

**THE NATIONAL  
ASSEMBLY**

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

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Law No. 43/2019/QH14

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*Hanoi, June 14, 2019*

**EDUCATION LAW**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates the Education Law.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

This Law regulates the national educational system; educational institutions, teachers, learners; state management of education; rights and responsibilities of agencies, organisations, individuals taking parts in educational activities.

**Article 2. Goals of education**

The goals of education are to educate the Vietnamese into comprehensively developed persons who possess ethics, knowledge, education, physical health, aesthetic sense and profession; to shape and cultivate one's dignity, civic qualifications and competence; to nurture one's patriotism, national spirit, loyalty to the ideology of national independence and socialism; to develop potentials, creativity of each individual; to improve the people's knowledge and manpower, to foster talents, satisfying the demands of the construction and defense of the Fatherland and international integration.

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

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

**Article 4. Educational development**

1. Educational development is the first national priority.
2. Educational development must be linked with the requirements of socio-economic development, to the scientific-technological advances, to the consolidation of national defense and security; must implement standardisation, modernisation and private sector involvement; must ensure the balance in terms of professional, qualifications, manpower and regional structure; must expand scale on the basis of quality and efficiency assurance; and must link education with employment.
3. Develop an open educational system, build a learning society to provide life-long educational access of every level and every form to all the people.

### **Article 5. Definitions**

In this Law, the undermentioned terms shall be defined as follows:

1. “*Formal education*” means cohort-based education in educational institutions to implement a certain educational programme. It is established following the goals of each educational level and qualification, and the learners are issued degrees/diplomas of the national educational system.
2. “*Continuing education*” means education that follows a certain educational programme and has flexible organisation regarding programme implementation formats, time, methods, locations, satisfying the learners’ need for lifelong learning.
3. “*Education quality accreditation*” means assessing and recognizing educational institutions or educational programmes that meet the education quality standards promulgated by competent authorities and organisations.
4. “*Year-based*” means the mode of educational and training organisation based on school years.
5. “*Credit*” means a unit used to measure the amount of knowledge, skills and study results accumulated after a certain period of time.
6. “*Module*” means a learning unit that fully integrates knowledge, skills and attitude with an aim to equipping learners with the capacity to fully or partially perform the tasks of a profession.
7. “*Graduation standards*” means the target requirements regarding learners’ quality and capacity after completing an educational programme.
8. “*Universalization of education*” means organizing educational activities in the way that ensures all citizens of suitable age have access to education and acquire certain qualifications as prescribed by law.

9. “*Compulsory education*” means the type of education that has to be provided to all citizens of suitable age in order for them to acquire the minimal educational qualification as prescribed by law and facilitated by the State.

10. “*Upper secondary education knowledge*” means the basic and core knowledge and skills in the upper secondary educational programme that learners must accumulate in order to continue learning a higher qualification of vocational education.

11. “*Investor*” means an organisation or individual making investment in education from financial sources outside of the state budget. There are domestic investors and foreign investors.

12. “*Educational institution*” means an institution providing education in the national educational system and consists of schools and other educational institutions.

## **Article 6. The national educational system**

1. The national educational system is an open, transferrable educational system consisting of formal education and continuing education.

2. Educational levels and training qualifications of the national educational system include:

a) Preschool education including junior kindergartens (for children aged 03 – 36 months) and senior kindergartens (for children aged 3 – 5 years);

b) General education with primary education, lower secondary education, and upper secondary education;

c) Vocational education and training at elementary-level, intermediate-level, or college-level and other vocational training programmes;

d) Higher education with university education, master education and doctoral education.

3. The Prime Minister shall make decisions on the approval of the structural framework of the national educational system and the Vietnamese Qualifications Framework; stipulate the training duration, standards of each training level, the minimal learning quantity for qualifications of vocational education and higher education.

4. Within the scope of their duties and authorities, the Minister of Education and Training and Minister of Labour - War Invalids and Social Affairs shall provide for the entrance requirements of college-level and university-level pedagogical and health professions.

## **Article 7. Requirements on contents, methods of education**

1. Contents of education must ensure the basic, comprehensive, practical, modern, systematic and up-to-date characteristics; with importance attached to ideological, ethical and civic consciousness education; preserving and developing the good traditions and the national cultural identity, absorbing the essence of the mankind culture; and suitable with the physical, intellectual and psycho-physiology development of various age groups and abilities of learners.

2. Methods of education must be scientific and bring into full play the activeness, consciousness, self-motivation and creative thinking of learners; foster self-study and cooperative abilities, practical ability, learning eagerness and the will to advance forward.

### **Article 8. Educational programmes**

1. Educational programmes shall reflect the goals of education; set the standards for knowledge, skills, requirements on quality and capacity of learners; scope and structure of educational contents; methods and forms of organizing educational activities; evaluation methods of educational outcomes for each subject of every grade and level or for each subject, module, specialization of every training qualification.

2. Educational programmes must ensure the scientific and practical characteristics; inheritability and transferability among different levels and different training qualifications; facilitate the classification of students and exchange between training qualifications, specializations and educational forms in the national educational system in order for localities and educational institutions to proactively implement suitable educational plans; satisfying the goal of gender equality and demands of international integration. Educational programmes are the basis of comprehensive education quality assurance.

3. Requirements on knowledge, skills and on dignity and capacity of learners defined in educational programmes must be concretized in textbooks used for general education, in syllabi and teaching materials used for vocational education and higher education. Textbooks, syllabi and teaching materials must meet the requirements on educational methods.

4. Preschool education and general education shall run year-based programmes; vocational education and higher education may run year-based, module-based, credit-based programmes or combined programmes.

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

5. Within the scope of their duties and authorities, the Minister of Education and Training and Minister of Labour - War Invalids and Social Affairs shall stipulate the

implementation of educational programmes and the recognition of the transferable values of study results of higher education and vocational education levels as prescribed in this Article.

#### **Article 9. Career orientation and student classification**

1. Career orientation in education is a system of measures implemented inside and outside educational institutions to provide students with knowledge about professions and the ability to choose a profession based on a combination of personal desires, fortes and social labour demands.
2. Student classification is a measure of organizing educational activities on the basis of career orientation in education, enabling lower secondary and upper secondary graduates to continue with their studies in higher educational levels/qualifications or vocational education or to join the labour force with regard to personal capacity, circumstances and social demands, contributing to the regulation of the professional structure following the developing requirements of the country.
3. The Government shall provide for career orientation and student classification in each period of time, meeting the requirements of socio-economic development.

#### **Article 10. Transferability in education**

1. Transferability in education is the act of using available study results to continue studying in other educational levels and qualifications within the same specialization or switch to another specialization, mode of education and training qualification with corresponding content requirements, ensuring transferability between educational levels and training qualifications of general education, vocational education and higher education.
2. Transferability in education must satisfy conditions of quality assurance. Educational programmes shall be designed with inheritability, integrating knowledge and skills based on the graduation standards of each educational level in the Vietnamese Qualifications Framework. Learners shall not have to relearn knowledge and skills accumulated in previous educational programmes.
3. The Government shall provide for the transferability between educational levels/training qualifications in the national educational system.

#### **Article 11. Languages, written languages used in educational institutions**

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

2. The State shall encourage and enable ethnic minority people to learn their spoken and written languages as prescribed in Governmental regulations; hearing-impaired and speaking-impaired persons to learn via sign language, vision-impaired persons to learn via the Braille alphabet as prescribed in the Law on Persons with Disabilities.

3. Foreign languages defined in educational programmes are the languages used commonly in international communication. The teaching of foreign languages in educational institutions should guarantee that learners have continuing and effective learning process.

### **Article 12. Degrees/diplomas and certificates**

1. Degrees/diplomas of the national educational system are conferred to learners upon successful completion of an educational level or educational programme and meeting the graduation standards of the corresponding qualification as prescribed in this Law.

2. Degrees/diplomas of the national educational system consist of the following: lower secondary diploma, upper secondary diploma, diploma of vocational secondary schools, college degree, bachelor degree, master degree, doctoral degree and degrees/diplomas of equivalent qualifications.

3. Certificates of the national educational system are granted to learners to acknowledge their learning results upon successful completion of courses for knowledge or professional upgrading or conferred to candidates of certification examinations as prescribed by law.

4. Degrees/diplomas and certificates granted by educational institutions of educational types and modes in the national educational system shall have equal legal values.

5. The Government shall promulgate a system of higher educational degrees/diplomas and stipulate the equivalent degrees/diplomas of some specific in-depth specializations.

### **Article 13. Learning rights and obligations of citizens**

1. Learning is the right and obligation of every citizen. Every citizen, regardless of ethnic origin, religion, belief, gender, personal characteristics, family background, social status or economic conditions, has equal rights of access to learning opportunities.

2. The State shall ensure social equality in education, create a safe educational environment, ensure inclusive education and enable learners to develop their potentials and talents.

3. The State shall give priority in enabling children with special backgrounds as prescribed in the Children Law, disabled and handicapped persons as prescribed in the Law on Persons with Disabilities and learners from poor and near-poor households to exercise their learning rights and obligations.

#### **Article 14. Universalization of education and compulsory education**

1. Primary education is compulsory.

The State shall provide the universalization of preschool education to 05-year-old children and provide the universalization of lower secondary education.

2. The State shall be responsible for implementing compulsory education throughout the country; planning and facilitating the universalization of education.

3. All citizens within defined age groups shall have the obligation to learn in order to contribute to the universalization of education and complete the compulsory education programme.

4. Families and guardians shall enable their members in defined age groups to receive education in order to contribute to the universalization of education and complete the compulsory education programme.

#### **Article 15. Inclusive education**

1. Inclusive education is an educational method aiming to meet different needs and abilities of learners; ensure equal learning rights, education quality, suitable with the needs, characteristics and capacity of learners; respect diversity and differences of learners and avoid discrimination.

2. The State shall issue assistance policies to implement inclusive education for learners who are children with special backgrounds as prescribed in the Children Law, learners who are disabled and handicapped persons as prescribed in the Law on Persons with Disabilities and other relevant regulations.

