

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 on March 18, 1995 and effective as of September 1, 1995)

Chapter I General Provisions

Article 1 With a view to developing educational undertakings, improving the quality of the whole nationality, accelerating the construction of the socialist material and spiritual civilization and in accordance with the Constitution of the People's Republic of China, the present Law is hereby formulated.

Article 2 The present Law shall be applicable to all kinds of education at all levels within the territory of the People's Republic of China.

Article 3 In developing the socialist educational undertakings, the state shall uphold Marxism-Leninism, Mao Zedong Thought and the theories of Constructing socialism with Chinese characteristics as directives and comply with the basic principles of the Constitution.

Article 4 With education being the foundation for construction of socialist modernization, the state shall give priority to the development of educational undertakings.

The whole society shall pay attention and render support to the educational undertakings.

The whole society shall respect teachers.

Article 5 Education shall serve the construction of socialist modernization, be combined with production and labour and satisfy the needs of training constructors and successors with all round development of morality, intelligence and physique for the socialist cause.

Article 6 The state shall conduct education among education receivers in patriotism, collectivism and socialism as well as in ideals, ethics, discipline, legality, national defence and ethnic unity.

Article 7 Education shall be carried out in the spirit of inheriting and expanding the fine historical and cultural traditions of the Chinese nation and assimilating all the fine achievements of the civilization progress of human beings.

Article 8 Education activities shall be in the benefit of public interests of the state and the society.

The state shall separate education from religion. Any organization or individual may not employ religion to obstruct activities of the state education system.

Article 9 Citizens of the People's Republic of China shall have the right and duty to be educated.

Citizens shall enjoy equal opportunity of education regardless of their nationality, race, sex, occupation, property or religious belief etc.

Article 10 The state shall help all minority nationality regions develop educational undertakings in light of the characteristics and requirements of different minority nationalities.

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

The state shall support the development of educational undertakings for disabled people.

Article 11 The state shall fit in with the needs of the development of socialist market economy and the social progress, accelerate educational reform, promote the coordinated development of all kinds of education at all levels, establish and perfect the whole life education system.

The state shall support, encourage and organize scientific research on education, spread the scientific research achievements on education and improve the quality of education.

Article 12 The Chinese language, both oral and written, shall be the basic oral and written language for education in schools and other educational institutions. Schools or other educational institutions which mainly consist of students from minority nationalities may use in education the language of the respective nationality or the native language commonly adopted in that region.

Schools and other educational institutions shall in their educational activities popularize the nationally common spoken Chinese and the standard written characters.

Article 13 The state shall offer awards to those organizations and individuals who have made distinguished contributions to the development of educational undertakings.

Article 14 The State Council and all local People's government at different levels shall supervise and manage the educational work according to the principle of management by different levels and division of labour with individual responsibility.

Secondary and lower education shall be managed by the local People's government under the leadership of the State Council.

Higher education shall be managed by the State Council and the People's government of province, autonomous region or municipality directly under the central government.

Article 15 The department of the State Council in charge of educational administration shall be responsible for the educational works of the whole country, make overall plans and coordinate the management of educational undertakings of the whole country.

The departments in charge of educational administration under the local People's government at and above the county level shall be responsible for the educational works within the jurisdiction of the respective administrative region.

Other relevant departments of the People's government at and above the county level shall be responsible for relevant educational works within their terms of reference.

Article 16 The State Council and the local People's government at and above the county level shall report to the People's congress at the respective level or its standing committee on educational works, budgets and financial accounts of educational expenditures and submit to their supervision.

Chapter II Basic Educational System

Article 17 The state shall adopt a school education system including infant school education, primary education, secondary education and higher education.

The state shall establish scientific school system. Regulations in regard to institution of schools and other educational institutions within the school system, forms of education, length of schooling, admissions requirements and educational objectives shall be formulated by the State Council or the departments in charge of educational administration so authorized by the State Council.

Article 18 The state shall adopt a nine-year compulsory education system.

The People's government at different levels shall adopt every measure to ensure children and juveniles of school age to go to school.

Parents and guardians of children and juveniles of school age and relevant social organizations or individuals shall have the duty to ensure that children and juveniles of school age complete the compulsory education of a prescribed length.

Article 19 The state shall adopt a vocational education system and an adult education system.

The People's government at different levels, relevant administrative departments, enterprises and institutions shall adopt measures to develop and ensure for citizens vocational school education or vocational training in various forms.

