Education Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of developing the cause of education, improving the quality of the whole nation, and promoting the building of socialist material and spiritual civilization.

Article 2 — This Law shall apply to all levels and types of education within the territory of the People's Republic of China.

Article 3 — In developing the cause of socialist education, the state shall uphold the guidance of Marxism-Leninism, Mao Zedong Thought, and the theory of building socialism with Chinese characteristics, and shall follow the basic principles set forth in the Constitution.

Article 4 — Education is the foundation of the drive for socialist modernization. The state shall ensure priority for the development of the cause of education.

The whole society shall be concerned with and support the cause of education.

The whole society shall respect teachers.

Article 5 — Education shall serve the socialist modernization drive, be combined with productive labor, and be aimed at cultivating builders and successors who are developed in an all-round way in terms of moral character, intellectual development, physical fitness, aesthetics, and work skills.

Article 6 — The state shall conduct education among educatees in patriotism, collectivism, and socialism with Chinese characteristics, as well as in ideals, moral character, discipline, the legal system, national defense, and ethnic unity.

Article 7 — Education shall be carried out in the spirit of carrying on and developing the fine historical and cultural traditions of the Chinese nation and absorbing all the fine achievements of the development of human civilization.

Article 8 — Educational activities shall be in conformity with the public interests of the state and society.

The state shall separate education from religion. No organization or individual may make use of religion to carry out 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 ethnicity, race, gender, occupation, property status, or religious belief, shall enjoy equal opportunities to receive education in accordance with the law.

Article 10 — The state shall, in light of the characteristics and needs of all ethnic minorities, assist the areas inhabited by ethnic minorities in developing the cause of education.

The state shall support the development of the cause of education in remote and impoverished areas.

The state shall support and develop the cause of education for disabled persons.

Article 11 — In meeting the needs of the development of the socialist market economy and social progress, the state shall promote educational reform, promote the coordinated development and integration of all levels and types of education, improve the national education system, and establish and refine a system of lifelong education.

The state shall support, encourage, and organize scientific research in education, disseminate the results of scientific research in education, and promote the improvement of the quality of education.

Article 12 — Putonghua, the standard spoken and written Chinese language, shall be the basic language used by schools and other educational institutions in education and teaching. Schools and other educational

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institutions shall use Putonghua, the standard spoken and written Chinese language, in education and teaching.

Schools and other educational institutions in ethnic autonomous areas shall, in light of the actual circumstances, use the standard spoken and written Chinese language and the spoken and written languages of their respective ethnicities commonly used nationwide in carrying out bilingual education.

Article 13 — The state shall reward units and individuals that have made outstanding contributions to the development of the cause of education.

Article 14 — The State Council and the local people's governments at all levels shall guide and administer the work of education in accordance with the principles of management by levels and division of responsibilities.

Secondary and primary education shall be administered by the people's governments at the county level under the leadership of the State Council. Higher education shall be administered by the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the central government.

Article 15 — The administrative department of education under the State Council shall be in charge of the nationwide work of education, making overall plans for, and coordinating and administering, the cause of education 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 work of education within their respective administrative regions.

Other relevant departments under the people's governments at or above the county level shall be responsible for the relevant work of education within the scope of their respective 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 the budgets and final accounts of educational appropriations, and shall accept supervision.

Chapter II — Basic Education System

Article 17 — The state shall implement a school education system comprising pre-school education, primary education, secondary education, and higher education.

The state shall establish a scientific schooling system. The schooling system for schools and other educational institutions, their forms, length of schooling, enrollment targets, and training objectives shall be prescribed by the State Council or the administrative department of education authorized by the State Council.

Article 18 — The state shall formulate pre-school education standards, accelerate the popularization of pre-school education, and build a public service system for pre-school education covering urban and rural areas, with a particular focus on the layout of kindergartens in rural areas.

People's governments at all levels shall take measures to provide conditions and support for school-age children to receive pre-school education.

Article 19 — The state shall implement a nine-year compulsory education system.

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 relevant social organizations and individuals, shall have the obligation to ensure that school-age children and adolescents receive and complete compulsory education for the prescribed number of years.

Article 20 — The state shall implement a system of vocational education and a system of adult education.

People's governments at all levels, relevant administrative departments, enterprises, and public institutions shall take measures to develop and ensure that citizens receive education in vocational schools or various types of vocational training.

The state shall encourage the development of various forms of adult education so that citizens may receive appropriate forms of education in political matters, the economy, culture, science, technology, and professional continuing education, and lifelong education.