#### **Article 16. Private sector involvement in education**

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

2. The State shall play the dominant role in developing the cause of education; carry out the diversification of types of educational institutions and modes of education; encourage, promote and enable organisations and individuals to take part in the development of the cause of education; encourage the development of people-founded and private educational institutions, satisfying the social demands on high quality education.

3. All organisations, families and citizens shall be responsible for taking care of education, cooperating with educational institutions in realizing the goals of education and building a safe and healthy educational environment.

4. Organisations and individuals with contributions to the cause of education shall be rewarded in compliance with the law.

#### **Article 17. Investment in education**

1. Investment in education is an investment in development. Investment in the field of education is a conditional business investment with preferential treatment and assistance as prescribed by law.

2. The State shall give priority to investment and to the attraction of other investment sources for education; priorities investment in the universalization of education, educational development in mountainous areas, islands, ethnic minority areas, areas with exceptional socio-economic difficulties, areas with industrial zones.

The State shall encourage and protect the legitimate rights and benefits of Vietnamese organisations and individuals, overseas residing Vietnamese, foreign organisations and individuals investing in education.

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

#### **Article 18. Roles and responsibilities of education managers**

1. Education managers play an important role in organizing, managing and directing educational activities.

2. Education managers shall have the responsibilities for studying, training, improving their moral standards, qualifications, management competence and for complying with the standards and regulations prescribed by law.

3. The State shall have plans to build and improve the quality of education managers.

#### **Article 19. Scientific and technological activities**

1. Scientific and technological activities are one duty of educational institutions.

2. Educational institutions shall implement or cooperate with scientific and technological organisations and production, trade and service units to carry out education, scientific research and technology transfer for socio-economic development.

3. The State shall enable educational institutions to organize scientific and technological activities, combining training with scientific research and production so as to improve education quality; to gradually implement the role of a cultural, scientific and technological centre for the locality or the whole country.

4. The State shall issue priority policies for the development of scientific and technological activities in educational institutions. Guidelines and policies concerning



education must be formulated based on the results of scientific research, appropriate to the Vietnamese reality and international trend.

#### **Article 20. Prohibition of promotion of religions in educational institutions**

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

#### **Article 21. Prohibition of abuse of educational activities**

1. It is prohibited to abuse educational activities to distort State guidelines, policies, legislation; to oppose the Socialist Republic of Vietnam, to separate the block of great national solidarity, to incite violence, to propagate war of aggression, to erode the good traditions and customs, to publicize superstitious beliefs and bad customs, or to attract learners into social evils.

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

#### **Article 22. Prohibited activities in educational institutions**

1. Disrespect of dignity and honor, committing physical assault towards teachers, staff, labour workers of educational institutions and towards learners.

2. Distortion of educational contents.

3. Cheating in learning, testing, examination, admission.

4. Smoking; alcohol consumption; security and order disruption.

5. Forcing students to take extra classes for money.

6. Forcing contributions in cash or in kind in the name of educational sponsorship or support.

### **Chapter II**

#### **THE NATIONAL EDUCATIONAL SYSTEM**

##### **Section 1. EDUCATIONAL LEVELS AND TRAINING QUALIFICATIONS**

##### **Subsection 1. PRESCHOOL EDUCATION**

##### **Article 23. Position, roles and objectives of preschool education**

1. Preschool education is the first educational level in the national educational system that sets the foundation for the comprehensive development of the Vietnamese and carries out the nurturing, caring and educating of children from 03 months to 06 years of age.

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

#### **Article 24. Requirements on contents and methods of preschool education**

1. The contents of preschool education must be suited to the psycho-physiological development of children; balanced between nurturing, caring and educating, with a view to helping children to develop physically, emotionally, intellectually and aesthetically and to know how to respect differences; suitable with different age groups and transferable to primary education.

2. The methods of preschool education are prescribed as follows:

a) Junior kindergartens must enable children to proactively participate in activities and play, creating a bond between adults and children; stimulate the development of the senses, emotions and psycho-physiological functions;

b) Senior kindergartens must enable children to play, experience, explore and discover the surrounding environment in different ways, satisfying the needs and interests of children.

#### **Article 25. Programmes of preschool education**

1. Programmes of preschool education shall satisfy the following requirements:

a) Reflect the objectives of preschool education;

b) Concretize the outcome requirements of different age groups, educational activities, methods and modes of organizing educational activities, educational environment and evaluation of the development of children;

c) Be consistent throughout the country and implemented flexibly, suitable with specific conditions of localities and institutions of preschool education.

2. The Minister of Education and Training shall establish the National review council for appraising curricula for preschool education to appraise programmes of preschool education. The council shall be composed of teachers, education managers, experienced and prestigious scientists in the field of education and representatives of relevant agencies and organisations. At least one-third of the council members must be teachers who are working in institutions of preschool education. The council and the council members shall be responsible for the appraisal contents and quality.

3. The Minister of Education and Training shall promulgate programmes of preschool education after receiving the appraisals of the National review council for appraising curricula for preschool education; stipulate standards, compiling and editing processes of programmes of preschool education; stipulate standards and selection of toys and learning materials used in institutions of preschool education; stipulate the duties, powers, operating methods, standards, number and structure of members of the National review council for appraising curricula for preschool education.

#### **Article 26. Institutions of preschool education**

Institutions of preschool education include:

1. Junior kindergarten centers and classes for children aged 03 – 36 months;
2. Senior kindergartens and independent senior kindergarten classes for children aged 03 – 06 years;
3. Combined kindergartens and independent preschool classes for children aged 03 months – 06 years.

#### **Article 27. Development policies of preschool education**

1. The State shall elaborate policies for investment in the development of preschool education; give priority to the development of preschool education in mountainous areas, islands, ethnic minority areas, areas with exceptional socio-economic difficulties, areas with industrial zones.
2. The State shall issue incentive policies for organisations and individuals to invest in the development of preschool education in order to meet social demands.
3. The Government shall provide for this Article.

#### **Subsection 2. GENERAL EDUCATION**

##### **Article 28. Educational levels and entry ages**

1. Educational levels and age groups of general education are regulated as follows:
  - a) Primary education lasts for 05 school years, from the first to the fifth grade. The entry age for the first grade is 06;
  - b) Lower secondary education lasts for 04 school years, from the sixth to the ninth grade. Students must complete the primary educational programme before entering the sixth grade. The entry age for the sixth grade is 11;

c) Upper secondary education lasts for 03 school years, from the tenth to the twelfth grade. Students must complete the lower secondary educational programme before entering the tenth grade. The entry age for the tenth grade is 15;

2. Cases where schooling could be commenced at younger ages or at higher ages prescribed in clause 1 of this Article are as follows:

a) Commencing schooling at younger ages for students with early intellectual development;

b) Commencing schooling at older ages for students repeating classes, students living in areas with exceptional socio-economic difficulties, students belonging to ethnic minorities, disabled and handicapped students, students with physical or intellectual disadvantages, orphan students, students of poor households, students returning from overseas and other cases as prescribed by law.

3. General education shall be divided into 2 phases: basic education and career-orientated education. Basic education includes primary education and lower secondary education; career-oriented education is upper secondary education. Students of institutions of vocational education shall learn the upper secondary education knowledge.

4. The Minister of Education and Training shall stipulate the teaching and learning of the Vietnamese language to children of ethnic minorities prior to the commencement of the first grade; the teaching of the upper secondary education knowledge in institutions of vocational education; and the cases as prescribed in clause 2 of this Article.

### **Article 29. Objectives of general education**

1. The objectives of general education are to help learners develop comprehensively by acquiring morals, knowledge, physical health, aesthetic values and other basic skills, develop personal abilities, flexibility and creativeness, with a view to forming the socialist Vietnamese personality and the civic duty, to preparing them for further studies of higher education, vocational education or entering the workforce, participating in the building and defending of the Fatherland.

2. Primary education aims to help students form initial foundations for moral, intellectual, physical and aesthetic development and capacity, preparing them for entering lower secondary education.

3. Lower secondary education is directed towards students' consolidation and development of the outcomes of primary education, provision of general and basic knowledge along with introductory understanding on techniques and career orientation to enter upper secondary education or vocational education.

4. Upper secondary education is directed towards the provision of civic knowledge; students' consolidation and development of the outcomes of lower secondary education;

completion of general education and acquisition of common understanding on techniques and career orientation; provision of opportunities for students to develop their personal abilities in order to choose their development direction, to enter higher education, vocational education or the workforce, contributing to the building and defending of the Fatherland.

### **Article 30. Requirements on contents and methods of general education**

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

2. Requirements on the contents of general education at each level are regulated as follows:

a) Primary education must guarantee students the foundation for comprehensive development of physical and emotional health, social skills, simple and necessary knowledge about nature, society and human being; with social moral awareness; with basic skills in listening, reading, speaking, writing and calculating; with habits of physical exercise and hygiene; and with initial understanding of singing, dancing, music and arts;

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

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

3. The methods of general education are to promote the activeness, consciousness, initiatives and creativeness of students; to be appropriate to the characteristics of each subject, class and student; to nurture the methods of self-study, the joy of learning, the ability to work in team, the ability of independent thinking; to develop comprehensively in dignity and ability; to enhance the application of information technology and communications to education.

### **Article 31. Programmes of general education**

1. Programmes of general education shall:

- a) Reflect the objectives of general education;
- b) Concretize the requirements on the outcomes of students' quality and capacity after each educational level and on the educational contents compulsory to all students throughout the country;
- c) Concretize the requirements on the methods and forms of organizing educational activities and on the evaluation of educational outcomes for subjects of each class and educational level of general education.
- d) Be consistent throughout the country and implemented flexibly, suitable with specific conditions of localities and institutions of general education;
- dd) Be open to feedbacks from organisations and individuals and undergo a pilot implementation before promulgation; be publicly announced after promulgation.

2. The Minister of Education and Training shall establish the National review council for appraising curricula for general education to appraise curricula of general education. The council shall be composed of teachers, education managers, experienced and prestigious scientists in the field of education and representatives of relevant agencies, organisations. At least one-third of the council members must be teachers who are working in corresponding educational levels. The council and the council members shall be responsible for the appraisal contents and quality.