The state shall encourage the development of adult education in various forms and make sure that citizens receive proper forms of education in politics, economy, culture, science, technology, profession and whole life education as well.

Article 20 The state shall adopt a national examination system of education.

The national educational examinations shall be categorized by the department in charge of educational administration under the State Council and be conducted by institutions authorized by the state to organize examinations.

Article 21 The state shall adopt a schooling credentials system.

Schools and other educational institutions with the approval or consent of the state shall award schooling credentials or other schooling certificates according to corresponding regulations of the state.

Article 22 The state shall adopt a academic degree system.

The units who confer academic degrees shall confer correspondent titles of academic degree upon people who have achieved certain academic standards or professional standards of technology and award the correspond academic credentials.

Article 23 The People's government at different levels, self-managed mass organizations at grass-roots level and organizations in enterprises and institutions shall take every measure to develop education to eliminate illiteracy.

Citizens who according to the state statutes have the capacity to receive education intended for elimination of illiteracy shall receive such education.

Article 24 The state shall adopt educational inspection system and educational assessment system for schools and other educational institutions.

Chapter III Schools and Other Educational Institutions

Article 25 The state shall formulate plans for educational development and institute schools and other educational institutions.

The state shall encourage enterprises, institutions, mass associations, other social organizations and private citizens to establish schools and other educational institutions according to law.

Any organization or individual may not establish schools or other educational institutions for the purpose of making profit.

Article 26 The establishment of schools or other educational institutions shall be subject to the following requirements of availability:

- (1) organized institution and constitution;
- (2) qualified teachers;
- (3) teaching and learning rooms, facilities and equipment that meet the prescribed standards;

(4) funds necessary for operation of the school and steady source of capital injection.

Article 27 The establishment, change or termination of a school or other educational institution shall go through procedures of examination, approval, registration or record according to corresponding state stipulations.

Article 28 A school or other educational institution shall exercise following rights:

(1) autonomous management according to constitution;

(2) organizing and conducting educational activities:

(3) recruiting students or other education receivers;

(4) exercising school administration over education receivers and awarding prize or imposing punishment;

(5) awarding corresponding schooling credentials upon education receivers;

(6) employing teachers or other staff and awarding prizes or imposing punishments;

(7) managing and using facilities and capitals of the own unit;

(8) refusing to accept any illegal interference into the educational and teaching/learning activities by any organization or individual;

(9) other rights as provided for by the law and regulations.

The state shall protect schools and other educational institutions from breach of their legitimate rights and interests.

Article 29 Schools and other educational institutions shall perform following duties:

(1) obeying the law and regulations;

(2) implementing the state directives on education, practising the state educational and teaching/learning standards and guaranteeing the quality of teaching and learning;

(3) safeguarding the legitimate rights and interests of the education receivers, teachers and other staffs;

(4) providing convenience in a proper manner for education receivers and their guardians to be informed of the receivers' school achievements and other results;

(5) charging fees according to relevant state prescriptions and making public the charges;

(6) submitting to supervision according to law.

Article 30 Schools and other educational institutions sponsors shall decide on the management of schools and other educational institutions according to concerned state regulations.

Headmasters or chiefs of schools and other educational institutions shall be those who are of the Chinese nationality, residing in the territory of China and fit for the conditions prescribed by the state. Their appointment and removal shall be made according to corresponding procedures provided for by the state. Headmasters of schools shall be held responsible for teaching/learning activities and administration.

Schools and other educational institutions shall guarantee the participation of teachers and staffs in democratic management and supervision through the organic form such as the teachers and staffs congress mainly consisting of teachers in accordance with relevant provisions of the state.

Article 31 Schools and other educational institutions who have satisfied conditions for legal persons shall obtain the status of legal persons from the date of approval or registration of legal persons.

Schools and other educational institutions shall enjoy civil rights and interests and bear civil liabilities in civil activities according to law.

State owned assets of schools and other educational institutions shall be within the ownership of the state.

Enterprises sponsored by schools and other educational institutions shall solely undertake civil liabilities of their own.

Chapter IV Teachers and Other Educational Workers

Article 32 Teachers shall enjoy the rights and interests stipulated by law, perform duties prescribed by law and devote to the People's education cause.

Article 33 The state shall protect the legitimate rights and interests of teachers, improve the working and living conditions of teachers and higher the social status of teachers.

The teachers'wages, remuneration and welfare shall be handled according to laws and regulations.

