

THE GOVERNMENT

Decree No. 31/2011/ND-CP of May 11, 2011, amending and supplementing a number of articles of the, Government's Decree No. 75/2006/ ND-CP of August 2, 2006, detailing and guiding a number of articles of the Education Law

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the June 14, 2005 Education Law and the November 25, 2009 Law Amending and Supplementing a Number of Articles of the Education Law;

At the proposal of the Minister of Education and Training,

DECREES:

Article 1. To amend and supplement a number of articles of the Government's Decree No. 75/2006/ND-CP of August 2, 2006, detailing and guiding a number of articles of the Education Law as follows:

1. To amend and supplement Clauses 1,2 and 4 of Article 2 as follows:

a/ To amend and supplement Clauses 1 and 2 of Article 2 as follows:

"1. Universalization of education is a process organized for every citizen to learn and reach a minimum educational level prescribed by the State. The State shall universalize preschool education for five-year-old children, primary education and lower secondary education. 2. People's Committees of all levels shall:

a/ Adopt plans on and solutions to universalization of preschool education for five-year-old children;

b/ Guarantee that all six-year-old children attend grade 1; universalize primary education and lower secondary education; consolidate, maintain and improve the quality of primary education and lower secondary education universalization and fight against illiteracy."

b/ To amend and supplement Clause 4 of Article 2 as follows:

"4. Annually, educational institutions and administrative units (below collectively referred to as units) which have been accredited as having satisfied the standards of pre-school education universalization for five-year-old children, primary education universalization and lower secondary education universalization shall conduct self-inspection according to the set standards of education universalization and report in

writing self-inspection results to authorities competent to accredit the satisfaction of standards."

2. To amend and supplement Clause 1 of Article 6 as follows:

"1. Educational programs and competence to promulgate educational programs are prescribed in Articles 6, 24, 29, 35, 41, 45 and 100 of the Education Law, Clauses 1 and 4, Article 1 of the Law Amending and Supplementing a Number of Articles of the Education Law."

3. To amend and supplement Article 8 as follows:

"Article 8. Textbooks

The Minister of Education and Training shall, based on results of appraisal made by the National Council for Appraising General Education Programs and Textbooks, provide standards of and processes to compile and modify textbooks; approve and select textbooks for official, stable and uniform use in teaching and learning at general education institutions, including textbooks in Braille or ethnic minority languages and textbooks for students of specialized schools."

4. To amend and supplement Clause 1 of Article 9 as follows:

"1. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall provide according to their competence the compilation, selection, appraisal, approval and use of professional education textbooks and tertiary education textbooks, prescribe common-use textbooks and organize the compilation and approval of these textbooks.

Principals of professional secondary schools, colleges and universities and directors of vocational training centers shall organize the compilation of textbooks or select advanced and modern domestic and foreign textbooks suitable to their educational objectives, framework programs and training tasks; and approve textbooks based on results of appraisal made by textbook appraisal councils they have set up, to ensure sufficient teaching and learning materials."

5. To amend and supplement Clause 2 of Article 16 as follows:

"Other educational institutions within the national education system include:

a/ Groups of children and crèches; independent classes, including preschool classes, illiteracy-eradicating classes, foreign-language classes, computer skill classes, classes for disadvantaged children who cannot go to school, classes for handicapped children, and vocational training and professional secondary classes organized at production, business and service establishments;

- b/ General technical education and vocational orientation centers; vocational training centers; continuing education centers; community-based learning centers foreign language and computer skill-training centers;
- c/ Scientific research institutes which are licensed to provide doctoral training and cooperate with universities to provide master training."

6. To amend and supplement Clause 2 of Article 18 as follows:

"2. People-founded educational institutions are established by the communities of villages, hamlets, communes, wards or townships that invest in building physical foundations and assure operation funds for these institutions with the support of local administrations.

Chairpersons of district-level People's Committees are competent to permit the establishment of people-founded educational institutions; commune-level "People's Committees shall directly manage people-founded educational institutions." People-founded educational institutions shall not be established at general education, vocational education and tertiary education levels.

7. To amend and supplement the title of Article 20, and Clauses 2 and 3 of Article 20 as follows:

a/ To amend the title of Article 20 as follows:

"**Article 20.** Establishment of educational institutions and licensing of educational activities"

b/ To amend and supplement Clauses 2 and 3 of Article 20 as follows:

"2. Conditions for establishment of schools and conditions for licensing educational activities are prescribed in Clause 16, Article 1 of the Law Amending and Supplementing a Number of Articles of the Education Law.

3. Conditions for establishment, competence to establish or permit the establishment of other

educational institutions specified in Clause 20, Article 1 of the Law Amending and Supplementing a Number of Articles of the Education Law comply with the organization and operation regulation of other educational institutions promulgated by the Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs according to their competence.

8. To amend and supplement Article 22 as follows:

"**Article 22.** Suspension of educational activities

Educational institutions shall be suspended from conducting educational activities when falling into any of the cases subject to suspension of educational activities specified in Clause 13, Article 1 of the Law

Amending and Supplementing a Number of Articles of the Education Law.
The order of and procedures for suspension form, or licensing of the resumption of, educational activities by educational institutions shall be prescribed in the school charters or organization and operation regulations of schools or other educational institutions."

9. To amend and supplement Article 23 as follows:

"**Article 23.** Dissolution of educational institutions

Educational institutions shall be dissolved when falling into any of the cases subject to dissolution specified in Clause 17, Article 1 of the Law Amending and Supplementing a Number of Articles of the Education Law.

