

**THE GOVERNMENT OF
VIETNAM**

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**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, October 05, 2024

DECREE

**REGULATORY REQUIREMENTS FOR EDUCATIONAL INVESTMENT AND
OPERATION**

Pursuant to the Law on Government Organization of Vietnam dated June 19, 2015; Law on amendments to some Articles of the Law on Government Organization of Vietnam and Law on Local Government Organization of Vietnam dated November 22, 2019;

Pursuant to the Law on Education dated June 14, 2019;

Pursuant to the Law on Higher Education dated June 18, 2012; the Law on amendments to some articles of the Law on Higher Education dated November 19, 2018;

Pursuant to the Law on Vocational Education dated November 27, 2014;

Pursuant to the Law on Investment dated June 17, 2020;

At the request of the Minister of Education and Training;

The Government promulgates Decree on regulatory requirements for educational investment and operation.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree provides for regulatory requirements for educational investment and operation, including:

a) Regulatory requirements for establishment or permission for establishment, permission for educational operations, or suspension of educational operations, merger, division, dissolution of early childhood education schools, general education schools and special schools;

b) Regulatory requirements for establishment or permission for establishment, suspension of educational operations, merger, division, dissolution of continuing education institutions and inclusive education support and development centers;

c) Regulatory requirements for establishment or permission for establishment of college-level pedagogy schools; issuance of certificates of registration of college-level teacher training; suspension of college-level teacher training; revocation of certificates of registration of college-level teacher training; merger, division, dissolution of college-level pedagogy schools; acquisition of colleges by universities;

d) Regulatory requirements for establishment or permission for establishment of universities, branches/campuses of higher education institutions; permission for universities, branches/campuses of higher education institutions to provide training; suspension of training activities carried out by higher education institutions and branches/campuses of higher education institutions; merger, division, dissolution of higher education institutions and/or branches/campuses of higher education institutions; recognition of national and regional parent universities (hereinafter referred to as “higher education institutions”);

dd) Regulatory requirements for establishment or permission for establishment, permission for operation, suspension of operation, dissolution of education quality accreditation organizations of Vietnam; recognition of operation of foreign education quality accreditation organizations in Vietnam;

e) Regulatory requirements for registration of provision of overseas education counseling services; suspension of provision of overseas education counseling services; revocation of certificates of registration of provision of overseas education counseling services.

2. Regulatory requirements for investment and operation by foreign-invested educational institutions, representative offices of foreign educational institutions located within the territory of Vietnam, branches/campuses of foreign-invested educational institutions and association in education and training with foreign parties, shall comply with regulations laid down in the Decree prescribing foreign cooperation and investment in the education sector.

Article 2. Regulated entities

1. This Decree applies to early childhood education schools; independent nursery groups, independent senior kindergarten classes, independent preschool classes; general education schools; continuing education institutions; inclusive education support and development centers; special schools; colleges providing college-level teacher training; higher education institutions; education quality accreditation organizations; overseas education counseling service providers; and other organizations or individuals carrying out educational activities.

2. This Decree does not apply to vocational education quality accreditation organizations and overseas education counseling service providers in the vocational education sector under the state management of the Ministry of Labor, War Invalids and Social Affairs.

Chapter II

EARLY CHILDHOOD EDUCATION SCHOOLS

Sector 1. PRESCHOOLS

Article 3. Regulatory requirements for establishment of public preschools or permission for establishment of non-public or private preschools

1. A proposal for establishment or permission for establishment of a preschool shall be formulated. Such proposal shall be consistent with a provincial planning and relevant plannings made by a local authority in a province/city where the preschool is based.
2. The proposal shall clearly define early childhood education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the preschool; organization and personnel structure, financial resource and others; guidelines and strategies for construction and development of the preschool.

Article 4. Procedures for establishment of public preschools or permission for establishment of non-public or private preschools

1. The President of the People's Committee of an urban/rural district, city or township of a province (hereinafter referred to as "the district-level People's Committee") shall issue a decision on establishment of a public preschool or permission for establishment of a non-public or private preschool.
2. An application includes:
 - a) A written request for establishment or permission for establishment of the preschool (according to Form No. 01 Appendix I enclosed with this Decree);
 - b) A proposal for establishment or permission for establishment of the preschool (according to Form No. 02 Appendix I enclosed with this Decree).
3. Procedures:
 - a) The People's Committee of a commune, ward or town (hereinafter referred to as "the commune-level People's Committee"; in case of application for establishment of a public preschool); an organization or individual (in case of application for permission for establishment of a non-public or private preschool) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the district-level People's Committee.
 - b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the district-level People's Committee shall give guidelines to the Subdepartment of Education and Training for organization of the assessment of realistic conditions concerning establishment or permission for establishment of a preschool;

c) Within 15 days from the date of receipt of the guidelines from the district-level People's Committee, the Subdepartment of Education and Training shall preside over and cooperate with other relevant specialized divisions in assessing realistic conditions concerning establishment or permission for establishment of a preschool in the application; preparing an assessment report to assess fulfillment of requirements mentioned in Article 3 of this Decree; and submitting the report to the President of the district-level People's Committee for consideration and decision;

d) Within 05 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training, if the requirements are fulfilled, the President of the district-level People's Committee shall issue a decision on establishment or permission for establishment of the preschool; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on establishment or permission for establishment of the preschool (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

4. 02 years after the effective date of the decision on establishment or permission for establishment of the preschool, if the preschool fails to obtain permission to conduct its educational activities, the Subdepartment of Education and Training shall send a report to the President of the district-level People's Committee to revoke the decision on establishment or permission for establishment.

5. If the preschool is relocated, it shall fulfill requirements and follow procedures for establishment or permission for establishment of a preschool, and permission for the preschool to conduct its educational activities according to regulations in this Decree. Its proposal (Form No. 02 Appendix I enclosed with this Decree) shall include its commitment to inherit rights, obligations and responsibilities which it has before relocation.

Article 5. Requirements to be satisfied by preschools for conducting their educational activities

1. Own land, facilities, equipment, tools and toys, thereby meeting standards in terms of location, scale, area and basic facilities applied to preschools according to regulations issued by the Ministry of Education and Training.

Regarding inner cities of special class urban areas, it shall be possible that the area of land used for construction of a preschool is replaced by the floor area of land and the floor area of land shall not be smaller than the minimum average land area per child according to regulations.

2. Have education curriculum, syllabuses and learning materials that meet requirements for the early childhood education curriculum according to regulations promulgated by the Ministry of Education and Training.

3. Employ adequate administrative officers, teachers, staff and employees that meet standards in order to organize child care, parenting and education activities, thereby meeting requirements for

the early childhood education curriculum according to regulations promulgated by the Ministry of Education and Training.

4. Have a sufficient amount of financial resources in order to maintain and develop educational activities:

a) Regarding a private preschool, the investment capital shall be at least 30 million VND/child (excluding expenses incurred from land tenancy). The total minimum capital shall be calculated when the estimated education scale is greatest. The capital plan shall conform to the estimated scale of each stage.

Regarding a private preschool of which the facilities are not newly built but are leased or the existing facilities are used to conduct child care, parenting and education activities, the capital shall be at least 70% of the capital specified in point a of this clause;

b) Regarding a public or non-public preschool, its financial resources shall be maintained by a competent management authority or local community so as to meet requirements for the early childhood education curriculum according to regulations.

5. Have the statutes of organization and operation of the preschool.

Article 6. Procedures for permission for preschools to conduct their educational activities

1. The Head of the Subdepartment of Education and Training shall issue a decision on permission for a preschool to conduct its educational activities.

2. An application includes:

a) A written request for permission for the preschool to conduct its educational activities (according to Form No. 03 Appendix I enclosed with this Decree);

b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for a preschool of which the minimum term is 05 years;

c) In case of a private preschool, a legal confirmation document on the amount of investment currently managed by the preschool, ensuring legitimacy and conformity with the estimated scale at the time of application for educational activities;

d) Statutes of organization and operation of the preschool, specifying legal status, missions and powers of the preschool; organization and management structure; organization of child care, parenting and education activities; tasks and rights of administrative officers, teachers, staff, employees and children; finances and assets of the preschool; other issues related to organization and operation of the preschool.

3. Procedures:

- a) The preschool shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Subdepartment of Education and Training;
- b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the Subdepartment of Education and Training shall give a written notification of contents to be amended to the applicant; or if the application is satisfactory, it shall notify a plan to carry out the realistic assessment at the preschool;
- c) Within 15 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training shall preside over and cooperate with other relevant specialized divisions in organizing the assessment of realistic conditions concerning permission for the preschool to conduct its educational activities according to regulations; preparing an assessment report to assess the fulfillment of requirements mentioned in Article 5 of this Decree;
- d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Head of the Subdepartment of Education and Training shall issue a decision on permission for the preschool to conduct its educational activities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on permission for the preschool to conduct its educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 7. Suspension of educational activities conducted by preschools

1. A preschool shall have its educational activities suspended in one of the following cases:

- a) It commits any fraudulent act in order to obtain a license for educational activities;
- b) The license for its educational activities has been granted ultra vires;
- c) Its educational activities have not been conducted within the duration of 01 year from the licensing date;
- d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is issued;
- dd) Other cases prescribed by law.

2. The Head of the Subdepartment of Education and Training shall issue a decision to suspend educational activities conducted by the preschool.

3. Procedures:

a) When detecting that the preschool has committed one of the violations prescribed by clause 1 of this Article, the Head of the Subdepartment of Education and Training shall decide to organize inspection to assess the current status, make an inspection record and notify the preschool of any violation;

b) Depending on the seriousness of the violation, within 10 days from the date on which the preschool is notified of the violation, the Head of the Subdepartment of Education and Training shall issue a decision on suspension of educational activities and send a report to the district-level People's Committee.

The decision on suspension of educational activities conducted by the preschool (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media;

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the preschool shall send a written notification enclosed with proof to the Head of the Subdepartment of Education and Training. Within 07 working days from the date of receipt of the written notification from the preschool, the Head of the Subdepartment of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media;

d) In case of suspension according to regulations in point b clause 1 of this Article, within 05 working days from the date on which the decision on suspension is issued, the Head of the Subdepartment of Education and Training shall review conditions for educational activities and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 5 of this Decree are fulfilled.

Article 8. Merger or division of preschools

1. A preschool is merged or divided when the requirements specified in clause 1 Article 51 of the Law on Education are met.

2. The President of the district-level People's Committee shall issue a decision on merger or division of the preschool.

3. An application includes:

a) A written request for merger or division of the preschool (according to Form No. 04 Appendix I enclosed with this Decree);

b) A proposal for merger or division of the preschool (according to Form No. 05 Appendix I enclosed with this Decree);

c) Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private preschool.

4. Procedures:

- a) The commune-level People's Committee (in case of merger or division of a public preschool); an organization or individual (in case of merger or division of a non-public or private preschool) shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the district-level People's Committee;
- b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee shall give a written notification of contents to be amended to the preschool; or if the application is satisfactory, it shall give guidelines to the Subdepartment of Education and Training for organization of assessment;
- c) Within 10 days from the date of receipt of the guidelines from the district-level People's Committee, the Subdepartment of Education and Training shall preside over and cooperate with other relevant specialized divisions in assessing the application and realistic conditions concerning merger or division of the preschool; preparing an assessment report to assess fulfillment of requirements mentioned in clause 1 of this Article; and submitting the report to the President of the district-level People's Committee for consideration and decision;
- d) Within 05 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training, if the requirements are fulfilled, the President of the district-level People's Committee shall issue a decision on merger or division of the preschool; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on merger or division of the preschool (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media;

- dd) Within 05 working days from the date on which the President of the district-level People's Committee issues the decision on merger or division of the preschool, the Head of the Subdepartment of Education and Training shall issue a decision on permission for establishment of a new preschool after merger or division.

Article 9. Dissolution of preschools

- 1. A preschool shall be dissolved when it falls into one of the cases specified in clause 2 Article 51 of the Law on Education.
- 2. The President of the district-level People's Committee shall issue a decision on dissolution of the preschool.
- 3. Application:
 - a) If a preschool is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application includes:

A written request for dissolution of the preschool made by the Subdepartment of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree);

Any proof that the preschool commits any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

b) If a preschool is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application includes:

A written request for dissolution of the preschool made by an organization/individual establishing the preschool (according to Form No. 06 Appendix I enclosed with this Decree);

A proposal for dissolution of the preschool (according to Form No. 07 Appendix I enclosed with this Decree);

4. Procedures:

a) Regarding the preschool that is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education:

When detecting, or receiving any report from an agency, organization or individual on, the preschool's commission of any violation against regulations laid down in points a,b,c and d clause 2 Article 51 of the Law on Education, the district-level People's Committee shall direct the Subdepartment of Education and Training to preside over and cooperate with relevant agencies in conducting inspection and verification, making a dissolution application, notifying the preschool and sending a report to the President of the district-level People's Committee for decision within 20 days.

Within 10 days from the date of receipt of the report from the Subdepartment of Education and Training, the President of the district-level People's Committee shall issue a decision on dissolution of the preschool.

b) Regarding the preschool that is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education:

The organization/individual shall submit an application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the district-level People's Committee.

Within 10 days from the date of receipt of the application for dissolution, the President of the district-level People's Committee shall issue a decision on dissolution of the preschool; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

c) The decision on dissolution of the preschool (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 2. INDEPENDENT NURSERY GROUPS, SENIOR KINDERGARTEN CLASSES AND PRESCHOOL CLASSES

Article 10. Regulatory requirements for establishment of public independent nursery groups, senior kindergarten classes and preschool classes or permission for establishment of non-public or private independent nursery groups, senior kindergarten classes and preschool classes (hereinafter referred to as “independent early childhood education schools”)

1. Have a site, basic facilities, supplies, toys and educational equipment meeting requirements for the early childhood education curriculum according to regulations issued by the Ministry of Education and Training.
2. Develop education plans, syllabuses and learning materials that meet requirements for the early childhood education curriculum according to regulations promulgated by the Ministry of Education and Training.
3. Employ adequate administrative officers, teachers, staff and employees that meet standards according to regulations promulgated by the Ministry of Education and Training in order to organize child care, parenting and education activities, thereby meeting requirements for early childhood education curriculum.
4. Meet requirements for scale of groups and classes in independent early childhood education schools according to regulations promulgated by the Ministry of Education and Training.

Article 11. Procedures for establishment of public independent early childhood education schools or permission for establishment of non-public or private independent early childhood education schools

1. The President of the commune-level People’s Committee shall issue a decision on establishment or permission for establishment of an independent early childhood education school.

2. Application:

a) In case of establishment of a public independent early childhood education school, the application includes:

A report on establishment of a public independent early childhood education school sent to the President of the district-level People’s Committee;

A written request for on-site inspection of fulfillment of requirements for establishment;

b) In case of permission for establishment of a non-public or private independent early childhood education school, the application includes:

A written request for permission for establishment of the non-public or private independent early childhood education school (according to Form No. 08 Appendix I enclosed with this Decree);

Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the independent early childhood education school;

A legal confirmation document on the amount of investment in establishment of the non-public or private independent early childhood education school, ensuring legitimacy and conformity with the estimated scale at the time of establishment.

3. Procedures:

a) Establishment of a public independent early childhood education school:

The commune-level People's Committee shall send a report on establishment of the public independent early childhood education school to the President of the district-level People's Committee;

Within 05 working days from the date of receipt of approval from the President of the district-level People's Committee, the commune-level People's Committee shall send a written request for on-site inspection of fulfillment of requirements for establishment to the Subdepartment of Education and Training.

b) Establishment of a non-public or private independent early childhood education school:

An organization/individual applying for establishment of the non-public or private independent early childhood education school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the commune-level People's Committee;

Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the commune-level People's Committee shall give a written notification of contents to be amended to the applicant; or if the application is satisfactory, it shall send the written request for on-site inspection of fulfillment of the requirements for establishment to the Subdepartment of Education and Training;

c) Within 10 days from the date of receipt of the written request from the commune-level People's Committee, the Subdepartment of Education and Training shall conduct the on-site inspection and submit its written opinions to the commune-level People's Committee to define whether or not the independent early childhood education school satisfies regulatory requirements for establishment;

d) Within 05 working days from the date of receipt of the written response from the Subdepartment of Education and Training, the President of the commune-level People's

Committee shall issue a decision on establishment or permission for establishment for the independent early childhood education school.

The decision on establishment or permission for establishment of the independent early childhood education school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 12. Suspension of educational activities conducted by independent early childhood education schools

1. An independent early childhood education school shall have its educational activities suspended in one of the following cases:

- a) It fails to meet one of the requirements specified in Article 10 of this Decree;
- b) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is issued;
- c) The decision on establishment or permission for establishment of the independent early childhood education school has been issued ultra vires;
- d) Its educational activities have not been conducted within the duration of 01 year from the date on which the decision on establishment or permission for establishment of the independent early childhood education school is issued;

2. The President of the commune-level People's Committee shall issue a decision on suspension of educational activities conducted by the independent early childhood education school.

3. Procedures:

- a) The commune-level People's Committee shall cooperate with the Subdepartment of Education and Training in assessing the current status of the independent early childhood education school, making an inspection record and notifying the independent early childhood education school of any violation;
- b) According to the inspection record, the President of the commune-level People's Committee shall issue a decision on suspension of educational activities conducted by the independent early childhood education school (according to Form No. 10 Appendix I enclosed with this Decree) which must be publicly announced on mass media;
- c) During the period of suspension, if the violation resulting in the suspension is eliminated, the independent early childhood education school shall send a written notification enclosed with proof to the President of the commune-level People's Committee. Within 07 working days from the date of receipt of the written notification from the independent early childhood education school, the President of the commune-level People's Committee shall issue a decision on

permission for resumption of educational activities which must be publicly announced on mass media;

d) In case of suspension according to regulations in point c clause 1 of this Article, within 05 working days from the date on which the decision on suspension is issued, the President of the commune-level People's Committee shall review fulfillment of the requirements for establishment of the independent early childhood education school and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 10 of this Decree are fulfilled.

Article 13. Merger or division of independent early childhood education schools

1. The President of the commune-level People's Committee shall issue a decision on merger or division of an independent early childhood education school.

2. Application:

a) In case of merger or division of a public independent early childhood education school, the application includes a written request for on-site inspection of fulfillment of requirements for merger or division;

b) In case of merger or division of a non-public or private independent early childhood education school, the application includes:

A written request for merger or division of the non-public or private independent early childhood education school (according to Form No. 04 Appendix I enclosed with this Decree);

Methods of protecting legal rights and benefits of children, teachers or carers; and settling finances, assets, land and other relevant issues.

Written approval from the investor owning at least 75% of total contributed capital for merger or division of the non-public or private independent early childhood education school.

3. Procedures:

a) In case of merger or division of a public independent early childhood education school, the commune-level People's Committee shall send the written request for on-site inspection of fulfillment of requirements for merger or division to the Subdepartment of Education and Training;

b) In case of merger or division of a non-public or private independent early childhood education school, the organization/individual shall submit an application specified in point b clause 2 of this Article in person, via online public service portal or by post, to the commune-level People's Committee;

Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the commune-level People's Committee shall give a written notification of contents to be amended to the applicant; or if the application is satisfactory, it shall send the written request for on-site inspection of fulfillment of the requirements for merger or division to the Subdepartment of Education and Training;

c) Within 10 days from the date of receipt of the written request from the commune-level People's Committee, the Subdepartment of Education and Training shall consider conducting the on-site inspection and submit its written opinions to the commune-level People's Committee to define whether or not the independent early childhood education school satisfies regulatory requirements for merger or division;

d) Within 05 working days from the date of receipt of the written response from the Subdepartment of Education and Training, the President of the commune-level People's Committee shall issue a decision on merger or division of the independent early childhood education school.

The decision on merger or division of the independent early childhood education school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media;

Article 14. Dissolution of independent early childhood education schools

1. An independent early childhood education school shall be dissolved when it falls into one of the cases specified in clause 2 Article 51 of the Law on Education.

2. The President of the commune-level People's Committee shall issue a decision on dissolution of an independent early childhood education school.

3. Application:

a) If the independent early childhood education school is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application includes:

Any proof that the independent early childhood education school commits any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

b) If the independent early childhood education school is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application includes:

A written request for dissolution of the independent early childhood education school (according to Form No. 06 Appendix I enclosed with this Decree);

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

4. Procedures:

a) Regarding the independent early childhood education school that is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education:

When detecting the school's commission of any violation against regulations laid down in points a,b,c and d clause 2 Article 51 of the Law on Education, the commune-level People's Committee shall cooperate with the Subdepartment of Education and Training in conducting inspection, and making record and application for dissolution within 10 days.

Within 05 working days from the date on which the dissolution application is made, the President of the commune-level People's Committee shall issue a decision on dissolution of the independent early childhood education school.

b) Regarding the independent early childhood education school that is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education:

The organization/individual shall submit an application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the commune-level People's Committee.

Within 10 days from the date on which the sufficient application for dissolution is received, the President of the commune-level People's Committee shall consider issuing a decision on dissolution of the independent early childhood education school.

c) The decision on dissolution of the independent early childhood education school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Chapter III

GENERAL EDUCATION SCHOOLS

Section 1. PRIMARY SCHOOLS

Article 15. Regulatory requirements for establishment of public primary schools or permission for establishment of private primary schools

1. A proposal for establishment or permission for establishment of a primary school shall be formulated. Such proposal shall be consistent with a provincial planning and relevant plannings made by a local authority in a province/city where the primary school is based.