3. The Minister of Education and Training shall be responsible for the quality of general education programmes; promulgate programmes of general education after receiving the appraisals of the National review council for appraising curricula for general education; stipulate standards, compiling and editing processes of programme of general education; regulate objectives, subjects, scale, pilot duration of some new educational contents and methods in institutions of general education; stipulate the duties, powers, operating methods, standards, number and structure of members of the National review council for appraising curricula for general education.

### **Article 32. Textbooks of general education**

1. Textbooks of general education are regulated as follows:

- a) Textbooks must implement programmes of general education, concretizing the requirements on educational objectives and contents, on students' quality and capacity as defined in programmes of general education; direct teaching methods and methods of assessing and evaluating education quality; contents and formats of textbooks shall not carry prejudices based on ethnicity, religion, profession, gender, age and social status; textbooks may be in the printed, Braille or electronic forms.

b) Each subject shall have one or several textbooks; implement private sector involvement in textbook compilation; textbook publication shall be in compliance with the law;

c) Provincial People's Committees shall decide selection of textbooks for consistent use in institutions of general education in their localities as regulated by the Minister of Education and Training.

d) Local educational materials shall be designed by provincial People's Committees to meet the needs and characteristics of their localities, be appraised by provincial review councils for appraising and approved by the Minister of Education and Training.

2. The Minister of Education and Training shall establish the National review council of each subject and each educational activity for appraising textbooks. The council shall be composed of teachers, education managers, experienced and prestigious scientists in the field of education and representatives of relevant agencies and organisations. At least one-third of the council members must be teachers who are working in corresponding educational levels. The council and the council members shall be responsible for the appraisal contents and quality.

3. The Minister of Education and Training shall be responsible for textbooks of general education; approve textbooks used in institutions of general education after receiving the appraisals of the National review council for appraising textbooks; regulate standards, compiling and editing processes of textbooks of general education; stipulate selection of textbooks in institutions of general education; stipulate the duties, powers, operating methods, standards, number and structure of members of the National review council for appraising textbooks and provincial review councils for appraising..

4. Chairwomen/chairmen of provincial People's Committees shall decide establishment of provincial review councils for appraising local educational materials.

### **Article 33. Institutions of general education**

Institutions of general education include:

1. Primary schools;
2. Lower secondary schools;
3. Upper secondary schools;
4. Multi-level schools;

### **Article 34. Certification for completion of primary education and issuance of lower secondary diploma and upper secondary diploma**

1. Students who complete the primary education programme and meet the requirements set by the Minister of Education and Training will be certified in their official academic records by a primary school principal that they have completed primary education.
2. Students who complete the lower secondary education programme and meet the requirements set by the Minister of Education and Training will be issued with diplomas of lower secondary education by the head of an educational specialized agency under the management of a provincial People's Committee.
3. Students who complete the upper secondary education programme and meet the requirements set by the Minister of Education and Training will be eligible to take the examination. Those who pass the examination are issued with diplomas of upper secondary education by the head of an educational specialized agency under the management of a provincial People's Committee.

Students who complete upper secondary education and meet the requirements set by the Minister of Education and Training will be eligible to take the examination. Those who do not take the examination or fail the examination are issued with certificates by the school principal that they have completed general education.

Certificate for completion of general education is used to register for the examination for the upper secondary diploma per learners' wish or per the requirements to continue studying in vocational education and is used in specific cases as prescribed by law.

4. Students with lower secondary diplomas and studying a vocational secondary programme in institutions of vocational education, after completing the programme, are eligible to take the examination certifying the upper secondary education knowledge as prescribed by the Minister of Education and Training. Those who pass the examination are issued with certificates by the head of an educational institution teaching upper secondary cultural knowledge that they have achieved sufficient upper secondary education knowledge.

Certificate for achieving sufficient upper secondary education knowledge is used to continue studying a higher qualification of vocational education and is used in specific cases as prescribed by law.

### **Subsection 3. VOCATIONAL EDUCATION**

#### **Article 35. Training qualifications of vocational education**

Vocational education trains at elementary-level, intermediate-level or college-level and provides other vocational training programmes for learners; meeting the demands for workers directly participating in production, trade and services.

#### **Article 36. Objectives of vocational education**



The objectives of vocational education are directed towards the training of workers directly participating in production, trade and service to have the practical ability of a profession adequate to the relevant training qualification; have morals, health; have professional responsibility; be creative and adaptable to the environment of international integration; ensure the improvement of labour productivity and quality; provide learners with employability, self-employability or ability to further study to improve professional qualifications after completing a programme of vocational education.

#### **Article 37. Organisation and operation of vocational education**

Organisation and operation of vocational education are implemented as prescribed in this Law and the Law on Vocational education.

### **Subsection 4. HIGHER EDUCATION**

#### **Article 38. Training qualifications of higher education**

Higher education includes bachelor education, master education, and doctoral education.

#### **Article 39. Objectives of higher education**

1. Training a workforce of high qualifications, improving the people's knowledge, fostering talents; conducting scientific and technological research to invent new knowledge and products, meeting the requirements of socio-economic development, ensuring national defense and security and international integration.
2. Educating learners towards comprehensive development in terms of morals, intellectuality, physical health and aesthetic sense; possessing professional knowledge, skills and responsibility; ability to follow up on scientific and technological advances relevant to their training qualifications, ability of self-study, creativity, adaptability to the workplace; spirit of entrepreneurship, of service to the People.

#### **Article 40. Organisation and operation of higher education**

Organisation and operation of higher education are implemented as prescribed in this Law and the Law on Higher education.

### **Section 2. CONTINUING EDUCATION**

#### **Article 41. Objectives of continuing education**

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

## **Article 42. Objectives of continuing education**

1. Illiteracy eradication for citizens of suitable age as prescribed by law.
2. Training, upgrading and enhancing professional capacity; updating and supplying knowledge and skills necessary to people's life; enabling those with the needs for education to improve their educational qualifications.

## **Article 43. Programmes, forms, contents and methods of continuing education**

1. Programmes of continuing education include:

- a) Illiteracy eradication;
- b) Educational programmes responding to the needs of learners, updating of knowledge and skills, transfer of technology;
- c) Programmes for training, upgrading and enhancing professional qualifications;
- d) Educational programmes leading to degrees/diplomas of the national educational system.

2. Forms of conducting continuing educational programmes are as follows:

- a) In-service learning;
- b) Distance learning;
- c) Guided self-learning;
- d) Other learning forms per learner's needs.

3. Educational contents of the programmes defined in point a, b, and c of clause 1 of this Article must guarantee the usefulness and help learners improve their working productivity and quality of life.

Educational contents of the programmes defined in point d clause 1 of this Article must lead to the completion of a qualification in the structural framework of the national educational system or the Vietnamese Qualifications Framework, must guarantee the requirements on contents of the educational programme of the same educational level/training qualification defined in Article 31 of this Law, the Law on Vocational education and Law on Higher education.

4. Methods of continuing education must promote the activeness of learners, with an emphasis on the development of their self-learning ability, using modern facilities and technology to improve quality and efficiency of teaching and learning.

5. Within the scope of their duties and authorities, the Minister of Education and Training and Minister of Labour - War Invalids and Social Affairs shall provide for educational programmes, textbooks, syllabi, materials of continuing education.

#### **Article 44. Institutions of continuing education**

1. Programmes of continuing education are conducted at institutions of continuing education, general education, vocational education or higher education, cultural institutions, at the workplace, residential communities, through mass media or other means.

2. Institutions of continuing education are as follows:

- a) Institutions of continuing education
- b) Institutions of vocational education – continuing education;
- c) Community learning centers;
- d) Other centers that conduct continuing education.

3. The implementation of continuing educational programmes of continuing education institutions are prescribed as follows:

- a) Continuing education centers and vocational – continuing education centers shall implement educational programmes defined in clause 1 Article 43 of this Law, except for educational programmes leading to diplomas of vocational secondary education, college degrees, bachelor's degrees;
- b) Community learning centers shall implement educational programmes defined in point a and point b of clause 1 of Article 43 of this Law;
- b) Other centers shall implement educational programmes defined in point b and point c of clause 1 of Article 43 of this Law.

4. General education institutions, vocational education institutions, higher education institutions implementing continuing educational programmes shall guarantee their educational and training duties, only implement educational programmes defined in point d clause 1 of Article 43 of this Law when authorised by competent education authority.

5. Cooperation in offering in-service courses with higher education institutions shall be implemented in accordance with the Law on Higher education.

#### **Article 45. Assessment and recognition of students' performance**

1. Learners who complete the illiteracy eradication programme and meet the requirements set by the Minister of Education and Training, will be certified to have completed the illiteracy eradication programme.
2. Learners who complete lower secondary educational programmes defined in point d clause 1 Article 43 of this Law and meet the requirements set by the Minister of Education and Training, will be issued with diplomas of lower secondary education by the head of an educational specialized agency under the management of a provincial People's Committee.
3. Learners who complete upper secondary educational programmes defined in point d clause 1 Article 43 of this Law and meet the requirements set by the Minister of Education and Training, will be eligible to take the examination. Those who pass the examination are issued with diplomas of upper secondary education by the head of an educational specialized agency under the management of a provincial People's Committee. Those who do not take the examination or fail the examination are issued with certificates by the head of an institution of continuing education that they have completed general education.
4. Learners who complete training programmes and meet the graduation standards of a training qualification as prescribed in the Vietnamese Qualifications Framework, are issued with diplomas corresponding with their training qualifications.
5. Learners of upgrading courses conducted via various forms are eligible to take the examination. If they meet the requirements on outcomes of educational programmes prescribed in point b and point c clause 1 Article 43 of this Law, they are issued with certificates of corresponding learning programmes.

