Teachers Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purpose of safeguarding the lawful rights and interests of teachers, building a strong contingent of teachers with sound professional ethics and competence, and promoting the development of socialist education.

Article 2 — This Law applies to teachers specially engaged in education and teaching at various levels and categories of schools and other institutions of education.

Article 3 — Teachers are professionals who discharge the functions of education and teaching and who are charged with the mission of imparting knowledge and educating people, and training builders and successors for the socialist cause and enhancing the quality of the nation. Teachers shall be loyal to the educational cause of the people.

Article 4 — People's governments at all levels shall take measures to strengthen ideological and political education and professional training of teachers, improve their working and living conditions, safeguard their lawful rights and interests, and enhance their social status. Teachers shall be respected throughout society.

Article 5 — The administrative department of education under the State Council shall be in charge of the work concerning teachers nationwide. Other relevant departments under the State Council shall, within the scope of their respective functions, be responsible for the relevant work concerning teachers. Schools and other institutions of education shall, in accordance with state regulations, conduct autonomous management of teachers.

Article 6 — September 10 of each year is designated as Teachers' Day.

Chapter II — Rights and Obligations

Article 7 — Teachers shall enjoy the following rights:

(1) conducting educational and teaching activities, and carrying out reform and experimentation in education and teaching;

(2) engaging in scientific research and academic exchanges, joining professional academic societies, and fully expressing their views in academic activities;

(3) guiding students' learning and development, and evaluating students' conduct and academic performance;

(4) receiving wages and remuneration on time and in full, enjoying such welfare benefits as prescribed by the state, and taking paid leave during winter and summer vacations and other holidays;

(5) submitting opinions and suggestions regarding the work of the education and teaching, administrative management, and education administrative departments of their schools or other institutions of education, and participating in the democratic management of their schools or other institutions of education through the congress of teachers and staff or other forms; and

(6) participating in advanced studies or other forms of training.

Article 8 — Teachers shall perform the following obligations:

(1) abiding by the Constitution, laws, and professional ethics, and serving as models of virtue for others;

(2) implementing the educational policies of the state, complying with the rules and regulations of their schools or other institutions of education, carrying out the teaching plans of their schools or other institutions of education, fulfilling the teaching contracts, and completing their education and teaching tasks;

(3) conducting education among students in the basic principles set forth in the Constitution, in patriotism, national unity, and the legal system, and in ideological, moral, cultural, scientific, and technical knowledge,

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and organizing and leading students in carrying out beneficial social activities;

(4) caring for and cherishing all students, respecting students' personality, and promoting students' all-round development morally, intellectually, and physically;

(5) stopping acts that are harmful to students or that infringe upon students' lawful rights and interests, and criticizing and resisting phenomena that are harmful to the sound growth of students; and

(6) continuously raising their ideological and political awareness and professional level in education and teaching.

Article 9 — To guarantee that teachers fulfill their obligations in education and teaching, people's governments at all levels, administrative departments of education, relevant departments, schools, and other institutions of education shall perform the following duties:

(1) providing educational and teaching facilities and equipment that conform to state safety and health standards;

(2) providing necessary books, reference materials, and other articles for education and teaching;

(3) encouraging and assisting teachers in their creative work in education, teaching, and scientific research; and

(4) supporting teachers in stopping acts that are harmful to students or in other acts infringing upon students' lawful rights and interests.

Chapter III — Qualifications and Appointment

Article 10 — The state implements a teacher qualification system. All Chinese citizens who abide by the Constitution and laws, love the educational cause, have sound ideological and moral character, possess the academic qualifications provided for in this Law or have passed the national teacher qualification examination, have the competence to teach, and are found to be qualified upon evaluation may obtain teacher qualifications.

Article 11 — The academic qualifications required for obtaining teacher qualifications are as follows:

(1) graduation from a preschool teacher training school or above for preschool teachers;

(2) graduation from a general primary teacher training school or above for primary school teachers;

(3) graduation from a general junior teachers' college or other junior college or above for junior secondary school teachers, and for teachers of general subjects at primary teacher training schools;

(4) graduation from a normal university or other university with a bachelor's degree or above for senior secondary school teachers, and for teachers of general subjects at secondary vocational schools, technical schools, and vocational high schools; and

(5) graduation from a university with a postgraduate or undergraduate degree for teachers at institutions of higher learning. Teachers who do not possess the academic qualifications provided for in this Law for the positions of senior secondary school teachers and below must pass the national teacher qualification examination when applying for teacher qualifications. For those who do possess the academic qualifications provided for in this Law, the requirement of passing the national teacher qualification examination may be waived for their application for teacher qualifications pursuant to the regulations of the administrative department of education under the State Council.

