

# Law of Mongolia on Education

## CHAPTER ONE

### GENERAL PROVISIONS

#### Article 1. Purpose of the Code

1.1 The purpose of the law is to determine the right and duty of the parties to education relations, basic principles of education, system, content, leadership and organizational relationships, and to regulate the general affairs related to ensuring the right of study of an individual.

#### Article 2. Education legislation

2.1 The education legislation shall consist of the Constitution of Mongolia, current law, Preschool Education, Elementary and Secondary Education, Higher Education, Vocational Education, training laws and other acts of legislation enacted in conformity thereof.

(amended on May 23, 2008)

2.2 If an international treaty of which Mongolia takes part prescribes rules other than those established by this law, the provisions of the international treaty shall be applicable.

#### Article 3. Definitions

3.1 For the purposes of this Code:

3.1.1 "compulsory education" means the 12-year schooling level

(amended on December 8, 2006)

3.1.2 "basic education" means the 9-year schooling level

3.1.3 "content of the education" means the complexity of the required knowledge, ability and practice

3.1.4 "education level" means the amount of knowledge that should be possessed according to preschool, elementary, secondary and higher education standards

3.1.5 "education organization" means the legal entity implementing more than single level educational content

3.1.6 "formal education" means organized activity enhancing a certain level of need for possessing education through the official organizations

3.1.7 "informal education" means the organized activity of offering an education service to people besides the official education system

3.1.8 "package hour" means the unit of measuring the capacity of the education content

3.1.9 "disabled student" means a student who is mentally incapable or suffering from inborn or hereditary disadvantage

3.1.10. "environment of study" means the materialistic condition for implementation of education standards, and interdependence of learning and teaching characteristics

3.1.11. "formation" means the complexity of the students upbringing and belief

3.1.12. "social worker" means the specialist who prevents children from adverse social impacts through professional advise directed towards group or individual, assessment of socials issues of students, parents and teachers, while supporting their formation and cooperation

(amendments were made in the clause 3.1.9, 3.1.10, 3.1.11, 3.1.12 on December 8, 2006)

#### Article 4. Goals of the education

4.1 The goals of the education of Mongolia are to develop mental, moral and physical abilities, and to instill a sense of humanity and independency in learning, working and sustaining life.

#### Article 5. Basic principles of education

5.1 The basic principles of education shall be as follows:

5.1.1 To develop education as a leading sector of Mongolia and monitor under state regulation and public acceptance

5.1.2. The education of Mongolia, humane, democratic, continuous and sufficient in nature, shall be based on cultural heritage, advanced tradition and science

5.1.3 Education shall be free, accessible and variable adjusted to individual and development specialties, type of education and needs of the learner

(amended on December 8, 2006)

5.1.4 Mongolian citizens shall all be given equal opportunities of receiving education in their mother tongue, and they shall not be subject to educational discrimination on account of race, creed, age, sex, social status, economic position, employment status, religion or opinion.

(amended on December 8, 2006)

5.1.5 It is prohibited to organize and conduct training adverse to the interest of society and citizens, health and security

5.1.6. Equal opportunity shall be provided for all educational organizations regardless of their type

#### Article 6. Basic rights and duties of citizens

6.1. A citizen of Mongolia has a right to obtain education at all levels with or without tuition fees and work in parallel with study

6.2 According to the Constitution of Mongolia, no tuition fee shall be charged for general education

6.3 A citizen of Mongolia is obliged to receive general education

6.4 A citizen is obliged to be involved in professional training or self study, thus empowering himself/herself continuously

(amended on December 8, 2006)

#### Article 7. Education system

7.1 The education system of Mongolia shall comprise informal and formal education, including preschool, elementary, secondary and higher education

7.2 The standards and content of the formal education shall be in accordance with the law. The content of the education shall be free

#### Article 8. Type and methods of possessing education

8.1 A citizen shall possess education through formal and informal types of education. The formal education could include day and evening courses, extramural and external trainings.

8.2 Education in a certain period could be obtained through informal education curriculum equal to elementary and secondary education. A member of government shall approve the curriculum and procedure.

(amended on December 8, 2006)

#### Article 9. Education documents

9.1 The education documents shall officially grant the attributed content, level and profession

9.2 The central administration organization in charge of education matters shall supervise the registration and allocation procedures of the education documents (certificate, ID, diploma)

## **CHAPTER TWO**

### **EDUCATION CONTENT AND STANDARD**

#### Article 10. Education content

10.1 The content of an education shall be directed towards achieving education goals, set up on student's age, physical and mental specialties, talents, interest, private and social needs, national heritage, science and technological development.