Article 21 — The state shall implement a national education examination system.

The types of national education examinations shall be determined by the administrative department of education under the State Council, and shall be organized and implemented by the institutions that conduct education examinations approved by the state.

Article 22 — The state shall implement a system of academic certificates.

Schools and other educational institutions duly established or approved by the state shall, in accordance with the relevant provisions of the state, issue academic certificates or other academic credentials.

Article 23 — The state shall implement a system of academic degrees.

Institutions of higher learning and scientific research institutions duly established or approved by the state shall, in accordance with the provisions of the state, confer corresponding academic degrees upon persons meeting the prescribed academic standards.

Article 24 — People's governments at all levels, grassroots self-governing organizations of a mass character, enterprises, and public institutions shall take various measures to carry out literacy education.

Citizens who, in accordance with the provisions of the state, have the ability to receive literacy education shall receive literacy education.

Article 25 — The state shall implement a system of educational supervision and an evaluation system for schools and other educational institutions.

Chapter III — Schools and Other Educational Institutions

Article 26 — The state shall formulate plans for the development of education and shall establish schools and other educational institutions.

The state shall encourage enterprises, public institutions, social organizations, other social organizations, and individual citizens to establish schools and other educational institutions in accordance with the law.

In establishing schools and other educational institutions, the state shall follow the principle of diligence and frugality.

Article 27 — The following basic conditions shall be met for the establishment of a school or other educational institution:

(1) having an organizational structure and articles of association;

(2) having qualified teachers;

(3) having teaching premises, facilities, and equipment that meet the prescribed standards;

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

Article 28 — The establishment, alteration, and termination of a school or other educational institution shall go through the procedures of examination, approval, registration, or record-filing in accordance with the relevant provisions of the state.

Article 29 — A school or other educational institution shall exercise the following rights:

(1) to autonomously administer the school in accordance with its articles of association;

(2) to organize and carry out educational and teaching activities;

(3) to enroll educatees or other persons receiving education;

(4) to administer the school register of educatees and to award rewards or impose sanctions;

(5) to issue corresponding academic certificates to educatees;

(6) to appoint teachers and other staff members and to award rewards or impose sanctions;

(7) to administer and use the facilities and funds of its own institution;

(8) to reject any unlawful interference in educational and teaching activities by any organization or individual.

Article 30 — A school or other educational institution shall perform the following obligations:

(1) to abide by laws and regulations;

(2) to implement the state's educational policies, implement the state's educational and teaching standards, and guarantee the quality of education and teaching;

(3) to safeguard the lawful rights and interests of educatees, teachers, and other staff members;

(4) to facilitate, in an appropriate manner, the educatees and their guardians to access information on the educatee's academic performance and other relevant circumstances;

(5) to collect fees in accordance with the relevant provisions of the state and disclose the fee items;

(6) to accept supervision in accordance with the law.

Article 31 — The organizational structure and management of a school or other educational institution shall be prescribed by the state.

Chapter IV — Teachers and Other Education Workers

Article 32 — Teachers shall enjoy the rights prescribed by law, perform the obligations prescribed by law, and be loyal to the people's cause of education.

Article 33 — The state shall protect the lawful rights and interests of teachers, improve their working and living conditions, and enhance their social status.

The salaries and benefits of teachers shall be handled in accordance with the provisions of laws and regulations.

Article 34 — The state shall implement a system of qualifications, positions, and appointment of teachers, and shall improve the quality of teachers and strengthen the building of the teaching force through assessment, rewards, training, and further education.

Article 35 — The system of education management personnel shall apply to the administrative personnel of schools and other educational institutions.

The system of appointment of professional and technical positions shall apply to the teaching assistants and other professional and technical personnel of schools and other educational institutions.

Chapter V — Educatees

Article 36 — Educatees shall enjoy equal rights in accordance with the law in such aspects as enrollment, admission to higher-level schools, and employment.

Schools and relevant administrative departments shall, in accordance with the relevant provisions of the state, ensure that women enjoy equal rights with men in such aspects as enrollment, admission to higher-level schools, employment, conferment of academic degrees, and dispatch for study abroad.

Article 37 — The state and society shall provide various forms of financial assistance to children, adolescents, and young adults who meet the conditions for enrollment but have financial difficulties.

Article 38 — The state, society, schools, and other educational institutions shall conduct education in light of the physical and mental characteristics and needs of disabled persons, and shall provide them with assistance and convenience.