The order of and procedures for dissolution (of educational institutions are prescribed in the school charters or organization and operation regulations of schools or other educational institutions."

10. To amend and supplement Clauses 2 and 3 of Article 27; Points a and c, Clause 4 of Article 27 as follows:

a/ To amend and supplement Clauses 2 and 3 of Article 27 as follows:

"2. The organization and operation regulation of a school contains provisions detailing the school charter applicable to a specific type or organizational model of the school.

3. Organization and operation regulations of other educational institutions include organization and operation regulations of general technical education and vocational orientation centers; vocational training centers, continuing education centers; community-based learning centers and foreign language and from, computer skill-training centers.

An organization and operation regulation of an educational institution provides for the tasks and powers of the institution; organization of educational activities; tasks and powers of teachers and learners; organization and management of the institution; finance and assets of the institution; and the relationship between the institution and learners' families and the society."

b/ To amend and supplement Point a, Clause 4 of Article 27 as follows:

"a/ The Prime Minister shall promulgate the charter of universities and organization and operation regulation of universities and private universities;"

c/ To amend and supplement Point c, Clause 4 of Article 27 as follows:

"c/ The Minister of Education and Training shall promulgate charters of multi-level general schools, upper secondary schools and lower secondary schools; primary schools, preschools and crèches; organization and

operation regulations of people-founded and private crèches; organization and operation regulations of private schools for all general education levels; organization and operation regulations of private professional secondary schools and private colleges; and coordinate with ministers and heads of related ministerial-level agencies in promulgating the organization and operation regulation of specialized schools;"

11. To amend and supplement Article 30 as follows:

"**Article 30.** Improving the qualification of and providing training and refresher training for teachers and educational administrators

Persons who have obtained certain training degrees and wish to become teachers but have not yet been trained in pedagogy must attend pedagogical training courses. Educational administrators shall be provided with training and refresher training so as to improve their professional qualifications and education administration skills.

The Minister of Education and Training shall provide for programs, contents, methods, organizational forms and duration of pedagogic training for persons who have not yet been trained in pedagogy but wish to become teachers; refresher training for teachers and education administrators; and conditions for educational institutions to provide refresher training and grant certificates to teachers and education administrators.

Teachers and education administrators who are appointed to attend training and refresher training courses are entitled to full salaries and allowances during the training period."

12. To amend and supplement Clause 2 of Article 32 as follows:

"2. Tertiary education institutions assigned to provide doctoral training may award the honorary doctorate.

Honorary doctorate diplomas must be printed with the phrase "*Tien si danh du*" (honorary doctorate), instead of "*hoc vi tien si*" (doctoral degree) and does not indicate the training major."

13. To add Point 1 to Clause 3 of Article 33 and amend and supplement Clause 6 of Article 33 as follows:

a/ To add Point 1 to Clause 3 of Article 33 as follows:

"1. Lower secondary graduates who attend vocational training courses."

b/ To amend and supplement Clause 6, Article 33 as follows:

"6. The Prime Minister shall specify criteria, levels and procedures for consideration" of grant of policy scholarships and tuition exemption or reduction. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall specify according to their

competence enrolment priorities, criteria, levels and procedures for grant of study promotion scholarships for learners, the grant and receipt of scholarships and allowances for learners, and financial assistance for education from domestic and foreign organizations and individuals.

The Minister of Labor, War Invalids and Social Affairs shall provide social allowances for learners."

14. To amend and supplement Point a, Clause 1 and Clause 2 of Article 38 as follows:

a/ To amend and supplement Point a, Clause 1 of Article 38 as follows:

"a/ To promulgate regulations on criteria for education, quality assessment; processes and periods of education quality assessment at each education grade and training level; operation principle of and conditions and criteria for organizations and individuals conducting education quality assessment; to license education quality assessment; and to grant and revoke education quality assessment certificates."

b/ To amend and supplement Clause 2 of Article 38 as follows:

"2. The Minister of Education and Training and the Minister of Labor, War Invalids and Social Affairs shall promulgate according to their competence documents on the state management of education quality assessment; plan a network of education quality assessment organizations; provide, for periods of education quality assessment at each education grade and training level; and direct education quality assessment.

The Minister of Education and Training shall provide criteria and processes for selecting assess programs on training and refresher training for assessors; rights and powers of assessors; and issuance and withdrawal of education quality assessor's cards.

15. To amend and supplement Point b, Clause 1 of Article 39 and add Clause 3 to Article 39 as follows:

a/ To amend and supplement Point b, Clause 1 of Article 39 as follows:

"b/ Education quality assessment organizations established by the State or organizations or individuals. The Minister of Education and Training shall decide to establish or permit the establishment of education quality assessment organizations."

b/ To add Clause 3 to Article 39 as follows: "3. An education quality assessment organization shall be established if having its establishment plan conformable with the education quality assessment organization network plans and sufficient education quality assessors who satisfy all set criteria for education quality assessment.

To be licensed to conduct education quality assessment, an education

quality assessment organization must obtain an establishment decision or decision permitting the establishment issued by the Minister of Education and Training; and have physical foundations, equipment, personnel and finance satisfying the requirements of education quality assessment activities.

The Minister of Education and Training shall provide the establishment, operation, operation termination, dissolution, and tasks and powers of education quality assessment organizations."

Article 2. Effect

1. This Decree takes effect on July 1, 2011.
2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.-

ON BEHALF OF THE GOVERNMENT

PRIME MINISTER

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