#### Article 11. Education content level and standard

11.1 The content of the education shall comprise preschool, elementary, secondary and higher education system. The education content shall be formed upon the Laws on Preschool Education, Elementary and Secondary Education, Higher Education, Vocational Education and Training and defined by state standard in details.

(amended on May 23, 2008)

11.2 The education standards shall set basic requirements for the learning environment, the level of education content suitable for students, their assessment and the level of teachers' professionalism.

11.3. The standard of the education shall be processed by the central administrative organization in charge of education matters and shall be approved in accordance with article 6.5 of the Standardization and Assessment Law, and receive state registration.

(amended on December 8, 2006)

11.4. Preschool education, as well as elementary and secondary education standards shall be followed by all types of kindergarten and schools.

(amended on December 8, 2006)

## **CHAPTER THREE**

### **EDUCATIONAL INSTITUTIONS**

#### Article 12. Educational institutions

12.1 Educational institutions means legal entities conducting activities for the purpose of education goals.

12.2. The types of the educational institutions shall be as follows:

12.2.1. non-profit

12.2.2. profit organization

(amended on December 8, 2006)

#### Article 13. Organizational structure of the educational institutions

13.1. The educational institutions shall comprise training, research, methodological and other types of institutions.

13.2. The educational institutions could be diverse in type, depending on conditions of conducting research, experiments, vocational training and manufacturing activities complying with the main objectives.

(amended on December 8, 2006)

#### Article 14. Preschool, elementary and secondary education institutions

14.1. The preschool, elementary and secondary education institutions shall consist of kindergarten, secondary education school and vocational training centers.

#### Article 15. Higher education institutions

15.1. The higher education institutions shall consist of university and colleges. Universities shall be of research-training type and colleges shall be of vocational type.

#### Article 16. Research and methodological institutions

16.1. The research and methodological institutions shall conduct basic and complementary studies on education development matters, provide research level information, and provide training-methodological assistance to all levels of school, kindergarten and individuals.

16.2 Educational departments of the aimag and city, and education bureaus of districts shall provide professional and managerial assistance to kindergartens and schools located in the target territory. In addition, these institutions shall assist senior staff of the educational institutions, teachers and citizens in occupation with conducting research for mid-career education.

(amended on January 3, 2003 and December 8, 2006)

16.3. The research and methodological institutions as well as aimag and city education departments could have target kindergarten and schools.

(amended on January 3, 2003)

#### Article 17. Informal education institutions

17.1. The informal education research and methodological institutions shall be supervised by the central administrative organization in charge of education matters.

17.2. The informal education centers shall be operated independently or under the supervision of education institutions in organizing informal education training in aimag, city, som and districts and in assisting attendants.

17.3. The rules and organizational charts of the informal education research and methodological institutions shall be approved by the central administrative organization in charge of education matters.

## Article 18. Other types of organizations

18.1. Entities and individuals operating out of school hours could assist children and adults in learning and advancing their profession through its activities in the socio-economic sector, science and technology, jurisprudence, environment, aesthetics, culture, arts, sports, health, family and household fields.

18.2. All levels of school, other entities, organizations and individuals are open to conduct training suitable for individuals who may run production and service deals.

18.3. Independent entities and organizations that conduct stable activities in the education sector could have permission for operation in compliance with the legislations.

18.4. The relationship between the religious school students and basic education shall be regulated by the Law on State and Temple Relations.

## Article 19. Establishing educational institutions

19.1 If the educational institutions shall be provided by special buildings, equipment and facilities, text books and books, teaching human resource then it could be launched in all forms of ownership.

19.2 An official launch of the educational institution shall be validated from the date of receiving the state license.

## Article 20. Organization allocating special permission

20.1 Special permission for the establishment of an educational institution shall be allocated by the Aimag and District Governors, based on the decision of the central administrative organization in charge of education matters who evaluate activities of the universities and colleges, vocational training centers, general education organizations and Aimag and District Education Department authority decisions who make analysis of secondary schools, kindergartens in compliance with the articles 15.7.1, 15.7.2, 15.7.4, 16.2.4,16.3.3. of the Law on Special Permission to Entities.

