

EDUCATION LAW

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

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

This Law provides for education.

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope

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

Article 2.- Goals of education

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

Article 3.- Nature and principles of education

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

Article 4.- National education system

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

Article 5.- Requirements on contents and methods of education

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

Article 6.- Educational programs

1. Educational programs shall reflect the goals of education; set standards of knowledge,

activities, ways of evaluation of educational results for study subjects of every grade, each educational level or training degree.

2. Educational programs must ensure the modernity, stability, consistency and inheritability among different educational levels and different training degrees, facilitate the streaming and transferability between training degrees, disciplines and educational forms in the national education system.

3. Requirements on knowledge and skill contents defined in the educational programs must be concretized in textbooks for general education, curricula and teaching materials for professional education, higher education and continuing education. Textbooks, curricula and teaching materials must meet the requirements on educational methods.

4. Educational programs shall be implemented according to school year, for preschool education and general education; according to either school year or credit accumulation, for professional education and higher education.

Study results of subjects or credits accumulated by learners when pursuing their studies under an educational program shall be considered for transferable values for respective subjects or credits under other educational programs when learners change their fields of study or forms of studies or follow higher educational levels or training degrees.

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

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

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

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

3. Foreign languages defined in educational programs are the languages used commonly in international communication. The teaching of foreign languages in schools and other

security; realize the standardization, modernization and socialization; ensure the balance of qualifications, professional and regional structure; expand scale on the basis of quality and efficiency assurance; and combine education with employment.

Article 10.- Citizens' rights and obligations to learn

Learning is the right and obligation of every citizen.

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

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

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

Article 16.- Roles and responsibilities of educational administrators

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

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

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

Article 17.- Education quality accreditation

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

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

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

Article 18.- Scientific research

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

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

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

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

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

Article 20.- Prohibition of the abuse of educational activities

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

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

Chapter II

THE NATIONAL EDUCATION SYSTEM

Section 1. PRESCHOOL EDUCATION

Article 21.- Preschool education

returning from overseas; pupils leaping grades; pupils repeating grades; and the learning of Vietnamese language by ethnic minority children before entering the first grade.

Article 27.- Objectives of general education

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

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

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

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

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

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

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

Article 29.- General education programs, textbooks

1. General education programs must reflect the objectives of general education; set standards of knowledge, skills, scope and structure of the contents of general education,

methods and forms of organizing educational activities, methods of evaluating educational results for each study subject of each grade and each level of general education.

2. Textbooks must concretize the requirements on knowledge contents and skills as defined in the educational program for study subjects of each grade of general education, meeting the requirements on methods of general education.

3. The Minister of Education and Training shall, based on appraisals made by the National Review Council for General Education Programs and Textbooks, approve general education programs and textbooks for official, consistent and uniform use in teaching and learning at general educational institutions.

Article 30.- Institutions of general education

Institutions of general education include:

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

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

1. Pupils who complete primary education and meet the requirements set by the Minister of Education and Training shall be certified in their school records by the principals of their primary schools that they have completed primary education.

2. Pupils who complete lower secondary education and meet the requirements set by the Minister of Education and Training shall be awarded lower secondary education diplomas by the Heads of the Education and Training Offices of rural or urban districts, provincial towns or cities (hereinafter referred collectively to as district level).

3. Pupils who complete upper secondary education and meet the requirements set by the Minister of Education and Training shall be eligible to take examination and those who pass the examination will be awarded upper secondary education diplomas by the directors of the Education and Training Services of the provinces or centrally-run cities (hereinafter referred collectively to as provincial level).

Section 3. PROFESSIONAL EDUCATION

Article 32.- Professional education

Professional education consists of:

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

Article 33.- Objectives of professional education

The objectives of professional education are to train laborers who will possess professional knowledge and skills at different levels, good virtues, professional ethics, sense of

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

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

1. Contents of professional education must focus on the training of capability for professional practice, with importance attached to moral education and physical training, skill training as required by each profession and the raising of educational qualifications as required by training.
2. The methods of professional education must combine drills on practicing skills with theoretical teaching in order to help learners be capable of practicing and developing profession as required by each profession.

