youth to set examples in learning, training and participating in the development of the cause of education.

***Article 98. Learning promotion funds, educational sponsoring funds***

The State shall encourage organisations and individuals in setting up learning promotion funds, educational sponsoring funds that operate in accordance with laws.

***Chapter VII***

**STATE MANAGEMENT OF EDUCATION**

***Section 1. Contents of state management and state agencies***



## **in charge of management of education**

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

Contents of State management of education shall comprise:

1. Formulating and directing the implementation of strategies, plans and policies on educational development;
2. Promulgating and organising the execution of legal documents on education; school charters and regulations concerning organisation and operations of other educational institutions;
3. Defining objectives, programmes, contents of education; teacher standards; standards on infrastructure and equipment of school; compilation, publication, printing and distribution of textbooks, teaching manuals, regulations on examination and awards of degrees/diplomas/certificates;
4. Organising and managing educational quality assurance and accreditation;
5. Conducting statistical works on educational organisation and operations;
6. Organising educational management apparatus;
7. Organising and directing the training, enhancement and management of teachers and educational administrators;
8. Mobilizing, managing and utilizing resources for educational development;
9. Organizing and managing scientific and technological research and application in education sector;
10. Organizing and managing international cooperation in education;
11. Regulating the issuance of honorary titles for people with outstanding contributions to the cause of education;
12. Inspecting and supervising the law compliance concerning education; settlement of complaints, denunciations and violations of the laws on education.

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

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

The Government shall submit to the National Assembly for decision of major guidelines affecting learning rights and duties of citizens nation-wide, orientations for reform of educational contents related to a whole educational level; annually

report to the National Assembly on educational operations and educational budgetary execution.

2. The Ministry of Education and Training is accountable to the Government for the implementation of State management of education.
3. Other ministries and ministerial-level agencies are responsible for co-operating with the Ministry of Education and Training to exercise the State management of education according to their competence.
4. The People's Committees at various levels shall implement State management of education according to the Government's delegation and are responsible for ensuring financial conditions, infrastructure, teachers, teaching equipment for public institutions under their management, meeting the demand of scale expansion, improvement of 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; admission fees; incomes from consulting, technology transfer, production, business and service activities of educational institutions; investments from domestic and international organisations and individuals for educational development registration fees; other funding from domestic and international organisations and individuals as regulated by laws.

### ***Article 102. State budget for education***

1. The State shall give first priority to the allocation of budget for education, ensuring that the increasing proportion of the State budget for education shall be higher than that of the whole State budget.
2. The State budget for education must be allocated on the principle of transparency, democratic centralisation, based on the educational scale, socio-economic development conditions of each region, reflecting the State's priority policy for universalised education, educational development in ethnic minority areas and areas with extreme socio-economic difficulties.
3. Financial agencies shall be responsible for allocating fully, timely educational expenditures in conformity with the progress of the school year. Agencies in charge of educational management shall be responsible for managing and using efficiently the allocated budgets and other incomes as regulated by laws.

### ***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, sporting, athletic, cultural, artistic facilities in service of education into the planning and socio-economic development plan of their sectors and localities; and shall give priority in finance and land allocation for the construction of schools, dormitories in their socio-economic development plans.

***Article 104. Encouragement to investment in education***

1. The State shall encourage and facilitate organisations and individuals to contribute their intellects, labour and financial resources to education.
2. Investments, contributions, grants from economic organisations made on the establishments of training school and classes at their enterprises, co-ordination in training with educational institutions, sending staff for training and acquiring new technologies in service of their own needs shall be accounted as legitimate expenditures and will be deducted from corporate income taxable amounts according to the Law on Corporate Income Tax.
3. Contributions, grants made by individuals to education shall be considered for reduction of income tax applicable to for people with high income as regulated by the Government.
4. Organisations and individuals investing in construction of infrastructure catering to education; contribution and funding in kind or cash for educational development shall be recognised by appropriate forms.

***Article 105. Tuition, admission fees***

1. Tuition, admission fees are contributions made by learners' families or learners for supporting educational activities. Pupils at primary education level in public schools are not required to pay tuition. Except for tuition and admission fees, learners and learners' families are not required to make any other forms of contribution.
2. The Government shall set tuition collecting and using mechanisms for all types of schools and other educational institutions.

The Minister of Finance, in co-ordination with the Minister of Education and Training and heads of the State management agencies for vocational training shall set the rate of tuition and admission fees for public educational institutions under the administration of central authorities.

The Provincial People's Councils shall set the rate of tuition and admission fees for public educational institutions under the administration of the province, at the proposal of the People's Committee at the same level.

People-founded and private educational institutions are entitled to setting the rate of their tuition and admission fees.

***Article 106. Tax incentive in the publication of textbooks and production of equipment, teaching aids and toys***

The State shall elaborate incentive tax policies in the publication of textbooks, teaching manuals, teaching materials; in the production and supply of teaching equipment, children toys; in the import of books, periodicals, teaching aids and research equipment to be used in schools and other educational institutions.

***Section 3. International cooperation in education***

***Article 107. International co-operation in education***

The State shall expand and develop international co-operations in education on the principle of respect for national independence and sovereignty, equality and mutual benefit.

***Article 108. Encouragement to co-operation in education with other countries***

1. The State shall encourage and facilitate Vietnamese schools and other educational institutions to cooperate with foreign organisations, individuals, and overseas residing Vietnamese in teaching, learning and scientific research.
2. The State shall encourage and facilitate Vietnamese citizens to participate in studying, teaching, research and academic exchange abroad, either at their own expenses or by funding from domestic or foreign organisations and individuals.
3. The State shall set aside its budget to send persons meeting criteria in quality, morals and qualification to study/or conduct research abroad in key areas and fields serving the construction and defence of the Fatherland.