2. The proposal shall clearly define primary education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the primary

school; organization and personnel structure, financial resource and others; guidelines and strategies for construction and development of the primary school.

Article 16. Procedures for establishment of public primary schools or permission for establishment of private primary schools

1. The President of the district-level People's Committee shall issue a decision on establishment of a public primary school or permission for establishment of a private primary school.

2. An application includes:

a) A written request for establishment or permission for establishment of the primary school (according to Form No. 01 Appendix I enclosed with this Decree);

b) A proposal for establishment or permission for establishment of the primary school (according to Form No. 02 Appendix I enclosed with this Decree).

3. Procedures:

a) The commune-level People's Committee (in case of application for establishment of a public primary school); an organization or individual (in case of application for permission for establishment of a private primary school) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the district-level People's Committee;

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the district-level People's Committee shall direct the Subdepartment of Education and Training to organize the assessment of realistic conditions concerning establishment or permission for establishment of a primary school;

c) Within 15 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training shall preside over and cooperate with other relevant specialized divisions in assessing realistic conditions concerning establishment or permission for establishment of the primary school in the application; preparing an assessment report to assess fulfillment of requirements mentioned in Article 15 of this Decree; and submitting the report to the President of the district-level People's Committee for consideration and decision;

d) Within 05 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training, if the requirements are fulfilled, the President of the district-level People's Committee shall issue a decision on establishment or permission for establishment of the primary school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on establishment or permission for establishment of the primary school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

4. 02 years after the effective date of the decision on establishment or permission for establishment of the primary school, if the primary school fails to obtain permission to conduct its educational activities, the Subdepartment of Education and Training shall report to the President of the district-level People's Committee on revocation of the decision on establishment or permission for establishment.

5. If the primary school is relocated, it shall fulfill requirements and follow procedures for establishment or permission for establishment of a primary school, and permission for the primary school to conduct its educational activities according to regulations in this Decree. Its proposal (Form No. 02 Appendix I enclosed with this Decree) shall include its commitment to inherit rights, obligations and responsibilities which it has before relocation.

Article 17. Requirements to be satisfied by primary schools for conducting their educational activities

1. Own land, facilities and equipment meeting standards in terms of location, scale, area and basic facilities applied to primary schools according to regulations issued by the Ministry of Education and Training.

Regarding inner cities of special class urban areas, it shall be possible that the area of land used for construction of a primary school is replaced by the floor area of land and the floor area of land shall not be smaller than the minimum average land area per student according to regulations.

2. Have education curriculum, syllabuses and learning materials that meet requirements for the primary education curriculum according to regulations promulgated by the Ministry of Education and Training.

3. Employ adequate administrative officers, teachers, staff and employees that meet standards in order to organize educational activities, thereby meeting requirements for the primary education curriculum according to regulations promulgated by the Ministry of Education and Training.

4. Have a sufficient amount of financial resources in order to maintain and develop educational activities:

a) Regarding a private primary school, the investment capital shall be at least 50 million VND/student (excluding expenses incurred from land tenancy). The total minimum capital shall be calculated when the estimated education scale is greatest but not be smaller than 50 billion VND. The capital plan shall conform to the estimated scale of each stage.

Regarding a private primary school of which the facilities are not newly built but are leased or the existing facilities are used to conduct educational activities, the capital shall be at least 70% of the capital specified in point a of this clause;

b) Regarding a public primary school, its financial resources shall be maintained by a competent management authority so as to meet requirements for primary education curriculum.

5. Have the statutes of organization and operation of the primary school.

Article 18. Procedures for permission for primary schools to conduct their educational activities

1. The Head of the Subdepartment of Education and Training shall issue a decision on permission for a primary school to conduct its educational activities.

2. An application includes:

a) A written request for permission for the primary school to conduct its educational activities (according to Form No. 03 Appendix I enclosed with this Decree);

b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for a primary school of which the minimum term is 05 years;

c) In case of a private primary school, a legal confirmation document on the amount of investment currently managed by the primary school, ensuring legitimacy and conformity with the estimated scale at the time of application for educational activities;

d) Statutes of organization and operation of the primary school, specifying legal status, missions and powers of the primary school; organization and management structure; organization of educational activities; tasks and rights of administrative officers, teachers, staff, employees and students; finances and assets of the primary school; other issues related to organization and operation of the primary school.

3. Procedures:

a) The primary school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Subdepartment of Education and Training;

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the Subdepartment of Education and Training shall give a written notification of contents to be amended to the applicant; or if the application is satisfactory, it shall notify a plan to carry out the realistic assessment at the primary school;

c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training shall preside over and cooperate with other relevant specialized divisions in organizing the assessment of realistic conditions concerning permission

for the primary school to conduct its educational activities; preparing an assessment report to assess the fulfillment of requirements mentioned in Article 17 of this Decree;

d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Head of the Subdepartment of Education and Training shall issue a decision on permission for the primary school to conduct its educational activities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on permission for the primary school to conduct its educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 19. Suspension of educational activities conducted by primary schools

1. A primary school shall have its educational activities suspended in one of the following cases:

- a) It commits any fraudulent act in order to obtain a license for educational activities;
- b) The license for its educational activities has been granted ultra vires;
- c) Its educational activities have not been conducted within the duration of 01 year from the licensing date;
- d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is granted;
- dd) Other cases prescribed by law.

2. The Head of the Subdepartment of Education and Training shall issue a decision on suspension of educational activities conducted by the primary school.

3. Procedures:

- a) When detecting that the primary school has committed one of the violations prescribed by clause 1 of this Article, the Head of the Subdepartment of Education and Training shall decide to organize inspection to assess the current status of the primary school, make an inspection record and notify the primary school of any violation;
- b) Depending on the seriousness of the violation, within 10 days from the date on which the primary school is notified of the violation, the Head of the Subdepartment of Education and Training shall issue a decision on suspension of educational activities and send a report to the district-level People's Committee.

The decision on suspension of educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the primary school shall send a written notification enclosed with proof to the Head of the Subdepartment of Education and Training. Within 07 working days from the date of receipt of the written notification from the primary school, the Head of the Subdepartment of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media;

d) In case of suspension according to regulations in point b clause 1 of this Article, within 05 working days from the date on which the decision on suspension is issued, the Head of the Subdepartment of Education and Training shall review realistic conditions for educational activities and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 17 of this Decree are fulfilled.

Article 20. Merger or division of primary schools

1. A primary school is merged or divided when the requirements specified in clause 1 Article 51 of the Law on Education are met.

2. The President of the district-level People's Committee shall issue a decision on merger or division of the primary school.

3. An application includes:

a) A written request for merger or division of the primary school (according to Form No. 04 Appendix I enclosed with this Decree);

b) A proposal for merger or division of the primary school (according to Form No. 05 Appendix I enclosed with this Decree);

c) Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private primary school.

4. Procedures:

a) The commune-level People's Committee (in case of merger or division of a public primary school); an organization or individual (in case of merger or division of a private primary school) shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the district-level People's Committee;

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee shall give a written notification of contents to be amended to the applicant; or if the application is satisfactory, it

shall give guidelines to the Subdepartment of Education and Training for organization of assessment of realistic conditions concerning merger or division;

c) Within 20 days from the date of receipt of the guidelines from the district-level People's Committee, the Subdepartment of Education and Training shall preside over and cooperate with other relevant specialized divisions in assessing the application and realistic conditions concerning merger or division of the primary school; preparing an assessment report to assess fulfillment of requirements mentioned in clause 1 of this Article; and submitting the report to the President of the district-level People's Committee for consideration and decision;

d) Within 05 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training, if the requirements are fulfilled, the President of the district-level People's Committee shall issue a decision on merger or division of the primary school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on merger or division of the primary school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media;

dd) Within 05 working days from the date on which the President of the district-level People's Committee issues the decision on merger or division of the primary school, the Head of the Subdepartment of Education and Training shall issue a decision on permission for establishment of a new primary school after merger or division.

Article 21. Dissolution of primary schools

1. A primary school shall be dissolved when it falls into one of the cases specified in clause 2 Article 51 of the Law on Education.

2. The President of the district-level People's Committee shall issue a decision on dissolution of the primary school.

3. Application:

a) If a primary school is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application includes:

A written request for dissolution made by the Subdepartment of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree);

Any proof that the primary school commits any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

b) If a primary school is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application includes:

A written request for dissolution made by an agency/organization/individual establishing the primary school (according to Form No. 06 Appendix I enclosed with this Decree);

A proposal for dissolution of the primary school (according to Form No. 07 Appendix I enclosed with this Decree);

4. Procedures:

a) Regarding the primary school that is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education:

When detecting, or receiving any report from the Subdepartment of Education and Training on, the primary school's commission of any violation against regulations laid down in points a,b,c and d clause 2 Article 51 of the Law on Education, the district-level People's Committee shall direct the Subdepartment of Education and Training to preside over and cooperate with specialized divisions in conducting inspection and verification, making an application for dissolution in which reasons for the dissolution should be clearly specified, notifying the primary school and sending a report to the President of the district-level People's Committee for decision within 20 days;

Within 10 days from the date of receipt of the report from the Subdepartment of Education and Training, the President of the district-level People's Committee shall issue a decision on dissolution of the primary school.

b) Regarding the primary school that is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education:

The agency/organization/individual shall submit an application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the district-level People's Committee;

Within 20 days from the date of receipt of the application for dissolution, the President of the district-level People's Committee shall issue a decision on dissolution of the primary school; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

c) The decision on dissolution of the primary school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 2. OTHER EDUCATIONAL INSTITUTIONS PROVIDING PRIMARY EDUCATION CURRICULUM

Article 22. Eligibility requirements for provision of primary education curriculums by other educational institutions

1. Employ administrative officers and teachers meeting requirements for provision of the primary education curriculum.
2. Ensure that a classroom is designed in conformity with the predetermined specifications, is safe for teachers and students in accordance with applicable school sanitation and hygiene norms, and provides amenities for disabled students for access and use according to regulations issued by the Ministry of Education and Training.
3. Have equipment, syllabuses and learning materials in conformity with primary education curriculum.

Article 23. Procedures for provision of primary education curriculums by other educational institutions

1. The President of the commune-level People's Committee shall issue a decision on permission for an educational institution to provide its primary education curriculum.
2. An application includes:
 - a) A written request for permission for provision of the primary education curriculum (according to Form No. 09 Appendix I enclosed with this Decree);
 - b) Written document proving receipt of sponsorship from the primary school located within the same district.
3. Procedures:
 - a) The organization/individual shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the commune-level People's Committee;
 - b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the commune-level People's Committee shall give a written notification to the applicant;
 - c) Within 10 days from the date of receipt of the sufficient and satisfactory application, the President of the commune-level People's Committee shall consider issuing a decision on permission for the educational institution to provide its primary education curriculum.

The decision on permission for the educational institution to provide its primary education curriculum (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 24. Suspension and revocation of decisions on permission for provision of primary education curriculums by other educational institutions

1. Suspension of a decision on permission for provision of a primary education curriculum by an educational institution shall be carried out in the same manner as that of a primary school in accordance with Article 19 hereof.

2. A decision on permission for provision of a primary education curriculum by an educational institution shall be revoked as follows:

- a) The President of the commune-level People's Committee shall issue a decision to revoke the decision on permission for an educational institution to provide its primary education curriculum;
- b) The educational institution shall have its decision on permission for provision of its primary education curriculum revoked in one of the following cases;

The educational institution is dissolved in accordance with regulations of law;

The educational institution has committed serious violations against applicable regulations on organization or operation of an educational institution;

The educational institution fails to rectify the violation that leads to its suspension by the deadline;

The educational institution's educational objectives and contents are no longer suitable to the requirements for local socio-economic development;

The decision is revoked at the request of the organization/individual applying for establishment of the educational institution;

Other cases prescribed by law;

- c) The decision to revoke the decision on permission for provision of the primary education curriculum by the educational institution shall specify reasons for such revocation and measures for protection of legal rights and benefits of that educational institution's students, teachers, administrative officers and employees. It must be publicly announced on mass media.

Section 3. LOWER SECONDARY SCHOOLS, UPPER SECONDARY SCHOOLS AND MULTI-LEVEL SCHOOLS

Article 25. Regulatory requirements for establishment of public lower secondary schools, upper secondary schools and multi-level schools or permission for establishment of private lower secondary schools, upper secondary schools and multi-level schools (hereinafter referred to as "secondary schools")

1. A proposal for establishment or permission for establishment of a secondary school shall be formulated. Such proposal shall be consistent with a provincial planning and relevant plans made by a local authority in a province/city where the secondary school is based.
2. The proposal shall clearly define education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the secondary school; organization and personnel structure, financial resource and others; guidelines and strategies for construction and development of the secondary school.

Article 26. Procedures for establishment of public secondary schools or permission for establishment of private secondary schools

1. The President of the district-level People's Committee shall issue a decision on establishment of a public lower secondary school and a multi-level school whose highest level is lower secondary (hereinafter referred to as "lower secondary school") or permission for establishment of a private lower secondary school; the People's Committee of a province or a central- affiliated city (hereinafter referred to as "the provincial People's Committee") shall issue a decision on establishment of a public upper secondary school and a multi-level school whose highest level is upper secondary (hereinafter referred to as "upper secondary school") or permission for establishment of a private upper secondary school.

2. An application includes:

- a) A written request for establishment or permission for establishment of the school (according to Form No. 01 Appendix I enclosed with this Decree);
- b) A proposal for establishment or permission for establishment of the school (according to Form No. 02 Appendix I enclosed with this Decree).

3. Procedures:

a) The commune-level People's Committee (in case of application for establishment of a public lower secondary school); the district-level People's Committee (in case of application for establishment of a public upper secondary school); an organization or individual (in case of application for permission for establishment of a private secondary school) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the district-level People's Committee (regarding the lower secondary school) or the provincial People's Committee (regarding the upper secondary school);

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee or the provincial People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the district-level People's Committee shall direct the Subdepartment of Education and Training or the provincial People's Committee shall direct the Department of Education and Training to organize the assessment of realistic conditions concerning establishment or permission for establishment of a secondary school;

c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training or the Department of Education and Training shall preside over and cooperate with other relevant specialized units in assessing realistic conditions concerning establishment or permission for establishment of the secondary school in the application; preparing an assessment report to assess fulfillment of requirements mentioned in Article 25 of this Decree; and submitting the report to the President of the district-level People's Committee or the President of the provincial People's Committee for consideration and decision;

d) Within 05 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training or the Department of Education and Training, if the requirements are fulfilled, the President of the district-level People's Committee or the provincial People's Committee shall issue a decision on establishment or permission for establishment of the secondary school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on establishment or permission for establishment of the secondary school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

4. 02 years after the effective date of the decision on establishment or permission for establishment of the secondary school, if the secondary school fails to obtain permission to conduct its educational activities, the Subdepartment of Education and Training or the Department of Education and Training shall report to the President of the district-level People's Committee or the provincial People's Committee on revocation of the decision on establishment or permission for establishment.

5. If the secondary school is relocated, it shall fulfill requirements and follow procedures for establishment or permission for establishment of a secondary school, and permission for the secondary school to conduct its educational activities according to regulations in this Decree. Its proposal (Form No. 02 Appendix I enclosed with this Decree) shall include its commitment to inherit rights, obligations and responsibilities which it has before relocation.

Article 27. Requirements to be satisfied by secondary schools for conducting their educational activities

1. Own land, facilities and equipment meeting standards in terms of location, scale, area and basic facilities applied to lower and upper secondary schools according to regulations issued by the Ministry of Education and Training.

Regarding inner cities of special class urban areas, it shall be possible that the area of land used for construction of a secondary school is replaced by the floor area of land and the floor area of land shall not be smaller than the minimum average land area per student according to regulations.

2. Have education curriculum, syllabuses and learning materials that meet requirements for the general education curriculum according to regulations promulgated by the Ministry of Education and Training.

3. Employ adequate administrative officers, teachers, staff and employees that meet standards in order to organize educational activities, thereby meeting requirements for the general education curriculum according to regulations promulgated by the Ministry of Education and Training.

4. Have a sufficient amount of financial resources in order to maintain and develop educational activities:

a) Regarding a private secondary school, the investment capital shall be at least 50 million VND/student (excluding expenses incurred from land tenancy). The total minimum capital shall be calculated when the estimated education scale is greatest but not be smaller than 50 billion VND. The capital plan shall conform to the estimated scale of each stage.

Regarding a private secondary school of which the facilities are not newly built but are leased or the existing facilities are used to conduct educational activities, the capital shall be at least 70% of the capital specified in point a of this clause;

b) Regarding a public secondary school, its financial resources shall be maintained by a competent management authority so as to meet requirements for the general education curriculum according to regulations.

5. Have the statutes of organization and operation of the school.

Article 28. Procedures for permission for secondary schools to conduct their educational activities

1. The Head of the Subdepartment of Education and Training shall issue a decision on permission for a lower secondary school to conduct its educational activities; the Director of the Department of Education and Training shall issue a decision on permission for an upper secondary school to conduct its educational activities.

2. An application includes:

a) A written request for permission for educational activities (according to Form No. 03 Appendix I enclosed with this Decree);

b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for a secondary school of which the minimum term is 05 years;

c) In case of a private secondary school, a legal confirmation document on the amount of investment currently managed by the secondary school, ensuring legitimacy and conformity with estimated scale at the time of application for educational activities;

d) Statutes of organization and operation of the secondary school, specifying legal status, missions and powers of the secondary school; organization and management structure; organization of educational activities; tasks and rights of administrative officers, teachers, staff, employees and students; finances and assets of the secondary school; other issues related to organization and operation of the secondary school.

3. Procedures:

a) The secondary school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Subdepartment of Education and Training (regarding the lower secondary school) or the Department of Education and Training (regarding the upper secondary school);

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the Subdepartment of Education and Training or the Department of Education and Training shall give a written notification of contents to be amended to the applicant; or if the application is satisfactory, it shall notify a plan to carry out the realistic assessment at the secondary school;

c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training or the Department of Education and Training shall preside over and cooperate with other relevant specialized units in organizing the assessment of realistic conditions concerning permission for the secondary school to conduct its educational activities; preparing an assessment report to assess the fulfillment of requirements mentioned in Article 27 of this Decree;

d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall issue a decision on permission for the secondary school to conduct its educational activities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on permission for the secondary school to conduct its educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 29. Suspension of educational activities conducted by secondary schools

1. A secondary school shall have its educational activities suspended in one of the following cases:

a) It commits any fraudulent act in order to obtain a license for educational activities;

b) The license for its educational activities has been granted ultra vires;

c) Its educational activities have not been conducted within the duration of 01 year from the licensing date;

d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is granted;

dd) Other cases prescribed by law.

2. The Head of the Subdepartment of Education and Training shall issue a decision on suspension of educational activities conducted by the lower secondary school; the Director of the Department of Education and Training shall issue a decision on suspension of educational activities conducted by the upper secondary school.

3. Procedures:

a) When detecting that the secondary school has committed one of the violations prescribed by clause 1 of this Article, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall decide to organize inspection to assess the current status of the secondary school, make an inspection record and notify the secondary school of any violation;

b) Depending on the seriousness of the violation, within 15 days from the date on which the secondary school is notified of the violation, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall issue a decision on suspension of educational activities and send a report to a person having power to decide to establish or give permission for establishment of the school.

The decision on suspension of educational activities conducted by the secondary school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the secondary school shall send a written notification enclosed with proof to the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training. Within 07 working days from the date of receipt of the written notification from the secondary school, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media;

d) In case of suspension according to regulations in point b clause 1 of this Article, within 05 working days from the date on which the decision on suspension is issued, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall review realistic conditions for educational activities and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 27 of this Decree are fulfilled.

Article 30. Merger or division of secondary schools

1. A secondary school is merged or divided when the requirements specified in clause 1 Article 51 of the Law on Education are met.

2. The President of the district-level People's Committee shall issue a decision on merger or division of a lower secondary school; the President of the provincial People's Committee shall issue a decision on merger or division of an upper secondary school. In case the secondary schools are merged under decisions made by competent authorities at different levels, the decision of the higher-level competent authority shall prevail; in case of competent authorities at the same levels having appropriate powers to make the decision on establishment, these same-level authorities shall seek to reach an agreement on issuance of such decision.

3. An application includes:

a) A written request for merger or division of the secondary school (according to Form No. 04 Appendix I enclosed with this Decree);

b) A proposal for merger or division of the secondary preschool (according to Form No. 05 Appendix I enclosed with this Decree);

c) Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private secondary school.