Article 35.- Professional education program and curricula

1. The professional education program reflects the objectives of professional education; sets standards of knowledge, skills, scope and structure of the contents of professional education, methods and form of training, ways of evaluating training results for each subject, discipline, profession and degree of training of professional education; ensures the requirements of transferability with other educational programs.
- The Minister of Education and Training shall, in coordination with other relevant ministers and heads of ministerial-level agencies, based on the appraisals of the sector review

1. Learners who complete the preliminary voc

4. Master education shall help students master the theory, acquire advanced practicing skills and the ability to work independently and creatively, as well as to identify and solve problems in their disciplines.

5. Doctoral education shall help doctoral candidates acquire advanced level in theory and practice and the ability to conduct independent and creative research, to identify and solve emerging scientific and technological issues, to guide scientific research and professional activities.

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

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

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

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

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

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

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

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

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

Article 41.- Educational programs and curricula of higher education

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

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

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

2. Curricula of higher education concretize requirements on knowledge contents and skills as defined in the educational program for each subject, discipline, and training degree. Principals of colleges or universities shall have to organize the compilation and approval of curricula for official use in their respective colleges or universities, based on the appraisals of the curricula review councils set up by the principals; and ensure sufficient curricula for teaching and learning.

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

Article 42.- Institutions of higher education

1. Institutions of higher education include:

a/ Colleges, which provide college education;

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

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

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

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

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

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

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

Article 43.- Diplomas of higher education

1. Students who have completed the college pr

42 of this Law when such institutions are involved in joint training programs with foreign higher education institutions.

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

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

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

Article 47.- Diplomas and certificates of continuing education

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

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

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

Article 50.- School establishment

1. Conditions for school establishment include:
 - a/ Having the managerial and teaching staff sufficient in quantity, uniform in structure, qualified in moral quality and training degrees, ensuring the realization of educational objectives and programs;
 - b/ Having adequate infrastructure, equipment and finance, meeting the requirements of school activities.
2. The competent persons defined in Article 51 of this Law shall base themselves on the needs of educational development to issue decisions on school establishment for public schools, or permit the establishment of people-founded and private schools.

Article 51.- Competence to establish or permit the establishment, termination, merger, division, separation and dissolution of schools

1. The competence to establish public schools and permit the establishment of people-founded and private schools is provided for as follows:
 - a/ Presidents of district-level People's Committees shall make decisions for crèches, kindergartens, primary schools, lower secondary schools, and semi-boarding general education schools for ethnic minority pupils;
 - b/ Presidents of provincial-level People's Committees shall make decisions for upper secondary schools, boarding general education schools for ethnic minority pupils and professional secondary education schools of provinces;
 - c/ Ministers, heads of ministerial-level agencies shall make decisions for their attached professional secondary education schools;
 - d/ The Minister of Education and Training shall make decisions for colleges, pre-university schools; the head of the State management agency in charge of vocational training shall make decisions for vocational training colleges;
 - e/ The Prime Minister shall make decisions for universities.
2. Those persons that have competence to establish or permit the establishment of schools shall have competence to terminate, merge, separate, divide or dissolve such schools. The Prime Minister shall specify procedures for establishment, termination, merger, division, separation and dissolution of universities. The Minister of Education and Training, the head of the state management agency in charge of vocational training shall, based on their competence, specify procedures for establishment, termination, merger, division, separation and dissolution of schools of other educational levels.

Article 52.- School charter

1. Schools are organized and operate according to the provisions of this Law and school charters.
2. A school charter must comprise the following main contents:
 - a/ The tasks and powers of the school;

- c/ The duties and rights of teachers;
 - d/ The duties and rights of learners;
 - e/ The organization and management of the school;
 - f/ The finance and properties of the school;
 - g/ The relationships between the school, families and society.
3. The Prime Minister shall promulgate the university charter, the Minister of Education and Training and the head of the State management agency in charge of vocational training shall promulgate school charters at other educational levels according to their competence.

Article 53.- School council

1. The school council of a public school or the managing board of a people-founded or private school (hereinafter referred to as school council) is the body responsible for making decisions on the orientations of school activities, mobilizing and supervising the use of resources for the school, linking the school with community and society, ensuring the realization of educational objectives.
2. A school council has the following tasks:
 - a/ To resolve on the objectives, strategies, projects and deve

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

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

1. Apart from the tasks and powers specified in Article 58 of this Law, professional secondary schools, colleges, universities shall have the following tasks:
 - a/ To conduct scientific research; apply, develop and transfer technologies; participate in the settlement of local and national socio-economic problems;
 - b/ To provide scientific, production and business services in accordance with the provisions of law.
2. While performing their tasks defined in Clause 1 of this Article, professional secondary schools, colleges and universities shall have the following powers:
 - a/ To be assigned or leased land or material foundations by the State; to enjoy tax reduction or exemption, to receive credit loans in accordance with provisions of law;
 - b/ To associate with economic, educational, cultural, physical training and sport, medical and scientific research organizations in order to raise educational quality, to link training with employment in service of socio-economic development and supplementation of financial sources for the school;
 - c/ To use revenues from economic activities for investment in the school's material foundations, expansion of production and business activities and expenditures on educational activities as provided for by law.