***Article 109. Encouragement to co-operation in education with Vietnam***

1. The Vietnamese State shall encourage and facilitate foreign organisations and individuals, international organisations, overseas residing Vietnamese to conduct teaching, studying, investment, funding, co-operation, scientific application, technology transfer to Vietnamese education; their legitimate rights and benefits are protected in accordance with Vietnamese laws and the international conventions signed or acceded by the Socialist Republic of Vietnam.
2. The co-operation in education, establishment of school or other educational institutions by overseas residing Vietnamese, or by foreign organisations and/or individuals, international organisations within the Vietnamese territories shall be regulated by the Government.

### ***Article 110. Recognition of foreign degrees/diplomas***

1. Foreign degrees/diplomas granted to Vietnamese shall be recognised according to regulations by the Minister of Education and Training and international conventions signed or acceded by the Socialist Republic of Vietnam.
2. The Minister of Education and Training shall be responsible for signing agreements with other countries and international organisations on the equivalence or mutual recognition of degrees/diplomas.

## ***Section 4. Educational inspectorate***

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

1. Educational inspectorate shall implement inspection rights within the State management of education, in order to ensure law enforcement, promotion of positive elements, prevent and handle violations, protect interests of the State, legitimate rights and interests of organisations and individuals in education.
2. Educational inspectorate shall have the following functions:
  - a) Inspecting of compliance with educational laws;
  - b) Inspecting the implementation of educational objectives, plans, programme, contents and methods, professional regulations, the compliance with regulations on examinations, diploma and certificate issuance; the completion of necessary conditions of educational quality assurance at educational institutions;
  - c) Performance of complaint and denunciation settlement in education according to regulations of laws on complaints and denunciations;
  - d) Handling of administrative violations in education in accordance with the law on administrative violation handling;
  - đ) Performance of corruption prevention and anti-corruption in education in accordance with regulations of laws on anti-corruption;
  - e) Proposal of measures to ensure educational law enforcement; amendments and supplements to the State's policies and regulations on education;
  - g) Performance of other duties in accordance with other regulations of laws.

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

Educational inspectorate shall have rights and duties as stipulated in the Law on Inspection.

When performing inspection, within the authorities of the heads of educational management agencies at the same level, educational inspectorate shall have rights to temporarily suspend all illegal/illegitimate activities in education, report to

competent agencies for handling and is responsible for their decision regarding this temporary suspension.

**Article 113. Organisation and operation of educational inspectorate**

1. Agencies in charge of educational inspection shall comprise:
  - a) Educational inspectorate of the Ministry of Education and Training;
  - b) Educational inspectorate of Departments of Education and Training;
2. Operations of educational inspection shall be implemented in accordance with regulations of the Law on Inspection.

Operations of educational inspectorate at district level shall be put under direct responsibility of Directors of Education and Training Office, with technical guidance from educational inspectorate of Departments of Education and Training.

Operations of educational inspectorate at vocational training institutions, higher educational institutions shall be put under direct responsibility of heads of the institution, in accordance with regulations of the Minister of Education and Training, heads of State management agencies for vocational training.

## *Chapter VIII*

### AWARDS AND HANDLING OF VIOLATIONS

**Article 114. Awarding 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. Awards for organisations and individuals with outstanding contributions to education**

Organisations and individuals with outstanding contributions to the cause of educational shall be awarded in accordance with laws.

**Article 116. Awards for learners**

Learners with excellent achievements in learning and training shall be awarded by schools, other educational institutions or educational authorities. In case of exceptional achievements, the awards shall be issued as regulated by laws.

**Article 117. Awards of honorary doctor title**

Political and social activists of international prestige, teachers and scientists who are overseas residing 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. A person who commits one of the following violations shall, depending on the nature and extent of the breach, be subject to a disciplinary penalty, administrative sanction or penal liabilities; if the violation causes damages, compensation must be paid according to regulations of laws:
  - a) To illegally establish an educational institution or to illegally organise educational operations;
  - b) To violate regulations on organisation, operations of schools or other educational institutions;
  - c) To add or remove, without authorisation, subjects and/or contents of teaching as defined in the curricula;
  - d) To publish, print and distribute textbooks illegally;
  - đ) To make falsified dossiers; to violate regulations on school admission; examination and degree, diploma, certificate issuance;
  - e) To infringe physically upon teachers or their dignity; maltreat and persecute learners;
  - g) To cause disorder and disturbances in schools or other educational institutions;
  - h) To cause losses of educational budget, to make corrupt use of educational operations for illegitimately collecting money;
  - i) To cause damages to schools or other educational institutions' properties;
  - k) Other violations of the Educational Law.
2. The Government shall provide concrete regulations to settle violations in educational sector.

***Chapter IX***

**IMPLEMENTING PROVISIONS**

***Article 119. Implementation effect***

This Law takes effect from 1<sup>st</sup> January 2006.

This Law will replace the 1998 Education Law.

***Article 120. Guidance on implementation***

The Government shall provide detailed guidance on the implementation of this Law.

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*This Law was passed by the National Assembly of the Socialist Republic of Vietnam, Eleventh Legislature, Seventh Session, 14<sup>th</sup> June 2005.*

**CHAIRMAN OF THE NATIONAL ASSEMBLY**

**NGUYEN VAN AN**