Article 34 The state shall adopt a qualification-based post employment system, improve the quality of teachers and strengthen the development of teachers by way of examination, rewards, fosterage and training.

Article 35 Schools and other educational institutions shall adopt an educational staffs system for the management.

Schools and other educational institutions shall adopt an professional-skills-based posts employment system.

Chapter V Education Receivers

Article 36 Education receivers shall enjoy equal rights in going to school, entering higher school, employment and etc.

Schools and relevant administrative departments shall guarantee that the female enjoy equal rights with male in going to school, entering higher school, employment, conferment of academic degrees and being sent abroad for learning.

Article 37 The state and society shall provide with different forms of financial aids to children, juveniles and youths who are eligible for schooling but in poor families.

Article 38 The state, the society, schools and other educational institutions shall organize education in consideration of the physical and mental characteristics and requirements of the disabled people and offer them with assistance and convenience.

Article 39 The state, the society, schools and other educational institutions shall create conditions for those minor offenders to receive education.

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

State organs, enterprises, institutions and other social organizations shall provide conditions and convenience for the learning and training of the staffs of their own.

Article 41 The state shall encourage schools, other educational institutions and social organizations to create conditions for the whole life education of citizens.

Article 42 Education receivers shall enjoy following rights and interests according to law:

(1) participating in different activities conducted in accordance with educational programme or teaching/learning syllabus; using educational or teaching/learning facilities, equipment or books and materials;

(2) obtaining scholarship, loan for education and stipend according to relevant state regulations;

(3) obtaining fair assessment in terms of academic achievements and behaviour; being conferred correspondent credentials of learning and academic degree upon fulfillment of prescribed school work;

(4) bringing a complaint with relevant department in case of refusal to accept a disciplinary action of the school; bringing a complaint or a suit according to law if the right of personal safety or property has been infringed upon by the school or the teacher;

(5) other rights and interests as are provided for by law and regulations.

Article 43 Education receivers shall perform the following duties:

(1) abiding by law and regulations;

(2) observing conduct standards of the school; showing respect to teachers and developing good ideology, proper morale and behaviour habit;

(3) studying strenuously and fulfilling assigned learning tasks;

(4) obeying rules of the school or other educational institution to which the education receiver is attached.

Article 44 Administrations of education, physical education and health, schools and other educational institutions shall improve sports and health care facilities and protect the physical and mental health of students.

Chapter VI Education and the Society

Article 45 State organs, the army, enterprises, institutions, social associations and other social organizations and individuals shall create good social environment for the healthy growing-up of children, juveniles and young student.

Article 46 The state shall encourage enterprises, institutions, social associations and other social organizations to cooperate by various ways with higher education schools, secondary vocational schools in teaching and learning, scientific research, technology development and dissemination.

Enterprises, institutions, social associations and other social organizations and individuals may support the construction of schools and participate in management through proper forms.

Article 47 State organs, the army, enterprises, institutions and other social organizations shall render assistance and convenience for student to practise and conduct social practical activities organized by the school.

Article 48 Schools and other educational institutions shall take an active part in local public welfare activities under the precondition that normal educational and teaching/learning activities are not affected.

Article 49 Parents or guardians of minor children shall provide their under age sons and daughters or children under the guardianship with necessary conditions for their education.

Parents or guardians of minor children shall collaborate with the school or the other educational institution on the education of their sons and daughters or children under guardianship.

Schools and teachers may provide parents of students with advice.

Article 50 Students shall enjoy preferential treatment as to public cultural and sport facilities such as libraries, museums, science and technology centres, cultural centres, art galleries, gymnasiums and stadiums, historical or cultural spots and revolutionary commemoration halls or places so that education receivers can be offered convenience for education.

Radio and TV station shall design education programmes and promote the improvement of students in aspects of ideology, morale, cultural and scientific capacity.

Article 51 The state and the society shall establish out-of-school education facilities for minor children.

Schools and other educational institutions shall collaborate with autonomous grass roots mass organizations, enterprises, institutions and social associations to strengthen out-of-school education of minor children.

Article 52 The state shall encourage social associations, social cultural institutions, other social organizations and individuals to conduct social cultural activities of education that are beneficial to the physical and mental health of education receivers.

Chapter VII Education Investment and Safeguards of Conditions

Article 53 The state shall establish a mechanism based mainly on financial allocation and supplemented with various approaches to raising educational funds, gradually enlarge investment in education and ensure stable sources of educational funds for state run schools.