(amended on December 8, 2006)

## Article 21. Required documents for the application of special permission

21.1. The originator of an educational institution shall provide the following materials to the related organization not less than 6 months in advance according to article 11 of the Law on Special Permission to Entities:

21.1.1 The decision of an authorized organization on the establishment of an educational institution, application forms, rules, or contract of establishment

(amended on December 8, 2006)

21.1.2. introduction with the estimations and grounds of the establishment

21.1.3. Curriculum

21.1.4. study of teaching resources and qualifications

21.1.5. guarantee of study facilities, including building, technical facilities, books and text books

21.1.6. financial resource, capacity and assurance

21.1.7. list of assets (real and cash assets), size and guarantee

21.1.8 certificate of land ownership

21.2. When the educational institution receives special permission on conducting masters and doctors degree training, materials for submission should include documents in addition to Article 11 of the Law on Special Permission to Entities, documents stated by 21.1.3 and 21.1.7, plus a request for special permission, grounds of the training and estimations not less than 5 months before the organization.

21.3. The additional registration and note will be marked within one week of the issuance of the special permission, after the release of an official decision on conducting training in the direction of a new profession, masters or doctors degree.

21.4 The requirements and sample issues stated in Articles 21.1.1. - 21.1.7 will be approved by the Government member in charge of education matters.

(amended on December 8, 2006)

21.5 The statute of the educational institutions shall be approved by the Government member in charge of education matters.

(amended on December 8, 2006)

Article 22. Allocating special permission and registration



22.1 Allocation of special permission and registration issues shall be conducted according to the following procedure:

22.1.1. The authorized organization shall make a decision on further allocation of permission upon the receipt of related materials stated by article 21.1 from the founder within the 21 days.

22.1.2. After the decision by the authorized organization, the founder shall organize and coordinate activities in order to realize the necessary conditions

22.1.3. the founder will send related materials together with an application form to the authorized organization after its completion

22.1.4. the authorized organization shall appoint a group of experts within 15 days after receipt of the application form from the founder. The expenses incurred by the experts' evaluation shall be the responsibility of the founder

22.1.5 an evaluation shall be carried out within 30 days after the appointment of the expert group and shall be checked immediately

22.1.6. the organization stated in the article 20 shall make a decision upon the evaluation analysis by the experts group

22.1.7 the educational institution shall be registered officially within 15 days after the notice on special permission and provided by registration, state certificate and special permission

22.2. A central administrative organization that is in charge of education matters shall provide special permission to foreign invested or shareholding secondary schools and kindergartens

(amended on December 8, 2006)

22.3. If the founder shall make changes in the contract of establishment or statute, authorized capital or location, it should send official notice within 14 days to the related organization and make changes in the state registration

22.4 The educational institute shall be registered according to Article 7.1.4, 17 of the Law on State Registration of Legal Personality and provided by certificate

(amended on December 8, 2006)

Article 23. Terms of the special permission and extension period

23.1 The terms of the special permission shall be defined in accordance with the school terms of elementary, secondary and higher education institutes.

23.2 The terms of the special permission shall be defined by year, month and counted after the official registration

23.3. The request for extension of a term shall be sent 3 months ahead of the expiry date

23.4 The special permission shall be extended within 14 days upon request, in cases where issues stated in Article 13.1 have not occurred.

#### Article 24. Cancellation of special permission

24.1 An organization which issued special permission shall cancel upon the reasons stated below, as well as those in in Article 14.1.

24.1.1. if the educational institution has been found to have breached conditions such as violation of education standards by the findings of a professional inspection agency or through certification evaluation, or found to have disadvantageously unfulfilled the conditions and requirements of the special permission

(amended on December 8, 2006)

24.1.2 found to have conducted training with possible adverse impact on social and individual interests, health and security through the investigation of a professional inspection agency

24.1.3. has not launched its activity after 6 months of receiving special permission or state registration

24.1.4. other cases stated by law

#### Article 25. Liquidation of an educational institution

25.1. The liquidation shall be carried out as follows:

25.1.1. upon the authorized decision

25.1.2. cancellation of a special permission

25.1.3 after the release of a court decision on liquidation

25.1.4 other cases stated by law

25.2 if the educational institute was liquidated according to article 25.1.1.and 25.1.3, the official notice will be sent to the leaders registration office of the organization within 5 days

25.3 the liquidation process will be completed upon the withdrawal of a name of an institute from the official registration

25.4 the court will be in charge of conflicts arising in conjunction with the liquidation of the institute, namely in the elimination of loss incurred by students

