

EDUCATION LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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Chapter I General Provisions

Article 1 This Law is enacted in accordance with the Constitution with a view to developing the cause of education, enhancing the quality of the entire nation and promoting the socialist material as well as cultural and ethical progress.

Article 2 This Law shall be applicable to education of all types and at all levels offered within the territory of the People's Republic of China.

Article 3 In developing the cause of socialist education, the State adheres to taking Marxism, Leninism, Mao Zedong Thought and the theory of building socialism with Chinese characteristics as its guidelines and follows the basic principles defined in the Constitution.

Article 4 Education is the basis of the socialist modernization drive, and the State ensures priority to the development of educational undertakings.

The entire society should show concern for and give support to the development of educational undertakings.

The entire society should respect teachers.

Article 5 Education must serve the socialist modernization drive and must be combined with production and physical labour in order to train for the socialist cause builders and successors who are developed in an all-round way—morally, intellectually and physically.

Article 6 The State conducts education among educatees in patriotism, collectivism, socialism as well as in the importance of ideals, ethics, discipline, the legal system, national defense and national unity.

Article 7 In education the brilliant historic and cultural tradition of the Chinese nation shall be inherited and carried forward and all other excellent achievements of human civilization shall be absorbed.

Article 8 Educational activities shall conform to the State and public interests.

The State separates education from religion. No organization or individual may make use of religion to conduct activities that interfere with the educational system of the State.

Article 9 Citizens of the People's Republic of China shall have the right and obligation to receive education.

All citizens, regardless of ethnic group, race, sex, occupation, property status or religious belief, shall enjoy equal opportunities for education according to law.

Article 10 The State, in light of the characteristics and needs of the different minority ethnic groups, provides assistance to the development of educational undertakings in regions inhabited by the minority ethnic groups.

The State supports and assists the development of educational undertakings in the outlying and poverty-stricken areas.

The State supports and develops educational undertakings for the disabled.

Article 11 To meet the needs of developing a socialist market economy and promoting social progress, the State carries forward educational reform, fosters a coordinated development of education at various levels and of various types, and establishes and improves a system of life-long education.

The State supports, encourages and organizes scientific research in education, disseminate the results of scientific research in education so as to enhance the quality of education.

Article 12 The spoken and written Chinese language shall be the basic spoken and written language in teaching in schools and other institutions of education. In schools and other institutions of education in which students of a minority ethnic group constitute the majority, the spoken and written language used by the specific ethnic group or commonly used by the local ethnic groups may be used for instruction.

Putonghua (common speech based on Beijing pronunciation) and the standardized characters designed for use throughout the country shall be widely used in instruction in schools and other institutions of education.

Article 13 The State awards units or individuals that have made outstanding achievements in the development of education.

Article 14 The State Council and the local people's governments at various levels shall guide and administer educational work under the principles of administration by different levels and of a division of responsibilities.

Secondary education and education at lower levels shall be administered by the local people's governments under the guidance of the State Council.

Higher education shall be administered by the State Council, and/or the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government.

Article 15 The administrative department of education under the State Council shall be in charge of the nationwide educational work, and undertake overall planning, coordination and management of the educational undertakings throughout the country.

The administrative departments of education under the people's governments at or above the county level shall be in charge of the educational work in their respective administrative regions.

Other departments concerned under the people's governments at or above the county level shall be responsible for the related educational work within the scope of their functions and duties.

Article 16 The State Council and the local people's governments at or above the county level shall report to the people's congresses at the corresponding levels or their standing committees on the work of education and on the budgets and final accounts of the operating expenses for education, which shall be subject to supervision.

Chapter II Basic System of Education

Article 17 The State applies a school education system embracing pre- school education, primary education, secondary education and higher education.

The State establishes a scientific schooling system. The establishment, forms of instruction, length of schooling, enrollment targets, objectives of training, etc. of schools and other institutions of education governed by the schooling system shall be prescribed by the State Council or the administrative department of education empowered by the State Council.

Article 18 The State applies a system of nine-year compulsory education.

People's governments at all levels shall take various measures to guarantee school-age children and adolescents access to education.

Parents or other guardians of school-age children and adolescents as well as social organizations and individuals concerned shall have the obligation to ensure that school-age children and adolescents receive and complete compulsory education for the prescribed number of years.

Article 19 The State applies a system of vocational education and a system of adult education.

People's governments at various levels, the administrative departments concerned and enterprises and institutions shall adopt measures to develop educational programs and guarantee that citizens receive education in vocational schools or different types of vocational training.