4. Procedures:

a) The commune-level People's Committee (in case of merger or division of a public lower secondary school); the district-level People's Committee (in case of merger or division of a public upper secondary school); an organization or individual (in case of merger or division of a private secondary school) shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the district-level People's Committee (regarding the lower secondary school) or the provincial People's Committee (regarding the upper secondary school);

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee or the provincial People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the district-level People's Committee shall give guidelines to the Subdepartment of Education and Training or the provincial People's Committee shall give guidelines to the Department of Education and Training for organization of the assessment of realistic conditions concerning merger or division of a secondary school;

c) Within 20 days from the date of receipt of the guidelines from the district-level People's Committee or the provincial People's Committee, the Subdepartment of Education and Training or the Department of Education and Training shall preside over and cooperate with other relevant specialized units in assessing the application and realistic conditions concerning merger or

division of the secondary school; preparing an assessment report to assess fulfillment of requirements mentioned in clause 1 of this Article; and submitting the report to the President of the district-level People's Committee or the provincial People's Committee for consideration and decision;

d) Within 05 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training or the Department of Education and Training, if the requirements are fulfilled, the President of the district-level People's Committee or the provincial People's Committee shall issue a decision on merger or division of the secondary school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on merger or division of the secondary school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media;

dd) Within 05 working days from the date on which the President of the district-level People's Committee or the provincial People's Committee issues the decision on merger or division of the secondary school, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall issue a decision on permission for establishment of a new secondary school after merger or division.

Article 31. Dissolution of secondary schools

1. A secondary school shall be dissolved when it falls into one of the cases specified in clause 2 Article 51 of the Law on Education.

2. The President of the district-level People's Committee shall issue a decision on dissolution of a lower secondary school; the President of the provincial People's Committee shall issue a decision on dissolution of an upper secondary school.

3. Application:

a) If a secondary school is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application includes:

A written request for dissolution of the lower secondary school made by the Subdepartment of Education and Training or the upper secondary school made by the Department of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree);

Any proof that the secondary school commits any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues;

b) If a secondary school is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application includes:

A written request for dissolution made by an agency/organization/individual establishing the secondary school (according to Form No. 06 Appendix I enclosed with this Decree);

A proposal for dissolution of the secondary school (according to Form No. 07 Appendix I enclosed with this Decree);

4. Procedures:

a) Regarding the secondary school that is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education:

When detecting, or receiving any report from the Subdepartment of Education and Training (regarding the lower secondary school) or the Department of Education and Training (regarding the upper secondary school) on, the school's commission of any violation against regulations laid down in points a,b,c and d clause 2 Article 51 of the Law on Education, the district-level People's Committee or the provincial People's Committee shall direct the Subdepartment of Education and Training or the Department of Education and Training to preside over and cooperate with specialized agencies in conducting inspection and verification of the violation committed by the secondary school, making an application for dissolution in which reasons for the dissolution should be clearly specified, notifying the secondary school and sending a report to a competent person for decision within 20 days;

Within 10 days from the date of receipt of the report from the Subdepartment of Education and Training or the Department of Education and Training, the competent person specified in clause 2 of this Article shall issue a decision on dissolution of the secondary school.

b) Regarding the secondary school that is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education:

The agency/organization/individual shall submit an application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the competent person specified in clause 2 of this Article;

Within 20 days from the date of receipt of the application for dissolution, the competent person specified in clause 2 of this Article shall issue a decision on dissolution of the secondary school; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

c) The decision on dissolution of the secondary school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Chapter IV

CONTINUING EDUCATION INSTITUTIONS

Section 1. CONTINUING EDUCATION CENTERS, VOCATIONAL – CONTINUING EDUCATION CENTERS

Article 32. Regulatory requirements for establishment of public continuing education centers, vocational – continuing education centers or permission for establishment of private continuing education centers, vocational – continuing education centers

1. Regulatory requirements for establishment or permission for establishment of a continuing education center or a vocational – continuing education center:

- a) Have a site, facilities, classrooms, functional rooms and teaching and learning equipment meeting requirements for provision of continuing education curriculums at the center;
- b) Have education curriculums, syllabuses and learning materials that meet requirements for continuing education curriculums provided at the center according to regulations promulgated by the Ministry of Education and Training.
- c) Employ adequate administrative officers, teachers, staff and employees that meet standards in order to provide continuing education curriculums according to regulations promulgated by the Ministry of Education and Training;
- d) Have the draft statutes of organization and operation of the center.

2. In addition to the fulfillment of the requirements specified in clause 1 of this Article, the vocational – continuing education center shall fulfill corresponding requirements to provide elementary-level vocational training curriculums according to regulations of law on vocational education.

Article 33. Procedures for establishment of public continuing education centers, vocational – continuing education centers or permission for establishment of private continuing education centers, vocational – continuing education centers

1. The President of the provincial People's Committee shall issue a decision on establishment of a public continuing education center or vocational – continuing education center; the Director of the Department of Education and Training shall issue a decision on permission for establishment of a private continuing education center or vocational – continuing education center.

2. An application includes:

- a) A written request for establishment or permission for establishment of the center (according to Form No. 01 Appendix I enclosed with this Decree);
- b) A proposal for establishment or permission for establishment of the center (according to Form No. 02 Appendix I enclosed with this Decree);

- c) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the center;
- d) A legal confirmation document on the amount of investment in establishment of the private center, ensuring legitimacy and conformity with the estimated scale at the time of application for establishment;
- dd) Draft statutes of organization and operation of the center, specifying legal status, missions and powers of the center; organization and management structure; organization of educational activities; tasks and rights of administrative officers, teachers, staff, employees and learners; finances and assets of the center; other issues related to organization and operation of the center.

3. Procedures:

a) Establishment of the public center:

The Department of Education and Training shall preside over and cooperate with the Department of Home Affairs in formulating the application specified in clause 2 of this Article and submitting it to the President of the provincial People's Committee for consideration and decision;

Within 15 days from the date on which the sufficient and satisfactory application is received, the President of the provincial People's Committee shall issue a decision on establishment of the center.

b) Permission for establishment of the private center:

An organization/individual shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Department of Education and Training;

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Department of Education and Training shall preside over and cooperate with other relevant specialized agencies in assessing the application and realistic conditions concerning permission for establishment of the center within 15 days; and preparing an assessment report to assess the fulfillment of requirements mentioned in Article 32 of this Decree;

Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Director of the Department of Education and Training shall issue a decision on permission for establishment of the center; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

c) In case of establishment of the vocational – continuing education center, the Department of Education and Training shall seek the written consent from the Department of Labour - Invalids and Social Affairs before requesting the President of the provincial People's Committee to

consider issuing a decision on establishment of the public center or the Director of the Department of Education and Training to consider issuing a decision on establishment of the private center;

d) The decision on establishment or permission for establishment of the center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 34. Suspension of educational activities conducted by continuing education centers or vocational – continuing education centers

1. A center shall have its educational activities suspended in one of the following cases:

a) It commits any fraudulent act in order to obtain a license for establishment or permission for establishment;

b) It fails to meet one of the requirements specified in Article 32 of this Decree;

c) Its educational activities have not been conducted within the duration of 01 year from the date on which the decision on establishment or permission for establishment of the center is issued;

d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is issued;

dd) Other cases prescribed by law.

2. The President of the provincial People's Committee shall issue a decision on suspension of educational activities conducted by the public center; the Director of the Department of Education and Training shall issue a decision on suspension of educational activities conducted by the private center.

3. Procedures:

a) When detecting that the center has committed one of the violations prescribed by clause 1 of this Article, the Department of Education and Training shall preside over and cooperate with relevant agencies in carrying out inspection to assess the current status, making an inspection record and notifying the center of any violation;

b) Within 15 days from the date on which the center is notified of the violation, depending on the seriousness of the violation, the Department of Education and Training shall request the President of the provincial People's Committee to issue a decision on suspension of educational activities conducted by the public center; the Director of the Department of Education and Training to issue a decision on suspension of educational activities conducted by the private center.

In case of suspension of educational activities conducted by the vocational – continuing education center, the Department of Education and Training shall seek the written consent from the Department of Labour - Invalids and Social Affairs before requesting the President of the provincial People's Committee to issue a decision on suspension of educational activities conducted by the public center or the Director of the Department of Education and Training to issue a decision on suspension of educational activities conducted by of the private center.

The decision on suspension of educational activities conducted by the center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the center shall send a written notification enclosed with proof to the President of the provincial People's Committee or the Director of the Department of Education and Training. Within 07 working days from the date of receipt of the written notification from the center, the President of the provincial People's Committee or the Director of the Department of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media.

Article 35. Merger or division of continuing education centers, vocational – continuing education centers

1. A center is merged or divided when the following requirements are met.

a) Protect rights and interests of teachers and learners;

b) Contribute to improvement of quality and effectiveness of education;

c) A new center established after merger or division shall meet the requirements specified in Article 32 of this Decree.

2. The President of the provincial People's Committee shall issue a decision on merger or division of the public center; the Director of the Department of Education and Training shall issue a decision on merger or division of the private center.

3. An application includes:

a) A written request for merger or division of the center (according to Form No. 04 Appendix I enclosed with this Decree);

b) A proposal for merger or division of the center (according to Form No. 05 Appendix I enclosed with this Decree);

c) Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private center.

4. Procedures:

a) Merger or division of the public center:

The Department of Education and Training shall preside over and cooperate with the Department of Home Affairs in formulating an application for merger or division and submitting it to the President of the provincial People's Committee for consideration and decision;

Within 15 days from the date on which the sufficient and satisfactory application is received, the President of the provincial People's Committee shall issue a decision on merger or division of the center.

b) Merger or division of the private center:

An organization/individual shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the Department of Education and Training;

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Department of Education and Training shall preside over and cooperate with other relevant specialized agencies in assessing the application and realistic conditions concerning merger or division of the private center; and preparing an assessment report to assess the fulfillment of requirements mentioned in clause 1 of this Article within 15 days;

Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Director of the Department of Education and Training shall issue a decision on merger or division of the center; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

c) In case of merger or division of the vocational – continuing education center, the Department of Education and Training shall seek the written consent from the Department of Labour - Invalids and Social Affairs before requesting the President of the provincial People's Committee to issue a decision on merger or division of the public center or the Director of the Department of Education and Training to issue a decision on merger or division of the private center;

d) The decision on merger or division of the center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media;

Article 36. Dissolution of continuing education centers or vocational – continuing education centers

1. A center shall be dissolved in one of the following cases:

a) The center has committed serious violations against regulations on organization and operation of a center;

b) The center fails to rectify the violation that leads to its suspension by the deadline;

c) The center's educational objectives and contents indicated in the establishment decision are no longer suitable to the requirements for socio-economic development;

d) The center fails to maintain quality of education;

dd) The center is dissolved at the request of the organization/individual establishing the center;

2. The President of the provincial People's Committee shall issue a decision on dissolution of the public center; the Director of the Department of Education and Training shall issue a decision on dissolution of the private center.

3. Application:

a) If a center is dissolved according to regulations in points a,b,c and d clause 1 of this Article, the application includes:

Any proof that the center commits any violation specified in points a,b,c and d clause 1 of this Article;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues;

b) If a center is dissolved according to regulations in point dd clause 1 of this Article, the application includes:

A written request for dissolution of the center (according to Form No. 06 Appendix I enclosed with this Decree);

A proposal for dissolution of the center (according to Form No. 07 Appendix I enclosed with this Decree);

4. Procedures:

a) Regarding the center that is dissolved according to regulations in points a,b,c and d clause 1 of this Article:

When detecting that the center has committed one of the violations prescribed by points a,b,c and d clause 1 of this Article, the Department of Education and Training shall carry out inspection, assess the current status, make an inspection record and notify the center;

Within 05 working days from the date on which the inspection is carried out, the Department of Education and Training shall submit the application specified in point a clause 3 of this Article to the President of the provincial People's Committee that will consider issuing a decision on dissolution of the public center; the Director of the Department of Education and Training that will consider issuing a decision on dissolution of the private center;

b) Regarding the center that is dissolved according to regulations in point dd clause 1 of this Article:

In case of the public center, the Department of Education and Training shall preside over and cooperate with the Department of Home Affairs in formulating the application specified in point b clause 3 of this Article and submitting it to the President of the provincial People's Committee for consideration and decision.

Within 05 working days from the date of receipt of the application from the Department of Education and Training, the President of the provincial People's Committee shall consider issuing a decision on dissolution of the center.

In case of the private center, an organization/individual shall submit the application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the Department of Education and Training.

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Department of Education and Training shall preside over and cooperate with other relevant agencies in organizing the assessment of the application for dissolution and preparing an assessment report within 15 days.

Within 05 working days from the date of receipt of the assessment report, the Director of the Department of Education and Training shall consider issuing a decision on dissolution of the center; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

c) In case of dissolution of a vocational – continuing education center, the Department of Education and Training shall seek the written consent from the Department of Labour - Invalids and Social Affairs before requesting the President of the provincial People's Committee to issue a decision on dissolution of the public center or the Director of the Department of Education and Training to issue a decision on dissolution of the private center;

d) The decision on dissolution of the center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 2. COMMUNITY LEARNING CENTERS

Article 37. Regulatory requirements for establishment of public community learning centers or permission for establishment of private community learning centers

1. Have a site, classrooms, working offices and educational equipment meeting requirements for educational activities at a community learning center.

2. Develop education plans, syllabuses and learning materials that meet requirements for educational activities at the center according to regulations promulgated by the Ministry of Education and Training.

3. Employ adequate administrative officers and teachers that meet standards in order to conduct educational activities at the center according to regulations promulgated by the Ministry of Education and Training.

Article 38. Procedures for establishment of public community learning centers or permission for establishment of private community learning centers

1. The President of the district-level People's Committee shall issue a decision on establishment of a public community learning center; the Head of Subdepartment of Education and Training shall issue a decision on permission for establishment of a private community learning center.

2. An application includes:

a) A written request for establishment or permission for establishment of the community learning center (according to Form No. 01 Appendix I enclosed with this Decree);

b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the center;

c) A legal confirmation document on the amount of investment in establishment of the private center, ensuring legitimacy and conformity with the estimated scale at the time of application for establishment.

3. Procedures:

a) The commune-level People's Committee (in case of establishment of a public center) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the district-level People's Committee; an organization or individual (in case of establishment of a private center) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Subdepartment of Education and Training;

b) Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the district-level People's Committee or the Subdepartment of Education and Training shall give a written notification of contents to be amended to the applicant for establishment or permission for establishment of the center. If the application is satisfactory, the district-level People's Committee or the Subdepartment of Education and Training shall assess the application and realistic conditions concerning establishment of the center, and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 37 of this Decree within 10 days;

c) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Subdepartment of Education and Training shall request the President of the district-level People's Committee to issue a decision on establishment of the public community learning center or the Head of Subdepartment of Education and Training to issue a decision on permission for establishment of the private community learning center; if the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the applicant.

The decision on establishment or permission for establishment of the community learning center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 39. Suspension of educational activities conducted by community learning centers

1. A community learning center shall have its educational activities suspended in one of the following cases:

a) It commits any fraudulent act in order to obtain a license for establishment or permission for establishment;

b) It fails to meet one of the requirements specified in Article 37 of this Decree;

c) Its educational activities have not been conducted within the duration of 01 year from the date on which the decision on establishment or permission for establishment of the center is issued;

d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is issued;

dd) Other cases prescribed by law.

2. The President of the district-level People's Committee shall issue a decision on suspension of educational activities conducted by a public community learning center; the Head of Subdepartment of Education and Training shall issue a decision on suspension of educational activities conducted by a private community learning center.

3. Procedures:

a) When detecting that the community learning center has committed one of the violations prescribed by clause 1 of this Article, the Subdepartment of Education and Training shall carry out inspection to assess the current status, make an inspection record and notify the center of any violation;

b) Within 10 days from the date on which the center is notified of the violation, depending on the seriousness of the violation, the Subdepartment of Education and Training shall request the President of the district-level People's Committee to issue a decision on suspension of

educational activities conducted by the public community learning center or the Head of the Subdepartment of Education and Training to issue a decision on suspension of educational activities conducted by the private public community learning center.

The decision on suspension of educational activities conducted by the community learning center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the center shall send a written notification enclosed with proof to the President of the district-level People's Committee or the Head of the Subdepartment of Education and Training. Within 07 working days from the date of receipt of the written notification from the center, the President of the district-level People's Committee or the Head of the Subdepartment of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media.

Article 40. Merger or division of community learning centers

1. A center is merged or divided when the following requirements are met:

- a) Protect rights and interests of teachers and learners;
- b) Contribute to improvement of quality and effectiveness of education;
- c) A new center established after merger or division shall meet the requirements specified in Article 37 of this Decree.

2. The President of the district-level People's Committee shall issue a decision on merger or division of a public community learning center; the Head of Subdepartment of Education and Training shall issue a decision on merger or division of a private community learning center.

3. An application includes:

- a) A written request for merger or division of the center (according to Form No. 04 Appendix I enclosed with this Decree);
- b) A proposal for merger or division of the center (according to Form No. 05 Appendix I enclosed with this Decree);
- c) Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private center.

4. Procedures:

- a) The commune-level People's Committee (in case of merger or division of a public center) shall submit an application specified in clause 2 of this Article in person, via online public

service portal or by post, to the district-level People's Committee; an organization or individual (in case of merger or division of a private center) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Subdepartment of Education and Training;

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee or the Subdepartment of Education and Training shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the district-level People's Committee or the Subdepartment of Education and Training shall assess the application and realistic conditions concerning merger or division of the center, and prepare an assessment report to assess the fulfillment of requirements mentioned in clause 1 of this Article within 10 days;

c) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Subdepartment of Education and Training shall request the President of the district-level People's Committee to issue a decision on merger or division of the public community learning center or the Head of the Subdepartment of Education and Training to issue a decision on merger or division of the private community learning center; if the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the applicant;

The decision on merger or division of the community learning center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 41. Dissolution of community learning centers

1. A center shall be dissolved in one of the following cases:

a) The center has committed serious violations against regulations on management, organization and operation of a center;

b) The center fails to rectify the violation that leads to its suspension by the deadline;

c) The center's educational objectives and contents indicated in the establishment decision are no longer suitable to the requirements for socio-economic development;

d) The center fails to maintain quality of education;

dd) The center is dissolved at the request of the organization/individual establishing the center.

2. The President of the district-level People's Committee shall issue a decision on dissolution of the public community learning center; the Head of the Subdepartment of Education and Training shall issue a decision on dissolution of the private community learning center.

3. Application:

a) If a center is dissolved according to regulations in points a,b,c and d clause 1 of this Article, the application includes:

A written request for dissolution of the center, made by the Subdepartment of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree);

Any proof that the center commits any violation specified in points a,b,c and d clause 1 of this Article;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues;

b) If a center is dissolved according to regulations in point dd clause 1 of this Article, the application includes:

A written request for dissolution of the center, made by an organization/individual (according to Form No. 06 Appendix I enclosed with this Decree);

A proposal for dissolution of the center (according to Form No. 07 Appendix I enclosed with this Decree).

4. Procedures:

a) Regarding the center that is dissolved according to regulations in points a,b,c and d clause 1 of this Article:

When detecting that the center has committed one of the violations prescribed by points a,b,c and d clause 1 of this Article, the Subdepartment of Education and Training shall carry out inspection to assess the operation of the center, make an inspection record and notify the center;

Within 05 working days from the date on which the inspection is carried out, the Subdepartment of Education and Training shall submit the application specified in point a clause 3 of this Article to the President of the district-level People's Committee that will consider issuing a decision on dissolution of the public center; or the Head of the Subdepartment of Education and Training that will consider issuing a decision on dissolution of the private center;

b) Regarding the center that is dissolved according to regulations in point dd clause 1 of this Article:

In case of the public center, the Subdepartment of Education and Training shall preside over and cooperate with relevant agencies in formulating the application specified in point b clause 3 of this Article and submitting it to the President of the district-level People's Committee for consideration and decision.

Within 05 working days from the date of receipt of the application from the Subdepartment of Education and Training, the President of the district-level People's Committee shall consider issuing a decision on dissolution of the center.

In case of the private center, an organization/individual shall submit the application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the Subdepartment of Education and Training.

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Subdepartment of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Subdepartment of Education and Training shall organize the assessment of the application for dissolution and prepare an assessment report within 15 days.

Within 05 working days from the date of receipt of the assessment report, the Head of the Subdepartment of Education and Training shall consider issuing a decision on dissolution of the community learning center; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

c) The decision on dissolution of the community learning center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 3. OTHER CENTERS THAT CONDUCT CONTINUING EDUCATION

Article 42. Other centers that conduct continuing education

1. Other centers that conduct continuing education are continuing education institutions conducting continuing education according to regulations in Article 42 of the Law on Education.
2. Other centers that conduct continuing education include foreign language and computer training centers; culture and language centers; life skills training centers; art, culture and knowledge training centers and other centers providing refresher training and training curriculums to improve working capacity, update and acquire necessary knowledge and life skills, thereby meeting learners' demands.

Article 43. Regulatory requirements for establishment of public centers that conduct continuing education or permission for establishment of private centers that conduct continuing education

1. Have a site, facilities, classrooms, functional rooms and teaching and learning equipment meeting requirements for provision of continuing education curriculums at the center.
2. Have education curriculums, syllabuses and learning materials that meet requirements for continuing education curriculums provided at the center according to regulations promulgated by the Ministry of Education and Training.

3. Employ adequate administrative officers, teachers, staff and employees that meet standards in order to satisfy requirements for each continuing education curriculum provided at the center according to regulations promulgated by the Ministry of Education and Training.