25.5 the property matters occurring in conjunction with the liquidation process of the institute shall be regulated according to civil code

(amended on December 8, 2006)

#### Article 26. Education accreditation

26.1. Accreditation is the process of conducting arbitral evaluation of the quality of training program implementation, level of the vocational training centers and higher education institutes

26.2. the accreditation will be conducted by an authorized organization and experts from the central administration organization in charge of education matters

26.3 the statute of the accreditation shall be adopted by Government

26.4 the accreditation process shall be carried out with payment upon the contract of accreditation performance, and in the event that the wrong evaluation shall be carried out by the above organization, then the payment amount and related expenses shall be determined by the Government member in charge of education matters

(amended on November 13, 2003)

## **CHAPTER FOUR**

### **EDUCATIONAL MANAGEMENT**

#### 27. Educational management system

27.1 The educational management system shall consist of the central administrative organization in charge of education matters and local organizations, administration and territorial authorities, educational institutes and their management team.

(amended on December 8, 2006)

27.2 The organization in charge of educational matters shall be the educational department in the aimag and city, and educational bureaus in the districts.

(added on January 3, 2003 and amended on December 8, 2006)

27.3. The non-permanent council shall operate under the aimag and city education department, aimed at providing advice on education policy conducted in certain territory and development planning

(amended on December 8, 2006)

Article 28. The plenary powers of the central administrative organization in charge of education matters

28.1. The central administrative organization in charge of education matters shall exercise the following plenary powers:

28.1.1 organize the realization of legal acts of education nationwide

28.1.2 process, approve and implement short and long term plans of education development, rules and statute, concepts, guidelines, programs and projects

(amended in December 8, 2006)

28.1.3. define the directions of vocational elementary, secondary and higher education

28.1.4. process education standards, norms and fitness-for-purpose at all levels (amended on July 10, 2002)

28.1.5. provide administrative and professional leadership, and coordination for works organized by other organizations in providing informal and formal education to citizens, and to advance their profession

28.1.6. bring the issue of preparing leaders and teachers through direction, retraining, and assurance of social guarantee to high level organizations, and to fulfill their realization

28.1.7. organize the activities of supplying kindergartens, schools at all levels, and research and methodological organizations by coordinating buildings, technical equipment and facilities, study supply, books and text books with related organizations

(amended on December 8, 2006)

28.1.8. provide professional leadership in certification of the universities, higher education institutes, colleges and vocational training centers in order to examine the realization results of the education standards, norms and fitness-for-purpose as well as kindergartens and secondary schools.

(amended on December 8, 2006)

28.1.9. show support and assistance to non-governmental forms of ownership education institutes as stated by laws and acts

28.1.10. cooperate with foreign and international organizations on education matters and enhance results

28.1.11. act as intermediary for people who wish to study abroad for private purpose or exchange programs in university, college and research organizations and include details in the unified information database

28.1.12 appoint directors of the state owned schools, universities, colleges, vocational training centers and secondary schools based on the selection results, and dismiss according to legal grounds

(amended on December 8, 2006)

28.1.13 provide professional and methodological leadership to aimag and city education institutes

(amended on December 8, 2006)

28.1.14 be in charge of matters regarding the issuing preferential loans to students, and extending grant aid and government-backed tuition fees according to the rules passed by Government

(added on December 8, 2006)

28.1.15. provide professional leadership in controlling whether the education service meets students needs and requirements, and preserves their dignity and freedom

28.1.16. define the number of students who will study by grant aid from the State Treasury and are enrolled based on the needs of the community workforce, maintain a checklist of the number of students by aimag and city, and adopt contract procedures

28.1.17 appoint teachers and education, culture and research workers who have received higher education according to 28.1.16 of the law in working with the local community

28.1.18. approve the moral statutes and rules of the management team of the educational institutions, teachers and students

28.1.19. approve and enforce the job description of the directors of the state-owned schools, universities, colleges, vocational training centers and secondary schools.