Article 12 — Citizens who are to engage in education and teaching for the first time as teachers under this Law shall, prior to taking up their posts or through a probation period, pass the national teacher qualification examination.

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Article 13 — Teacher qualifications for primary and secondary schools shall be evaluated and conferred by the administrative departments of education under the local people's governments at or above the county level. Teacher qualifications for general subjects at secondary vocational schools and technical schools shall be evaluated and conferred by the relevant competent departments under the local people's governments at or above the county level after examination and verification by the administrative departments of education. Teacher qualifications for ordinary institutions of higher learning shall be evaluated and conferred by the administrative departments of education under the State Council or the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government, or by schools authorized by them.

Article 14 — Persons who have been deprived of political rights or subjected to fixed-term imprisonment or more severe criminal punishment for an intentional crime shall not be allowed to obtain teacher qualifications. Persons who have already obtained teacher qualifications shall have their qualifications revoked.

Article 15 — Graduates of normal schools at various levels shall engage in education and teaching in accordance with the relevant state regulations. The state encourages graduates of non-normal schools of higher learning to serve as teachers at primary and secondary schools or vocational schools.

Article 16 — The state implements a system of posts for teachers, the specific measures for which shall be formulated by the State Council.

Article 17 — Schools and other institutions of education shall gradually implement a teacher appointment system. Appointment of teachers shall be based on the principle of equality and voluntariness on both sides, and shall be effected by signing an appointment contract between the school or other institution of education and the teacher, specifying the rights and obligations of each party. The steps and measures for implementing the teacher appointment system shall be formulated by the administrative department of education under the State Council.

Chapter IV — Training and Development

Article 18 — People's governments at all levels and relevant departments shall ensure the proper running of normal schools and take measures to encourage outstanding youth to study at normal schools at various levels. Teacher training schools at various levels shall undertake the task of training teachers for primary and secondary schools. Institutions of higher learning not designated as normal schools shall undertake the task of training teachers for higher learning institutions, primary and secondary schools, and vocational schools. Students of normal schools shall enjoy professional scholarships.

Article 19 — Administrative departments of education under people's governments at all levels, competent departments of schools, and schools shall formulate plans for teacher training and conduct various forms of ideological and political education and professional training for teachers.

Article 20 — State organs, enterprises, public institutions, and other social organizations shall provide facilitation and assistance for teachers' social investigation and social practice.

Article 21 — People's governments at all levels shall take measures to train and develop teachers for ethnic minority areas and remote and impoverished areas.

Chapter V — Assessment

Article 22 — Schools or other institutions of education shall assess the political awareness and ideological level, professional knowledge, competence, attitude, and performance of teachers. Administrative departments of education shall guide and supervise the assessment of teachers.

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Article 23 — Assessment shall be objective, fair, and accurate, and shall fully hear the opinions of the teachers themselves, other teachers, and students.

Article 24 — Assessment results shall serve as the basis for appointment and engagement of teachers, promotion of their salaries, and implementation of rewards and punishments.

Chapter VI — Remuneration and Benefits

Article 25 — The average salary of teachers shall not be lower than, or shall be higher than, the average salary of state public servants, and shall be gradually raised. A regular promotion and salary increase system shall be established, with specific measures to be formulated by the State Council.

Article 26 — Teachers in primary and secondary schools and vocational schools shall enjoy seniority allowances and other allowances, with specific measures to be formulated by the administrative department of education under the State Council in conjunction with relevant departments.

Article 27 — Local people's governments at all levels shall provide subsidies for teachers and for graduates of secondary or higher normal schools who engage in education and teaching in ethnic minority areas and remote and impoverished areas.

Article 28 — Local people's governments at all levels and relevant departments under the State Council shall give priority and preferential treatment to the construction, leasing, and sale of urban housing for teachers. People's governments at the county and township levels shall provide facilitation for teachers in primary and secondary schools in rural areas to resolve their housing problems.

Article 29 — Teachers shall enjoy equal medical treatment as state public servants in the locality. They shall undergo regular physical examinations and take recuperation holidays as arranged according to local conditions. Medical institutions shall provide convenient access to medical treatment for local teachers.