4. Have the draft statutes of organization and operation of the center.

Article 44. Procedures for establishment of other public centers that conduct continuing education or permission for establishment of other private centers that conduct continuing education

1. Power to establish or give permission for establishment of a center that conducts continuing education:

a) A council of a university, academy; or council of a higher education institution or a pedagogy college has power to issue a decision on establishment of the center located within its precincts;

b) The Director of the Department of Education and Training has power to decide the establishment of affiliated centers; give permission for establishment of centers affiliated to universities, academies, higher education institutions and pedagogy colleges and located outside their precincts; give permission for establishment of centers at the request of organizations and individuals.

2. An application includes:

a) A written request for establishment or permission for establishment of the center (according to Form No. 01 Appendix I enclosed with this Decree);

b) A proposal for establishment or permission for establishment of the center (according to Form No. 02 Appendix I enclosed with this Decree);

c) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the center;

d) A legal confirmation document on the amount of investment in establishment of the center affiliated to an university, academy, higher education institution or pedagogy college and located outside its precincts or the center proposed to be established by an organization/individual, ensuring legitimacy and conformity with the estimated scale at the time of application for establishment;

dd) Draft statutes of organization and operation of the center, specifying legal status, missions and powers of the center; organization and management structure; organization of educational activities; tasks and rights of administrative officers, teachers, staff, employees and learners; finances and assets of the center; other issues related to organization and operation of the center.

3. Procedures:

- a) The university, academy, higher education institution or pedagogy college (hereinafter referred to as "school"), organization or individual shall submit the application specified in clause 2 of this Article in person, via online public service portal or by post, to the Department of Education and Training;
- b) Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant;
- c) Within 10 days from the date of receipt of the sufficient and satisfactory application, the Department of Education and Training shall assess the application and realistic conditions concerning establishment of the center, and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 43 of this Decree;
- d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Director of the Department of Education and Training shall issue a decision on establishment or permission for establishment of the center that conducts continuing education; if the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the applicant.

The decision on establishment or permission for establishment of the center that conducts continuing education (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 45. Suspension of educational activities conducted by other centers that conduct continuing education

- 1. A center shall have its educational activities suspended in one of the following cases:
 - a) It commits any fraudulent act in order to obtain a license for establishment or permission for establishment;
 - b) During operation, it fails to meet one of the requirements specified in Article 43 of this Decree;
 - c) Its educational activities have not been conducted within the duration of 01 year from the date on which the decision on establishment or permission for establishment of the center is issued;
 - d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is issued;
 - dd) Other cases as prescribed by law.

2. The Director of the Department of Education and Training shall issue a decision on suspension of educational activities conducted by any center within his/her jurisdiction according to regulations in point b clause 1 Article 44 of this Decree.

3. Procedures:

a) When detecting that the center has committed one of the violations prescribed by clause 1 of this Article, the Department of Education and Training shall carry out inspection to assess the current status, make an inspection record and notify the center of any violation;

b) Within 15 days from the date on which the center is notified of the violation, the Director of the Department of Education and Training shall issue a decision on suspension of educational activities conducted by the center.

The decision on suspension of educational activities conducted by the center that conducts continuing education (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the center shall send a written notification enclosed with proof to the Director of the Department of Education and Training. Within 07 working days from the date of receipt of the written notification from the center, the Director of the Department of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media.

Article 46. Merger or division of other centers that conduct continuing education

1. A center is merged or divided when the following requirements are met:

a) Protect rights and interests of teachers and learners;

b) Contribute to improvement of quality and effectiveness of education;

c) A new center established after merger or division shall meet the requirements specified in Article 43 of this Decree.

2. The Director of the Department of Education and Training shall issue a decision on merger or division of any center within his/her jurisdiction according to regulations in point b clause 1 Article 44 of this Decree.

3. An application includes:

a) A written request for merger or division of the center (according to Form No. 04 Appendix I enclosed with this Decree);

b) A proposal for merger or division of the center (according to Form No. 05 Appendix I enclosed with this Decree);

c) Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private center.

4. Procedures:

a) The school, organization or individual shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the Department of Education and Training;

b) Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Department of Education and Training shall preside over and cooperate with other relevant agencies in assessing the application and realistic conditions concerning merger or division of the center; and preparing an assessment report to assess the fulfillment of requirements mentioned in clause 1 of this Article within 10 days;

c) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Director of the Department of Education and Training shall issue a decision on merger or division of the center; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

The decision on merger or division of the center that conducts continuing education (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 47. Dissolution of other centers that conduct continuing education

1. A center shall be dissolved in one of the following cases:

a) The center has committed serious violations against regulations on organization and operation of a center;

b) The center fails to rectify the violation that leads to its suspension by the deadline;

c) The center's educational objectives and contents indicated in the decision on establishment or permission for establishment are no longer suitable with the requirements for socio-economic development;

d) The center fails to maintain quality of education;

dd) The center is dissolved at the request of the organization/individual establishing the center;

2. The Director of the Department of Education and Training shall issue a decision on dissolution of any center within his/her jurisdiction according to regulations in point b clause 1 Article 44 of this Decree.

3. Application:

a) If a center is dissolved according to regulations in points a,b,c and d clause 1 of this Article, the application includes:

Any proof that the center commits any violation specified in points a,b,c and d clause 1 of this Article;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

b) If a center is dissolved according to regulations in point dd clause 1 of this Article, the application includes:

A written request for dissolution made by the school, organization or individual (according to Form No. 06 Appendix I enclosed with this Decree);

A proposal for dissolution of the center (according to Form No. 07 Appendix I enclosed with this Decree).

4. Procedures:

a) Regarding the center that is dissolved according to regulations in points a,b,c and d clause 1 of this Article:

When detecting that the center has committed one of the violations prescribed by points a, b, c and d clause 1 of this Article, the Department of Education and Training shall carry out inspection to assess the current status, make an inspection record and notify the center of any violation;

Within 10 days from the date on which the inspection is carried out, according to the inspection results, the Director of the Department of Education and Training shall issue a decision on dissolution of the center.

b) Regarding the center that is dissolved according to regulations in point dd clause 1 of this Article:

The school, organization or individual shall submit an application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the Department of Education and Training;

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Department of Education and Training shall preside over and cooperate with other relevant agencies in organizing the assessment of the application for dissolution and preparing an assessment report within 10 days;

Within 05 working days from the date of receipt of the assessment report, the Director of the Department of Education and Training shall consider issuing a decision on dissolution of the center; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

c) The decision on dissolution of the center that conducts continuing education (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 4. INCLUSIVE EDUCATION SUPPORT AND DEVELOPMENT CENTERS

Article 48. Regulatory requirements for establishment of public inclusive education support and development centers or permission for establishment of private inclusive education support and development centers

1. The establishment of a public inclusive education support and development center or permission for establishment of a private inclusive education support and development center shall be consistent with a planning for development of special educational institutions for disabled persons, and inclusive education support and development centers, approved by a regulatory body.

2. The center has owned its facilities, equipment, accessories and amenities which are custom-made to meet the needs of the disabled, including:

a) Offices of administrative officers, teachers and employees of the center;

b) Classrooms and functional rooms which are suitably designed to meet the demands for the center's operations;

c) Accommodations that meet the boarding demands of disabled students;

d) Equipment, devices or instruments used for assessment, intervention, teaching, career counseling and vocational education purposes;

dd) Specialized or auxiliary materials that help the center operate in a normal manner.

3. The center's staff of administrative officers, teachers and employees shall obtain qualifications relevant to the approaches to education of disabled students.

4. Contents of education curriculums, teaching and advisory materials shall fit into the approaches to education of disabled students.
5. The center shall have the draft statutes of organization and operation of the center.
6. In case disabled students are taught at the center:
 - a) Education curriculums and learning and teaching materials shall be appropriate to disabled students according to regulations;
 - b) Adequate administrative officers, teachers, staff and employees that meet conduct and qualification standards and obtain qualifications in order to teach disabled students shall be employed.

Article 49. Procedures for establishment of public inclusive education support and development centers or permission for establishment of private inclusive education support and development centers

1. The President of the provincial People's Committee shall issue a decision on establishment of a public inclusive education support and development center; the Director of Department of Education and Training shall issue a decision on permission for establishment of a private inclusive education support and development center.
2. An application includes:
 - a) A written request for establishment or permission for establishment of the inclusive education support and development center (according to Form No. 01 Appendix I enclosed with this Decree);
 - b) A proposal for establishment or permission for establishment of the inclusive education support and development center (according to Form No. 02 Appendix I enclosed with this Decree);
 - c) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the center;
 - d) A legal confirmation document on the amount of investment in establishment of the private center, ensuring legitimacy and conformity with the estimated scale at the time of application for establishment;
 - dd) Draft statutes of organization and operation of the center, specifying legal status, missions and powers of the center; organization and management structure; organization of educational activities; tasks and rights of administrative officers, teachers, staff, employees and learners; finances and assets of the center; other issues related to organization and operation of the center.
3. Procedures:

a) Establishment of the public inclusive education support and development center:

The Department of Education and Training shall cooperate with the Department of Home Affairs and specialized agencies in making an application for establishment of the center and submitting it to the President of the provincial People's Committee for consideration and decision;

Within 15 days from the date of receipt of the sufficient and satisfactory application, the President of the Provincial People's Committee shall issue a decision on establishment of the center;

b) Permission for establishment of the private inclusive education support and development center:

An organization/individual shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Department of Education and Training;

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Department of Education and Training shall organize the assessment of realistic conditions concerning establishment of the center;

Within 10 days from the date of receipt of the sufficient and satisfactory application, the Department of Education and Training shall preside over and cooperate with relevant agencies in organizing the assessment of the application and realistic conditions concerning establishment of the center, and preparing an assessment report to assess the fulfillment of requirements mentioned in Article 48 of this Decree;

Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Director of the Department of Education and Training shall issue a decision on permission for establishment of the center; if the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the applicant.

c) The decision on establishment or permission for establishment of the inclusive education support and development center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 50. Suspension of activities conducted by inclusive education support and development centers

1. An inclusive education support and development center shall have its activities suspended in one of the following cases:

a) It commits any fraudulent act in order to obtain a license for establishment or permission for establishment;

b) During operation, it fails to meet one of the requirements specified in Article 48 of this Decree;

c) Its activities have not been conducted within the duration of 01 year from the date on which the decision on establishment or permission for establishment of the center is issued;

d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from activities to the extent that the decision on suspension thereof is issued;

dd) Other cases as prescribed by law.

2. The President of the Provincial People's Committee shall issue a decision on suspension of activities conducted by the public inclusive education support and development center; the Director of the Department of Education and Training shall issue a decision on suspension of activities conducted by the private inclusive education support and development center.

3. Procedures:

a) When detecting that the center has committed one of the violations prescribed by clause 1 of this Article, the Department of Education and Training shall carry out inspection to assess the current status of the center, make an inspection record and notify the center of any violation;

b) Depending on the seriousness of the violation, within 15 days from the date on which the center is notified of the violation, the Department of Education and Training shall request the President of the Provincial People's Committee to issue a decision on suspension of activities conducted by the public center or the Director of the Department of Education and Training to issue a decision on suspension of activities conducted by the private center.

The decision on suspension of activities conducted by the inclusive education support and development center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the center shall send a written notification enclosed with proof to the President of the Provincial People's Committee or the Director of the Department of Education and Training. Within 07 working days from the date of receipt of the written notification from the center, the President of the provincial People's Committee or the Director of the Department of Education and Training shall issue a decision on permission for resumption of activities which must be publicly announced on mass media.

Article 51. Merger or division of inclusive education support and development centers

1. An inclusive education support and development center is merged or divided when the following requirements are met:

- a) Protect rights and interests of teachers and learners;
- b) Contribute to improvement of quality and effectiveness of education;
- c) A new center established after merger or division shall meet the requirements specified in Article 48 of this Decree.

2. The President of the provincial People's Committee shall issue a decision on merger or division of a public inclusive education support and development center; the Director of Department of Education and Training shall issue a decision on merger or division of a private inclusive education support and development center.

3. An application includes:

- a) A written request for merger or division of the center (according to Form No. 04 Appendix I enclosed with this Decree);
- b) A proposal for merger or division of the center (according to Form No. 05 Appendix I enclosed with this Decree);
- c) Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private center.

4. Procedures:

a) Merger or division of the public center:

The Department of Education and Training shall preside over and cooperate with the Department of Home Affairs in formulating an application for merger or division and submitting it to the President of the provincial People's Committee for consideration and decision;

Within 15 days from the date on which the sufficient and satisfactory application is received, the President of the provincial People's Committee shall issue a decision on merger or division of the center.

b) Merger or division of the private center:

An organization/individual shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the Department of Education and Training;

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Department of Education and Training shall preside over and cooperate with other relevant agencies in assessing the application and realistic conditions concerning merger or division of the private

center; and preparing an assessment report to assess the fulfillment of requirements mentioned in clause 1 of this Article within 15 days;

Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Director of the Department of Education and Training shall issue a decision on merger or division of the inclusive education support and development center; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

The decision on merger or division of the inclusive education support and development center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 52. Dissolution of inclusive education support and development centers

1. A center shall be dissolved in one of the following cases:

- a) The center has committed serious violations against regulations on organization and operation of a center;
- b) The center fails to rectify the violation that leads to its suspension by the deadline;
- c) The center's educational objectives and contents indicated in the establishment decision are no longer suitable with the requirements for socio-economic development;
- d) The center fails to maintain quality of education;
- dd) The center is dissolved at the request of the organization/individual establishing the center;

2. The President of the provincial People's Committee shall issue a decision on dissolution of a public inclusive education support and development center; the Director of Department of Education and Training shall issue a decision on dissolution of a private inclusive education support and development center.

3. Application:

a) If a center is dissolved according to regulations in points a,b,c and d clause 1 of this Article, the application includes:

Any proof that the center commits any violation specified in points a,b,c and d clause 1 of this Article;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues;

b) If a center is dissolved according to regulations in point dd clause 1 of this Article, the application includes:

A written request for dissolution of the center (according to Form No. 06 Appendix I enclosed with this Decree);

A proposal for dissolution of the center (according to Form No. 07 Appendix I enclosed with this Decree).

4. Procedures:

a. Regarding the center that is dissolved according to regulations in points a,b,c and d clause 1 of this Article:

When detecting that the center has committed one of the violations prescribed by points a, b, c and d clause 1 of this Article, the Department of Education and Training shall organize inspection to assess the current status, make an inspection record and notify the center of any violation;

Within 05 working days from the date on which the inspection is carried out, the Department of Education and Training shall submit the application specified in point a clause 3 of this Article to the President of the provincial People's Committee that will consider issuing a decision on dissolution of the public center or the Director of the Department of Education and Training that will consider issuing a decision on dissolution of the private center;

b) Regarding the center that is dissolved according to regulations in point dd clause 1 of this Article:

In case of the public center, the Department of Education and Training shall preside over and cooperate with the Department of Home Affairs in formulating the application specified in point b clause 3 of this Article and submitting it to the President of the provincial People's Committee for consideration and decision.

Within 05 working days from the date of receipt of the application from the Department of Education and Training, the President of the provincial People's Committee shall consider issuing a decision on dissolution of the center.

In case of the private center, an organization/individual shall submit the application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the Department of Education and Training.

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Department of Education and Training shall preside over and cooperate with other relevant agencies in

organizing the assessment of the application for dissolution and preparing an assessment report within 15 days.

Within 05 working days from the date of receipt of the assessment report, the Director of the Department of Education and Training shall consider issuing a decision on dissolution of the center; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

c) The decision on dissolution of the inclusive education support and development center (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Chapter V

SPECIAL SCHOOLS

Section 1. BOARDING GENERAL EDUCATION SCHOOLS FOR ETHNIC MINORITIES

Article 53. Regulatory requirements for establishment of boarding general education schools for ethnic minorities

1. A proposal for establishment of a boarding general education school for ethnic minorities shall be formulated. Such proposal shall be consistent with a provincial planning and relevant plannings made by a local authority in a province/city where the school is based.
2. The proposal for establishment shall clearly define education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the school; organization and personnel structure, financial resource and others; guidelines and strategies for construction and development of the school.

Article 54. Procedures for establishment of boarding general education schools for ethnic minorities

1. The President of the provincial People's Committee shall issue a decision on establishment of a boarding general education school for ethnic minorities.
2. An application includes:
 - a) A written request for establishment of the school (according to Form No. 01 Appendix I enclosed with this Decree);
 - b) A proposal for establishment of the school (according to Form No. 02 Appendix I enclosed with this Decree);
3. Procedures:

a) The Department of Education and Training shall preside over and cooperate with relevant agencies in formulating a proposal for establishment of the school and an application specified in clause 2 of this Article and submitting them to the President of the provincial People's Committee for consideration and decision;

b) Within 15 days from the date of receipt of the sufficient and satisfactory application, the President of the provincial People's Committee shall consider the fulfillment of requirements for establishment of the school mentioned in the application; if the requirements are fulfilled, the President of the provincial People's Committee shall issue a decision on establishment of the boarding general education school for ethnic minorities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to each relevant agency.

The decision on establishment of the boarding general education school for ethnic minorities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 55. Requirements to be satisfied by boarding general education schools for ethnic minorities for conducting their educational activities

A boarding general education school for ethnic minorities is permitted to conduct its educational activities when meeting the requirements specified in the Article 27 of this Decree and the following requirements:

1. Have a boarding building with a usable area of at least 06m²/student.
2. Have boarding rooms, canteens and other associated equipment; official residences for teachers.
3. Have minority culture and education halls associated with other equipment.
4. Have classrooms and equipment used for career education, education about general and traditional trades of minorities in conformity with particular characteristics of each area.

Article 56. Procedures for permission for boarding general education schools for ethnic minorities to conduct their educational activities

1. The Head of the Subdepartment of Education and Training shall issue a decision on permission for a boarding lower secondary school for ethnic minorities to conduct its educational activities; the Director of the Department of Education and Training shall issue a decision on permission for a boarding general education school for ethnic minorities whose highest level is upper secondary to conduct its educational activities.

2. An application includes:

- a) A written request for permission for educational activities (according to Form No. 03 Appendix I enclosed with this Decree);
- b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the school of which the minimum term is 05 years;
- c) Statutes of organization and operation of the school, specifying legal status, missions and powers of the school; organization and management structure; organization of educational activities; tasks and rights of administrative officers, teachers, staff, employees and students; finances and assets of the school; other issues related to organization and operation of the school.

3. Procedures:

- a) The school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Subdepartment of Education and Training (regarding the boarding lower secondary school for ethnic minorities) or the Department of Education and Training (regarding the boarding general education school for ethnic minorities whose highest level is upper secondary);
- b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the Subdepartment of Education and Training or the Department of Education and Training shall give a written notification of contents to be amended to the school; or if the application is satisfactory, it shall notify a plan to carry out the realistic assessment at the school;
- c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training or the Department of Education and Training shall preside over and cooperate with other relevant specialized units in organizing the assessment of realistic conditions concerning permission for the school to conduct its educational activities; preparing an assessment report to assess the fulfillment of requirements mentioned in Article 55 of this Decree;
- d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall issue a decision on permission for the boarding general education school for ethnic minorities to conduct its educational activities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the school.

The decision on permission for the boarding general education school for ethnic minorities to conduct its educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 57. Suspension of educational activities conducted by, merger, division or dissolution of boarding general education schools for ethnic minorities

1. Suspension of educational activities conducted by a boarding general education school for ethnic minorities:

a) The boarding general education school for ethnic minorities shall have its educational activities suspended when it falls within one of the cases specified in clause 1 Article 29 of this Decree;

b) The Head of the Subdepartment of Education and Training shall issue a decision on suspension of educational activities conducted by the boarding lower secondary school for ethnic minorities; the Director of the Department of Education and Training shall issue a decision on suspension of educational activities conducted by the boarding general education school for ethnic minorities whose highest level is upper secondary;

c) Procedures:

When detecting that the boarding general education school for ethnic minorities has committed one of the violations prescribed by point a of this clause, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall organize inspection to assess the current status of the school, make an inspection record and notify the school of any violation.

Depending on the seriousness of the violation, within 15 days from the date on which the school is notified of the violation, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall issue a decision on suspension of educational activities and send a report to the President of the provincial People's Committee.

The decision on suspension of educational activities conducted by the boarding general education school for ethnic minorities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

During the period of suspension, if the violation resulting in the suspension is eliminated, the school shall send a written notification enclosed with proof to the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training. Within 07 working days from the date of receipt of the written notification from the school, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media.

In case of suspension according to regulations in point b clause 1, Article 29 of this Decree, within 05 working days from the date on which the decision on suspension is issued, the Head of the Subdepartment of Education and Training or the Director of the Department of Education and Training shall review realistic conditions for educational activities and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 55 of this Decree are fulfilled.

2. Merger or division of a boarding general education school for ethnic minorities:

a) A boarding general education school for ethnic minorities is merged or divided when the requirements specified in clause 1 Article 51 of the Law on Education are met.

b) The President of the provincial People's Committee shall issue a decision on merger or division of the boarding general education school for ethnic minorities;

c) An application for merger or division of the boarding general education school for ethnic minorities shall be made according to regulations in clause 3 Article 30 of this Decree;

d) Procedures:

The Department of Education and Training shall preside over and cooperate with relevant agencies in formulating a proposal for merger or division of the boarding general education school for ethnic minorities and an application specified in point c of this clause and submitting them to the President of the provincial People's Committee for consideration and decision.