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

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

1. Formulating educational programs, curricula, teaching and learning plans for the permitted training fields;
2. Making enrolment quota, organizing enrolment, organizing the process of training, recognizing graduation and granting diplomas;
3. Organizing the school's organizational apparatus; recruiting, managing, employing and adopting preferential treatment toward, teachers and other staffs;
4. Mobilizing, managing and using resources;
5. Cooperating with domestic and foreign economic, educational, cultural, physical training and sport, medical, and scientific research organizations under the Government's regulations.

Section 3. TYPES OF SPECIAL SCHOOLS

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

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

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

Article 62.- Specialized schools, schools for gifted students

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

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

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

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

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

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

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

Article 64.- Re-education schools

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

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

Section 4. POLICIES TOWARD PEOPLE- FOUNDED AND PRIVATE SCHOOLS

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

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

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

3. Diplomas and certificates issued by people-founded, private or public schools shall have equal legal validity.
4. People-founded and private schools shall be subject to the management by State management agencies in charge of education under the Government's regulations.

Article 66.- Financial regime

1. People-founded and private schools shall operate on the principle of

organizational and operational principles of other educational institutions defined at Point a, Clause 1 of this Article; and principles on coordination in

3. Guest teachers/lecturers, if being officials or public servants, must first assure the fulfilment of their tasks at their organizations.

Article 75.- Prohibited acts of teachers

Teachers must refrain from taking the following acts:

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

Article 76.- Vietnam Teachers' Day

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

Section 2. TEACHER TRAINING AND FOSTERING

Article 77.- Standardized training degrees of teachers

1. The standardized training degrees of teachers are defined as follows:

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

Article 78.- Pedagogical schools

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

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

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

Article 81.- Salaries

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

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

1. Teachers and educational administrators working at specialized schools, schools for

Article 85.- Duties of learners

Learners have the following duties:

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

Article 86.- Rights of learners

Learners have the following rights:

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

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

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

Article 88.- Prohibited acts of learners

Learners must refrain from taking the following acts:

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

Section 2. POLICIES TOWARD LEARNERS

Article 89.- Scholarships and social subsidies

1. The State shall adopt policies on granting learning-promotion scholarships to pupils with excellent study achievements at specialized schools, schools for gifted students stipulated

in Article 62 of this Law and to learners with good study and training results at vocational education institutions and universities; on granting policy scholarships to students enrolled through nomination, pupils at pre-university schools, boarding schools for ethnic minorities, vocational training schools for war invalids, disabled and handicapped people.

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

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

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

Article 90.- Enrolment through nomination

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

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

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

3. Nominated students, upon graduation, must follow job placement by competent State agencies that have sent them to study.

The Government shall specify the criteria and beneficiaries of the nomination mode, the implementation of the nomination mode, the refund of scholarships and training costs by nominated students if they fail to follow the job placement.

Article 91.- Educational credits

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

Article 92.-

1. Parents or guardians shall be responsible for nurturing, educating and caring for, creating conditions for their children or their wards to learn, train themselves and participate in school activities.
2. All family members shall be responsible for building a cultured family and a favorable environment for the all-sided moral, intellectual, physical and aesthetic development of their children; adults are responsible for educating, setting examples for children and joining the schools in raising the quality and efficiency of education.