28.1.20. organize printing and distribution of the education standards

(the above 28.15-28.1.20 articles were added on December 8, 2006)

28.1.21. plenipotentiary rights as stated in other laws and current law

(amended on June 29, 2006 and December 8, 2006)

28.2. The directors of the state-owned schools, universities and colleges will be appointed for 5 years and this term could be extended on the basis of their results

(added on December 8, 2006)

#### Article 28. Aimag and City Educational Institutions

28.1. Aimag and City Educational Institutions shall exercise the following plenary rights:

28.1.1 organize enforcement of the laws and regulations of education in the local community

28.1.2. make suggestions on the allocation of special permission to secondary schools and kindergartens for Governor

28.1.3. assist improvement of the social guarantee and awards for teachers and students

28.1.4 control the actions of the educational institutions and provide certification

28.1.5. prepare education reports, news and information to related organizations according to law

28.1.6. define the scope of the involvement of children into local owned kindergartens and secondary schools

28.1.7. organize selection of the directors and school principals for local owned kindergartens and secondary schools

28.1.8. render certain assistance to non-governmental educational institutions according to law

28.2 The Governor shall define the duties of the district education departments in consultancy with the government member

28.3 The City Educational Institution shall exercise duties stated in 28.1 through the district education bureau

(added on December 8, 2006)

Article 29. Plenary Powers of the Aimag, City and District Civil Representative Council

29.1 The Aimag, City and District Civil Representative Council shall exercise the following powers on education matters:

29.1.1. discuss reports of the upper and lower level Governors, and provide directions

29.1.2 approve the development plan of the community owned educational institutions and control

(amended on December 8, 2006)

29.1.3 (this clause was annulled on January 3, 2003)

29.1.4 other plenary powers stated by law

Article 30. Plenary powers of the Aimag and City Governor

30.1 The Aimag and City Governor shall practice the following plenary powers on education matters:

30.1.1. organize the realization of education related laws and regulations

(this clause was annulled on December 8, 2006)

30.1.2. make plans and programs for the basic education of citizens, training of a qualified workforce, retraining and professional training

30.1.3 make decisions on the establishment of a community-owned educational institution, and changes in and liquidation issues upon evaluation of the aimag and city educational institutions

(amended on December 8, 2006)

30.1.4. render support to educational institutions in increasing their income, and organize works in supplying them with school and dormitory buildings, school equipment, technical facilities, books and textbooks

(amended on January 3, 2003)

30.1.5. provide assistance in compliance with the laws and regulations to non governmental educational institutions

30.1.6 allocate and register special permissions, certificates for secondary schools and kindergartens according to this Law and Law on Special Permission to the Entities

(amended on December 8, 2006)

30.1.7. improve the social assurance of the teachers and students, to realistically value their labor, award, encourage and show other assistance

30.1.8. provide administrative control of the activities of the educational institutions

30.1.9. provide reports, news and information to related organizations according to law

3.1.10. appoint or dismiss directors of community-owned secondary schools

(the clause 30.1.7-30.1.10 was annulled on December 8, 2006)

30.1.11. appoint and dismiss a head of the city education department in consultancy with the central administrative organization in charge of education matters

(amended on January 3, 2003)

30.1.12. organize works for national minors in learning, inheriting traditional culture and traditions, and communicating in the mother tongue in the school environment

30.1.13. deal with the issues of supply with building for kindergartens, schools and dormitory buildings to secondary schools and provide food for dormitory students

(the clause 30.1.12-30.1.13 were added on December 8, 2006)

30.1.14. other plenary powers stated by law

(amended on December 8. 2006)

## Article 31. Som and District Governor's Plenary Powers

31.1. The Som and District Governors shall exercise following plenary powers in regard to education matters:

31.1.1 organize the realization of legal acts of education



31.1.2 provide administrative leadership to people in obtaining preschool, elementary, secondary and complementary education, and retraining issue in possessing basic education

31.1.3. discuss with Aimag and City Governors the issue of establishment and liquidation of community-owned educational institutions

(annulled on December 8, 2006)

31.1.4. allocate and register special permissions, certificates for secondary schools and kindergartens according to this Law and Law on Special Permission to the Entities

31.1.5 appoint or dismiss secondary school teachers, kindergarten directors dependant upon the selection results of the aimag and city educational institutions

(amended on December 8, 2006)

31.1.6. define the students and children who need to go to community-owned kindergarten and secondary education schools

31.1.7. show assistance in increasing own source of income

(amended on January 3, 2003)

31.1.8. provide and be in charge of building issue especially for kindergarten purposes and buildings and dormitories for schools, and discuss the issue of food supply to students

(amended on December 8, 2006)

31.1.9 show assistance to non-governmental educational institutions according to law and regulations

31.1.10 assist teachers and students in assuring their social guarantee, realistically value their labor, award and show other types of assistance

(annulled on December 8, 2006)