Within 15 days from the date of receipt of the sufficient and satisfactory application, the President of the provincial People's Committee shall consider the fulfillment of requirements for merger or division of the school; if the requirements are fulfilled, the President of the provincial People's Committee shall issue a decision on merger or division of the boarding general education school for ethnic minorities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to each relevant agency.

The decision on merger or division of the boarding general education school for ethnic minorities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Within 05 working days from the date on which the President of the provincial People's Committee issues the decision on merger or division of the school, the Director of the Department of Education and Training shall issue a decision on permission for establishment of a new boarding general education school for ethnic minorities after merger or division.

3. Dissolution of a boarding general education school for ethnic minorities:

a) The boarding general education school for ethnic minorities shall be dissolved when it falls into one of the cases specified in clause 2 Article 51 of the Law on Education;

b) The President of the provincial People's Committee shall issue a decision on dissolution of a boarding general education school for ethnic minorities;

c) Application:

If the boarding general education school for ethnic minorities is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application shall include a written request for dissolution made by the Department of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree); any proof that the school

commits any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education; and methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

If the boarding general education school for ethnic minorities is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application shall include a written request for dissolution made by the Department of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree); and a proposal for dissolution (according to Form No. 07 Appendix I enclosed with this Decree);

d) Procedures:

The Department of Education and Training shall preside over and cooperate with relevant agencies in formulating an application according to point c of this clause and submitting it to the President of the provincial People's Committee for consideration and decision.

Within 20 days from the date on which the sufficient and satisfactory application is received, the President of the provincial People's Committee shall consider issuing a decision on dissolution of the school.

The decision on dissolution of the boarding general education school for ethnic minorities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 2. SEMI-BOARDING GENERAL EDUCATION SCHOOLS FOR ETHNIC MINORITIES

Article 58. Regulatory requirements for establishment of semi-boarding general education schools for ethnic minorities

1. A proposal for establishment of a semi-boarding general education school for ethnic minorities shall be formulated. Such proposal shall be consistent with a provincial planning and relevant plannings made by a local authority in a province/city where the school is based.
2. The proposal for establishment shall clearly define education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the school; organization and personnel structure, financial resource and others; guidelines for construction and development of the school. In its guidelines for construction and development, it is required to ensure stable percentage of ethnic minority students and semi-boarders under the guidance of the Ministry of Education and Training.

Article 59. Procedures for establishment of semi-boarding general education schools for ethnic minorities

1. The President of the district-level People's Committee shall issue a decision on establishment of a semi-boarding general education school for ethnic minorities.

2. An application includes:

- a) A written request for establishment of the school (according to Form No. 01 Appendix I enclosed with this Decree);
- b) A proposal for establishment of the school (according to Form No. 02 Appendix I enclosed with this Decree);

3. Procedures:

a) The commune-level People's Committee (regarding a newly established semi-boarding general education school for ethnic minorities); the school (regarding a semi-boarding general education school for ethnic minorities that is established from another general education school) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the district-level People's Committee;

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the district-level People's Committee shall direct the Subdepartment of Education and Training to organize the assessment of realistic conditions concerning establishment of the semi-boarding general education school for ethnic minorities;

c) Within 10 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training shall preside over and cooperate with other relevant district-level agencies in organizing assessment of the application; preparing an assessment report to assess fulfillment of the requirements mentioned in Article 58 of this Decree; and submitting the report to the President of the district-level People's Committee for consideration and decision;

d) Within 10 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training, if the requirements are fulfilled, the President of the district-level People's Committee shall issue a decision on establishment of the school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the Subdepartment of Education and Training, the applicant.

The decision on establishment of the semi-boarding general education school for ethnic minorities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 60. Requirements to be satisfied by semi-boarding general education schools for ethnic minorities for conducting their educational activities

A semi-boarding general education school for ethnic minorities is permitted to conduct its educational activities when meeting the requirements applied to each respective educational level in accordance with Article 17, Article 27 of this Decree and the following requirements:

1. Offer facilities used for management, care and nurture of semi-boarders, including offices for students' contact during their stay at the school, boarding accommodations, kitchens, canteens, bathrooms, facilities for sanitation, clean water supply and other associated equipment.
2. Provide instruments and devices used for minority cultural education, sports, physical training, entertainment and recreational activities of students.

Article 61. Procedures for permission for semi-boarding general education schools for ethnic minorities to conduct their educational activities

1. The Head of the Subdepartment of Education and Training shall issue a decision on permission for a semi-boarding general education school for ethnic minorities to conduct its educational activities.
2. An application includes:
 - a) A written request for permission for educational activities (according to Form No. 03 Appendix I enclosed with this Decree);
 - b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the school of which the minimum term is 05 years;
 - c) Statutes of organization and operation of the school, specifying legal status, missions and powers of the school; organization and management structure; organization of educational activities; tasks and rights of administrative officers, teachers, staff, employees and students; finances and assets of the school; other issues related to organization and operation of the school.
3. Procedures:
 - a) The school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Subdepartment of Education and Training;
 - b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the Subdepartment of Education and Training shall give a written notification of contents to be amended to the school; or if the application is satisfactory, it shall notify a plan to carry out the realistic assessment at the school;
 - c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training shall preside over and cooperate with other relevant specialized units in organizing the assessment of realistic conditions concerning permission for the school to conduct its educational activities; preparing an assessment report to assess the fulfillment of requirements mentioned in Article 60 of this Decree;
 - d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Head of the Subdepartment of Education and Training shall issue a decision on permission for the semi-boarding general education school for ethnic minorities to conduct its

educational activities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the school.

The decision on permission for the semi-boarding general education school for ethnic minorities to conduct its educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 62. Suspension of educational activities conducted by, merger, division or dissolution of semi-boarding general education schools for ethnic minorities

1. Suspension of educational activities conducted by a semi-boarding general education school for ethnic minorities:

a) The semi-boarding general education school for ethnic minorities shall have its educational activities suspended when it falls within one of the cases specified in clause 1 Article 19 of this Decree (regarding a semi-boarding primary school for ethnic minorities) or clause 1 Article 29 of this Decree (regarding a semi-boarding lower secondary school for ethnic minorities or a semi-boarding primary-lower secondary school for ethnic minorities);

b) The Head of the Subdepartment of Education and Training shall issue a decision on suspension of educational activities conducted by the semi-boarding general education school for ethnic minorities;

c) Procedures:

When detecting that the semi-boarding general education school for ethnic minorities has committed one of the violations prescribed by point a of this clause, the Subdepartment of Education and Training shall organize inspection to assess the current status of the school, make an inspection record and notify the school of any violation.

Depending on the seriousness of the violation, within 15 days from the date on which the school is notified of the violation, the Head of the Subdepartment of Education and Training shall issue a decision on suspension of educational activities and send a report to the President of the district-level People's Committee.

The decision on suspension of educational activities conducted by the semi-boarding general education school for ethnic minorities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

During the period of suspension, if the violation resulting in the suspension is eliminated, the school shall send a written notification enclosed with proof to the Head of the Subdepartment of Education and Training. Within 07 working days from the date of receipt of the written notification from the school, the Head of the Subdepartment of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media.

In case of suspension according to regulations in point b clause 1, Article 19 or point b clause 1 Article 29 of this Decree, within 05 working days from the date on which the decision on suspension is issued, the Head of the Subdepartment of Education and Training shall review realistic conditions for educational activities and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 60 of this Decree are fulfilled.

2. Merger or division of a semi-boarding general education school for ethnic minorities:

a) A semi-boarding general education school for ethnic minorities is merged or divided when the requirements specified in clause 1 Article 51 of the Law on Education are met.

b) The President of the district-level People's Committee shall issue a decision on merger or division of the semi-boarding general education school for ethnic minorities;

c) An application includes:

A written request for merger or division of the semi-boarding general education school for ethnic minorities (according to Form No. 04 Appendix I enclosed with this Decree).

A proposal for merger or division of the semi-boarding general education school for ethnic minorities (according to Form No. 05 Appendix I enclosed with this Decree).

d) Procedures:

The commune-level People's Committee shall submit an application specified in point c of this clause in person, via online public service portal or by post, to the district-level People's Committee;

Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People's Committee shall give a written notification of contents to be amended to the applicant for merger or division of the semi-boarding general education school for ethnic minorities; if the application is satisfactory, the district-level People's Committee shall direct the Subdepartment of Education and Training to organize the assessment of realistic conditions concerning merger or division.

Within 20 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training shall preside over and cooperate with other relevant district-level agencies in organizing assessment of the application and realistic conditions concerning merger or division; preparing an assessment report to assess fulfillment of the requirements mentioned in point a of this clause ; and submitting the report to the President of the district-level People's Committee for consideration and decision;

Within 05 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training, if the requirements are fulfilled, the President of the district-level People's Committee shall issue a decision on merger or division of the semi-

boarding general education school for ethnic minorities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to each relevant agency.

The decision on merger or division of the semi-boarding general education school for ethnic minorities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Within 05 working days from the date on which the President of the district-level People's Committee issues the decision on merger or division of the school, the Head of the Subdepartment of Education and Training shall issue a decision on permission of establishment of a new school after merger or division.

3. Dissolution of a semi-boarding general education school for ethnic minorities:

a) The semi-boarding general education school for ethnic minorities shall be dissolved when it falls into one of the cases specified in clause 2 Article 51 of the Law on Education;

b) The President of the district-level People's Committee shall issue a decision on dissolution of the semi-boarding general education school for ethnic minorities;

c) Application:

If the semi-boarding general education school for ethnic minorities is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application shall include a written request for dissolution made by the Subdepartment of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree); any proof that the school commits any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education; and methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

If the semi-boarding general education school for ethnic minorities is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application shall include a written request for dissolution made by the commune-level People's Committee (according to Form No. 06 Appendix I enclosed with this Decree); and a proposal for dissolution (according to Form No. 07 Appendix I enclosed with this Decree);

d) Procedures:

The Subdepartment of Education and Training or the commune-level People's Committee shall submit an application specified in point c of this clause in person, via online public service portal or by post, to the district-level People's Committee.

Within 20 days from the date on which the sufficient and satisfactory application is received, the President of the district-level People's Committee shall consider issuing a decision on dissolution of the school.

The decision on dissolution of the semi-boarding general education school for ethnic minorities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 3. PRE-UNIVERSITY SCHOOLS

Article 63. Regulatory requirements for establishment of pre-university schools

1. A proposal for establishment of a pre-university school shall be formulated. Such proposal shall be consistent with a provincial planning and relevant plannings made by a local authority in a province/city where the school is based.
2. The proposal for establishment shall clearly define education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the school; organization and personnel structure, financial resource and others; guidelines and strategies for construction and development of the school.

Article 64. Procedures for establishment of pre-university schools

1. The Minister of Education and Training shall issue a decision on establishment of a pre-university school.
2. An application includes:
 - a) A written request for establishment of the pre-university school made by a competent management authority (according to Form No. 01 Appendix I enclosed with this Decree);
 - b) A proposal for establishment of the school (according to Form No. 02 Appendix I enclosed with this Decree).
 - c) A written consent to allocation of land granted by the People's Committee of province where the school is headquartered (including definite information about the address, land acreage and boundary lines of the school construction site).
3. Procedures:
 - a) The agency applying for establishment of the school (the applicant) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;
 - b) Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Ministry of Education and Training shall organize the assessment of realistic conditions concerning establishment of the school, and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 63 of this Decree;

c) Within 20 days from the date of receipt of the assessment report, the Minister of Education and Training shall issue a decision on establishment of a pre-university school.

The decision on establishment of the pre-university school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 65. Requirements to be satisfied by pre-university schools for conducting their educational activities

1. Facilities and equipment:

a) Meet requirements for land, facilities and equipment that are the same as those satisfied by an upper secondary school according to Article 27 of this Decree;

b) Have minority culture and education halls associated with other equipment.

2. Have education plans, syllabuses and learning materials in conformity with a pre-university training program according to regulations.

3. Employ adequate administrative officers and teachers that meet standards in order to provide the pre-university training program according to regulations.

4. Have a sufficient amount of financial resources secured by the competent management authority in order to maintain educational activities and meet requirements of the pre-university training program.

5. Have the statutes of organization and operation of the school.

Article 66. Procedures for permission for pre-university schools to conduct their educational activities

1. The Minister of Education and Training shall issue a decision on permission for a pre-university school to conduct its educational activities.

2. An application includes:

a) A written request for permission for educational activities (according to Form No. 03 Appendix I enclosed with this Decree);

b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for a school;

c) Statutes of organization and operation of the school, specifying legal status, missions and powers of the school; organization and management structure; organization of educational activities; tasks and rights of administrative officers, teachers, staff, employees and students; finances and assets of the school; other issues related to organization and operation of the school.

3. Procedures:

- a) The pre-university school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;
- b) Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification of contents to be amended to the school. If the application is satisfactory, the Ministry of Education and Training shall organize the assessment of realistic conditions concerning permission for the school to conduct its educational activities, and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 65 of this Decree within 15 days;
- c) Within 05 working days from the date of receipt of the assessment report, the Minister of Education and Training shall issue a decision on permission for the pre-university school to conduct its educational activities.

The decision on permission for the pre-university school to conduct its educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 67. Suspension of educational activities conducted by pre-university schools

1. A pre-university school shall have its educational activities suspended in one of the following cases:

- a) It commits any fraudulent act in order to obtain a license for educational activities;
- b) The license for its educational activities has been granted ultra vires;
- c) Its educational activities have not been conducted within the duration of 01 year from the licensing date;
- d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is granted;
- dd) Other cases prescribed by law.

2. The Minister of Education and Training shall issue a decision on suspension of educational activities conducted by the pre-university school.

3. Procedures:

- a) When detecting that the pre-university school has committed one of the violations prescribed by clause 1 of this Article, the Ministry of Education and Training shall organize inspection to

assess the current status of the pre-university school, make an inspection record and notify the pre-university school and the competent authority managing the school of any violation;

b) Depending on the seriousness of the violation, within 15 days from the date on which the pre-university school and the competent authority managing the school are notified of the violation, the Minister of Education and Training shall issue a decision on suspension of its educational activities.

The decision on suspension of educational activities conducted by the pre-university school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the pre-university school shall send a written notification enclosed with proof to the Minister of Education and Training. Within 07 working days from the date of receipt of the written notification from the pre-university school, the Minister of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media;

d) In case of suspension according to regulations in point b clause 1 of this Article, within 05 working days from the date on which the decision on suspension is issued, the Minister of Education and Training shall review realistic conditions for educational activities and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 65 of this Decree are fulfilled.

Article 68. Merger or division of pre-university schools

1. A pre-university school is merged or divided when the requirements specified in clause 1 Article 51 of the Law on Education are met.

2. The Minister of Education and Training shall issue a decision on merger or division of a pre-university school.

3. An application includes:

a) A written request for merger or division of the pre-university school (according to Form No. 04 Appendix I enclosed with this Decree);

b) A proposal for merger or division of the pre-university preschool (according to Form No. 05 Appendix I enclosed with this Decree);

4. Procedures:

- a) The competent authority managing the pre-university school shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;
- b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the Ministry of Education and Training shall organize assessment of realistic conditions concerning merger or division of the pre-university school;
- c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall organize the assessment of the application and realistic conditions concerning merger or division of the pre-university school; and prepare an assessment report to assess the fulfillment of requirements mentioned in clause 1 of this Article;
- d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Minister of Education and Training shall issue a decision on merger or division of the pre-university school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

The decision on merger or division of the pre-university school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media;

dd) Within 05 working days from the date on which the decision on merger or division is issued, the Minister of Education and Training shall issue a decision on permission for establishment of a new pre-university school after merger or division.

Article 69. Dissolution of pre-university schools

1. A pre-university school shall be dissolved when it falls into one of the cases specified in clause 2 Article 51 of the Law on Education.

2. The Minister of Education and Training shall issue a decision on dissolution of a pre-university school.

3. Application:

a) If a pre-university school is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application includes:

Any proof that the pre-university school commits any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues;

b) If a pre-university school is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application includes:

A written request for dissolution of the pre-university school made by the competent authority managing the school (according to Form No. 06 Appendix I enclosed with this Decree);

A proposal for dissolution of the pre-university school (according to Form No. 07 Appendix I enclosed with this Decree).

4. Procedures:

a) Regarding the pre-university school that is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education:

When detecting that the school has committed any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education, within 20 days, the Ministry of Education and Training shall verify the violation committed by the school, make an application for dissolution in which reasons for the dissolution should be clearly specified, notify the pre-university school and the competent authority managing the school.

Within 10 days from the date of receipt of verification results, the Minister of Education and Training shall issue a decision on dissolution of the pre-university school;

b) Regarding the pre-university school that is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education:

The competent authority managing the pre-university school shall submit an application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training.

Within 20 days from the date of receipt of the application for dissolution, the Minister of Education and Training shall issue a decision on dissolution of the pre-university school; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

c) The decision on dissolution of the pre-university school (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 4. UPPER SECONDARY SCHOOLS FOR THE GIFTED

Article 70. Regulatory requirements for establishment of public upper secondary schools for the gifted or permission for establishment of private upper secondary schools for the gifted

1. A proposal for establishment or permission for establishment of an upper secondary school for the gifted shall be formulated. Such proposal shall be consistent with a provincial planning and relevant plannings made by a local authority in a province/city where the school is based.

2. The proposal for establishment or permission for establishment shall clearly define education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the school; organization and personnel structure, financial resource and others; guidelines and strategies for construction and development of the school for fulfillment of objectives and tasks of the upper secondary school for the gifted.

Article 71. Procedures for establishment of public upper secondary schools for the gifted or permission for establishment of private upper secondary schools for the gifted

1. Power to establish an upper secondary school for the gifted:

a) The President of the provincial People's Committee shall issue a decision on establishment of a public upper secondary school for the gifted or permission for establishment of a private upper secondary school for the gifted at the request of the Director of the Department of Education and Training.

b) The President of the People's Committee of province where the school is based shall issue a decision on establishment of a public upper secondary school for the gifted or permission for establishment of a private upper secondary school for the gifted affiliated to a higher education institution at the request of the Head of the higher education institution.

2. Application and procedures for establishment or permission for establishment of an upper secondary school for the gifted shall be the same as those applied to a secondary school according to regulations in this Decree.

Article 72. Requirements to be satisfied by upper secondary schools for the gifted for conducting their educational activities

An upper secondary school for the gifted is permitted to conduct its educational activities when meeting the requirements to be satisfied by a secondary school specified in the Article 27 of this Decree and the following requirements:

1. Develop education curriculums and learning and teaching materials according to regulations applied to an upper secondary school for the gifted.

2. Employ adequate administrative officers, teachers and employees that meet standards and are capable of performing tasks according to regulations applied to an upper secondary school for the gifted.

Article 73. Procedures for permission for upper secondary schools for the gifted to conduct their educational activities

1. The Director of the Department of Education and Training of province where an upper secondary school for the gifted is based shall issue a decision on permission for the upper secondary school for the gifted to conduct its educational activities;

2. Application and procedures for permission for the upper secondary school for the gifted to conduct its educational activities shall be the same as those applied to a secondary school according to regulations in Article 28 of this Decree.

Article 74. Suspension of educational activities conducted by; merger, division or dissolution of upper secondary schools for the gifted

1. The Director of the Department of Education and Training of province where an upper secondary school for the gifted is based shall issue a decision on suspension of its educational activities;

2. The President of the provincial People's Committee shall issue a decision on merger, division or dissolution of the upper secondary school for the gifted.

3. The upper secondary school for the gifted shall have its educational activities suspended; be merged, divided or dissolved in the same manner as that applied to a secondary school according to regulations in Articles 29, 30 and 31 of this Decree.

Section 5. SCHOOLS FOR GIFTED STUDENTS IN ARTS, SPORTS AND ATHLETICS

Article 75. Regulatory requirements for establishment of public schools for gifted students in arts, sports and athletics or permission for establishment of private schools for gifted students in arts, sports and athletics

1. A proposal for establishment or permission for establishment of a school for gifted students in arts, sports and athletics shall be formulated. Such proposal shall be consistent with a provincial planning and relevant plannings made by a local authority in a province/city where the school is based.

2. The proposal for establishment or permission for establishment shall clearly define education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the school; organization and personnel structure, financial resource and others; guidelines and strategies for construction and development of the school for fulfillment of objectives and tasks of the school for gifted students in arts, sports and athletics.

Article 76. Procedures for establishment of public schools for gifted students in arts, sports and athletics or permission for establishment of private schools for gifted students in arts, sports and athletics

1. The President of the provincial People's Committee shall issue a decision on establishment or permission for establishment of a school for gifted students in arts, sports and athletics within its province.

2. An application includes:

- a) A written request for establishment or permission for establishment of the school (according to Form No. 01 Appendix I enclosed with this Decree);
- b) A proposal for establishment or permission for establishment of the school (according to Form No. 02 Appendix I enclosed with this Decree).