#### **Article 46. Policies on development of continuing education**

1. The State shall issue policies for investment in the development of continuing education, providing education to all the people, promoting the learning of adults, building a learning society; for encouraging organisations and individuals to participate and/or provide continuing educational services of quality, meeting learners' need for lifelong learning.
2. Authorities and organisations shall facilitate the frequent learning and lifelong learning of officials, public employees and labour workers with a view to developing their abilities and improving quality of life.
3. Institutions of vocational education and of higher education shall be responsible for cooperating with continuing education institutions in providing learning material sources to continuing education institutions following learners' learning need; teachers' training institutions shall be responsible for conducting research on educational science, training and upgrading teachers of continuing education institutions.

## **Chapter III**

### **SCHOOLS, SPECIAL SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS**

#### **Section 1. ORGANISATION, OPERATION, TASKS AND POWERS OF SCHOOLS**

##### **Article 47. Types of schools in the national educational system**

1. Schools in the national educational system are organized in the following types:

- a) Public schools whose investment is made, operating conditions are guaranteed and ownership is represented by the State;
- b) People-founded schools whose infrastructure is invested and operating conditions are guaranteed by local residential communities such as organisations and individuals in hamlets, villages, wards, districts, towns.

The people-founded type is only applicable to institutions of preschool education;

- c) Private schools whose investment is made and operating conditions are guaranteed by domestic investors or foreign investors.

Not-for-profit private schools are schools whose investors guarantee and uphold commitments to operate not for the sake of profit, stated in the establishment decision or decision of converting school types; with non-profit operation, no capital withdrawal, no income earning; annual accumulated earnings belong to the undivided and joint possession so as to continue developing the schools.

2. The conversion of school types in the national educational system are conducted as follows:

- a) Only convert from private school to not-for-profit private school;
- b) Implement provisions prescribed in charters and in organisational and operational regulations of school type at each educational level/training qualification;
- c) Ensure rights of teachers, lecturers, education managers, labour workers and learners;
- d) Do not cause losses of land, fund or assets.

3. The Government shall provide for the conversion of school type as prescribed in clause 2 of this Article.

#### **Article 48. Schools of the State agencies, of political organisations, of socio-political organisations and of the people's armed forces**

1. Schools of the State agencies, of political organisations and of socio-political organisations shall perform the duties of educating and training officials and public employees. Schools of the people's armed forces shall perform the duties of educating and training officers, non-commissioned officers, professional staff and defense workers; fostering leaders and education managers on duties and knowledge of national defense and security.

Schools of the State agencies, of political organisations, of socio-political organisations and of the people's armed forces are educational institutions of the national educational system, organized and operating following provisions of the Law on Vocational education, Law on Higher education and school charters at each educational level/training qualification. When meeting the requirements of socio-economic development and authorised by a competent authority to operate in education and to implement educational programmes, these schools are authorised to issue degrees/diplomas and certificates of the national educational system.

2. The Government shall provide for this Article.

#### **Article 49. Conditions for school establishment and conditions for educational operation**

1. A school is established when its establishment scheme is suitable with the planning of socio-economic development and of the educational institution network as prescribed in the Law on Planning.

The school establishment scheme shall specify the objectives, duties, programmes and contents of education; the land, infrastructure, equipment, provisional location for school construction, organisational structure, resources and finance; the strategic direction for building and developing the school.

2. The school may operate in education when it:

a) Has land, infrastructure and equipment meeting the requirements on educational operation; location for school construction shall ensure a safe educational environment for learners, teachers and labour workers;

b) Has educational programmes, teaching and learning materials appropriate to each educational level/training qualification; have teachers and managers that are qualified in quality and quantity and consistent in terms of structure, ensuring the implementation of educational programmes and organisation of educational activities;

c) Is financially sufficient, as prescribed by law, to ensure maintenance and development of educational operation; and

d) Has organisational and operational regulations of the school.

3. Within a regulated period of time, if the school guarantees all conditions prescribed in clause 2 of this Article, it shall be granted permission to operate in education by a competent authority; when the period is over, if the school fails to secure conditions prescribed in clause 2 of this Article, the establishment decision or establishment permission shall be revoked.

#### **Article 50. Suspension from educational operation**

1. A school shall be suspended from educational operation:

- a) Fraud in committed to obtain the permission for educational operation;
- b) One of the conditions prescribed in clause 2 Article 49 of this Law is not satisfied;
- c) Permission for educational operation is not granted by a competent person;
- d) There is no educational operation within a regulated period of time starting from the date the permission for educational operation is granted;
- dd) There is violation against education laws that leads to the school's suspension;
- e) Other cases as prescribed by law.

2. Decision to suspend educational operation of a school must specify the reasons for suspension, duration of suspension, measures to ensure rights and benefits of teachers, education managers, learners and labour workers in the school, and must be publicly announced via mass media.

3. Within the suspension period, if the reason for suspension is amended, the person having the power to issue the suspension decision may permit the school to resume its educational operation.

#### **Article 51. Merger, division and dissolution of schools**

1. Merging, full division, partial division and dissolution of schools shall satisfy the following requirements:

- a) Suitable with the planning of socio-economic development and of the educational institution network as prescribed in the Law on Planning;
- b) Meeting the requirements of socio-economic development;
- c) Ensuring rights and benefits of teachers and learners;

d) Contributing to the improvement of quality and efficiency of education.

2. A school shall be dissolved in the following cases:

a) It seriously violates regulations regarding management, organisation or operation of the school;

b) It fails to rectify the violation that leads to its suspension by the deadline;

c) Its operating objectives and contents in the establishment decision or establishment permission are no longer suitable with the requirements of socio-economic development;

d) It fails to ensure quality of education;

dd) The dissolution is requested by the founding organisations and/or individuals.

3. The decision on merger, division and dissolution of schools must specify the reasons and measures to ensure rights and benefits of teachers, education managers, learners and labour workers in the school, and must be publicly announced via mass media.

**Article 52. Authority and procedure of establishment or establishment permission; permission of educational operation, suspension of educational operation; merger, division and dissolution of schools**

1. The following persons have the power to establish public schools or to grant permission to establish people-founded and private schools:

a) Chairwomen/chairmen of district-level People's Committees have the power to decide establishment of junior kindergartens, senior kindergartens, primary schools, lower secondary schools, multi-level schools whose highest level is lower secondary, and day schools for ethnic children, except for the cases prescribed in point d of this clause;

b) Chairwomen/chairmen of provincial People's Committees have the power to decide for upper secondary schools, multi-level schools whose highest level is upper secondary, boarding general education schools for ethnic children, vocational secondary schools under provincial administration, except for the cases prescribed in point c and point d of this clause.

c) Ministers, Heads of ministry-level agencies have the power to decide establishment of vocational secondary schools under their direct management;

d) The Minister of Education and Training has the power to decide establishment of pre-university schools, pedagogical colleges and schools under ministerial management; junior kindergartens, senior kindergartens, primary schools, lower secondary schools, upper secondary schools as proposed by foreign diplomatic representative agencies and/or intergovernmental international organisations;



dd) The Minister of Labour - War Invalids and Social Affairs has the power to decide establishment of colleges, except for pedagogical colleges;

e) The Prime Minister has the power to decide establishment of institutions of higher education.

2. The Minister of Education and Training has the power to grant permission of educational operation to institutions of higher education. Authority in granting permission of educational operation to schools at other educational level/training qualification shall comply with the Government's regulations.

3. The persons having the power to establish school or grant permission for school establishment also have the power to revoke establishment decision or establishment permission, decide merger, division and dissolution of schools. The persons having the power to grant permission of educational operation also have the power to decide suspension of educational operation

In case of merger of schools that are not established by authorities of the same level, the superior authority shall make decisions; in case the establishing authorities are of the same level, they shall reach a consensus on decisions.

4. The Government shall provide for conditions and procedure of establishment or establishment permission; permission of educational operation, suspension of educational operation; merging, full division, partial division and dissolution of schools as prescribed in article 49, 50, 51 and 52 of this Law.

### **Article 53. Charters and regulations on establishment and operation of educational institutions**

1. School charters shall be applied to all school types of preschool education, general education, vocational education and contain the following main contents:

a) Duties and rights of the school;

b) Organisation of educational operation in the school;

c) Duties and rights of teachers;

d) Duties and rights of learners;

dd) Organisation and management of the school;

e) Finance and assets of the school;

g) Relationship between the school, families and society.

2. Organisational and operational regulations of educational institutions shall concretize the contents of school charters for application to each type of educational institutions.

3. Within the scope of their duties and authorities, the Minister of Education and Training and Minister of Labour - War Invalids and Social Affairs shall promulgate school charters, organisational and operational regulations of educational institutions.

#### **Article 54. Investors**

1. Investors in the field of education consist of:

a) Domestic investors, including Vietnamese citizens, organisations established in accordance with Vietnamese law;

b) Foreign investors, including citizens of foreign countries, organisations established in accordance with foreign law.

2. Rights and responsibilities of investors are prescribed as follows:

a) Approve development plans of the school as prescribed by law and proposed by school council;

b) Decide total capital contributions of investors, school investment projects, mobilization of capital (if any); plans on use of annual discrepancies between incomes and expenditures or on handling losses of the school; approve annual financial reports;

c) Vote or appoint, dismiss and remove members of school council;

d) Organize the supervision and evaluation of school council's operation;

dd) Decide promulgation and amendment of financial regulations; approve matters related to finance and assets in the organisational and operational regulations of the school;

e) Contribute capital fully and timely, supervise capital contributions to the school in compliance with the establishment proposal;

g) Consider, handle violations by school council that result in losses as prescribed by law and by organisational and operational regulations of the school;

h) Decide reorganization, dissolution of the school as prescribed by law;

i) Publish a list of organisations and individuals that make contributions of capital on the online website of the school;

k) Founding investors of not-for-profit private schools are honoured for their capital contributions to the establishment, construction and development of the school.

3. Founding investors of private educational institutions may choose one of the following options:

a) Invest in the establishment of a financial organisation in accordance with the Law on Investment and Law on Enterprises in order for this financial organisation to establish a private educational institution as prescribed in this Law;

b) Invest directly in the establishment of a private educational institution as prescribed in this Law.

