

# 中华人民共和国教育法律集

## **The Laws on Education of the People's Republic of China**

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# **Order of the President of the People's Republic of China**

**(No. 45)**

The Education Law of the People's Republic of China, which was adopted at the Third Plenary Session of the National People's Congress of the People's Republic of China on March 18, 1995, is hereby promulgated and shall go into effect as of September 1, 1995.

**Jiang Zemin**

President of the People's Republic of China

March 18, 1995

# Education Law of the People's Republic of China

*(Adopted at the Third Session of the Eighth National People's Congress on March 18, 1995, promulgated by Order No. 45 of the President of the People's Republic of China, and effective as of September 1, 1995)*

## Chapter I

### General Provisions

**Article 1** This Law is formulated in accordance with the Constitution with a view to developing educational undertakings, enhancing the quality of the whole nation and promoting socialist material development, and the building of an advanced socialist culture and ideology.

**Article 2** Education of all types and levels within the territory of the People's Republic of China must abide by this Law.

**Article 3** In developing socialist educational undertakings, the State shall adhere to Marxism, Leninism, Mao Zedong Thought and the theory of building socialism

with Chinese characteristics as its guidelines and follow the basic principles laid down in the Constitution.

**Article 4** Education is the basis of socialist modernization, and the State shall ensure priority to the development of educational undertakings.

The whole society should be concerned with and support the development of educational undertakings.

Every member of society should respect teachers.

**Article 5** Education must serve the socialist modernization drive and must be combined with productive labour in order to foster builders and successors for the socialist cause with all-round development—morally, intellectually and physically.

**Article 6** The State shall conduct education among educatees in patriotism, collectivism, socialism as well as education in ideals, morality, discipline, legality, national defence and national unity.

**Article 7** Education shall inherit and carry forward the fine historical and cultural tradition of the Chinese nation and absorb all the other excellent achievements of human civilization.

**Article 8** Educational activities must conform with the public interests of the State and society.

The State shall practise separation of education from

religion. No organization or individual may make use of religions to conduct activities that interfere with the functioning of 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, age, occupation, property status or religious belief, enjoy equal educational opportunities according to law.

**Article 10** The State shall, in accordance with the characteristics and needs of respective ethnic minorities, provide assistance to the development of educational undertakings for each ethnic minority.

The State shall support and assist the development of educational undertakings in remote and poverty-stricken areas.

The State shall support and develop educational undertakings for the disabled.

**Article 11** In meeting the needs of developing a socialist market economy and of social progress, the State shall promote a coordinated development of education of various types and levels, carry forward educational reform, and establish and improve a system of life-long education.

The State shall support, encourage and organize sci-

entific research in education, disseminate the results of such research so as to enhance the quality of education.

**Article 12** The spoken and written Chinese (Han) language shall be the basic teaching language in schools and other types of educational institutions. In schools and other educational institutions in which students of minority ethnic groups constitute the majority, the spoken and written language of the majority ethnic group or of common use by the local ethnic groups may be used for instruction.

*Putonghua* (common speech of the Chinese language) and the standardized characters that are in common use in the whole country shall be popularized and used for instruction in schools and other types of educational institutions:

**Article 13** The State shall reward units or individuals that have made outstanding contributions to the development of educational undertakings.

**Article 14** The State Council and local people's governments at all levels shall guide and administer educational work according to the principles of management at different levels with suitable division of responsibilities.

Education at the secondary school level or lower shall be administered by the local people's governments under



the leadership of the State Council.

Higher education shall be administered by the State Council and the people's governments of the 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 educational work throughout the country, and undertake overall planning, coordination and management of educational undertakings.

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 administrative departments concerned of the people's governments at or above the county level shall be responsible for the relevant educational work within their jurisdiction.

**Article 16** With regard to educational work, education budgets, and balance accounts, the State Council and the people's governments at or above the county level should report to and accept the supervision of the people's congresses or the standing committees of the people's congresses at corresponding levels.

## *Chapter II*

### **Basic Systems of Education**

**Article 17** The State shall implement a schooling system including pre-school education, primary education, secondary education and higher education.

The State shall institute a scientific education system.

The establishment, forms of instruction, length of schooling, target groups served, educational goals, etc. of schools in the schooling system and of other types of educational institutions shall be determined by the State Council or by the administrative department of education empowered by the State Council.

**Article 18** The State shall institute a system of nine-year compulsory education.

People's governments at all levels shall take various measures to ensure that education is accessible to all school-aged children and adolescents.

Parents or guardians of school-aged children and adolescents as well as relevant social organizations and individuals shall have obligations to ensure that all school-aged children and adolescents receive compulsory education for the prescribed number of years.

**Article 19** The State shall institute a system of vo-

cational education and a system of adult education.

People's governments at all levels, administrative departments concerned and enterprises and institutions shall adopt various measures to develop relevant programmes and guarantee that citizens receive education in vocational schools or various types of job-oriented training.