3. Procedures:

- a) The Department of Education and Training (in case of establishment of a public school for gifted students in arts, sports and athletics); a Ministry or ministerial agency (in case of establishment of a school for gifted students in arts, sports and athletics affiliated to the Ministry or central authority); an organization/individual (in case of establishment of a private school for gifted students in arts, sports and athletics) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the People's Committee of province where the school is based;
- b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the provincial People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the provincial People's Committee shall organize the assessment of realistic conditions concerning establishment;
- c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the provincial People's Committee shall assess realistic conditions concerning establishment or permission for establishment of the school in the application; prepare an assessment report to assess fulfillment of the requirements mentioned in Article 75 of this Decree;
- d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the President of the provincial People's Committee shall issue a decision on establishment or permission for establishment of the school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on establishment or permission for establishment of the school for gifted students in arts, sports and athletics (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 77. Requirements to be satisfied by schools for gifted students in arts, sports and athletics to conduct their educational activities

A school for gifted students in arts, sports and athletics is permitted to conduct its educational activities when meeting the requirements applied to each respective educational level in accordance with Article 17, Article 27 of this Decree and the following requirements:

1. Employ teachers and coaches qualified to provide art, sport and physical education programs.
To be specific:

- a) Each coach of the school for gifted students in sports and athletics shall obtain at least a bachelor's degree in sport training or physical education, a trainer certificate issued by a competent authority, and be qualified for provision of training in specific sports;
- b) Each art teacher of the school for gifted students in arts shall obtain a bachelor's degree in art.

2. Employ physicians or holders of bachelor's degrees in sport medicine that are qualified for treatment of injuries and recovery of students' health.

3. Provide adequate facilities and equipment serving training and competition with regard to art, sports and athletics subjects; boarding accommodations; kitchens, canteens; medical rooms qualified for treatment and primary health care for students.

Article 78. Procedures for permission for schools for gifted students in arts, sports and athletics to conduct their educational activities

1. The Director of the Department of Education and Training shall issue a decision on permission for a school for gifted students in arts, sports and athletics located within its province to conduct its educational activities after reaching a written agreement with the Director of the Department of Culture, Sports and Tourism (or the Department of Culture and Sports). The Minister or Head of ministerial agency shall issue a decision on permission for a school for gifted students in arts, sports and athletics affiliated to the education-related Ministry or the agency to conduct its educational activities after reaching a written agreement with the Ministry of Education and Training and the Ministry of Culture, Sports and Tourism.

2. An application includes:

- a) A written request for permission for educational activities (according to Form No. 03 Appendix I enclosed with this Decree);
- b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the school of which the minimum term is 05 years;
- c) In case of a private school for gifted students in arts, sports and athletics, a legal confirmation document on the amount of money currently managed by the school, ensuring legitimacy and conformity with estimated scale at the time of application for educational activities;

3. Procedures:

- a) The school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Department of Education and Training or the Ministry/agency according to clause 1 of this Article;

- b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the Department of Education and Training or the Ministry/agency shall give a written notification of contents to be amended to the school; or if the application is satisfactory, it shall notify a plan to carry out the realistic assessment at the school;
- c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Department of Education and Training or the Ministry/agency shall organize the assessment of the application and realistic conditions concerning education activities and seek a written consent from the Director of the Department of Culture, Sports and Tourism (or the Department of Culture and Sports); and prepare an assessment report to assess the fulfillment of requirements mentioned in clause 77 of this Article;
- d) Within 05 working days from the date of receipt of the assessment report and the written consent, if the requirements are fulfilled, the Director of the Department of Education and Training or the Minister, the Head of ministerial agency shall issue a decision on permission for the school for gifted students in arts, sports and athletics to conduct its educational activities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the school.

The decision on permission for the school for gifted students in arts, sports and athletics to conduct its educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 79. Suspension of educational activities conducted by; merger, division or dissolution of schools for gifted students in arts, sports and athletics

1. Suspension of educational activities:

- a) A school for gifted students in arts, sports and athletics shall have its educational activities suspended when it falls within one of the cases specified in clause 1 Article 29 of this Decree;
- b) The Director of the Department of Education and Training shall issue a decision on suspension of educational activities conducted by a public or private school for gifted students in arts, sports and athletics located within its province; the Minister or the Head of ministerial agency shall issue a decision on suspension of educational activities conducted by a school for gifted students in arts, sports and athletics affiliated to the Ministry/agency;

c) Procedures:

When detecting that the school for gifted students in arts, sports and athletics has committed one of the violations prescribed by point a of this clause, the Department of Education and Training or the Ministry/agency shall organize inspection to assess the current status of the school, make an inspection record and notify the school of any violation.

Depending on the seriousness of the violation, within 15 days from the date on which the school is notified of the violation, the Director of the Department of Education and Training or the

Minister or the Head of ministerial agency shall issue a decision on suspension of educational activities and send a report to a person having power to decide to establish or give permission for establishment of the school.

The decision on suspension of educational activities conducted by the school for gifted students in arts, sports and athletics (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

During the period of suspension, if the violation resulting in the suspension is eliminated, the school for gifted students in arts, sports and athletics shall send a written notification enclosed with proof to the Director of the Department of Education and Training or the Minister or the Head of ministerial agency. Within 07 working days from the date of receipt of the written notification from the school, the Director of the Department of Education and Training or the Minister or the Head of ministerial agency shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media;

In case of suspension according to regulations in point b clause 1 Article 29 of this Decree, within 05 working days from the date on which the decision on suspension is issued, the Director of the Department of Education and Training or the Minister or the Head of ministerial agency shall review realistic conditions for its educational activities and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 77 of this Decree are fulfilled.

2. Merger or division:

a) A school for gifted students in arts, sports and athletics is merged or divided when the requirements specified in clause 1 Article 51 of the Law on Education are met;

b) The President of the provincial People's Committee shall issue a decision on merger or division of a school for gifted students in arts, sports and athletics located within its province;

c) An application includes:

A written request for merger or division of the school for gifted students in arts, sports and athletics (according to Form No. 04 Appendix I enclosed with this Decree);

A proposal for merger or division of the school for gifted students in arts, sports and athletics (according to Form No. 05 Appendix I enclosed with this Decree);

Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private school for gifted students in arts, sports and athletics;

d) Procedures:

The Department of Education and Training (in case of merger or division of a public school for gifted students in arts, sports and athletics); a Ministry or central authority (in case of merger or

division of a school for gifted students in arts, sports and athletics affiliated to the Ministry or central authority); an organization/individual (in case of merger or division of a private school for gifted students in arts, sports and athletics) shall submit an application specified in point c of this clause in person, via online public service portal or by post, to the People's Committee of province where the school is based;

Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the provincial People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the provincial People's Committee shall organize the assessment of realistic conditions concerning merger or division;

Within 20 days from the date of receipt of the sufficient and satisfactory application, the provincial People's Committee shall organize the assessment of the application and realistic conditions concerning merger or division of the school; and prepare an assessment report to assess the fulfillment of requirements mentioned in point a of this clause.

Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the President of the provincial People's Committee shall issue a decision on merger or division of the school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on merger or division of the school for gifted students in arts, sports and athletics (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Within 05 working days from the date on which the President of the provincial People's Committee issues the decision on merger or division of the school, the competent person specified in clause 1 Article 78 of this Decree shall issue a decision on permission for establishment of a new school for gifted students in arts, sports and athletics after merger or division.

3. Dissolution:

a) A school for gifted students in arts, sports and athletics shall be dissolved when it falls within one of the cases specified in clause 2 Article 51 of this Decree;

b) The President of the provincial People's Committee shall issue a decision on dissolution of a school for gifted students in arts, sports and athletics located within its province;

c) Application:

If the school for gifted students in arts, sports and athletics is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application shall include a written request for dissolution made by the Department of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree); any proof that the school commits any

violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education; and methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

If the school for gifted students in arts, sports and athletics is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application shall include a written request for dissolution made by the agency/organization/individual establishing the school (according to Form No. 06 Appendix I enclosed with this Decree); and a proposal for dissolution (according to Form No. 07 Appendix I enclosed with this Decree);

d) Procedures:

Regarding the school that is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education:

When detecting that the school has committed any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education, within 20 days, the provincial People's Committee shall direct the Department of Education and Training to preside over and cooperate with professional agencies in verifying the violation committed by the school, making an application for dissolution in which reasons for the dissolution should be clearly specified, notifying the school and the competent authority managing the school; sending a report to the President of the provincial People's Committee for consideration and decision.

Within 10 days from the date of receipt of the report from the Department of Education and Training, the President of the provincial People's Committee shall issue a decision on dissolution of the school for gifted students in arts, sports and athletics.

Regarding the school that is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education:

The agency/organization/individual shall submit an application specified in point c of this clause in person, via online public service portal or by post, to the provincial People's Committee.

Within 20 days from the date of receipt of the application for dissolution, the President of the provincial People's Committee shall issue a decision on dissolution of the school; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant;

dd) The decision on dissolution of the school for gifted students in arts, sports and athletics (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Section 6. SCHOOLS AND CLASSES FOR DISABLED PERSONS

Article 80. Regulatory requirements for establishment of public schools for disabled persons or permission for establishment of private schools for disabled persons

1. Regarding a preschool or general education school for disabled persons, a proposal for establishment or permission for establishment of the school shall be formulated. Such proposal shall be consistent with a planning for development of special educational institutions for disabled persons, and inclusive education support and development centers.
2. The proposal for establishment or permission for establishment shall clearly define education objectives, missions, curriculums and outline; land, facilities, equipment and provisional location for construction of the school; organization and personnel structure, financial resource and others; guidelines and strategies for construction and development of the school.

Article 81. Procedures for establishment of public schools for disabled persons or permission for establishment of private schools for disabled persons

1. The President of the provincial People's Committee shall issue a decision on establishment or permission for establishment of a school for disabled persons.
2. An application includes:
 - a) A written request for establishment or permission for establishment of the school (according to Form No. 01 Appendix I enclosed with this Decree);
 - b) A proposal for establishment or permission for establishment of the school (according to Form No. 02 Appendix I enclosed with this Decree).
3. Procedures:
 - a) The district-level People's Committee (in case of application for establishment of a public school for disabled persons); an organization or individual (in case of application for permission for establishment of a private school for disabled persons) shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the provincial People's Committee;
 - b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the provincial People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the provincial People's Committee shall direct the Department of Education and Training to organize the assessment of realistic conditions concerning establishment;
 - c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Department of Education and Training shall preside over and cooperate with other relevant specialized divisions in assessing realistic conditions concerning establishment or permission for establishment of the school in the application; preparing an assessment report to assess fulfillment of requirements mentioned in Article 80 of this Decree; and submitting the report to the President of the provincial People's Committee for consideration and decision;

d) Within 05 working days from the date of receipt of the assessment report from the Department of Education and Training, if the requirements are fulfilled, the President of the provincial People's Committee shall issue a decision on establishment or permission for establishment of the school; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on establishment or permission for establishment of the school for disabled persons (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

4. 02 years after the effective date of the decision on establishment or permission for establishment of the school, if the school fails to obtain permission to conduct its educational activities, the Department of Education and Training shall report to the President of the provincial People's Committee on revocation of the decision on establishment or permission for establishment.

Article 82. Requirements to be satisfied by schools for disabled persons for conducting their educational activities

A school for disabled persons is permitted to conduct its educational activities when meeting the requirements applied to each respective educational level in accordance with Article 5, Article 17, Article 27 of this Decree and the following requirements:

1. Develop education curriculums and learning and teaching materials that comply with regulations applied to a school for disabled persons and are consistent with methods of educating disabled persons;
2. Employ adequate administrative officers, teachers, staff and employees that meet conduct and qualification standards and obtain qualifications for performance of tasks to satisfy demands of disabled persons and implementation of methods of educating disabled students.
3. Have facilities, equipment, accessories and amenities which are custom-made to meet the needs of the disabled persons, including:
 - a) Classrooms that are suitable for characteristics of the disabled persons and functional rooms which are suitably designed to meet the demands for the school's operations;
 - b) Accommodations that meet the boarding demands of the disabled students;
 - c) Equipment, devices or instruments used for assessment, intervention, teaching, career counseling and vocational education purposes;
 - d) Specialized or auxiliary materials that help the school operate in a normal manner.

Article 83. Procedures for permission for schools for disabled persons to conduct their educational activities

1. The Director of the Department of Education and Training shall issue a decision on permission for a school for disabled persons to conduct its educational activities.

2. An application includes:

a) A written request for permission for the school for disabled persons to conduct its educational activities (according to Form No. 03 Appendix I enclosed with this Decree);

b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the school of which the minimum term is 05 years;

c) In case of a private school for disabled persons, a legal confirmation document on the amount of money currently managed by the school, ensuring legitimacy and conformity with estimated scale at the time of application for educational activities;

d) Statutes of organization and operation of the school, specifying legal status, missions and powers of the school; organization and management structure; organization of educational activities; duties and rights of administrative officers, teachers, staff, employees and students; finances and assets of the school; other issues related to organization and operation of the school.

3. Procedures:

a) The school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Department of Education and Training;

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the Department of Education and Training shall give a written notification of contents to be amended to the school; or if the application is satisfactory, it shall notify a plan to carry out the realistic assessment at the school;

c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Department of Education and Training shall preside over and cooperate with other relevant specialized units in organizing the assessment of realistic conditions concerning permission for the school to conduct its educational activities; preparing an assessment report to assess the fulfillment of requirements mentioned in Article 82 of this Decree;

d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Director of the Department of Education and Training shall issue a decision on permission for the school for disabled persons to conduct its educational activities; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the school.

The decision on permission for the school for disabled persons to conduct its educational activities (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 84. Suspension of educational activities conducted by; merger, division or dissolution of schools for disabled persons

1. Suspension of educational activities:

a) A school for disabled persons shall have its educational activities suspended when it falls within one of the cases specified in clause 1 Article 29 of this Decree;

b) The Director of the Department of Education and Training shall issue a decision on suspension of educational activities conducted by the school for disabled persons;

c) Procedures:

When detecting that the school for disabled persons has committed one of the violations prescribed by point a of this clause, the Director of the Department of Education and Training shall organize inspection to assess the current status of the school, make an inspection record and notify the school of any violation.

Depending on the seriousness of the violation, within 15 days from the date on which the school is notified of the violation, the Director of the Department of Education and Training shall issue a decision on suspension of educational activities and send a report to the President of the provincial People's Committee.

The decision on suspension of educational activities conducted by the school for disabled persons (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

During the period of suspension, if the violation resulting in the suspension is eliminated, the school shall send a written notification enclosed with proof to the Director of the Department of Education and Training. Within 07 working days from the date of receipt of the written notification from the school, the Director of the Department of Education and Training shall issue a decision on permission for resumption of educational activities which must be publicly announced on mass media.

In case of suspension according to regulations in point b clause 1 Article 29 of this Decree, within 05 working days from the date on which the decision on suspension is issued, the Director of the Department of Education and Training shall review conditions for educational activities and issue a decision on permission for resumption of educational activities which must be publicly announced on mass media if the requirements mentioned in Article 82 of this Decree are fulfilled.

2. Merger or division:

a) A school for disabled persons is merged or divided when the requirements specified in clause 1 Article 51 of the Law on Education are met.

b) The President of the provincial People's Committee shall issue a decision on merger or division of the school for disabled persons;

c) An application includes:

A written request for merger or division of the school (according to Form No. 04 Appendix I enclosed with this Decree).

A proposal for merger or division of the school (according to Form No. 05 Appendix I enclosed with this Decree).

Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private school for disabled persons.

d) Procedures:

The commune-level People's Committee (in case of application for merger or division of a public preschool for disabled persons); the district-level People's Committee (in case of application for merger or division of a public general education school for disabled persons); an organization or individual (in case of application for permission for merger or division of a private school for disabled persons) shall submit an application specified in point c of this clause in person, via online public service portal or by post, to the provincial People's Committee.

Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the provincial People's Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the provincial People's Committee shall provide guidelines for the Department of Education and Training for organization of the assessment of realistic conditions concerning merger or division.

Within 20 days from the date of receipt of the guidelines from the provincial People's Committee, the Department of Education and Training shall preside over and cooperate with other relevant specialized divisions in assessing the application and realistic conditions concerning merger or division of the school for disabled persons; preparing an assessment report to assess fulfillment of the requirements mentioned in point a of this clause; and submitting the report to the President of the provincial People's Committee for consideration and decision.

Within 05 working days from the date of receipt of the assessment report from the Department of Education and Training, if the requirements are fulfilled, the President of the provincial People's Committee shall issue a decision on merger or division of the school for disabled persons; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on merger or division of the school for disabled persons (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Within 05 working days from the date on which the President of the provincial People's Committee issues the decision on merger or division of the school, the Director of the Department of Education and Training shall issue a decision on permission for establishment of a new school for disabled persons after merger or division.

3. Dissolution:

a) A school for disabled persons shall be dissolved when it falls into one of the cases specified in clause 2 Article 51 of the Law on Education;

b) The President of the provincial People's Committee shall issue a decision on dissolution of the school for disabled persons;

c) Application:

If the school for disabled persons is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education, the application shall include a written request for dissolution made by the Department of Education and Training (according to Form No. 06 Appendix I enclosed with this Decree); any proof that the school commits any violation specified in points a,b,c and d clause 2 Article 51 of the Law on Education; and methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

If the school for disabled persons is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education, the application shall include a written request for dissolution made by the agency/organization/individual establishing the school (according to Form No. 06 Appendix I enclosed with this Decree); and a proposal for dissolution (according to Form No. 07 Appendix I enclosed with this Decree);

d) Procedures:

Regarding the school that is dissolved according to regulations in points a,b,c and d clause 2 Article 51 of the Law on Education:

When detecting, or receiving any report from the Department of Education and Training on, the school's commission of any violation against regulations laid down in points a,b,c and d clause 2 Article 51 of the Law on Education, the provincial People's Committee shall direct the Department of Education and Training to preside over and cooperate with specialized agencies in conducting inspection and verification of the violation committed by the school, making an application for dissolution in which reasons for the dissolution should be clearly specified, and notifying the school within 20 days.

Within 10 days from the date of receipt of the report from the Department of Education and Training, the President of the provincial People's Committee shall issue a decision on dissolution of the school.

Regarding the school that is dissolved according to regulations in point dd clause 2 Article 51 of the Law on Education:

The agency/organization/individual shall submit an application specified in point c of this clause in person, via online public service portal or by post, to the provincial People's Committee.

Within 20 days from the date of receipt of the sufficient and satisfactory application for dissolution, the President of the provincial People's Committee shall consider issuing a decision on dissolution of the school; if the dissolution decision has not yet been issued, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on dissolution of the school for disabled persons (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Article 85. CLASSES FOR DISABLED PERSONS

1. Regulatory requirements for establishment or permission for establishment of a class for disabled persons:

The class for disabled persons is established or permitted to be established in a preschool, a primary school, a lower/upper secondary school, a continuing education center or a vocational – continuing education center and meets the following requirements:

- a) Develop education curriculums and learning and teaching materials that are consistent with methods of educating disabled persons;
- b) Employ adequate administrative officers, teachers, staff and employees that meet conduct and qualification standards and obtain qualifications in order to teach disabled students;
- c) Have facilities, means, teaching and auxiliary equipment that meeting the requirements specified in clause 3 Article 82 of this Decree.

2. Power:

The President of the district-level People's Committee shall issue a decision on establishment or permission for establishment of the class for disabled persons in the preschool, primary school, lower secondary school, continuing education center or vocational – continuing education center providing illiteracy eradication programs and continuing education curriculums at lower secondary level; the President of the provincial People's Committee shall issue a decision on establishment or permission for establishment of the class for disabled persons in the upper secondary school, continuing education center or vocational – continuing education center providing continuing education curriculums at upper secondary level.

3. Application:

a) A written request for establishment or permission for establishment of the class for disabled persons (according to Form No. 01 Appendix I enclosed with this Decree);

b) Documents and proof of fulfillment of the requirements specified in clause 1 of this Article.

4. Procedures:

a) The school, the continuing education center or the vocational – continuing education center shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the district-level People’s Committee or the provincial People’s Committee;

b) Within 05 working days from the date on which the sufficient application is received, if the application is unsatisfactory, the district-level People’s Committee or the provincial People’s Committee shall give a written notification of contents to be amended to the applicant; if the application is satisfactory, the district-level People’s Committee shall direct the Subdepartment of Education and Training or the provincial People’s Committee shall direct the Department of Education and Training to organize the assessment of realistic conditions concerning establishment of the class for disabled persons;

c) Within 20 days from the date of receipt of the sufficient and satisfactory application, the Subdepartment of Education and Training or the Department of Education and Training shall preside over and cooperate with other relevant specialized units in assessing realistic conditions concerning establishment of the class for disabled persons; preparing an assessment report to assess fulfillment of the requirements mentioned in clause 1 of this Article; and submitting the report to the President of the district-level People’s Committee or the President of the provincial People’s Committee for consideration and decision;

d) Within 05 working days from the date of receipt of the assessment report from the Subdepartment of Education and Training or the Department of Education and Training, if the requirements are fulfilled, the President of the district-level People’s Committee or the provincial People’s Committee shall issue a decision on establishment of the class for disabled persons; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on establishment of the class for disabled persons (according to Form No. 10 Appendix I enclosed with this Decree) shall be publicly announced on mass media.