Article 39 — The state, society, families, schools, and other educational institutions shall create conditions for minors who have committed illegal acts to receive education.

Article 40 — Employees shall have the right to receive vocational training and continuing education in accordance with the law.

State organs, enterprises, public institutions, and other social organizations shall create conditions and provide convenience for their employees to study and receive training.

Article 41 — The state shall encourage schools, other educational institutions, and social organizations to take measures to create conditions for citizens to receive lifelong education.

Article 42 — Educatees shall enjoy the following rights:

(1) to participate in various activities arranged under the education and teaching plan and to use education and teaching facilities, equipment, and books and materials;

(2) to receive scholarships, student loans, and grants in accordance with the relevant provisions of the state;

(3) to receive a fair evaluation of their academic performance and moral character, and to receive corresponding academic certificates and academic degree certificates upon completion of the prescribed studies;

(4) to lodge a complaint with the relevant authorities if they are not satisfied with the sanction imposed by the school, and to lodge a complaint or bring a lawsuit in accordance with the law against any infringement of their personal rights, property rights, or other lawful rights and interests by the school or teachers;

(5) other rights provided by laws and regulations.

Article 43 — Educatees shall perform the following obligations:

(1) to abide by laws and regulations;

(2) to observe the students' code of conduct, respect teachers, and cultivate good moral character and behavioral habits;

(3) to study hard and complete the prescribed learning tasks;

(4) to abide by the management system of the school or other educational institution in which they are enrolled.

Article 44 — Administrative departments of education, sports, and public health, as well as schools and other educational institutions, shall improve sports and public health facilities and protect the physical and mental health of educatees.

Chapter VI — Education and Society

Article 45 — State organs, the military, enterprises, public institutions, social organizations, other social organizations, and individuals shall create a good social environment for the healthy physical and mental

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development of children, adolescents, and young adults in accordance with the law.

Article 46 — The state shall encourage enterprises, public institutions, social organizations, other social organizations, and individuals to carry out various forms of cooperation with institutions of higher learning and secondary vocational schools in teaching, scientific research, technology development, and extension, among other aspects.

Enterprises, public institutions, social organizations, other social organizations, and individuals may support the development of schools in various forms and participate in school management through appropriate means.

Article 47 — State organs, the military, enterprises, public institutions, and other social organizations shall provide assistance and convenience for students' internships and social practice activities organized by schools.

Article 48 — Schools and other educational institutions shall, under the condition of normal education and teaching activities, actively participate in local social welfare activities.

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

Parents or other guardians of minors shall cooperate with the schools and other educational institutions in educating their minor children or other minor wards.

Schools and teachers may provide family education guidance to parents of educatees.

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

Radio and television stations and stations (sites) shall set up educational programs to promote the ideological, moral, cultural, scientific, and technological qualities of educatees.

Article 51 — The state and society shall establish and develop facilities for out-of-school education for minors.

Schools and other educational institutions shall cooperate with grassroots self-governing organizations of a mass character, enterprises, public institutions, and social organizations to strengthen out-of-school education for minors.

Article 52 — The state shall encourage social organizations, social and cultural institutions, other social organizations, and individuals to carry out social and cultural education activities conducive to the physical and mental health of educatees.

Chapter VII — Education Input and Guarantee of Conditions

Article 53 — The state shall establish a system in which government appropriations constitute the main body, supplemented by funds raised from multiple channels in various forms, so as to gradually increase education input and ensure a stable source of funding for publicly-run schools.

Schools and other educational institutions established by enterprises, public institutions, social organizations, other social organizations, and individuals shall be funded by the respective organizers, and the people's governments at all levels may provide appropriate support.

Article 54 — The proportion of the state fiscal education expenditure to the gross domestic product shall gradually increase along with the development of the national economy and the growth of fiscal revenue. The specific proportion and the steps for its implementation shall be prescribed by the State Council.

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The proportion of education expenditure in the total financial expenditure at all levels of the country shall gradually increase along with the development of the national economy.

Article 55 — The educational appropriations of the people's governments at all levels shall be separately itemized in their fiscal budgets in accordance with the principle of unifying administrative powers and fiscal powers.

The people's governments at all levels shall ensure that the growth of their educational appropriations outpaces the growth of their regular fiscal revenues, and that the average educational expenditure per enrolled student increases gradually, with the guarantee that teachers' salaries and the average public expenditure per student increase gradually.