31.1.11 provide reports, news and information according to laws and regulations

(annulled on December 8, 2006)

## Article 32. Bag and Khoroo Governor's Plenary Power

32.1. the Bag and Khoroo Governors shall execute the following plenary powers:

32.1.1 involve children from households into preschool and basic education training

32.1.2 study people's education and deliver issues to solve to related organizations

32.1.3. organize campaigns for people who did not attend basic education training

#### Article 33. Leadership of the educational institutions

33.1. The founder or appointed directors and principals shall lead all types of educational institutions

(amended on December 8, 2006)

33.2. Principals and directors shall execute rights stated by the Laws on Preschool Education, Elementary and Secondary Education, Higher Education and Vocational Training.

(amended on May 23, 2008)

33.3. The principal and director shall be permanent staff of the educational institution

#### Article 34. Self management of the educational institutions

34.1. Self management of the educational institutions shall be carried by the board of the primary school, kindergarten, university, college, vocational training center. Depending on training direction and location of the school and kindergarten, the board or council could be established jointly.

(amended on December 8, 2006)

34.2. Clause 34.1 shall not be valid for higher education, military and police organizations

34.3. The founder can transfer the right of establishing the council under the university and college to the leadership team of the school

34.4. The statute of the board activity shall be approved by the government member in charge of education matters

(clauses 34.3 and 34.4 were added on December 8, 2006)

#### Article 35. Board of the school and kindergarten

35.1. The board of the school and kindergarten shall consist of teachers, workers, parents and other representatives. The board consisting of 9-11 members shall operate for a 3-years term

35.2. The representatives of a school and kindergarten (namely teachers, workers, students and parents) shall be nominated by a joint meeting

35.3. The organization representatives shall be nominated by a meeting of the school and kindergarten upon the basis of the founder

35.4. The school and kindergarten board shall execute following directions:

35.4.1. vote for the implementation of the school and kindergarten development policy and program

35.4.2. shape the form of the rules and internal organizations of the school and kindergarten

35.4.3. discuss the action report of the school and kindergarten, and make an evaluation

35.4.4. make suggestions regarding the education quality, children's upbringing, protection, development work findings and suggestions for improving such levels to the school and kindergarten leadership team and founder

(amended on December 8, 2006)

35.4.5. monitor the activities of the director and principals, and render support

35.4.6 protect the interest of the teachers, students and workers

35.4.7. design the students' uniform

(annulled on December 8, 2006)

35.5. The Board of the school or kindergarten has a right to make suggestions in regard to the appointment and dismissal of a director and principal

(annulled on December 8, 2006)

35.6. The Board of the School or Kindergarten shall accept the full rights of the membership, approve the rules on electing and canceling the council head and operation procedure

(annulled on December 8, 2006)

Article 36. Board Council

36.1. The Board of Council shall consist of representation of the founder, teachers, students and school leavers. The Board Council of the Vocational Training Center shall be regulated by the Law on Vocational Education.

36.2. Nearly 51-60 percent of the Board Council shall be representatives from the founder's side. The founder's representation shall be appointed by the founder's decision and transfer of right.

(amended on December 8, 2006)

36.3. The representation to be included in the Board Council shall be elected by a meeting.

36.4. The members of the Board Council shall be appointed or elected for 3 years. One third of the membership could be changed within a year.

36.5. The main form of the Board Council shall be a forum. During the full rights, the Board Council shall have a meeting not less than twice and collect a quorum of not less than the 1/3 of the members and chairman's votes. The director can offer his suggestions to gather a forum in order to discuss certain type of issues.

36.6. The Board Council makes decisions by a majority vote. The head of the Council shall be elected from Board Council.

36.7. The Board Council can hire a commission or a working group for the support of activities.

36.8. The representation included in the Board of Council shall implement its policy and directions

36.9. If the head of the Board Council is found not to have fulfilled duties and found to have breached the laws and regulations, the terms could be terminated upon the request of the head

36.10. If the founder shall view that the Board Council and its members had worked insufficiently, he has the right of recalling or inform back to the collectives who participated in the election process

36.11. The Board Council shall exercise the following duties:

36.11.1. approve and make changes to the policy, programs, plans and rules of developing the educational institutions according to laws and regulations

36.11.2 to define the organizational structure of the school, staff numbers and salary

(the part which considers the number of personnel and amount of salary shall not be related to state-owned educational institutions)

(amended on January 3, 2003)