Chapter VI

COLLEGE-LEVEL PEDAGOGY SCHOOLS; HIGHER EDUCATION INSTITUTIONS

Section 1. COLLEGE-LEVEL PEDAGOGY SCHOOLS

Article 86. Regulatory requirements for establishment of public college-level pedagogy schools or permission for establishment of private college-level pedagogy schools

1. A proposal for establishment or permission for establishment of a college-level pedagogy school shall be formulated. Such proposal shall be consistent with a planning for development of network of pedagogy and higher education institutions, approved by a competent authority.
2. The college-level pedagogy school shall reserve at least 02 hectares of land (regarding an urban area) or 04 hectares of land (regarding a suburban area) used for construction of its head office. The college-level pedagogy school shall be located within a safe and convenient environment for the school's students, teachers, administrative officers and staff; the school shall be located at a safe distance from service providers, production establishments or warehouses storing goods that cause environmental pollution, toxic chemicals or inflammable substances and not be located in a hazard zone.
3. Investment capital for construction of the school shall be raised by legal capital source, include cash and assets intended for investment and exclude land value. It must be at least VND 100 billion. A competent authority managing the public school (hereinafter referred to as "school-managing authority") shall grant a written approval for investment capital for construction of the school, clearly identifying capital source for construction according to a plan. Investment capital for construction of the private school shall be certified by a competent agency/organization.

Article 87. Procedures for establishment of public college-level pedagogy schools or permission for establishment of private college-level pedagogy schools

1. The Minister of Education and Training shall issue a decision on establishment of a public college-level pedagogy school or permission for establishment of a private college-level pedagogy school.
2. An application includes:
 - a) A written request for establishment of the public college-level pedagogy school made by the school-managing authority or permission of establishment of the private college-level pedagogy school made by an organization/individual (according to Form No. 01 Appendix II enclosed with this Decree);
 - b) A written consent granted by the People's Committee of province where the school is based (unless the school is affiliated to the provincial People's Committee);
 - c) A proposal for establishment or permission for establishment of the college-level pedagogy school (according to Form No. 02 Appendix II enclosed with this Decree);
 - d) A draft general floor plan and preliminary design of architectural facilities which must ensure consistency with training disciplines, educational scale and qualifications as well as standards of usable area and construction area for teaching and learning purposes;
 - dd) Copies of legal documents proving land use rights and house ownership or written consent for allocation or lease of land used for construction of the school, issued by the provincial-level

People's Committee, and enclosed with a proof that the financial obligation to land has been fulfilled according to regulations.

In case of lease of property attached to land, a copy of a contract for lease of property attached to land with a remaining term of at least 05 years from the date of submission of the application and copy of a legal document proving the lessor's ownership or the use right;

e) A copy of written approval for investment policy or investment decision or written approval or assignment of public investment plan or written approval for school construction cost report granted by the school-managing authority with regard to an application for establishment of a public school; a written confirmation provided by the bank of total balance of contributed capital in the investor's account, evidences of the ownership of assets and a written document on valuation of assets provided as capital contribution, if such capital contribution is made by offering assets or the ownership of assets with respect to an application for establishment of a private school;

g) With respect to a private school, a record of members establishing and contributing capital to establishment of the school (according to Form No. 03 Appendix II enclosed with this Decree).

3. Procedures:

a) An agency/organization/individual shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification of contents to be amended to the applicant. If the application is satisfactory, the Ministry of Education and Training shall organize the assessment of realistic conditions concerning establishment of the school;

c) Within 10 days from the date of receipt of the sufficient and satisfactory application, the Minister of Education and Training shall preside over organizing the assessment of realistic conditions concerning establishment of the school, and preparing an assessment report to assess the fulfillment of requirements mentioned in Article 86 of this Decree;

d) Within 10 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Minister of Education and Training shall issue a decision on establishment of the public college-level pedagogy school or permission for establishment of the private college-level pedagogy school; if the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the applicant.

The decision on establishment of the public college-level pedagogy school or permission for establishment of the private college-level pedagogy school (according to Form No. 10 Appendix II enclosed with this Decree) shall be sent to the People's Committee of province where the school is based and publicly announced on mass media.

Article 88. Regulatory requirements for issuance of certificates of registration of college-level teacher training

1. Own facilities and equipment that meet regulatory requirements concerning educational activities with regard to proposed fields and disciplines of training, and admission capacity according to regulations issued by the Ministry of Education and Training.
2. Develop training curriculums that meet requirements for minimum amount of knowledge and required capacity of graduates; syllabus, teaching and learning materials which satisfy college-level teacher training curriculums' requirements.
3. Employ adequate administrative officers and teachers that meet professional standards and are structured in a synchronous manner in conformity with a roadmap for registration of fields and disciplines of training and admission according to regulations promulgated by the Ministry of Education and Training.
4. Ensure financial resources as committed in the proposal for establishment of the school in order to maintain and develop educational activities.
5. Have statutes of organization and operation of the school.

Article 89. Procedures for issuance of certificates of registration of college-level teacher training

1. The Minister of Education and Training shall issue a certificate of registration of college-level teacher training.
2. An application includes:
 - a) A written request for registration of college-level teacher training (according to Form No. 04 Appendix II enclosed with this Decree);
 - b) A report on fulfillment of commitment according to the proposal for establishment or permission for establishment of the school (according to Form No. 05 Appendix II enclosed with this Decree);
 - c) Written explanations for conditions for maintenance of training quality;

List of tenured teachers and administrative officers;

Land, facilities and equipment meeting training requirements as committed; inventory of all facilities used for training in the school, quantity and area of lecture halls, libraries, laboratory rooms, devices, teaching and reference materials, books used for educational activities;

Financial resources required by applicable regulations for maintenance and development of educational activities;

Proposed admission target and plan;

Curriculums, syllabus, teaching and learning materials according to regulations;

d) Statutes of organization and operation of the college-level pedagogy school, including main contents in accordance with regulations applied to colleges and issued by the Ministry of Labour – Invalids and Social Affairs.

3. Procedures:

a) The school shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification of contents to be amended to the school. If the application is satisfactory, the Ministry of Education and Training shall notify a plan for realistic assessment of the school;

c) Within 10 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall organize the assessment of realistic conditions concerning educational activities, and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 88 of this Decree;

d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Minister of Education and Training shall issue the certificate of registration of college-level teacher training; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the school.

The certificate of registration of college-level teacher training (according to Form No. 11 Appendix II enclosed with this Decree) shall be publicly announced on mass media.

4. If the college-level pedagogy school that has been issued with the certificate of registration of college-level teacher training wishes to apply for additional registration of college-level teacher training, it shall formulate an application, including a written request for additional registration of college-level teacher training (according to Form No. 04 Appendix II enclosed with this Decree); a report on fulfillment of the requirements specified in Article 88 of this Decree in conformity with additional registration of college-level teacher training, enclosed with proving documents.

Procedures for additional registration of college-level teacher training shall comply with regulations in clause 3 of this Article.

Article 90. Suspension of college-level teacher training

1. The Minister of Education and Training shall issue a decision on suspension of college-level teacher training.

2. The college-level pedagogy school shall have its college-level teacher training suspended in one of the following cases:

- a) It has committed one of the violations specified in points a,b,c and d clause 1 Article 20 of the Law on Vocational Education;
- b) It provides college-level teacher training according to a certificate of registration or additional registration of college-level teacher training granted ultra vires;
- c) It fails to publicly announce realistic conditions for organization of college-level teacher training after it is issued with the certificate of registration or additional registration of college-level teacher training by a competent agency on its website.
- d) 02 years after the date on which the school is issued with the certificate of registration of college-level teacher training, it fails to provide college-level teacher training;
- dd) Other cases as prescribed by law.

3. Procedures:

- a) The Minister of Education and Training shall establish an inspectorate, conduct inspection, make a written record of inspection and assessment of seriousness of the violation committed by the school and notify the school of the violation;
- b) According to inspection results, the Minister of Education and Training shall issue a decision on suspension of college-level teacher training.

The decision on suspension of college-level teacher training (according to Form No. 10 Appendix II enclosed with this Decree) shall be publicly announced on mass media.

- c) During the period of suspension, if the violation resulting in the suspension is eliminated, the school shall send a written notification enclosed with proof to the Minister of Education and Training. Within 07 working days from the date of receipt of the written notification from the school, the Minister of Education and Training shall issue a decision on permission for resumption of training. The decision on permission for resumption of training shall be publicly announced on mass media.
- d) In case of suspension according to regulations in point b clause 2 of this Article, within 05 working days from the date on which the decision on suspension is issued, the Minister of Education and Training shall review fulfillment of regulatory requirements for issuance of the certificate of registration of college-level teacher training and issue a decision on permission for resumption of training which must be publicly announced on mass media if the requirements mentioned in Article 88 of this Decree are fulfilled.

Article 91. Revocation of certificates of registration of college-level teacher training

1. The college-level pedagogy school shall have its certificate of registration of college-level teacher training revoked in one of the following cases:

- a) It commits any fraudulent act in order to obtain the certificate;
- b) It has committed serious violations against regulations on organization and provision of training;
- c) It has committed any violation against regulations on imposition of penalties for administrative violations arising from training to the extent that the revocation decision is issued;
- d) It is dissolved according to regulations of law;
- dd) Other cases as prescribed by law.

2. The Minister of Education and Training shall issue a decision on revocation of a certificate of registration of college-level teacher training.

3. Procedures:

- a) The Minister of Education and Training shall conduct inspection, assess seriousness of each violation, and identify reasons for revocation of the certificate of registration of college-level teacher training;
- b) Within 10 days from the date of receipt of results from inspection and assessment of seriousness of the violation, and identification of reasons for revocation, the Minister of Education and Training shall issue a decision on revocation of the certificate of registration of college-level teacher training.

Relevant agency shall be notified of the decision on revocation of the certificate of registration of college-level teacher training (according to Form No. 10 Appendix II enclosed with this Decree) for cooperation in execution of the decision. The decision shall be publicly announced on the website of the certificate-revoking agency;

- c) Within 05 working days from the date of receipt of the decision on revocation of the certificate of registration of college-level teacher training, the school shall be responsible for returning the certificate to the certificate-revoking agency, and at the same time, terminate training specified in the revoked certificate from the effective date of the revocation decision.

Article 92. Merger or division of college-level pedagogy schools; acquisition of colleges by universities

1. A college-level pedagogy school is merged or divided; a college may be acquired by a university when meeting the requirements specified in clause 4 Article 18 of the Law on Vocational Education.

2. Power:

a) The Minister of Education and Training shall issue a decision on merger or division of a college-level pedagogy school;

b) The Prime Minister shall issue a decision on acquisition of a college by university.

3. Merger or division of a college-level pedagogy school;

a) An application includes:

A written request for merger or division of the college-level pedagogy school (according to Form No. 06 Appendix II enclosed with this Decree) enclosed with a written consent granted by the school-managing authority (regarding the public college-level pedagogy school) or by the Management Board (regarding the private college-level pedagogy school);

A written consent granted by the People's Committee of province where the acquirer is based;

A proposal for merger or division of the college-level pedagogy school (according to Form No. 07 Appendix II enclosed with this Decree);

b) Procedures:

The college-level pedagogy school shall submit an application specified in point a of this clause in person, via online public service portal or by post, to the Ministry of Education and Training.

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification of contents to be amended to the school. If the application is satisfactory, the Ministry of Education and Training shall organize the assessment.

Within 10 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall organize the assessment of the application and realistic conditions concerning merger or division of the school, and prepare an assessment report to assess fulfillment of the requirements mentioned in clause 1 of this Article.

Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Minister of Education and Training shall issue a decision on merger or division of the college-level pedagogy school; if the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the school.

The decision on merger or division of the college-level pedagogy school (according to Form No. 10 Appendix II enclosed with this Decree) shall be publicly announced on mass media.

Within 05 working days from the date on which the decision on merger or division of the college-level pedagogy school is issued, the Minister of Education and Training shall issue a

certificate of registration of college-level teacher training to a new college-level pedagogy school established after merger or division.

4. Acquisition of a college by university:

a) An application includes:

A written request for acquisition of a college by university (according to Form No. 06 Appendix II enclosed with this Decree) enclosed with a written consent granted by the school-managing authority (regarding the public university and college-level pedagogy school) or by the council and the Management Board (regarding the private university and college-level pedagogy school, respectively);

A written consent granted by the People's Committee of province where the university is based;

A proposal for acquisition of a college by university (according to Form No. 07 Appendix II enclosed with this Decree).

b) Procedures:

The university shall submit an application specified in point a of this clause in person, via online public service portal or by post, to the Ministry of Education and Training.

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification of contents to be amended to the university. If the application is satisfactory, the Ministry of Education and Training shall organize the assessment.

Within 30 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall preside over and cooperate with the Ministry of Labour – Invalids and Social Affairs, relevant ministries and central authorities in organizing the assessment of the application and realistic conditions concerning acquisition, and preparing an assessment report to assess fulfillment of the requirements mentioned in clause 1 of this Article.

Within 10 days from the date of receipt of the assessment report, if the requirements are fulfilled, the Minister of Education and Training shall request the Prime Minister to make consideration and decision; if the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the university.

The decision on acquisition of a college by university (according to Form No. 10 Appendix II enclosed with this Decree) shall be publicly announced on mass media.

Article 93. Dissolution of college-level pedagogy schools

1. A college-level pedagogy school shall be dissolved in one of the following cases:

a) The school has committed serious violations against regulations on organization and operation of a college-level pedagogy school;

b) The school fails to rectify the violation that leads to its suspension by the deadline indicated in the decision on suspension of college-level teacher training;

c) The school's educational objectives and contents indicated in the decision on establishment or permission for establishment are no longer suitable with the requirements for socio-economic development;

d) The school fails to maintain quality of education;

dd) The school is not issued with a certificate of registration of college-level teacher training after 03 years from the effective date of the decision on establishment or permission for establishment;

e) The school is dissolved at the request of the organization/individual applying for establishment or permission for establishment of the college-level pedagogy school.

2. The Minister of Education and Training shall issue a decision on dissolution of a college-level pedagogy school.

3. Application:

a) If a college-level pedagogy school is dissolved according to regulations in points a,b,c, d and dd clause 1 of this Article, the application includes:

A report enclosed with a proof of violations committed by the school.

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

b) If a college-level pedagogy school is dissolved according to regulations in point e, clause 1 of this Article, the application includes:

A written request for dissolution of the school (according to Form No. 08 Appendix II enclosed with this Decree).

A proposal for dissolution of the school (according to Form No. 09 Appendix II enclosed with this Decree).

4. Procedures:

a) Regarding the college-level pedagogy school that is dissolved according to regulations in points a,b,c,d and dd clause 1 of this Article:

The Ministry of Education and Training shall organize inspection the current status of the school, make an inspection record and notify the school of any violation;

Within 20 days from the date on which there are inspection results, the Minister of Education and Training shall issue a decision on dissolution of the college-level pedagogy school.

b) Regarding the college-level pedagogy school that is dissolved according to regulations in point e, clause 1 of this Article:

The organization or individual shall submit an application specified in point b clause 3 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

Within 20 days from the date on which the dissolution application is received, the Minister of Education and Training shall issue a decision on dissolution of the college-level pedagogy school.

c) The decision on dissolution of the college-level pedagogy school (according to Form No. 10 Appendix II enclosed with this Decree) shall be publicly announced on mass media.

Section 2. UNIVERSITIES; BRANCHES/CAMPUSES OF HIGHER EDUCATION INSTITUTIONS

Article 94. Regulatory requirements for establishment of public universities or permission for establishment of private universities

1. A project on establishment of a university shall be set up. Such project shall be consistent with an approved planning for network of higher education and pedagogy institutions.

2. It is required to obtain a written consent for establishment of the university to be located within a central-affiliated city or province from the People's Committee of the province where the university is based (except when the university is affiliated to the provincial People's Committee) and a written certification of land use rights.

3. The university shall reserve at least 05 hectares of land used for construction of its head office. The university shall be located within a safe and convenient environment for the university's students, teachers, administrative officers and staff; the university shall be located at a safe distance from service providers, production establishments or warehouses storing goods that cause environmental pollution, toxic chemicals or inflammable substances and not be located in a hazard zone.

4. Regarding a public university, a construction investment project, clearly identifying capital source for construction under a plan shall be set up and approved by a competent management authority. Regarding a private university, the investment capital shall be at least VND 1.000 billion (excluding the value of land used for construction of the university); the investment capital shall include cash and assets intended for investment, and be certified in writing by a

competent agency; until the time of assessment for permission for establishment of the private university, the actualized investment must be more than VND 500 billion.

Article 95. Procedures for establishment of public universities or permission for establishment of private universities

1. The Prime Minister shall issue a decision on establishment of a public university, or permission for establishment of a private university.
2. A university shall be established by taking the two following steps:
 - a) Approving a policy on establishment or permission for establishment;
 - b) Issuing a decision on establishment or permission for establishment.
3. An application for approval of the policy on establishment or permission for establishment of a university includes the following documents:
 - a) A written request for approval of the policy on establishment of a public university made by a competent management authority or establishment of a private university made by an organization/individual (according to Form No. 01 Appendix III enclosed with this Decree);
 - b) A written consent for establishment granted by the People's Committee of province where the university is based. Such written consent shall clearly specify necessity and conformity of establishment of the university with a local plan; a policy on allocation or lease of land for construction of the university, and the local authority's ability to cooperate and facilitate construction and development of the university, and legal documents on land use rights (if any);
 - c) A proposal for establishment or permission for establishment of the university (according to Form No. 02 Appendix III enclosed with this Decree);
 - d) Regarding an application for establishment of a private university, in addition to the documents mentioned in points a, b and c of this clause, records of capital contribution to establishment of the private university made by investors are required (according to Form No. 03 Appendix III enclosed with this Decree).
4. Procedures for applying for approval of the policy on establishment or permission for establishment of the university:
 - a) An organization/individual applying for approval of the policy on establishment or permission for establishment of the university shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;
 - b) Within 15 days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the applicant for amendments/additions to the application;

c) If the application is satisfactory, within 45 days from the date of receipt of the sufficient application, the Minister of Education and Training shall organize the assessment of the application, make an assessment report, request the Prime Minister to consider approving the policy on establishment or permission for establishment of the university and notify application processing results to the applicant;

d) 05 years from the date on which the Prime Minister grants a written approval for the policy on establishment or permission for establishment of the university, if the organization/individual in charge of the project fails to submit the application to the Prime Minister for his decision on establishment or permission for establishment of the university, the Minister of Education and Training shall send a report to the Prime Minister to consider deciding annulment of the written approval for the policy on establishment or permission for establishment of the university.

In case the written approval for the policy on establishment or permission for establishment of the university ceases to have effect or is annulled, the State will expropriate land according to applicable regulations of the land law; the property attached to land shall be handled in accordance with applicable regulations.

5. An application for the Prime Minister's decision on establishment or permission for establishment of the university includes:

a) A written request for establishment made by a competent management authority (regarding a public university) or permission for establishment made by an organization/individual (regarding a private university) (according to Form No. 04 Appendix III enclosed with this Decree);

b) A copy of investment registration certificate in case of establishment of a private university, issued by the provincial People's Committee;

c) A legal document proving land use rights or a document issued by an agency having power to allocate or lease land for a period of 50 years or more for the purpose of construction of the university, clearly stating location, boundary line, address and area of the land plot where the university is based;

d) A university construction planning and general design approved by the competent management authority in case of establishment of a public university, or by the provincial People's Committee in case of establishment of a private university;

dd) A detailed report on implementation of the project on establishment of the university, prepared by the competent management authority (in case of establishment of a public university) or by the investor together with the opinion received from the People's Committee of the province where the university is based (in case of establishment of a private university);

e) Legal documents certifying the investor's capital, including:

Regarding the public university: written explanations about capacity for financial investment, financial investment decision and material-technical conditions provided by the competent management authority.

Regarding the private university: Legal confirmation document on the amount of investment, document proving capital contributed by the owner or loan granted under a loan agreement; legal document proving the ownership of asset together with a document on valuation of the contributed asset provided as capital contribution or the ownership of asset; documents related to the capital invested in construction of the university and purchase of equipment thereof (enclosed with written confirmations provided by a competent finance agency of the capital invested in construction of the university and provided by a bank of total balance of contributed capital in the account of the applicant for establishment of the university).

6. Procedures for applying for the Prime Minister's decision on establishment of the public university or permission for establishment of the private university:

a) An organization/individual shall submit an application specified in clause 5 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 15 days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the applicant for amendments/additions to the application;

c) In case the application is satisfactory, within 15 days from the date of receipt of the sufficient application, the Minister of Education and Training shall establishment an assessment council, composed of the representatives of the Ministry of Education and Training, the Ministry of Planning and Investment, the Ministry of Home Affairs, the Ministry of Finance and the People's Committee of province where the university is based. The assessment council shall advise the Minister of Education and Training on the feasibility of the project on establishment or permission for establishment of the university before submitting the project to the Prime Minister for his consideration and decision; the assessment council shall dissolve itself after the university is established.