### **Article 55. School council**

1. School council of public schools is a school management organisation, exercising the right of ownership representation of the school and of parties with relevant benefits, and is prescribed as follows:

a) School council of junior kindergartens, senior kindergartens, institutions of general education shall decide directions of school operation, mobilize and monitor the use of resources for the school, linking the school with community and society, ensuring the realisation of educational objectives.

School council of junior kindergartens, senior kindergartens, institutions of general education shall be composed of the committee-level secretary, school principal, chairwoman/chairman of the labour union, secretary of the Ho Chi Minh Communist Youth Union, representatives of specialized teams, representatives of the office team, representatives of the local government, representative committee of students' parents and representatives of students for lower secondary schools and/or upper secondary school;

b) School council of vocational education institutions shall be implemented as prescribed in the Law on Vocational education;

c) School council of higher education institutions shall be implemented as prescribed in the Law on Higher education.

2. School council of junior kindergartens, senior kindergartens, people-founded young sprout schools is the body exercising the right of ownership representation as recommended by the residential community of establishment; responsible for making decisions on the directions of school operation, planning, development plans, organisation, personnel, financing, assets, ensuring the realisation of educational objectives and compliance with the law.

School council shall be composed of representatives of residential communities, representatives of communal governments and contributors of the capital used for construction and operation of the school.

3. School council of private schools is a school management organisation, exercising the right of representation for investors and parties with relevant benefits, responsible for the implementation of investors' decisions.

For private schools invested by domestic investors and/or foreign investors, school council shall be composed of representatives of investors, school members and non-members voted and decided in investor meetings based on percentage of capital contribution.

For not-for-profit private schools invested by domestic investors, school council shall be composed of representatives of investors voted and decided in investor meetings based on percentage of capital contribution; school members and non-members. School members shall include standard members and voted members. Standard members are the committee-level secretary, chairwoman/chairman of the labour union, representatives of the executive board of the Ho Chi Minh Communist Youth Union currently learning at school (if any), the school principal. Voted members are representatives of teachers and labour workers voted in plenary meetings or delegate meetings of the school. Non-members are management representatives of managers, educators, entrepreneurs and alumni voted in plenary meetings or delegate meetings of the school.

4. Establishment procedure, organisational structure, duties and powers of school council towards junior kindergartens, senior kindergartens, institutions of general education shall be regulated in charters and organisational and operational regulations of the school. Transfer of power from management council to school council of junior kindergartens, senior kindergartens, institutions of general educations shall be implemented as prescribed by the Minister of Education and Training.

#### **Article 56. School principal**

1. School principal is responsible for managing the school's operations and is appointed or recognised by a competent authority.

2. School principal of the national educational system must be trained and upgraded in school management and meet standards of school principal.

3. The Minister of Education and Training shall give specific provision on standards, duties and powers of school principal; on appointment procedure of principals of institutions of preschool education and general education.

4. Standards, duties and powers of school principal; appointment procedure of principals of vocational education and higher education institutions shall be implemented as

prescribed in the Law on Vocational education, Law on Higher education and other relevant provisions.

#### **Article 57. Advisory board in school**

1. Advisory board in school is set up by school principal in order to assist school principal in realizing tasks under the duties and powers of the school principal.
2. Organisation and operation of the advisory board shall be stipulated in the school charter.

#### **Article 58. Organisations of the Communist Party in school**

Organisations of the Communist Party of Vietnam within the school shall lead the school and operate according to the Constitution and law.

#### **Article 59. Internal organisations in school**

Internal organisations in school are responsible for contributing to the realisation of educational objectives and shall operate according to the law.

#### **Article 60. Duties and powers of schools**

1. Schools have the following duties and powers:
  - a) Publicly announce objectives, programmes, educational plans, conditions of education quality assurance, evaluation and accreditation results of education quality; systems of degrees/diplomas and certificates of schools;
  - b) Conduct admission, education, training, scientific research, transfer results of training and scientific research as appropriate of functions, duties and powers; to ratify or issue degrees/diplomas and certificates within authority;
  - c) Propose demands and participate in recruitment of teachers and labour workers in public schools; to manage and employ teachers and labour workers; to manage learners;
  - d) Mobilize, manage and utilize resources according to the law; to build up infrastructure in conformity with the requirements of standardisation and modernisation;
  - dd) To coordinate with learners' families, organisations and individuals in educational activities; to arrange for teachers, labour workers and learners to participate in social activities and community service.
2. The performance of duties, organisational structure, personnel and finance of public schools are regulated as follows:

a) Institutions of preschool education and general education shall implement democratic regulations in schools; be answerable to society, learners, authorities; ensure the participation of learners, families and society in school management. Management in institutions of preschool education and public institutions of general education shall be in accordance with the Government's regulations;

b) Institutions of vocational education and higher education shall implement democratic rights and be held accountable in accordance with the Law on Vocational education, Law on Higher education and other relevant regulations.

3. People-founded schools and private schools shall exercise democracy and be responsible for their own development plans, organisation of educational activities, formation and improvement of teacher resources, mobilization, use and management of resources for the realisation of educational objectives.

## **Section 2. SPECIAL SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS**

### **Article 61. Boarding general education schools and day schools for ethnic minorities, pre-university schools**

1. The State shall establish boarding general education schools, day schools and pre-university schools for ethnic minority children, and for children of long-term resident families in areas with exceptional socio-economic difficulties.

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

3. The Minister of Education and Training shall provide for conditions for students to study in boarding general education schools and day schools for ethnic minorities and pre-university schools.

### **Article 62. Specialized schools, schools for gifted students**

1. Specialized schools shall be established at upper secondary level for students with excellent study achievements to develop their talents in certain subjects while assuring comprehensive general education, creating a foundation for the fostering of talents, meeting the developing requirements of the country.

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

2. The State shall give priority in allocating teachers, infrastructure, equipment and budget to specialized schools and schools for gifted students established by the State; give incentives to schools for gifted students established by individuals/organisations.

3. Within the scope of their duties and authorities, the Minister of Education and Training and Minister of Labour - War Invalids and Social Affairs shall promulgate advanced educational programmes, organisational and operational regulations for specialized schools and schools for gifted students.

### **Article 63. Schools and classes for disabled persons**

1. The State shall establish and encourage organisations, individuals to establish schools and classes for disabled persons to enable them to restore their functions, to receive education and vocational training and to integrate into the communities.

2. The State shall give priority in allocating teachers, infrastructure, equipment and budget to schools, classes for disabled persons established by the State; give incentives to schools, classes for disabled persons established by individuals, organisations.

### **Article 64. Reformatory schools**

1. Reformatory schools are responsible for educating juvenile offenders to enable them to rectify, develop and become good citizens, capable of re-integrating into society.

2. The Minister of Public Security shall be responsible for cooperating with the Minister of Education and Training and Minister of Labour, War Invalids and Social Affairs in stipulating educational programmes for reformatory schools.

### **Article 65. Other educational institutions**

1. Other educational institution in the national educational system includes:

a) Day care centers, independent senior kindergarten classes, independent junior kindergarten classes, illiteracy eradication classes, foreign language classes, informatics classes, classes for children with difficult circumstances and unable to attend school, classes for disabled children;

b) Institutions of continuing education, vocational – continuing education, vocational education, community learning centers, inclusive education support and development centers, other centers conducting duties of continuing education;

c) Academies and institutes established by the Prime Minister in accordance with the Law on Science and Technology and authorised in doctoral education.

2. Heads of other educational institutions prescribed in clause 1 of this Article shall be responsible for the quality of education, management and operation of educational institutions as prescribed by law.

3. The Government shall provide for conditions and power of establishment, establishment permission, merging, full division, partial division, dissolution, operation

suspension of educational institutions prescribed in point a and point b of clause 1 of this Article, except institutions of vocational education. Within the scope of their duties and authorities, the Minister of Education and Training and Minister of Labour - War Invalids and Social Affairs shall stipulate organisational and operational regulations of educational institutions prescribed in point a and point b of clause 1 of this Article.

## **Chapter IV**

### **TEACHERS**

#### **Section 1. POSITION, ROLES AND STANDARDS OF TEACHERS**

##### **Article 66. Position, roles of teachers**

1. Teachers are persons who carry out teaching and educating at educational institutions, except for educational institutions prescribed in point c clause 1 Article 65 of this Law.

Teachers working at institutions of preschool education, general education and other educational institutions or teaching elementary-level, intermediate-level are called teachers; teachers of colleges and higher qualifications are called lecturers.

2. Teachers play the decisive role in ensuring education quality, hold an important position in society and are honoured by society.

##### **Article 67. Standards of teachers**

Teachers must:

1. Have good morals, ideological and mental qualifications;
2. Meet professional standards of teaching position;
3. Have skills of updating and upgrading professional capacity and knowledge; and
4. Maintain good health as required by the profession.

##### **Article 68. Professors and associate professors**

1. Professor and associate professor are titles of teachers teaching and conducting scientific research at institutions of higher education and meeting standards of professor/associate professor appointed by institutions of higher education.

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

#### **Section 2. DUTIES AND RIGHTS OF TEACHERS**



### **Article 69. Duties of teachers**

1. Educate and teach according to educational objectives and principles, implementing educational programmes with sufficiency and quality;
2. Be exemplary in the fulfilment of civic duties, school charters and code of conduct of teachers.
3. Maintain moral quality, prestige and honor of teachers; respecting learners' dignity, treating learners equally; and protecting legitimate rights and interests of learners.
4. Study and practice continuously to improve moral quality, political qualification, professional qualification and knowledge, reforming teaching methods, and being good examples for learners.

### **Article 70. Rights of teachers**

Teachers have the right to:

1. Teach according to their educated specialization.
2. Receive further education and training to improve political qualification, professional qualification and knowledge.
3. Work under contract as visiting teacher and/or researcher in other educational or research institutions.
4. Be protected with regards to their honor, dignity and physical wellbeing;
5. Have summer vacation as stipulated by the Government and other holidays as prescribed by law.