The State encourages the development of varied forms of adult education so that citizens may receive appropriate education in politics, economics, culture, science and technology and professional or life-long education.

Article 20 The State applies a national education examination system.

The administrative department of education under the State Council shall determine the types of national education examination which shall be undertaken by the institutions that conduct such education examination as approved by the State.

Article 21 The State applies a system of education certificates.

Schools and other institutions of education established with the approval of or recognized by the State shall, in accordance with the relevant regulations of the State, grant educational qualification certificates or other education certificates.

Article 22 The State applies a system of academic degree.

Institutions entitled to grant academic degrees shall grant to persons who have attained the required academic or professional or technical level corresponding academic degrees and issue to them degree certificates in accordance with law.

Article 23 People's governments at various levels, grass-roots autonomous organizations of a mass character and enterprises and institutions shall take all kinds of measures to carry out literacy education program.

Citizens capable of receiving literacy education according to relevant regulations of the State shall receive literacy education.

Article 24 The State applies an educational supervision system and an educational evaluation system for schools and other institutions of education.

Chapter III Schools and Other Institutions

Article 25 The State formulates plans for the development of education and establishes and runs schools and other institutions of education.

The State encourages enterprises, institutions, public organizations and other social organizations, as well as individual citizens to establish and run schools or other institutions of education in accordance with law.

No organization or individual may establish or run a school or any other institution of education for profit-making purposes.

Article 26 For the establishment of a school or any other institution of education, the following basic conditions shall be fulfilled:

- (1) having an organizational structure and rules and regulations;
 - (2) having qualified teachers;
 - (3) having teaching premises, facilities and equipment that are up to the required standards;
- and

(4) having the necessary funds for running the school as well as a stable source of funding.

Article 27 The establishment, modification or termination of a school or any other institution of education shall, in accordance with the relevant regulations of the State, go through the formalities of examination, verification, approval and registration or filing for the record.

Article 28 Schools and other institutions of education shall exercise the following rights:

- (1) to administer school affairs independently in accordance with their rules and regulations;
- (2) to organize and conduct educational and teaching activities;
- (3) to enroll students or other educatees;
- (4) to manage school roll and grant awards to or take disciplinary measures against educatees;
- (5) to grant to educatees appropriate education certificates;
- (6) to recruit teachers, other staff and workers and grant awards to or take disciplinary measures against them;
- (7) to manage and use the facilities and financial resources of their own;
- (8) to brook no unlawful interference in their educational and teaching activities by any organization or individual; and
- (9) other rights prescribed by laws and regulations.

The State protects the lawful rights and interests of schools and other institutions of education from infringement.

Article 29 Schools and other institutions of education shall fulfill the following obligations:

- (1) to observe laws and regulations;
- (2) to implement the State's educational policies, apply the standards set by the State for education and teaching and guarantee the quality of education and teaching;
- (3) to safeguard the lawful rights and interests of the educatees, teachers and other staff and workers;
- (4) to provide convenience in appropriate ways for educatees and their guardians to have access to the educatees' academic performance and other relevant information;
- (5) to collect fees according to the regulations of the State and publicize the individual items of such fees; and
- (6) to be subjected to supervision according to law.

Article 30 Organizations or individuals that establish and run schools or other institutions of education may, in accordance with the relevant regulations of the State, determine the management system for the schools or other institutions of education that they establish and run.

The president or the leading administrator of a school or any other institution of education shall be a citizen of the nationality of the People's Republic of China, who has settled down within the territory of China and meets the qualifications for the post prescribed by the State, and he or she shall be appointed or removed in accordance with the relevant regulations of the State. The president of a school shall be in charge of the school's teaching and administration.

Schools and other institutions of education shall, in accordance with the relevant regulations of the State guarantee that teachers, staff members and workers participate in the democratic management and supervision through the congress of teachers, staff members and workers with teachers as its main body, or through other forms.

Article 31 A school or any other institution of education that meets the requirements for a legal person shall acquire the status of a legal person from the date on which its establishment is approved or it is registered.

A school or any other institution of education shall, in civil activities, enjoy civil rights and bear civil liabilities according to law.

The State assets in a school or any other institution of education shall be owned by the State.

Factories run by schools or other institutions of education shall bear civil liabilities independently.

Chapter IV Teachers and Other Educators

Article 32 Teachers shall enjoy the rights prescribed by law, fulfill the obligations prescribed by law and devote themselves to the people's cause of education.

Article 33 The State protects the lawful rights and interests of teachers, improves their working and living conditions and enhances their social status.

Salaries and welfare benefits for teachers shall be handled according to the provisions of laws and regulations.