Article 30 — After retirement or resignation, teachers shall enjoy the retirement or resignation benefits as prescribed by the state. Local people's governments at or above the county level may appropriately raise the retirement pension ratio for primary and secondary school teachers who have long been engaged in education and teaching.

Article 31 — People's governments at all levels shall take measures to improve the remuneration and benefits of teachers in schools or other institutions of education that are subsidized by the state but operated by social forces, and gradually achieve parity in remuneration and benefits for these teachers and those in schools operated by the state.

Article 32 — Teachers in schools or other institutions of education operated by social forces shall have their remuneration and benefits determined by the organizers and shall be guaranteed by the organizers.

Chapter VII — Awards

Article 33 — Teachers who have achieved excellent results in education and teaching, training of personnel, scientific research, educational reform, school development, social services, and work-study programs shall be commended and awarded by their schools or other institutions of education, and those who have made outstanding contributions shall be commended and awarded by the people's governments at the corresponding levels and by the relevant departments under the State Council. Teachers who have made major contributions shall be conferred honorary titles in accordance with the relevant state regulations.

Article 34 — The state encourages and supports social organizations and individuals to make donations to lawfully established teacher award funds.

Chapter VIII — Legal Liability

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Article 35 — Any person who insults or assaults a teacher shall, depending on the circumstances, be given an administrative sanction or administrative penalty; if such an act causes damage, the person shall be ordered to compensate for the losses; and if the circumstances are serious enough to constitute a crime, criminal liability shall be investigated in accordance with law.

Article 36 — Any person who retaliates against a teacher who has made a complaint, accusation, or report shall be ordered to make correction by the unit to which he belongs or by the organ at a higher level; if the circumstances are serious, administrative sanctions may be imposed according to the specific circumstances. Any state functionary who retaliates against a teacher and the circumstances are serious enough to constitute a crime shall be investigated for criminal liability in accordance with the relevant provisions of the Criminal Law.

Article 37 — Teachers shall be given administrative sanctions or be dismissed by their schools, other institutions of education, or administrative departments of education if they:

(1) intentionally fail to complete education and teaching tasks, thereby causing losses to education and teaching;

(2) impose corporal punishment on students and refuse to make correction after education;

(3) have improper conduct and are incapable of serving as teachers, and the circumstances are serious. Teachers who commit any of the acts set forth in items (2) and (3) of the preceding paragraph, where the circumstances are serious enough to constitute a crime, shall be investigated for criminal liability in accordance with law.

Article 38 — Where a local people's government, in violation of the provisions of this Law, defaults on payment of teachers' wages or infringes upon other lawful rights and interests of teachers, it shall be ordered to make correction within a prescribed time limit. Where the said government violates the state financial and fiscal systems or the financial system, and misappropriates state funds earmarked for education, thereby seriously hampering education and teaching and causing arrears in the payment of teachers' wages and infringement upon other lawful rights and interests of teachers, the people's government at a higher level shall order it to make correction within a prescribed time limit and to return the misappropriated funds, and shall impose administrative sanctions on the persons directly in charge according to law.

Article 39 — If a teacher considers that a school or other institution of education has infringed upon his lawful rights and interests as provided for in this Law, or is dissatisfied with the decision made by the school or other institution of education, he may file a complaint with the administrative department of education, which shall deal with the matter within 30 days of receiving the complaint. If a teacher considers that a local people's government or a relevant administrative department has infringed upon his rights as provided for in this Law, he may file a complaint with the people's government at the same level or with the relevant administrative department at the next higher level; the people's government at the same level or the relevant administrative department at the next higher level shall deal with the complaint.

Chapter IX — Supplementary Provisions

Article 40 — The meanings of the following terms as used in this Law are:

(1) "Various levels and categories of schools" refers to schools that carry out pre-school education, general primary education, general secondary education, vocational education, general higher education, special education, and adult education.

(2) "Other institutions of education" refers to children's palaces, local teaching and research offices, and institutions of audio-visual education.

(3) "Teachers in primary and secondary schools" refers to teachers working at ordinary primary and secondary schools, vocational schools, schools or institutions of special education, work-study schools,

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kindergartens, and other institutions of education.

Article 41 — Education and teaching assistants and other professional and technical personnel in schools and other institutions of education shall have their appointment, training, assessment, and rewards implemented with reference to the relevant provisions of this Law. The measures for the administration of teachers in military academies shall be formulated by the Central Military Commission in accordance with this Law.

Article 42 — The system of appointment of foreign teachers shall be formulated by the State Council.

Article 43 — This Law shall go into effect as of January 1, 1994.

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