### **Article 71. Visiting teaching**

1. Visiting teaching is the act where educational institutions invite persons meeting criteria stipulated in Article 67 of this Law to conduct teaching. Persons invited to conduct teaching by educational institutions are called visiting teachers or visiting lecturers.
2. Visiting teachers and lecturers must perform duties as defined in Article 69 of this Law. If being officials or public employees, visiting teachers and lecturers must first assure the fulfilment of tasks at their organisations.
3. Encourage inviting domestic teachers and scientists, scientists who are overseas Vietnamese and foreigners to teach at educational institutions as visiting teachers or lecturers.

### **Section 3. TRAINING FOR TEACHERS**

#### **Article 72. Standardized educational qualifications of teachers**

1. Standardized educational qualifications of teachers are regulated as follows:

a) Teachers of preschool education teachers must possess at least a pedagogical college diploma;

b) Teachers of primary education, lower secondary education and upper secondary education must possess at least a bachelor's degree in pedagogy training.

In case a subject is yet to acquire enough teachers with bachelor's degree in pedagogy training, teachers of this subject must possess a bachelor's degree of suitable specialization and a certificate of pedagogy training;

c) Lecturers of higher education must possess a master's degree; lecturers teaching or instructing master or doctor's theses must possess a doctoral degree.

b) Standardized educational qualifications of teachers working in institutions of vocational education shall follow regulations in the Law on Vocational education.

2. The Government shall specify road maps for improving standardized educational qualifications of teachers of preschool education, primary education and lower secondary education as prescribed in point a and point b of clause 1 of this Article. Within the scope of their duties and authorities, the Minister of Education and Training and Minister of Labour - War Invalids and Social Affairs shall stipulate employment of teachers not meeting criteria prescribed in clause 1 of this Article.

#### **Article 73. Education and training for teachers**

1. The State shall elaborate policies for educating and upgrading teachers in terms of political qualification, professional qualification and knowledge; Teachers nominated to attend educating and upgrading training shall receive salary and subsidies as regulated by the Government.

2. Educational institutions shall be responsible for enabling teachers to receive education and training to acquire necessary qualifications as prescribed by law.

#### **Article 74. Educational institutions providing training for teachers and education managers**

1. Educational institutions performing the duty of educating and training teachers include pedagogical schools, educational institutions with faculty of pedagogy, educational institutions authorised to educate and train teachers.

2. Educational institutions performing the duty of educating and training education managers include pedagogical schools, institutions of higher education with faculty of educational management, educational institutions authorised to educate and train education managers.

3. Pedagogical schools established by the State to educate and train teachers and education managers shall be given priority in teacher recruitment, allocation of education managers, investment in infrastructure and dormitories, as well as availability of funding. Pedagogical schools have schools or establishments for trainee-teachers' practice.

4. Within the scope of their duties and authorities, the Minister of Education and Training and Minister of Labour - War Invalids and Social Affairs shall stipulate the performing of the duty of educating and training teachers and education managers, and stipulate educational institutions authorised in educating and training teachers and education managers.

#### **Section 4. POLICIES FOR TEACHERS**

##### **Article 75. Vietnamese Teacher's Day**

The 20<sup>th</sup> of November is Vietnamese Teacher's Day.

##### **Article 76. Salary**

Teachers will receive salary suitable with their professional position and labour; are prioritized to receive professional allowances as regulated by the Government.

##### **Article 77. Policies for teachers**

1. The State shall elaborate policies of recruitment, employment, benefits, guaranteeing material and mental needs of teachers so as to enable them to fulfill their roles and duties.

2. Teachers working at specialized schools, schools for gifted students, boarding general education schools or day schools for ethnic minorities, pre-university schools, schools or classes for disabled and handicapped persons, reformatory schools or other special schools, teachers of inclusive education shall receive allowances and other preferential policies.

3. The State shall issue incentive and preferential policies on allowances and other policies for teachers working in areas with exceptional socio-economic difficulties.

4. The Government shall provide for this Article.

##### **Article 78. Awarding of titles of "Nhà giáo nhân dân" and "Nhà giáo ưu tú" for outstanding teachers**

Teachers, education managers and educational researchers who meet the criteria set by the law shall be awarded the title of "Nhà giáo nhân dân" or "Nhà giáo ưu tú" by the State.

**Article 79. Awarding of titles of “Tiến sĩ danh dự” (honorary doctor) and “Giáo sư danh dự” (honorary professor)**

1. Political/social activists of international prestige, teachers and scientists who are overseas residing Vietnamese and foreign nationals with major contributions to the cause of education and science in Vietnam shall be awarded the title of “Tiến sĩ danh dự” (honorary doctor) by institutions of higher education.
2. Political/social activists of international prestige, teachers and scientists who are overseas residing Vietnamese and foreign nationals with major contributions to the cause of education and science in Vietnam and possessing a doctoral degree shall be awarded by the title of “Giáo sư danh dự” (honorary professor) by institutions of higher education.
3. The Government shall provide for this Article.

**Chapter V**

**LEARNERS**

**Section 1. DUTIES AND RIGHTS OF LEARNERS**

**Article 80. Learners**

Learners are persons currently learning at educational institutions of the national educational system. Learners include:

1. Children at preschool education institutions;
2. Students at general education institutions, vocational training classes, vocational - continuing education centers, vocational education centers, vocational secondary schools and pre-university schools;
3. Students at colleges and universities;
4. Students at institutions providing master education;
5. Doctoral candidates at institutions providing doctoral education;
6. Learners of continuing educational programmes.

**Article 81. Rights of and policies for children at institutions of preschool education**

1. Children at preschool education institutions have the right to:
  - a) Receive care, nurture and education according to programmes of preschool education promulgated by the Minister of Education and Training; to receive health care and protection as prescribed in the Children Law and other relevant regulations; and
  - b) Receive discounts on public entertainment services.
2. The Government shall issue policies for children at institutions of preschool education.

### **Article 82. Duties of learners**

1. Perform learning and training tasks according to educational programmes and plans, code of conduct of educational institutions.
2. Respect teachers, staff and workers of educational institutions; maintain solidarity and mutual support in learning and training; adhere to rules, charters and regulations of educational institutions; and comply with the law.
3. Participate in labour and social activities, environmental protection activities appropriate to their age group, health and ability.
4. Preserve and protect properties of educational institutions.
5. Contribute to the building, protection and development of the traditions of educational institutions.

### **Article 83. Rights of learners**

Learners have the right to:

1. Receive education and training so as to develop comprehensively and realize their potentials to the fullest.
2. Receive respect; equal opportunities in education and learning; to have their talents, gifts, creations and inventions developed; to receive full information concerning their own learning and training.
3. Have the possibility of leaping grades, shortening programme duration, learning at an age higher than regulated, extending programme duration or repeating class, be enabled to learn educational programmes as prescribed by law.
4. Learn in a safe and healthy educational environment.
5. Be awarded degrees/diplomas or certificates after completing educational levels, training qualifications or completing educational programmes as prescribed by law.

6. Participate in collective activities in educational institutions in accordance with the law.
7. Use infrastructure, libraries, equipment and facilities assigned to learning, cultural, sporting, athletic activities at educational institutions.
8. Submit, directly or through their legal representatives, to educational institutions measures for the improvement of educational institutions, to protect learners' rights and interests.
9. Benefit from preferential State policies in recruitment into State agencies upon graduation with excellent records and good conduct.
10. Elect representatives for school council as prescribed by law.

## **Section 2. POLICIES FOR LEARNERS**

### **Article 84. Educational credits**

The State shall issue preferential credit policies concerning interest rates, credit's conditions and duration to enable learners to study. Encourage private sector involvement in educational credits.

### **Article 85. Scholarships, social subsidies, tuition exemption/reduction, subsidies on tuition and living costs**

1. The State shall issue policies on granting academic scholarships to students with excellent scholastic achievements at specialized schools, schools for gifted students as stipulated in Article 62 of this Law and to learners with good academic and training results or higher at institutions of vocational education and higher education; on granting policy scholarships to students enrolled by form of nomination, students at pre-university schools, boarding general education schools for ethnic minorities, learners at vocational education institutions for war invalids, disabled and handicapped persons.
2. The State shall elaborate policies on subsidies and exemption/reduction of tuition for learners from social policy targeted groups, ethnic minorities in areas with exceptional socio-economic difficulties, homeless orphans, disabled and handicapped persons, persons of poor and near-poor households.
3. The State shall encourage organisations and individuals to grant scholarships or subsidies to learners as prescribed by law.
4. Students at pedagogical institutions will receive subsidies on tuition and living costs throughout the entirety of the course. 02 years after graduation, if persons that receive the subsidies do not work in the field of education or fail to work in education for a sufficient

duration, they will have to reimburse the State for the subsidies. The maximum time limit for reimbursement is equal to the training duration.

Students at pedagogical institutions are entitled to academic incentive scholarships, social subsidies, tuition exemption/reduction as prescribed in clause 1 and clause 2 of this Article.

5. The Government shall provide for this Article.

#### **Article 86. Exemption, reduction of public service fees for students, students**

Students and students are entitled to fee exemption or reduction when using public services in transportation, entertainment, and visits to museums, historical relics and cultural attractions as stipulated by the Government.

#### **Article 87. Admission by form of nomination**

1. The State shall grant admission into vocational secondary schools, colleges and universities by means of nomination for students from ethnic minorities with sparse population; students from ethnic minorities living in areas with exceptional socio-economic difficulties and have no or few officials/public employees who are of ethnic minorities; issue policies on formation of nominated admission source, enabling the regulated entities to enter boarding general education schools for ethnic minorities and increasing pre-university learning time.

2. People's Committees at provincial level, based on the needs of their localities, shall propose and allocate nomination quotas; selecting persons according to approved criteria and quotas; recruiting and assigning jobs for learners after graduation.

Educational institutions shall be responsible for assisting learners admitted by form of nomination so as to ensure outcome quality.

3. Students of this nomination mode shall be responsible for returning to work for the locality sending them to study; be recruited and assigned jobs.

4. The Government shall regulate criteria and beneficiaries of the nomination mode; organize the implementation of the nomination mode and employment of learners of nomination mode after graduation.