Article 34 The State applies a system of qualifications, posts and appointment for teachers, enhances the quality of teachers and build a strong contingent of teachers by means of examination, awards and training.

Article 35 A system of educational administrators shall be applied for administrative personnel of schools and other institutions of education.

A system of appointment for professional or technical post shall be applied for auxiliary teaching staff and other professional or technical personnel in schools and other institutions of education.

Chapter V Educatees

Article 36 Educatees shall according to law enjoy equal rights in enrollment, admission to schools of a higher level, employment, etc.

Schools and administrative departments concerned shall, in accordance with relevant regulations of the State, ensure that females enjoy equal rights with males in enrollment,

admission to schools of a higher level, employment, conferment of academic degrees, dispatch for study abroad, etc.

Article 37 The State and society provide financial assistance of various forms to children, adolescents and youths who meet the conditions for school admission but whose families have financial difficulties.

Article 38 The State, society, schools and other institutions of education shall carry out education for the disabled in light of their physical and mental conditions and needs and provide them with assistance and convenience.

Article 39 The State, society, families, schools and other institutions of education shall create conditions for adolescent delinquents to receive education.

Article 40 Employees shall have the right and obligation to receive vocational training and continuing education according to law.

State organs, enterprises and institutions as well as other social organizations shall create conditions and provide convenience for their staff and workers to study and receive training.

Article 41 The State encourages schools and other institutions of education as well as social organizations to take measures to create conditions for citizens to receive life-long education.

Article 42 Educatees shall enjoy the following rights:

- (1) to participate in various activities arranged according to educational or teaching programs and use educational or teaching facilities, equipment and books and materials;
- (2) to receive scholarships, student loans or subsidies in accordance with the relevant regulations of the State;
- (3) to receive a fair evaluation of his or her academic performance and moral character, and receive an education certificate or academic degree certificate, as appropriate, upon completion of the required programs;
- (4) to lodge a complaint with the competent department if he or she refuses to accept punishment imposed by the school, and to lodge a complaint or bring a lawsuit, in accordance with law, against an infringement upon his or her right of the person or property or other lawful rights and interests by the school authorities or teachers; and
- (5) other rights as stipulated by law or regulations.

Article 43 Educatees shall fulfill the following obligations:

- (1) to observe law and regulations;
- (2) to observe norms of conduct for students, respect teachers and develop sound ideology, moral character and habits of conduct;
- (3) to work hard in their studies and complete the assigned tasks of study; and

(4) to adhere to the management system of the school or any other institution of education they attend.

Article 44 Administrative departments of education, sports and public health, and schools or other institutions of education shall improve sports and health care facilities to ensure students good health both in body and in mind.

Chapter VI Education and Society

Article 45 State organs, units of the army, enterprises, institutions, public organizations, other social organizations and individuals shall, in accordance with law, create a good social environment for children, adolescents and students so that they may grow up healthy both physically and mentally.

Article 46 The State encourages enterprises, institutions, public organizations and other social organizations to cooperate in various forms with institutions of higher learning and secondary vocational schools in teaching, scientific research, and technological development and popularization.

Enterprises, institutions, public organizations, other social organizations and individuals may, in appropriate ways, support the development of schools and participate in their management.

Article 47 State organs, units of the army, enterprises, institutions and other social organizations shall provide assistance and convenience for students' internships and social practices arranged by schools.

Article 48 Schools and other institutions of education shall take an active part in local public welfare activities, provided that this does not affect their normal educational and teaching activities.

Article 49 Parents or other guardians of minors shall provide the necessary conditions for their minor children or other minors under their guardianship to receive education.

Parents or other guardians of minors shall coordinate with schools or other institutions of education in educating their minor children or other minors under their guardianship.

Schools and teachers may furnish parents of students with guidance for family education.

Article 50 Libraries, museums, science and technology centers, cultural centers, art galleries, stadiums (gymnasiums) and other public cultural and sports facilities as well as places of historic and cultural interest and revolutionary memorial halls (sites) shall give preferential treatment to teachers and students and provide convenience for educatees to receive education.

Radio and television stations (centers) shall offer educational programs designed to help enhance the ideology and moral character and cultural, scientific and technological qualities of educatees.

Article 51 The State and society shall establish and develop educational facilities for minors to receive after-school education.

Schools and other institutions of education shall coordinate with grassroots autonomous organizations of a mass character, enterprises, institutions and public organizations to strengthen after-school education for minors.

Article 52 The State encourages public organizations, social and cultural institutions, other social organizations and individuals to offer social, cultural and educational activities that are conducive to the sound development in body and mind of educatees.