The State shall encourage the development of adult education in a variety of forms so that citizens may receive appropriate education in politics, economics, culture, science, technology, professional or vocational knowledge and life-long education.

**Article 20** The State shall institute a national education examination system.

The administrative department of education under the State Council shall determine the types of the national education examinations to be held, and such examinations shall be conducted by institutions authorized to administer the examinations.

**Article 21** The State shall institute a system of education certificates.

Schools and other types of educational institutions established with the approval of or recognized by the State shall, in accordance with the relevant regulations of the State, grant school qualification certificates or other edu-

cation certificates.

**Article 22** The State shall institute a system of academic degrees.

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

**Article 23** People's governments at various levels, grass-roots autonomous mass organizations, enterprises and institutions shall take all possible measures to carry out literacy education programmes.

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

**Article 24** The State shall institute an educational inspection system and an educational evaluation system for schools and other types of educational institutions.

### *Chapter III*

## **Schools and Other Types of Educational Institutions**

**Article 25** The State shall formulate educational

development plans and run schools and other types of educational institutions.

The State shall encourage enterprises, institutions, public organizations, other social groups as well as individual citizens to operate schools or other types of educational institutions in accordance with the law.

No organization or individual may operate a school or any other type of educational institution for profit.

**Article 26** For the establishment of a school or any other type of educational institution, the following basic conditions must be fulfilled:

(1) to have an organizational structure and statutes;

(2) to have qualified teachers;

(3) to have premises, facilities and equipment for instruction that are up to the required standards; and

(4) to have the necessary funds for school operation as well as stable sources of funding.

**Article 27** The establishment, modification or dissolution of schools and other types of educational institutions shall, in accordance with the relevant regulations of the State, follow procedures for examination and verification, approval, registration or preliminary registration.

**Article 28** Schools and other types of educational institutions exercise the following rights:

(1) to manage schools autonomously in accordance with their statutes;

(2) to organize and conduct educational activities;

(3) to enroll students or other educatees;

(4) to manage school roll and mete out rewards and punishments to educatees;

(5) to grant to educatees corresponding education certificates;

(6) to recruit teachers, other staff and workers and mete out rewards and punishments therewith;

(7) to manage and use the facilities and financial resources of their own;

(8) to refuse unlawful interference in educational activities by any organization or individual; and

(9) other rights stipulated by laws and regulations.

The State shall protect the lawful rights and interests of schools and other types of educational institutions from infringement.

**Article 29** Schools and other types of educational institutions shall fulfil the following obligations:

(1) to observe laws and regulations;

(2) to implement the State's educational policies, comply with the State's educational standards and guarantee educational quality;

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

(4) to let the educatees and their guardians be informed of the scholastic records and other relevant matters of the educatees through suitable ways;

(5) to collect fees according to the relevant regulations of the State and openly reveal the items of fees charged; and

(6) to be subject to supervision according to law.

**Article 30** Sponsors of schools or other types of educational institutions shall, in accordance with the relevant regulations of the State, determine the internal management system of the schools or institutions under their sponsorship.

The principals or chief administrators of schools and other types of educational institutions must be Chinese citizens, with permanent residence in China, and meet specific requirements for the positions formulated by the State. The appointment and removal of such administrators shall be governed by relevant State regulations. School principals shall be responsible for the conduct of instruction and other administrative matters of their schools or institutions.

Schools and other types of educational institutions

shall, in accordance with the relevant regulations of the State, guarantee that teachers and staff are to be involved in the democratic management and supervision of the school or institution through the conference of representatives of teachers, other staff and workers with teachers as its main body or through other forms.

**Article 31** Schools and other types of educational institutions which meet the requirements for a legal person shall acquire the status of a legal person from the date on which their establishment is approved or their registration is made. Schools and other educational institutions shall be entitled to civil rights and bear civil liabilities according to law.

The national assets in schools and other educational institutions shall be owned by the State.

Enterprises and businesses operated by schools and other types of educational institutions shall bear civil responsibilities.

#### *Chapter IV*

### **Teachers and Other Educators**

**Article 32** Teachers shall enjoy the rights prescribed by law, fulfil the obligations prescribed by law, and devote



themselves to the educational cause of the people.

**Article 33** The State shall protect the lawful rights and interests of teachers, improve their working and living conditions and elevate their social status.

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

**Article 34** The State shall implement a system of qualifying, posting, recruiting and appointing teachers and strive to strengthen the teachers' contingent and raise the quality of teachers through examinations, rewards, and in-service training.

**Article 35** A system of professional staff for administrative and managerial personnel in schools and other types of educational institutions shall be implemented.

A recruitment and appointment system for professional-technical positions shall be implemented for paraprofessional school personnel and other professional-technical personnel employed in schools and other types of educational institutions.

## *Chapter V*

### **Educatees**

**Article 36** Educatees shall enjoy equal rights under