#### **Article 88. Awards for learners**

Learners with excellent achievements in learning and training shall be awarded by educational institutions or education authorities; in case of exceptional achievements, the awards shall be issued as regulated by law.

### **Chapter VI**

## **RESPONSIBILITIES OF SCHOOLS, FAMILIES AND SOCIETY IN EDUCATION**

### **Article 89. Responsibilities of schools**

1. Schools shall be responsible for implementing plans of universalization of education and codes of conduct; actively liaising with families and society to organize or participate in educational activities in compliance with school plans, ensuring the safety of teachers and learners; informing study and training results of students to their parents or guardians.
2. Other regulations related to schools in this Chapter shall be applied to other educational institutions.

### **Article 90. Responsibilities of families**

1. Parents or guardians shall be responsible for nurturing, educating, and caring, enabling their children or persons under their guardianship to learn, receive universalized education, complete compulsory education, train and participate in school activities; for respecting teachers, preventing disrespect of dignity and honor, and physical assault towards teachers.
2. All family members shall be responsible for creating a cultural family and a favourable environment for comprehensively moral, intellectual, physical and aesthetic development of their children; adults are responsible for educating, setting examples for their children, and working with schools to improve quality and efficiency of education.

### **Article 91. Responsibilities of parents or guardians of students**

1. Receive information on study and training results of their children or persons under their guardianship.
2. Take part in educational activities according to school plans; participate in activities of the representative committee of students' parents at school.
3. Cooperate with schools and/or education authorities to respond to issues related to the education of their children or persons under their guardianship by law.

### **Article 92. Representative committee of pre-school students' parents**

1. Representative committee for the students' parents is established every school year at general and preschool education levels, nominated by parents or guardians in each class or school to liaise with schools in caring, nurturing and educating students, and operating as regulated by the Minister of Education and Training.
2. This committee shall not be established at inter-school or administrative level.



### **Article 93. Responsibilities of society**

1. Agencies, organisations and individuals shall have the following responsibilities:
  - a) Assisting and cooperating with schools in organizing educational and research activities; facilitating teachers and learners in visits, experiences, practice and scientific research;
  - b) Contributing to the creation of a safe and healthy educational environment, while preventing activities with possible negative effects on learners;
  - c) Enabling citizens of suitable age to fulfill learning obligations so as to contribute to the universalization of education, completing compulsory education, with a view to guaranteeing learners healthy recreational, cultural, sporting and athletic activities;
  - d) Contributing resources for the cause of educational development according to their capacities.
2. The Vietnam Fatherland Front Committee and its member organisations shall be responsible for mobilizing the population to take care of the cause of education.
3. The Ho Chi Minh Communist Youth Union and the Ho Chi Minh Young Pioneer Organisation shall be responsible for cooperating with schools in educating the youth and children; mobilizing the youth and children to set examples in learning, training and participating in the development of the cause of education.

### **Article 94. Learning promotion funds and educational sponsoring funds**

The State shall encourage organisations and individuals in setting up learning promotion funds and educational sponsoring funds. The establishment and operation of these funds shall be in accordance with the law.

## **Chapter VII**

### **INVESTMENT AND FINANCE IN EDUCATION**

#### **Article 95. Financial sources of educational investment**

Financial sources of investment in education comprise:

1. State budget;
2. Legal investment capitals of domestic and foreign organisations and individuals;

3. Incomes from educational, training, scientific and technological services; service and assistance to educational operation of educational institutions; incomes from business operation; interest from deposits in banks and other legal incomes as regulated by law;
4. Funding for fulfilment of the State's requests;
5. Loans;
6. Sponsorship, aid, grants of domestic and international organisations and individuals.

#### **Article 96. State budget for investment in education**

1. The State shall give first priority to the allocation of state budget for education, ensuring that educational and training expenditures take up at least 20% of the State budget.
2. The State budget for education must be allocated on the principles of transparency and democracy, based on the educational scale, socio-economic development conditions of each region; securing budget for universalized education, educational development in ethnic minority areas and areas with exceptional socio-economic difficulties.

The State shall be responsible for the full and timely allocation of budget so as to facilitate the universalization of education and to meet the progress of the school year.

3. Education authorities and educational institutions shall be responsible for effective management and use of the allocated budget for education and other incomes as prescribed by law.

#### **Article 97. Priority in finance and land allocation for building schools**

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

#### **Article 98. Encouragement to invest in education**

1. The State shall encourage and enable organisations and individuals to invest and contribute their intellects, labour and financial resources to education.
2. Contributions and grants made by organisations and individuals to education shall be removed when determining taxable income in accordance with regulations on taxation.

3. Organisations and individuals investing in the construction of infrastructure catering to education; contributing, sponsoring and funding in cash or in kind for educational development shall be recognised appropriately.

### **Article 99. Tuition and expenses of educational and training services**

1. Tuition is a contribution made by learners to partially or fully cover expenses of educational and training services. Tuition rate is determined based on road maps for assurance of expenses for educational and training services prescribed by the Government. For institutions of vocational education and higher education, this rate is calculated based on the Law on Vocational education and Law on Higher education.

2. Expenses of educational and training services include the total amount of salary, direct costs, management costs and depreciation of fixed assets in direct or indirect service of educational operation in accordance with educational programmes.

Admission fees contributed by candidates when submitting an application or taking an entrance examination shall be determined based on road maps of accuracy and adequacy.

3. Students at primary education level in public educational institutions are not required to pay tuition; in areas lacking public schools, primary school students in private educational institutions shall receive subsidies on tuition from the State, with the support rate specified by provincial People's Councils.

4. Pre-school children at 05 years of age in villages and communes with exceptional difficulties, ethnic minority areas, remote and isolated areas, coastal areas and islands shall be exempted from tuition.

5. Pre-school children at 05 years of age beside those regulated in clause 4 of this Article and students at lower secondary education level shall be exempted from tuition based on road maps specified by the Government.

6. Mechanisms for collecting and managing tuition and service fees of educational operation are prescribed as follows:

a) The Government shall set tuition collecting and managing mechanisms for public institutions of preschool education, general education, vocational education and higher education;

b) Provincial People's Councils shall set the tuition framework and detailed tuition rate and fees of services and assistance for educational operation in public educational institutions as authorised and at the proposal of provincial People's Committees;

c) Provincial People's Committees shall set collecting and using mechanisms for admission fees of each educational level under provincial management after receiving the approval from provincial People's Councils;

d) People-founded and private educational institutions are entitled to set the rate of their tuition and other service fees, ensuring expense recoupment and reasonable accumulation. Publicly announce expenses of educational and training services and fee rate as guaranteed in school's establishment proposal; and on the basis of each educational course/level/year as prescribed by law.

#### **Article 100. Tax incentives for textbooks, teaching materials and equipment**

The State shall provide tax incentives for the publication of textbooks, syllabi and teaching materials; for the production and supply of teaching equipment and children toys in institutions of preschool education; for the import of books, periodicals, teaching and learning materials, teaching equipment and research equipment used in educational institutions in accordance with tax laws.

#### **Article 101. Financial regulations for educational institutions**

1. Public educational institutions shall manage financial incomes and expenditures, manage property use as regulated by the Law on State budget, Law on Management and use of public properties and other relevant regulations; implement regulations on accounting, auditing, taxation and financial transparency in compliance with the law.

2. People-founded and private institutions shall operate on the principle of financial autonomy, implement regulations on accounting, auditing, taxation, property valuation and financial transparency as prescribed by law. Incomes of people-founded and private institutions shall be used for expenditures of the institutions' necessary operations, fulfilment of duties to the State budget, establishment of investment development funds and other funds of the institutions. The remaining incomes shall be distributed to investors according to their contributions of capital, except for not-for-profit educational institutions.

3. Educational institutions shall publish expenses of educational and training services and fee rate for each school year of preschool education and general education; for each school year and provisionally for each course of vocational education and higher education.

#### **Article 102. Rights on ownership of properties and transfer of capital for people-founded schools and private schools**

1. Properties of people-founded schools fall under the ownership of the school as a juridical person and under the protection of the State as prescribed by law.

2. Properties of private schools fall under the ownership of investors, are formed from capital contributions of investors and determined by contract of capital contribution of investors. Transfer of contributed capital shall take place as prescribed by law.

3. Capital transfer of people-founded schools, private schools shall ensure the stability and development of the school and take place as prescribed by the Government.

### **Article 103. Preferential policies for people-founded schools and private schools**

1. People-founded and private schools shall receive land allocation or rental, infrastructure allocation or rental by the State, receive budget support when implementing duties requested by the State, and benefit from preferential policies on taxes and credits; shall receive financial assurance from the State in order to implement policies for learners as stipulated in Article 85 of this Law.

2. The Government shall provide for this Article.

## **Chapter VIII**

### **STATE MANAGEMENT OF EDUCATION**

#### **Section 1. CONTENTS OF STATE MANAGEMENT OF EDUCATION AND STATE AGENCIES IN CHARGE OF MANAGEMENT OF EDUCATION**

#### **Article 104. Contents of state management of education**

1. Formulating and directing the implementation of strategies, plans and policies of educational development.

2. Promulgating and organizing the execution of legislative documents on education; promulgating school charters, standards of educational institutions, organisational and operational regulations of educational institutions, charters of representative committee of students' parents; regulations on in-school and out-of-school teaching and educating activities; regulations on assessment of study and training results; awarding and discipline for learners.

3. Defining standards of titles, working principles of teachers and education managers, job category framework and staff quota in educational institutions; standards of heads, deputy heads of educational institutions; standards of heads, deputy heads of educational specialized agencies under the management of provincial/communal People's Committees; professional standards of teachers; promulgating codes of conduct for teachers, for educational institutions; requirements on conditions, standards and forms of recruitment of teachers.

4. Defining objectives, programmes and contents of education; the Vietnamese Qualifications Framework; teacher standards; standards and usage quota of school infrastructure and equipment; compilation, publication and use of textbooks and syllabi; examination, testing, admission, joint training and management of degrees/diplomas and certificates; recognition of degrees/diplomas issued by foreign educational institutions for use in Vietnam.