Article 95.- Rights of parents or guardians of pupils

Parents or guardians of pupils shall have the following rights:

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

Article 96.- Boards of representatives of pupils' parents

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

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

Article 97.- Responsibility of society

1. State agencies, political organizations, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, professional organizations, economic organizations, people's armed forces units and all citizens shall have the following responsibilities:
 - a/ Assisting schools in organizing educational and scientific research activities; creating conditions for teachers and learners to conduct field tours, practices and scientific research;
 - b/ Contributing to the building of a learning movement and a healthy and safe educational environment, while preventing activities which may exert negative impacts on youth and children;
 - c/ Creating conditions for learners to join in healthy recreational, cultural, physical training and sport activities;
 - d/ Contributing finance and labors to the cau

Article 99.- Contents of State management of education

Contents of State management of education comprise:

1. Formulating and directing the implementation of strategies, planning, plans and policies on educational development;
2. Promulgating and organizing the implementation of legal documents on education; school charters and regulations on organization and operations of other educational institutions;
3. Defining objectives, programs, contents of education; teacher standards; standards of material foundations and equipment of schools; compilation, publication, printing and distribution of textbooks, curricula, regulations on examination and award of diplomas or certificates;
4. Organizing and managing the assurance and other educational quality assurance

Article 102.- State budget expenditure for education

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

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

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

Article 104.- Encouragement of investment in education

1. The State encourages and creates conditions for organizations and individuals to contribute their intellects, labor and money to education.
2. The enterprises' investments, contributions, grants for education and their expenditures for the establishment of enterprise-based training schools and classes, for coordination in training with educational institutions, sending staff for training and acquiring new technologies in service of their own needs shall be accounted as reasonable expenses and deducted from taxable enterprise income calculated under the Law on Enterprise Income Tax.
3. The contributions and grants of individuals to education shall be considered for reduction or exemption of income tax for high-income earners under the Government's regulations.
4. Organizations and individuals investing in the construction of works in service of education; contributing and funding in cash or kind for development of the cause of education shall be acknowledged in appropriate forms.

Article 105.- Tuition, enrolment fees

1. Tuition, enrolment fees are money amounts payable by learners' families or learners to help cover costs of educational activities. Pupils at public primary schools are not required to pay tuition. Apart from tuition and enrolment fees, learners and learners' families are not required to make any other pecuniary contributions.
2. The Government shall set mechanisms for tuition collection and use for all types of schools and other educational institutions.
The Minister of Finance shall coordinate with the Minister of Education and Training and the head of the State management agency in charge of vocational training in setting tuition and enrolment fee levels for centrally-run public educational institutions.
The provincial-level People's Councils shall set tuition and enrolment fee levels for provincial-level public educational institutions, at the proposal of the People's Committees of the same level.

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

Article 106.- Tax incentives for the publication of textbooks and production of

- b/ Inspecting the realization of educational objectives, plans, programs, contents and methods; the implementation of professional regulations and examination regulations, and the award of diplomas and certificates; the satisfaction of necessary conditions to assure educational quality at educational institutions;
- c/ Settling complaints and denunciations in education according to the provisions of law on complaints and denunciations;
- d/ Handling of administrative violations in education in accordance with the provisions of law on administrative violation handling;
- e/ Performing tasks of preventing and fighting corruption in education in accordance with the provisions of anti-corruption law;
- f/ Proposing measures to ensure the enforcement of education law as well as amendments and supplements to the State's policies and regulations on education;
- g/ Performing other tasks as provided for by law.

Article 112.- Rights and duties of the educational inspectorate

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

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

Article 113.- Organization and operation of educational inspectorate

1. Educational inspection agencies comprise:

- a/ Educational inspectorate of the Ministry of Education and Training;
 - b/ Educational inspectorates of the provincial/municipal Education and Training Services;
2. Educational inspection activities shall comply with the provisions of the Inspection Law. Educational inspection activities at the district level shall be placed under the management of the directors of education and training offices, with professional guidance from educational inspectorates of the provincial/municipal Education and Training Services. Educational inspection activities at vocational training institutions, higher education institutions shall be placed under the management of the heads of institutions, in accordance with regulations of the Minister of Education and Training and the heads of State management agencies in charge of vocational training.

Chapter VIII

COMMENDATION, REWARDING AND HANDLING OF VIOLATIONS

Article 114.- Award of titles of “People’s Teacher” and “Outstanding Teacher”

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

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

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

Article 116.- Commendation/rewarding of learners

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

Article 117.- Award of honorary doctor title

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

Article 118.- Handling of violations

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

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

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

Chapter IX

IMPLEMENTATION PROVISIONS

Article 119.- Implementation effect

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

Article 120.- Detailed stipulations and implementation guidance

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

This Law was passed on June 14, 2005, by the XIth National Assembly of the Socialist Republic of Vietnam, at its 7th session.

Chairman of the National Assembly

NGUYEN VAN AN