Schools and other educational institutions established under the sponsorship of enterprises, institutions, social associations, other social organizations and individuals according to law shall have the school funds raised by the sponsors. The People's governments at different levels may render proper support.

Article 54 The proportion of the state educational investment by way of financial allocation to the volume of general national products shall gradually increase along with the growth of national economy and financial income. The executive steps for the proportion increase shall be determined by the State Council.

The proportion of educational appropriations to the total volume of financial expenditures at different levels of the whole state shall increase step by step with the growth of the national economy.

Article 55 Educational appropriations of the People's governments at different levels shall be listed as a separate item of the financial budget according to the principle of consistency of business power and financial power.

The increase of financial allocation to education by the People's government at different levels shall be higher than the growth of frequent income of the finance. The People's government shall make the average per capita education appropriation for all students in the school increase progressively and ensure that the teacher's salary and the per capita public fund for students grow gradually.

Article 56 The State Council and the local People's government at different levels shall establish specific fund for education and lay special stress on supporting compulsory education in remote border areas and poverty-stricken areas and minority nationality regions.

Article 57 Taxation agencies shall fully collect the added education fee, which shall be controlled by the educational administrations and used mainly in enforcement of compulsory education.

The People's government of province, autonomous region and municipality directly under the central government may decide on the levy of added local education fee for specific use of education.

The collection of the added education fee in the countryside within the overall finance of townships shall be organized by the People's government of the township. The fee shall be managed on behalf of the township People's government by the education administrative department of the People's government at the county level or by the People's government of the township itself and shall be used for the educational undertakings at the two levels of township and village within the jurisdiction of the township. The accurate proportion of the levy of added education fee in the countryside to the overall finance of the township and the concrete management thereof shall be regulated by the People's government of province, autonomous region and municipality directly under the central government.

Article 58 The state shall adopt preferential measures to encourage and support schools to develop work-and-study programme, conduct social services and establish campus workshops on the precondition that the normal education and teaching/learning activities are not affected.

Article 59 Subject to the approval of the People's government at the county level the People's government at the level of township or minority nationality township may in light of the principle of voluntary and capacity consideration collect funds to run school within its own jurisdiction, using the funds so collected in reconstruction or repair of dangerous houses in the purpose of enforcement of compulsory education or construct new school houses. The funds may not be used for any other purpose.

Article 60 The state shall encourage social organizations and individuals to donate money for schools.

Article 61 The financial allocation of education funds of the state and donations of social organizations or individuals shall be used in education only and may not be diverted for other purposes or deducted.

Article 62 The state shall encourage the use of banking and credit measures to support the development of educational undertakings.

Article 63 The People's government at different levels and education administrative department shall strengthen supervision and management of educational capitals of schools and other educational institutions and raise the education investment efficiency.

Article 64 The local People's government at different levels and relevant administrative departments thereof shall include the capital construction of schools in the construction planning of the cities and townships, take into consideration the use of land for capital construction of schools and necessary goods and materials and make arrangements accordingly, and shall carry out priority or preferential policies according to related state regulations.

Article 65 The People's government at different levels shall carry out priority or preferential policies according to corresponding state regulations in respect to the publication and distribution of textbooks and other books or materials for the purpose of teaching and learning, to the production and supply of instruments and equipment for teaching and learning, and to the import of books, materials, instruments and equipment for the purpose of school education or of teaching and learning.

Article 66 The People's government at and above the county level shall develop education through satellite television and other modern advanced approaches to teaching and learning, which shall enjoy preferential arrangement and sustaining support of administrative departments.

The state shall encourage extended application of modern teaching and learning methods.

Chapter VIII External Exchange and Cooperation

Article 67 The state shall encourage external exchange and cooperation of education. External exchange and cooperation of education shall firmly accord to the principles of maintaining independence, keeping initiative in our own hands, equality, mutual benefits and respect and may not run counter to Chinese laws or imperil the state sovereignty, safety or public interests of the society.

Article 68 Chinese citizens within the territory of China who intend to go abroad for purpose of learning, research, academic exchange or teaching shall go through procedures prescribed by the state.

Article 69 Individual persons out of the Chinese territory may, subject to conditions stipulated by the state and after completion of corresponding formalities, enter China and go to Chinese schools or other educational institutions for the purpose of learning, research, academic exchange or teaching. Their legitimate rights and interests shall be protected by the state.