Stipulating the evaluation of education quality; organizing and managing education quality assurance and accreditation.

6. Conducting statistical and informing work on educational organisation and operation.

7. Organizing educational management apparatus.

8. Organizing and directing the training, upgrading and management of teachers and education managers.

9. Mobilizing, managing and utilizing resources for educational development.

10. Organizing, managing scientific and technological research and application in the education sector.

11. Organizing and managing international cooperation and foreign investment in education.

12. Inspecting, supervising education regulatory compliance; settlement of complaints, denunciations and handling of law violations in education.

#### **Article 105. Education authorities**

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

The Government shall consult the National Assembly on major guidelines that may affect learning rights and duties of citizens nation-wide, guidelines on reform of educational contents related to a whole educational level; annually report to the National Assembly on educational operation and educational budgetary execution; consult the Standing Committee of the National Assembly on large-scale application of new educational policies that have been successfully piloted when such application may affect learning rights and duties of citizens nation-wide.

2. The Ministry of Education and Training is accountable to the Government for the implementation of state management of preschool education, general education, higher education, vocational secondary education in pedagogy, pedagogical colleges and continuing education.

3. The Ministry of Labour – War Invalids and Social Affairs is accountable to the Government for the implementation of state management of vocational education, except for pedagogical vocational secondary education and colleges.

4. Within the scope of their duties and authorities, other ministries and ministerial-level agencies shall be responsible for cooperating with the Ministry of Education and Training, Ministry of Labour – War Invalids and Social Affairs to exercise the state management of education.

5. The People's Committees of all levels shall implement state management of education according to the Government's delegation and, within the scope of their duties and authorities, shall perform the following duties:

- a) Reviewing the education regulatory compliance of local educational institutions;
- b) Ensuring conditions concerning teachers, finance, infrastructure, libraries and teaching equipment of public institutions under their management;
- c) Developing school types, conducting private sector involvement in education; meeting the demands of scale expansion, improvement of education quality and efficiency in their localities;
- d) Implementing State guidelines, policies and local policies to ensure autonomy and accountability for the fulfilment of duties and education quality of educational institutions under their management;
- dd) Be responsible for the results of the implementation of strategies, plans and policies on educational development at localities.

## **Section 2. INTERNATIONAL COOPERATION IN EDUCATION**

### **Article 106. Principles of international cooperation in education**

The State shall expand and develop international cooperation in education on the principles of respect for national independence and sovereignty, equality and mutual benefit of all parties.

### **Article 107. Cooperation in education with other countries**

1. The State shall encourage and enable Vietnamese educational institutions to cooperate with foreign organisations, individuals, and overseas residing Vietnamese in teaching, learning and scientific research.
2. The State shall encourage and enable Vietnamese citizens to participate in teaching, studying, research and academic exchange abroad, either at their own expenses or by funding from domestic or foreign organisations/individuals.
3. The State shall set aside its budget to send persons meeting criteria in dignity, morals and qualifications to study and/or conduct research abroad in key areas, jobs and fields so as to serve the construction and defense of the Fatherland.
4. The State shall stipulate the act of Vietnamese citizens teaching, studying, conducting research and/or academic exchange abroad; educational cooperation with foreign organisations, individuals, and overseas residing Vietnamese.

## **Article 108. Foreign cooperation and investment in education**

1. The State shall encourage and enable foreign organisations and individuals, international organisations, overseas residing Vietnamese to conduct teaching, studying, investment, sponsorship, cooperation, scientific research, application and transfer of educational technology in Vietnam; protect legitimate rights and benefits as prescribed in Vietnamese law and international conventions signed or acceded by the Socialist Republic of Vietnam.

2. Educational cooperation with Vietnam must ensure that learners are educated in personality, civic competence and qualification; honor the national cultural identity; ensure that educational objectives, requirements on educational contents, methods are suitable with each educational level and training qualification in the national educational system; ensure educational operation is in compliance with Vietnamese law.

3. Types of foreign educational cooperation and investment in Vietnam include:

- a) Joint education and training;
- b) Establishment of representative offices;
- c) Establishment of branches/campuses of educational institutions;
- d) Establishment of educational institutions;
- dd) Other types of cooperation and investment.

4. The Government shall provide for this Article.

## **Article 109. Recognition of foreign degrees/diplomas**

1. A degree/diploma issued by a foreign educational institution will be recognised for use in Vietnam in the following cases:

- a) It is issued to learners of a foreign general education or higher education institution upon completion of an accredited educational programme of the issuing country and recognised by an education authority of that country;
- b) It is issued by a foreign educational institution which is operating legally in another country beside the country where its headquarters are located and permitted by education authorities of both countries to establish branches/campuses or conduct joint training, and meets regulations in point a of this clause;
- c) It is issued by a foreign educational institution which is operating legally in Vietnam and conducting educational operation in accordance with the Government's regulations



on educational cooperation and investment and on approval of a competent authority, and meets regulations in point a of this clause.

2. Within the scope of their duties and authorities, the Minister of Education and Training shall sign international agreements on the equivalence or mutual recognition of degrees/diplomas; elaborate conditions, order, procedure and authority of degree/diploma recognition; provide information on accredited higher education institutions recognised by host countries.

Recognition of foreign vocational degrees/diplomas shall comply with the Law on Vocational education.

### **Section 3. ACCREDITATION OF EDUCATION QUALITY**

#### **Article 110. Objectives, regulations and subjects of accreditation of education quality**

1. Objectives of accreditation of education quality are regulated as follows:

- a) Ensure and improve education quality;
- b) Verify the level of achieving educational objectives of educational institutions or training programmes in each period of time;
- c) Serve as the basis for educational institutions to explain to owners, competent authorities, relevant parties and the society about the state of education quality;
- d) Serve as the basis for learners to choose educational institutions, training programmes, for recruiters to employ workforce.

2. Accreditation of education quality must be:

- a) Independent, objective, legitimate;
- b) Honest, public, transparent;
- c) Equal, compulsory, periodic.

3. Subjects of education quality accreditation include:

- a) Institutions of preschool education, general education and continuing education;
- b) Educational institutions and training programmes of all qualifications of vocational education and higher education.

#### **Article 111. Contents of state management of education quality accreditation**

1. Promulgating provisions on standards of education quality evaluation; procedure and schedule of education quality accreditation at each educational level/training qualification; operating regulations, conditions and standards of accrediting organisations and individuals; granting permits for operations of education quality accreditation; granting and revoking certificates of education quality accreditation.
2. Managing activities of accreditation of training programmes and educational institutions.
3. Instructing organisations, individuals and educational institutions on conducting evaluation and accreditation of education quality.
4. Reviewing, evaluating the implementation of regulations on education quality accreditation.

**Article 112. Education quality accreditation organisations.**

1. Education quality accreditation organisations (hereinafter referred to as “accrediting organisations”) include:
  - a) Accrediting organisations established by the State;
  - b) Accrediting organisations established by domestic and foreign organisations and individuals;
  - c) Foreign accrediting organisations.
2. The implementation of education quality accreditation is regulated as follows:
  - a) The Government shall provide for conditions and procedure of establishment, operating permits, suspension, dissolution of accrediting organisations; on conditions and procedure for accrediting organisations to be recognised in Vietnam;
  - b) The Minister of Education and Training shall make decisions on establishment or establishment permission, suspension of operation, dissolution of institutions of education quality accreditation; stipulate responsibilities, powers of institutions of education quality accreditation for preschool education, general education and continuing education; issue or revoke recognition decisions of institutions of education quality accreditation operating in Vietnam; stipulate supervision and evaluation of institutions of education quality accreditation;
  - c) Education quality accreditation for vocational education and higher education shall comply with provisions of the Law on Vocational education and Law on Higher education.

**Chapter IX**

## **IMPLEMENTING PROVISIONS**

### **Article 113. Amendments to some articles of Law on Vocational education No. 74/2014/QH13, amended in accordance with Law No. 97/2015/QH13 and Law No. 21/2017/QH14**

1. Amendments to point a and point b of clause 3 of Article 32 as follows:

“a) Students having upper secondary degrees or certificates of completion of general educational programme or certificates to have obtained adequate upper secondary education knowledge, having at least very good vocational secondary diplomas and having registered the same specialization or profession;

b) Students having upper secondary degrees or certificates of completion of general educational programme or certificates to have obtained adequate upper secondary education knowledge, having good vocational secondary diplomas, having at least 02 years of working experience in trained specialization or profession and having registered the same specialization or profession;”

2. Amendments to clause 3 of Article 33 as follows:

“3. The training duration of the year-based college-level shall last from 02 to 03 years for upper secondary graduates according to their specializations or professions; from 01 to 02 years according to specializations or professions for students who have vocational secondary diplomas of the same specialization or profession and upper secondary degrees or certificates of completion of general educational programme or certificates to have obtained adequate upper secondary education knowledge.

The training duration of the college-level in the form of module or credit accumulation is the time in which modules or credits are sufficiently accumulated according to each training programme for students who have upper secondary degrees or certificates of completion of general educational programme or certificates to have obtained adequate upper secondary education knowledge.”

### **Article 114. Implementation effect**

1. This Law takes effect from July 01, 2020.

2. The Education Law No. 38/2005/QH11, amended in accordance with Law No. 44/2009/QH12, Law No. 74/2014/QH13 and Law No. 97/2015/QH13, ceases to be effective starting from the date on which this Law comes into force, except for the cases prescribed in Article 115 of this Law.

### **Article 115. Transitional provisions**

Pedagogical students, learners of pedagogical training courses admitted before the effective date of this Law shall continue to follow regulations in clause 3 Article 89 of the Education Law No. 38/2005/QH11, amended in accordance with Law No. 44/2009/QH12, Law No. 74/2014/QH13 and Law No. 97/2015/QH13.

*This Law was passed by the 14<sup>th</sup> National Assembly of the Socialist Republic of Vietnam during its 7th session on June 14, 2019.*

**THE CHAIRWOMAN  
OF THE NATIONAL ASSEMBLY**

**Nguyen Thi Kim Ngan**

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