Chapter VII Educational Input and Guarantee of Conditions

Article 53 The State practises a system wherein government appropriations constitute the main body of the educational appropriations, supplemented by funds raised from a variety of other sources, and the State gradually increases its educational input so as to ensure a stable source of educational appropriations for State-run schools.

With respect to schools and other institutions of education established and run by enterprises, institutions, public organizations, other social organizations or individuals, their operating expenses shall be raised by the respective sponsors; the people's governments at various levels may provide them with appropriate support.

Article 54 The proportion of educational appropriations in gross national product allocated by the State shall gradually rise, as the national economy develops and the financial revenue increases. The specific proportion and measures for its implementation shall be prescribed by the State Council.

The proportion of educational appropriations allocated by governments at various levels shall gradually rise along with the development of the national economy.

Article 55 The educational appropriations of the people's governments at various levels shall be listed separately in their fiscal budgets in accordance with the principle of their unified authority over the administrative affairs and the financial affairs.

The people's governments at various levels shall see to it that their appropriations for education shall increase at a faster rate than their regular revenues, that the average expenditure on per enrolled student shall increase steadily and that the teachers' salaries and the average public expenditure per student shall increase steadily.

Article 56 The State Council and the people's governments at or above the county level shall set up a special fund for education to be used mainly for assisting outlying and poverty-stricken areas and areas inhabited by minority ethnic groups in enforcing compulsory education there.

Article 57 Taxation authorities shall collect in full the extra charges of education funds, all of which shall be controlled by the administrative departments of education and used mainly for the enforcement of compulsory education.

Pursuant to the relevant regulations of the State Council, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may decide to levy local extra charges for educational purpose, which shall be used exclusively for education.

The people's governments at the township level shall make arrangements for the collection of the extra charges of education funds incorporated in the overall planning of rural townships, which shall be administered by the administrative departments of education at the county level on behalf of the rural townships or by the people's governments of townships and shall be used for educational undertakings at the township and village levels of their respective townships. The specific proportion of the extra charges of education funds incorporated in the overall planning of rural townships and the specific measures for the administration thereof shall be prescribed by the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government.

Article 58 The State adopts preferential measures to encourage and help schools to launch work-study programs, to provide services for the community and to set up schools factories, on condition that this shall not affect the normal education and teaching.

Article 59 With the approval of the people's governments at the county level, people's governments of townships, nationality townships or towns may, on the basis of voluntariness and according to their own capability, raise funds in their own administrative areas for education. Funds thus raised shall be used for renovation and repairs of dilapidated buildings and construction of new buildings for schools providing compulsory education; such funds shall not be diverted to any other purposes.

Article 60 The State encourages social organizations and individuals both at home and abroad to donate money for education in China.

Article 61 Educational appropriations from the State and contributions and donations offered by social organizations or individuals for education shall be used for education; they shall not be diverted to any other purposes or withheld.

Article 62 The State encourages the use of loans and other financial means to support the development of educational undertakings.

Article 63 People's governments at various levels and their administrative departments of education shall strengthen supervision and control over educational appropriations for schools and other institutions of education in order to achieve better results of investment in education.

Article 64 Local people's governments at various levels and their relevant administrative departments shall incorporate capital construction for schools into rural and urban construction plans, make overall arrangements for the land and materials needed for capital construction for schools, and give priority to and adopt preferential policies towards such capital construction in accordance with the relevant regulations of the State.

Article 65 People's governments at various levels shall, in accordance with the relevant regulations of the State, give priority and adopt preferential policies with regard to the publication and distribution of textbooks and other printed materials for teaching and learning purposes, the production and supply of teaching and learning instruments and equipment, and the importation of books and other printed materials, teaching and learning instruments and equipment for education and scientific research.

Article 66 People's governments at or above the county level shall develop satellite television education and other modern means for teaching and learning, and the administrative departments concerned shall give such development priority and support.

The State encourages the wide use of modern means in teaching and learning by schools and other institutions of education.

Chapter VIII Foreign Exchange and Cooperation in Education

Article 67 The State encourages foreign exchange and cooperation in education.

In conducting foreign exchange and co-operation in education, the principles of independence, equality, mutual benefit and mutual respect shall be adhered to, the laws of the People's Republic of China shall not be violated, and the State sovereignty and security and public interests shall not be harmed.

Article 68 To go abroad for study, research, academic exchange or teaching purposes by Chinese citizens within the territory of China shall be handled according to the relevant regulations of the State.