Article 70 Recognition by China of academic degree credentials and schooling credentials awarded by educational institutions out of the territory of China shall be realized subject to international conventions concluded or conceded to by the People's Republic of China or corresponding regulations of the state.

Chapter IX Legal Liabilities

Article 71 In case of failure to examine and allocate educational appropriations based on budget in violation of relevant state regulations, the People's government at the same level shall see to it that the appropriations shall be allocated after examination within a limited period of time. If the violation is a serious case, the persons-in-charge held in direct responsibility and other persons directly responsible for the violation shall be punished by disciplinary sanctions according to statutes.

In case of diversion or deduction of educational capitals in violation of the state financial regulations or accounting procedures, the authority at higher level shall order a replacement of the capitals diverted for other uses or deducted within a limited period of time and shall impose disciplinary sanctions upon those persons-in-charge held in direct responsibility and those directly responsible for the offence. If a crime is constituted, the criminal liabilities therein shall be investigated into according to law.

Article 72 In case some people gather a crowd to engage in an affray, mob, make troubles to the extent of disturbing the educational or teaching/learning order of schools or other educational institutions or damaging houses, grounds or other property thereof, the public security organ shall impose administrative penalties for public security. If a crime is constituted, the criminal liabilities shall be investigated into according to law.

Those who have encroached upon houses, grounds other property of schools or other educational institutions shall bear corresponding civil liabilities.

Article 73 In case of failure to adopt measures upon precise knowledge of dangers with school houses or other educational or teaching/learning facilities to the result of personnel casualties and serious loss of property, the criminal liabilities of those persons-in-charge held in direct responsibility and other persons directly responsible for the damages shall be investigated into according to law.

Article 74 In case of solicitation of funds from schools or other educational institutions in violation of relevant state regulations, the government shall order a replacement of the funds solicited and shall impose disciplinary sanctions upon the persons-in-charge who are held in direct responsibility and other persons directly responsible for the violation.

Article 75 In case of establishment of schools or other educational institutions in violation of relevant state regulations, the education administrative department shall dissolve those schools or institutions so established, confiscate any illegal gains therefrom if there is any and impose disciplinary sanctions according to law upon those persons directly in charge of the matter or other persons directly responsible for the violation.

Article 76 In case of recruitment of students in violation of relevant state regulations, the education administrative department shall order a return of those students and a refund of any fees collected and shall impose disciplinary sanctions upon those persons directly in charge of the matter or other persons directly responsible for the violation according to law.

Article 77 In case of malpractice of favourism or fraudulence in enrollment of students, the education administrative department shall order a return of those students so enrolled, shall impose disciplinary sanctions upon those persons who are directly in charge of the matter and other persons directly responsible for the malpractice according to law and, where a crime is constituted, investigate into the criminal liabilities.

Article 78 In case of solicitation of fees from education receivers in violation of relevant state regulations by schools or other educational institutions, the education administrative department shall order a return of those fees so solicited and shall impose disciplinary sanctions upon those persons who are directly in charge of the matter and other persons directly responsible for the misconduct according to law.

Article 79 In case of malpractice in national education examinations, the education administrative department shall declare such examinations invalid and impose disciplinary sanctions upon those persons who are directly in charge of the matter and other persons directly responsible for the malpractice according to law.

In case of illegal conduction of national education examinations, the education administrative department shall declare such examinations invalid, confiscate any illegal gains where such gains exist and impose disciplinary sanctions upon those persons who are directly in charge of the matter and other persons directly responsible for the offence according to law.

Article 80 In case of awarding of academic degree credentials or schooling credentials in violation of the present Law, the education administrative department shall declare the credentials so awarded invalid, order a revoke or confiscation of those credentials, confiscate any illegal gains when such gains exist and disqualify the violator from awarding such credentials where the violation is serious.

Article 81 In case of infringement upon the legitimate rights and interests of teachers, education receivers, schools or other educational institutions in violation of the present Law to the extent of any loss or damage, the civil liabilities therefor shall be investigated into.

Chapter X Supplementary Provisions

Article 82 Regulations governing education of military schools shall be formulated by the Central Military Commission according to principles of the present Law.

Regulations governing education of religious schools shall be formulated separately by the State Council.

Article 83 Procedures regarding operation or joint operation of schools within the territory of China by organizations or individuals out of the territory of China shall be formulated by the State Council.

Article 84 The present Law shall come into effect as of September 1, 1995.