Article 56 — The State Council and the people's governments at or above the county level shall set up special education funds to support the implementation of compulsory education in remote and impoverished areas and ethnic minority areas.

Article 57 — Taxation authorities shall, in accordance with the law, collect all educational surcharges in full and use them exclusively for the implementation of compulsory education under the overall arrangement of the administrative departments of education.

The people's governments of provinces, autonomous regions, and municipalities directly under the central government may, in accordance with the relevant provisions of the State Council, decide to levy local educational surcharges for special education purposes.

Article 58 — The state shall adopt preferential measures to encourage and support schools in carrying out work-study programs, social services, and the establishment of school-run industries, on the premise that normal education and teaching activities are not affected.

Article 59 — The state shall encourage social organizations and individuals both inside and outside China to donate funds for education.

Article 60 — State educational appropriations and funds donated for education shall be used exclusively for education purposes and shall not be misappropriated or withheld.

Article 61 — The state shall encourage the use of modern teaching methods such as radio and television education and online education for teaching. Schools and other educational institutions shall promote the use of modern teaching methods.

Teaching instruments, equipment, books, and materials imported for the purpose of education and scientific research by institutions of higher learning and secondary vocational schools shall be subject to preferential treatment in accordance with the relevant provisions of the state.

Article 62 — The state shall encourage and support the development of educational and teaching materials and ensure their quality.

Chapter VIII — Foreign Educational Exchange and Cooperation

Article 63 — The state shall encourage foreign educational exchange and cooperation, and shall support schools and other educational institutions in introducing high-quality educational resources from abroad, cooperating with foreign institutions in running schools in accordance with the law, developing international educational services, and cultivating international talents.

Foreign educational exchange and cooperation shall be carried out in adherence to the principles of independence, equality, mutual benefit, and mutual respect, and shall not violate Chinese laws or undermine national sovereignty, security, or public interests.

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Article 64 — Chinese citizens staying abroad for the purpose of study, research, academic exchanges, or teaching shall be handled in accordance with the relevant provisions of the state.

Article 65 — Foreign individuals who meet the prescribed conditions and go through the relevant formalities may enter schools and other educational institutions in China for study, research, academic exchanges, or teaching, and their lawful rights and interests shall be protected by the state.

Article 66 — The state shall recognize the academic degree certificates, academic certificates, and other academic credentials issued by foreign educational institutions in accordance with the international treaties to which China is a party or the relevant provisions of the state.

Chapter IX — Legal Liability

Article 67 — Where a person, in violation of the relevant provisions of the state, fails to allocate educational funds in full or within the prescribed time limit, thereby seriously impeding education and teaching work, the people's government at a higher level shall order the person to allocate such funds within a prescribed time limit and take corrective measures. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 68 — Where a person, in violation of the state financial system or financial system, misappropriates or withholds educational funds, the people's government at a higher level shall order the person to return the misappropriated or withheld funds within a prescribed time limit. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 69 — Where a person collects fees from schools or other educational institutions in violation of the provisions, the government shall order the person to return the fees collected. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 70 — Where a person illegally establishes a school or other educational institution, the administrative department of education or other relevant administrative department shall abolish it. Where illegal income is derived, such income shall be confiscated. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 71 — Where a person enrolls educatees in violation of the relevant provisions of the state, the administrative department of education shall order the person to return the educatees enrolled and return the fees collected. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 72 — Where a person seeks personal gain in the enrollment of educatees, the administrative department of education or other relevant administrative department shall order the person to return the educatees enrolled. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law. Where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 73 — Where a school or other educational institution charges fees from educatees in violation of the relevant provisions of the state, the administrative department of education or other relevant administrative department shall order the school or educational institution to return the fees. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

Article 74 — Where a person cheats on a national education examination, the administrative department of education shall declare the examination results of the person invalid. The directly responsible person in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

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Article 75 — Where a person issues academic degree certificates, academic certificates, or other academic credentials in violation of the relevant provisions of the state, the administrative department of education shall declare the certificates or credentials invalid and order the return or confiscation of the same. Where illegal income is derived, such income shall be confiscated. Where the circumstances are serious, the relevant qualification shall be revoked.

Chapter X — Supplementary Provisions

Article 76 — This Law shall apply to schools and other educational institutions run by social forces.

Where laws provide otherwise, such provisions shall prevail.

Article 77 — This Law shall apply to foreign nationals who enter schools or other educational institutions in China for study, research, academic exchange, or teaching.

Article 78 — This Law shall come into effect as of September 1, 1995.

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