Article 69 Individuals outside the territory of China, who meet the requirements of the State and complete the relevant formalities, may enter China to study, do research, engage in academic exchange or teach in schools or other institutions of education. Their lawful rights and interests shall be protected by the State.

Article 70 Recognition of the academic degree certificates, educational qualification certificates and other types of education certificates issued by institutions of education outside the territory of China shall be governed by the international treaties to which China is a signatory party or has acceded, or by the relevant regulations of the State.

Chapter IX Legal Responsibility

Article 71 Where, in violation of the relevant regulations of the State, educational appropriations are not examined and allocated as specified in the budget, the people's government at the corresponding level shall set a time limit for such examination and allocation; if the case is serious, leading persons directly in charge and other persons directly responsible for it shall be given administrative sanctions according to law.

Where, in violation of the State's fiscal system or financial system, educational appropriations are diverted to other purposes or withheld, the organ at a higher level shall order the return, within a time limit, of the part of the appropriations that is diverted to other purposes or withheld and shall impose, in accordance with law, administrative sanctions on the leading persons directly in charge and other persons directly responsible for it; if the case constitutes a crime, criminal responsibility shall be investigated according to law.

Article 72 If anyone engages in gang-fighting or stirs up quarrels, thus disrupting educational or teaching order of schools or other institutions of education, or destroys school buildings, sites or other property, he shall be given administrative penalties for public security by public security organs; if the case constitutes a crime, the offender shall be investigated for criminal responsibility according to law.

If anyone illegally occupies school buildings, sites or other property, he shall bear civil liabilities according to law.

Article 73 If anyone knowingly fails to take measures with regard to the school buildings or educational or teaching facilities that are dangerous, thus causing human casualties or heavy

losses of property, the leading persons directly in charge and other persons directly responsible for it shall be investigated for criminal responsibility according to law.

Article 74 If anyone, in violation of the relevant regulations of the State, collects fees from a school or any other institution of education, he shall be ordered by the government concerned to return the fees thus collected; the leading persons directly in charge and other persons directly responsible for it shall be given administrative sanctions according to law.

Article 75 If anyone, in violation of the relevant regulations of the State, establishes schools or other institutions of education, such schools or institutions shall be dissolved by the administrative department of education; the unlawful gains, if any, shall be confiscated; the leading persons directly in charge and other persons directly responsible for it shall be given administrative sanctions according to law.

Article 76 If anyone, in violation of the relevant regulations of the State, enrolls students or other trainees, he shall be ordered by the administrative department of education to send back such students or trainees and to return the fees thus collected; the leading persons directly in charge and other persons directly responsible for it shall be given administrative sanctions according to law.

Article 77 If anyone practises favoritism or other irregularities in enrolling students or other trainees, he shall be ordered by the relevant administrative department of education to dismiss the students or trainees; the leading persons directly in charge and other persons directly responsible for it shall be given administrative sanctions according to law; if the case constitutes a crime, the offender shall be investigated for criminal responsibility according to law.

Article 78 Where schools or other institutions of education, in violation of the relevant regulations of the State, collect fees from educatees, such schools or institutions shall be ordered by the relevant administrative department of education to return the fees thus collected; the leading persons directly in charge and other persons directly responsible for it shall be given administrative sanctions according to law.

Article 79 If cheating on a national education examination is found, the relevant administrative department of education shall nullify the examination, and shall, in accordance with law, impose administrative sanctions on the leading persons directly in charge and other persons directly responsible for it.

A national education examination that is held illegally shall be nullified by the relevant administrative department of education; the unlawful gains, if any, shall be confiscated; the leading persons directly in charge and other persons directly responsible for it shall be given administrative sanctions according to law.

Article 80 The relevant administrative department of education shall nullify the academic degree certificates, educational qualification certificates or other education certificates that are issued in violation of the provisions of this Law, and shall order their return or confiscation; the unlawful gains, if any, shall be confiscated; if the case is serious, the institution concerned shall be disqualified for conferring the certificates.

Article 81 If anyone, in violation of the provisions of this Law, infringes upon the lawful rights and interests of teachers, educatees or schools or other institutions of education, thus causing losses or damage, he shall bear civil liabilities according to law.

Chapter X Supplementary Provisions

Article 82 Regulations on education in military schools shall be formulated by the Central Military Commission in accordance with the principles of this Law.

Regulations on education in religious schools shall be formulated by the State Council separately.

Article 83 Measures governing the establishment of schools within the territory of China by organizations or individuals outside China or through their cooperation with organizations or individuals inside China shall be formulated by the State Council.

Article 84 This Law shall go into effect as of September 1, 1995.