36.11.3. approve the investment and annual budget distribution, and set up rules on monitoring, and request donation from the entities, organizations and people

(added on December 8, 2006)

36.11.4. set up the dormitory charges and tuition fee accordingly

36.11.5. discuss the action report of the school and make an evaluation

36.11.6. prepare an annual action plan of the Board Council for the founder

36.12. The Board Council can appoint a director and dismiss him/her

#### Article 37. Professional monitoring of education

37.1. The professional monitoring of education shall be conducted by a state inspection agency and state inspector

37.2. The state professional inspection agency shall conduct professional monitoring of the educational laws and regulations, elementary, secondary and vocational education standards, level of the educational institution, related norms, fitness-for-purpose rules and procedure

37.3. The Government shall approve the State Monitoring Office Procedure on education

### **CHAPTER FIVE**

#### **ECONOMY OF EDUCATION**

#### Article 38. Educational planning and information

38.1. The central administrative organization in charge of educational matters shall process and implement short and long term plans for education with assistance from related organizations

38.2. The aimag, city, som and district shall have educational short and long term plans based upon the plans by central administrative organization in charge of educational matters

38.3. The kindergartens, schools, educational research and methodological organizations shall have objectives and plans based upon the norms and fitness-for-purpose

38.4. All forms of educational institutions shall prepare information stated by laws and regulations within a certain period and report back to a higher level of educational institution

#### Article 39. Educational funding

39.1. Not less than 20 percent of the state revenue shall be spent for educational funding

(amended on January 3, 2003)

39.2. The educational institution shall have its own funding source comprising donation, preferential loan, income and tuition fees from people, organizations, foreign and domestic entities, investment and state budget

(amended on January 3, 2003 and added on December 8, 2006)

39.3. The educational institution should conduct business activities in compliance with laws and regulations, in order to increase the funding source, and to improve the social guarantee of the teachers, workers and students. The school principal and curriculum manager shall have a right to spend the above mentioned income for such purposes.

39.4. It is prohibited to limit the funding source from state budget in accordance with the organization's own income

(amended on January 3, 2003)

39.5. The educational research and methodological organization, aimag and city educational center shall fund from state budget and research work expenses

(amended on January 3, 2003)

39.6. The state and local budget will provide funding necessary for people possessing elementary, basic and complementary education through evening, extramural and informal courses

(this part was amended on December 8, 2006)

39.7. Educational credit and grant aid shall be provided in supplying the local community with human resource, training important professionals, assisting with skills of the students, and assisting low income and disabled people. The provision procedure shall be approved by Government.

(this part was amended on January 3, 2003 and added on June 29, 2006, December 8, 2006)

39.8. It is permitted to establish an educational development fund with the public initiative in aimag, city and district

39.9. It is prohibited to spend the state budget for education and foundation money for other purposes other than stated here

39.10. The educational institution shall use assets supplied from the founder or obtained through its activities, and it shall use assets according to its objectives, rules and contracts signed with the founder in an efficient manner

39.11. The educational institution could have a development fund for school, and the statute of the fund shall be approved by the government members in charge of finance and education

(added on December 8, 2006)

#### Article 40. Funding of the state-owned educational institutions

40.1. State owned educational institutions shall be funded by regular and fitness-for-purpose expenses

40.2. The regular expenses of all levels of state-owned educational institutions, secondary schools, total expenses of the dormitory of the vocational training schools, food expenses for kindergarten children, all types of kindergarten, expenses per students attending informal and formal education shall be funded from the state budget.

(amended on January 3, 2003, December 8, 2006 and May 23, 2008)

40.3. The average fitness-for-purpose of the variable cost for one student attending preschool, elementary, secondary and vocational trainings shall be defined and renewed by the government each year

(amended on December 8, 2006)

40.4. The funding sources of the educational institutions shall be as follows:

40.4.1. kindergarten payment from state budget, parents and guardians, and funding from own operations

(amended on January 3, 2003)

40.4.2. local budget and operational income for secondary schools

40.4.3. state budget and operational income for vocational training schools

(amended on January 3, 2003)

40.4.4. state budget, tuition fee, research work and operational income for universities and colleges

(amended on January 3, 2003)

40.4.5. The military and police training fee shall be provided by the State

40.5. (this clause was annulled on January 3, 2003)

40.5. The variable cost per student shall be aligned with the school location, type, professional direction and special needs of disabled children, thus it should be defined differently by institutions stated in Article 40.3 and should be spent in an efficient manner

40.6. The grant aid, loan and scholarship amount provided from the State for students studying at higher educational institutions and vocational training centers shall be defined by the Government annually

40.7. It is prohibited to charge payments and tuition fees other than as stated here

(the clauses 40.5, 40.6, 40.7 were added on December 8, 2006)

Article 42. The training environment of educational institutions

42.1. The building, technique and technology facilities of the educational institutions should meet the labor requirements of teachers, workers, students and special needs of the disabled students, and should meet conditions of hygiene and safety

(added on December 8, 2006)

42.2. The educational institution could have facilities for running the service and production aimed at delivery of media, training equipment, supply subordinate

42.3. The kindergarten and school building, training facility, equipment, food and students' hygiene, sanitation and safety norms and fitness-for-purpose shall be approved by Government members jointly in charge of education and finance, upon the basis of educational standards, related laws and regulations

(amended on December 8, 2006)



42.4. The founder shall be responsible for providing building, training facilities, equipment, text books and dormitory building in conducting regular operation of the educational institution

42.5. The building and land shall be used by the educational institution for its original purpose

(amended on December 8, 2006)

42.6. The educational institution shall have land which complies to norms and fitness-for-purpose of construction and urban development and dedicated for training

(amended on December 8, 2006)

Article 43. Social assurance of the people who enter into educational relationships

43.1. Teachers shall be provided with the following assurances:

43.1.1. to receive salary proper to labor type and specialties of the profession, plus additional bonuses, compensation, awards and other types of allowance stated by law

43.1.2. the annual leave of the teachers shall be regulated by the Labor Code of Mongolia. Upon the basis of the labor characteristics, teachers shall be provided with an additional 33 days, directors, curriculum managers, vice directors, training coordinators, social workers, methodologists, interns, dormitory teachers and assistant kindergarten teachers shall be provided with 15 days additional leave. The additional leave stated in Labor Code, Article 79.5 and 79.6 shall not be valid for the above mentioned staff.

43.1.3. to receive a preferential loan in purchasing or constructing an apartment

43.1.4. a person who has worked for 25 years as stated by clause 43.1.2. in all levels of school and kindergarten, he/she shall be provided with a benefit equal to 12 months salary; if the person has worked for 10 or more months at the som, village, bag schools he/she shall be provided with a benefit equal to 18 months salary once, and required expenses should be included in the budget

43.1.5. depending on territorial characteristics and the remote distance from the center, teachers could be provided with a bonus, additional benefit and other types of assistance

(clauses 43.1.4 and 43.1.5 were amended on December 8, 2006)

43.1.6. if the person shall work as a som, village or bag secondary school principal or kindergarten director continuously, the basic pay shall be increased for every 5 years and the size of the benefit shall be defined by the Government

43.1.7. the organization shall provide a salary equal to 6 months basic salary for som, village, bag school and kindergarten teachers every 5 years

(the clauses 43.1.6 and 43.1.7 were added on December 8, 2006)

43.1.8. other assurances stated by law

(amended on December 8, 2006)

43.2. Students shall be provided with the following assurances:

43.2.1. a student who is an orphan or whose life is below the living standard and unable to attend school from the place of location, shall be provided with a dormitory room

43.2.2. to reside in the dormitorys of the secondary school or vocational training center free of charge

43.2.3. the school administration and local governorate office shall arrange a transportation service for students who come and return back during the semester holiday to school or home, upon request from parents and custodians

43.2.4 the transportation tariff for students who study in a different aimag or city shall be reduced according to Government rule

43.2.5. public bus fares shall be reduced according to the local organization for students who necessarily have to use public transportation

43.2.6. charges for hospital services, public catering, entertainment and household services shall be reduced by Government regulations

43.2.7. the State shall provide learning conditions for orphans, students below the living standards and disabled students, and encourage students in revealing and developing special talents and skills

(amended on December 8, 2006)

43.2.8. provide loans and scholarships for students and master students who are studying upon the order and contract of the local soms

43.2.9. to provide scholarships named by the President of Mongolia or Prime Minister to advanced students who achieved special success in their study, sport and arts

43.2.10. to provide benefits for students who are studying at vocational training centers according to size and regulations defined by the Government

(clauses 43.2.9 and 43.2.10 were added on December 8, 2006)

43.2.11. other assurances stated by law

(amended on December 8, 2006)

43.3. the benefits, compensation, scholarship and awards shall be equal for teachers and students not depending on type of ownership