Within 60 days from the date on which the assessment council is established, it shall be responsible for organizing the assessment of the application and the realistic assessment in order to correctly assess conditions concerning establishment of the public university or permission for establishment of the private university. In case the application is unsatisfactory according to regulations, the assessment council shall advise the Minister of Education and Training to give a written notification to the applicant for establishment of the public university or permission for establishment of the private university for amendments/additions to the application;

d) Within 05 working days from the date on which the complete application is received according to the opinion given by the assessment council, the Ministry of Education and Training shall request the Ministry of Planning and Investment, the Ministry of Home Affairs, the Ministry of Finance and relevant agencies and units to give written opinions on establishment of the public university or permission for establishment of the private university. The Ministry of

Education and Training shall give a written notification to the applicant for establishment or permission for establishment of the university to complete the application in conformity with the opinions given by relevant agencies and units;

dd) Within 30 days from the date of receipt of sufficient and uniform written opinions from relevant agencies and units or the complete application as requested by such agencies and units, the assessment council shall carry out review and advise the Minister of Education and Training to request the Prime Minister to make consideration and decision.

The decision on establishment or permission for establishment of the university (according to Form No. 13 Appendix III enclosed with this Decree) shall be publicly announced on mass media;

e) 04 years from the effective date of the decision on establishment or permission for establishment of the university, if the university fails to obtain permission to provide training, the Minister of Education and Training shall request the Prime Minister to issue a decision on annulment of the decision on establishment or permission for establishment of the university, and at the same time, give a written notification to the People's Committee of province where the university is based to revoke the issued certificate of rights to use land for construction of the university within its jurisdiction.

In case the decision on establishment or permission for establishment of the university ceases to have effect, the State will expropriate land according to applicable regulations of the land law; the property attached to land shall be handled in accordance with applicable regulations.

Article 96. Requirements to be satisfied by universities for provision of training

1. Be issued with a decision on establishment or permission for establishment of the university by the Prime Minister.
2. Own facilities and equipment meeting standards of training with regard to proposed fields and disciplines of training, and admission capacity according to regulations issued by the Ministry of Education and Training.
3. Develop training programs, syllabus, teaching and learning materials meeting standards of training with regard to proposed fields and disciplines of training, and admission capacity according to regulations issued by the Ministry of Education and Training.
4. Employ sufficient tenured lecturers and administrative officers that meet professional standards and requirements for proposed fields and disciplines of training, and admission capacity according to regulations issued by the Ministry of Education and Training.
5. Have a sufficient amount of financial resources in order to maintain and develop training as committed in the establishment proposal.
6. Have the statutes of organization and operation of the university.

Article 97. Procedures for permission for universities to provide training

1. The Minister of Education and Training shall issue a decision on permission for a university to provide training.

2. An application:

a) A written request for permission for the university to provide training (according to Form No. 05 Appendix III enclosed with this Decree);

b) A report on fulfillment of commitment according to the establishment proposal (according to Form No. 06 Appendix III enclosed with this Decree);

c) A explanation report on training quality conditions (according to Form No. 07 Appendix III enclosed with this Decree);

d) Statutes of organization and operation of the university, specifying legal status; vision, mission and core values; functions, tasks and powers of the university; organizational structure; provision of training; organization of scientific and technological activities; international cooperation; education quality maintenance; tasks and rights of administrative officers, teachers, staff and employees; tasks and rights of learners; management of finances and assets of the university; other issues related to organization and operation of the university.

3. Procedures:

a) The university shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 10 days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the university for amendments/additions to the application;

c) Within 60 days from the date of receipt of the sufficient application, if the application is satisfactory, the Ministry of Education and Training shall preside over and cooperate with other relevant agencies in organizing the assessment of realistic conditions concerning permission for the university to provide training.

Within 10 days from the date of receipt of the assessment report, if the university is eligible for provision of training, the Minister of Education and Training shall issue a decision on permission for the university to provide training; if the university is not eligible for provision of training, he/she shall send a written notification in which reasons should be clearly specified to the university.

The decision on permission for the university to provide training (according to Form No. 13 Appendix III enclosed with this Decree) shall be publicly announced on mass media.

Article 98. Regulatory requirements for establishment of branches/campuses of public higher education institutions or permission for establishment of branches/campuses of private higher education institutions

1. Establishment or permission for establishment of a branch/campus of a higher education institution shall meet the following requirements:

- a) Be consistent with an approved planning for network of higher education and pedagogy institutions.
- b) Obtain a written consent for establishment of the branch/campus from the People's Committee of province where the higher education institution's branch/campus is located;
- c) Reserve at least 02 hectares of land used for construction of the branch/campus. The branch/campus shall be located within a safe and convenient environment for students, teachers, administrative officers and staff; the branch/campus shall be located at a safe distance from service providers, production establishments or warehouses storing goods that cause environmental pollution, toxic chemicals or inflammable substances and not be located in a hazard zone;
- d) Regarding a branch/campus of a public higher education institution, a construction investment project, clearly identifying capital source for construction under a plan shall be set up and approved by a competent management authority. Regarding a branch/campus of a private higher education institution, the investment capital shall be at least VND 250 billion (excluding the value of land used for construction of the branch/campus); the investment capital shall include cash and assets intended for investment, and be certified in writing by a competent agency; until the time of assessment for permission for establishment of the branch/campus of the private university, the actualized investment must be more than VND 150 billion.

2. Establishment or permission for establishment of branches/campuses of higher education institutions on the basis of education/training institutions that are legally operating shall meet the following requirements:

- a) In case of establishment of branches/campuses on the basis of education/training institutions affiliated to higher education institutions outside of their headquarters, certificates of land use rights previously issued by competent authorities may continue to be used.
- b) In case of establishment of branches/campuses on the basis of other education/training institutions, the requirements specified in points a and b clause 1 of this Article shall be fulfilled, and certificates of land use rights previously issued by competent authorities and existing facilities may continue to be used.

Article 99. Procedures for establishment of branches/campuses of public higher education institutions or permission for establishment of branches/campuses of private higher education institutions

1. The Minister of Education and Training shall issue a decision on establishment of a branch/campus of a public higher education institution or permission for establishment of a branch/campus of a private higher education institution.

In case of establishment of the branch/campus on the basis of an education/training institution that is legally operating and established or permitted to be established by the Prime Minister, the Prime Minister shall issue a decision on establishment or permission for establishment of the branch/campus.

2. The branch/campus of the higher education institution shall be established or permitted to be established by taking two following steps:

a) Approving a policy on establishment or permission for establishment in case of:

Establishment of a new branch/campus;

Establishment of the branch/campus of the higher education institution on the basis of the education/training institution that is legally operating;

b) Issuing a decision on establishment or permission for establishment.

3. Application for approval of the policy on establishment or permission for establishment of the branch/campus:

a) In case of establishment of a new branch/campus, the application includes:

A written request for approval for the policy on establishment or permission for establishment of the branch/campus of the higher education institution (according to Form No. 01 Appendix III enclosed with this Decree);

A proposal for establishment or permission for establishment of the branch/campus (according to Form No. 02 Appendix III enclosed with this Decree);

A written approval of the policy on establishment of the branch/campus, granted by a competent authority managing the higher education institution;

A written consent granted by the provincial People's Committee for establishment of the branch/campus of the higher education institution within its province. Such written consent shall clearly specify necessity and conformity of establishment of the branch/campus with a local planning; a policy on allocation or lease of land for construction of the branch/campus, land plot location and the local authority's ability to cooperate and facilitate construction and development of the branch/campus, and legal documents on land use rights (if any);

Regarding the application for approval of the policy on permission for establishment of the branch/campus of the private higher education institution, in addition to the above-mentioned documents, the application shall also include an investment commitment, made by a university

council or a council and attached evidences of financial capability of the higher education institution, verified by a competent authority;

b) In case of establishment of a branch/campus of a higher education institution on the basis of an education/training institution that is legally operating, the application includes:

A written request for approval for the policy on establishment or permission for establishment of the branch/campus of the higher education institution and the education/training institution that is legally operating (according to Form No. 01 Appendix III enclosed with this Decree);

A proposal for establishment or permission for establishment of the branch/campus (according to Form No. 02 Appendix III enclosed with this Decree);

A written approval of establishment of the branch/campus, granted by the competent authority managing the higher education institution and the education/training institution that is legally operating;

A written consent for establishment of the branch/campus, granted by the People's Committee of province where the branch/campus is located. Such written consent shall clearly specify necessity and conformity of establishment of the branch/campus with a local planning (except for establishment of the branch/campus according to regulations in point a clause 2 Article 98 of this Decree).

4. Procedures for applying for approval of the policy on establishment or permission for establishment of the branch/campus:

a) The higher education institution shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 10 days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the higher education institution for amendments/additions to the application;

c) Within 45 days from the date of receipt of the sufficient and satisfactory application, the Minister of Education and Training shall organize the assessment of the application, make an assessment report, request the Prime Minister to approve or approve the policy on establishment or permission for establishment of the branch/campus within its jurisdiction according to regulations in clause 1 of this Article.

In case of refusal to approve the policy on establishment or permission for establishment of the branch/campus, the Ministry of Education and Training shall give a written notification in which reasons should be clearly specified to the higher education institution;

d) 05 years from the date on which the written approval for the policy on establishment or permission for establishment of the branch/campus is granted, if the higher education institution

fails to submit the application for establishment or permission for establishment of the branch/campus, the Prime Minister or the Minister of Education and Training shall issue a decision on annulment of the written approval for the policy on establishment or permission for establishment of the branch/campus.

In case the written approval for the policy on establishment or permission for establishment of the branch/campus ceases to have effect or is annulled, the State will expropriate land according to applicable regulations of the land law; the property attached to land shall be handled in accordance with applicable regulations.

5. An application for decision on establishment or permission for establishment of the branch/campus:

a) Establishment of a new branch/campus;

A written request for establishment or permission for establishment of the branch/campus (according to Form No. 04 Appendix III enclosed with this Decree);

A written approval for the policy on establishment or permission for establishment of the branch/campus.

A legal document proving land use rights or a document issued by an agency having power to allocate or lease land for a period of 50 years or more for the purpose of construction of the branch/campus, clearly stating location, boundary line, address and area of the land plot where the branch/campus is located;

Legal documents certifying the investor's capital, including:

Regarding the public higher education institution: written explanations about capacity for financial investment, financial investment decision and material-technical conditions provided by the competent management authority;

Regarding the private higher education institution: Legal confirmation document on the amount of investment, document proving source of capital contributed by the owner or loan granted under a loan agreement; documents related to the capital invested in construction of the branch/campus and purchase of equipment thereof (enclosed with written confirmations provided by a competent finance agency of the capital invested in construction of the branch/campus and provided by a bank of total balance of contributed capital in the account of the private higher education institution).

A branch/campus construction planning and general design approved by the competent management authority in case of establishment of the branch/campus of the public higher education institution, or by the provincial People's Committee in case of establishment of the branch/campus of the private higher education institution.

A detailed report on implementation of the proposal for establishment of the branch/campus, prepared by the competent management authority (regarding the public university) or by the investor together with the opinion received from the People's Committee of the province where the branch/campus is located (regarding the private university);

b) Establishment of a branch/campus of a higher education institution on the basis of an education/training institution that is legally operating;

A written request for establishment or permission for establishment of the branch/campus of the higher education institution (according to Form No. 04 Appendix III enclosed with this Decree);

A written approval for the policy on establishment or permission for establishment of the branch/campus.

A legal confirmation document on land use rights, issued by a competent authority to the education/training institution.

6. Procedures:

a) The higher education institution shall submit an application specified in clause 5 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 10 days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the higher education institution for amendments/additions to the application;

c) In case the application is satisfactory, within 15 days from the date of receipt of the sufficient application, the Minister of Education and Training shall establishment an assessment council, composed of the representatives of the Ministry of Education and Training, the Ministry of Planning and Investment, the Ministry of Home Affairs, the Ministry of Finance and the People's Committee of province where the branch/campus of the higher education institution is located.

The assessment council shall advise the Minister of Education and Training on the feasibility of the proposal for establishment of the branch/campus to consider deciding the establishment; the assessment council shall dissolve itself after the branch/campus is established.

Within 45 days from the date on which the assessment council is established, it shall be responsible for organizing the assessment of the application and the proposal and the realistic assessment in order to correctly assess conditions and contents of the proposal. In case the proposal is unsatisfactory according to regulations, the assessment council shall advise the Minister of Education and Training to give a written notification to the higher education institution applying for establishment of its branch/campus for amendments/additions to the proposal;

d) Within 05 working days from the date on which the complete proposal is received according to the opinion given by the assessment council, the Ministry of Education and Training shall request the Ministry of Planning and Investment, the Ministry of Home Affairs, the Ministry of Finance and relevant agencies and units to give written opinions on the proposal for establishment of the branch/campus. The Ministry of Education and Training shall give a written notification to the higher education institution applying for establishment of its branch/campus to complete the application in conformity with the opinions given by relevant agencies and units;

dd) Within 30 days from the date of receipt of sufficient and uniform written opinions from relevant agencies and units or the complete application as requested by such agencies and units, the assessment council shall carry out review and advise the Minister of Education and Training to request the Prime Minister to consider deciding the establishment or permission for establishment of the branch/campus on the basis of the education/training institution established or permitted to be established by the Prime Minister, or advise the Minister of Education and Training to consider deciding the establishment or permission for establishment of the branch/campus.

The decision on establishment or permission for establishment of the branch/campus (according to Form No. 13 Appendix III enclosed with this Decree) shall be publicly announced on mass media.

e) 04 years from the effective date of the decision on establishment or permission for establishment of the branch/campus, if the branch/campus fails to obtain permission to provide training, the Prime Minister or the Minister of Education and Training shall issue a decision on annulment of the decision on establishment or permission for establishment of the branch/campus, and at the same time, and give a written notification to the People's Committee of province where the branch/campus is headquartered to revoke the issued certificate of rights to use land for construction of the branch/campus within its jurisdiction.

In case the decision on establishment or permission for establishment of the branch/campus ceases to have effect, the State will expropriate land according to applicable regulations of the land law; the property attached to land shall be handled in accordance with applicable regulations.

Article 100. Requirements and procedures for permission for branches/campuses of higher education institutions to provide training

1. Requirements to be satisfied by a branch/campus of a higher education institution for provision of training:

a) Be issued with a decision on establishment or permission for establishment of the branch/campus by the Prime Minister or the Minister of Education and Training;

b) Own facilities and equipment meeting standards of training with regard to proposed fields and disciplines of training, and admission capacity according to regulations issued by the Ministry of Education and Training;

c) Develop training programs, syllabus, teaching and learning materials meeting standards of training with regard to proposed fields and disciplines of training, and admission capacity according to regulations issued by the Ministry of Education and Training;

d) Employ sufficient tenured lecturers and administrative officers that meet professional standards and requirements for proposed fields and disciplines of training, and admission capacity according to regulations issued by the Ministry of Education and Training;

dd) Have a sufficient amount of financial resources in order to maintain and develop training as committed in the establishment proposal.

e) Statutes of organization and operation of the branch/campus, specifying legal status; functions, tasks and powers of the branch/campus; organizational structure; provision of training; tasks and rights of administrative officers, teachers, staff and employees; tasks and rights of learners; other issues related to organization and operation of the branch/campus.

2. Procedures for permission for the branch/campus of the higher education institution to provide training shall be the same as those applied to a university according to regulations in Article 97 of this Decree.

Article 101. Suspension of training activities carried out by higher education institutions and branches/campuses of higher education institutions

1. A higher education institution or a branch/campus of a higher education institution shall have training activities suspended in one of the following cases:

a) It commits any fraudulent act in order to obtain a license for establishment, permission for establishment or training activities;

b) It fails to meet one of the requirements for training activities specified in this Decree;

c) The license for its training activities has been granted ultra vires;

d) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is granted;

dd) It fails to publicly announce or meet requirements for organization of training activities with regard to fields and disciplines of training, and admission capacity after permitted by a competent authority to carry out training activities;

c) Its training activities have not been carried out within the duration of 02 years from the date on which the competent authority gives permission for training activities;

g) Other cases prescribed by law.

2. The Minister of Education and Training shall issue a decision on suspension of training activities carried out by the higher education institution or the branch/campus of the higher education institution.

3. Procedures:

a) When detecting that the higher education institution or the branch/campus of the higher education institution has committed one of the violations prescribed by clause 1 of this Article, the Ministry of Education and Training shall organize inspection to assess the current status of the higher education institution or the branch/campus of the higher education institution, make an inspection record and notify the higher education institution or the branch/campus of the higher education institution and the competent management authority (if any) of any violation;

b) Depending on the seriousness of the violation, within 15 days from the date on which the higher education institution or the branch/campus of the higher education institution and the competent management authority are notified of the violation, the Minister of Education and Training shall issue a decision on suspension of training activities carried out by the higher education institution or the branch/campus of the higher education institution;

The decision on suspension of training activities carried out by the higher education institution or the branch/campus of the higher education institution (according to Form No. 13 Appendix III enclosed with this Decree) shall be publicly announced on mass media;

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the higher education institution or the branch/campus of the higher education institution shall send a written notification enclosed with proof to the Minister of Education and Training. Within 07 working days from the date of receipt of the written notification from the higher education institution or the branch/campus of the higher education institution, the Minister of Education and Training shall issue a decision on permission for resumption of training activities which must be publicly announced on mass media;

d) In case of suspension according to regulations in point c clause 1 of this Article, within 05 working days from the date on which the decision on suspension is issued, the Minister of Education and Training shall review realistic conditions for training activities and issue a decision on permission for resumption of training activities which must be publicly announced on mass media if the requirements mentioned in Article 96 or clause 1 Article 100 of this Decree are fulfilled.

Article 102. Merger or division of higher education institutions

1. A higher education institution is merged or divided when the requirements specified in Article 24 of the Law on Higher Education are met.

2. The Prime Minister shall issue a decision on merger or division of a higher education institution.

3. Application:

- a) A written request for merger or division of the higher education institution, made by the competent management authority (regarding a public higher education institution) or the private education institution (according to Form No. 08 Appendix III enclosed with this Decree) enclosed with written opinions given by the People's Committee of province where the higher education institution is based after merger or division;
- b) Written approval from the investor owning at least 75% of total contributed capital for merger or division of the private higher education institution;
- c) A proposal for merger or division of the higher education institution (according to Form No. 09 Appendix III enclosed with this Decree).

4. Procedures:

- a) An organization/individual shall submit an application specified in clause 3 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;
- b) Within 15 days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the competent management authority (in case of the public higher education institution) or the private higher education institution for amendments/additions to the application;
- c) Within 30 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall preside over and cooperate with the Ministry of Home Affairs, the Ministry of Finance, the Ministry of Planning and Investment, the People's Committee of province where the higher education institution is based and relevant ministries and central authorities in organizing assessment of the application and realistic conditions concerning merger or division of the higher education institution; preparing an assessment report; and submitting the report to the Prime Minister for consideration and decision.

The decision on merger or division of the higher education institution (according to Form No. 13 Appendix III enclosed with this Decree) shall be publicly announced on mass media;

- d) Within 10 days from the date on which the Prime Minister issues the decision on merger or division of the higher education institution, the Minister of Education and Training shall issue a decision on permission for establishment of a new higher education institution after merger or division.

Article 103. Dissolution of higher education institutions and branches/campuses of higher education institutions

- 1. A higher education institution or a branch/campus of a higher education institution shall be dissolved in one of the following cases:

a) It has committed serious violations against regulations of law on management, organization or operation of a higher education institution or a branch/campus of a higher education institution;

b) It fails to rectify the violation that leads to its suspension by the deadline indicated in the decision on suspension of training activities;

c) Training objectives and contents indicated in the decision on establishment or permission for establishment of the higher education institution or the branch/campus of the higher education institution are no longer suitable with the requirements for national and local socio-economic development;

d) The higher education institution or the branch/campus of the higher education institution shall be dissolved at the request of the organization/individual establishing the higher education institution or the branch/campus of the higher education institution;

dd) 05 years from the effective date of the decision on establishment or permission for establishment, the higher education institution or the branch/campus of the higher education institution fails to fulfill the commitment indicated in the approved proposal.

2. The Prime Minister shall issue a decision on dissolution of the higher education institution or the branch/campus of the higher education institution within his/her jurisdiction according to regulations in clause 1 Article 99 of this Decree. The Minister of Education and Training shall issue a decision on dissolution of the branch/campus of the higher education institution.

3. An application for dissolution of the higher education institution or the branch/campus of the higher education institution:

a) If the higher education institution or the branch/campus of the higher education institution is dissolved according to point d clause 1 of this Article, the application shall include:

A written request for dissolution of the higher education institution or the branch/campus of the higher education institution, made by the competent management authority (regarding a public higher education institution) or by an organization/individual establishing the higher education institution or the branch/campus of the higher education institution (regarding a private higher education institution) (according to Form No. 10 Appendix III enclosed with this Decree);

A proposal for dissolution of the higher education institution or the branch/campus of the higher education institution (according to Form No. 11 Appendix III enclosed with this Decree);

b) If the higher education institution or the branch/campus of the higher education institution is dissolved according to points a,b,c and dd clause 1 of this Article, the application shall include:

A report enclosed with a proof of violations committed by the higher education institution or the branch/campus of the higher education institution;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

4. Procedures:

a) Regarding the higher education institution or the branch/campus of the higher education institution that is dissolved according to point d clause 1 of this Article:

An agency/organization/individual shall submit an application specified in point a clause 3 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

Within 15 days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the applicant to complete the application.

Within 30 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall preside over and cooperate with relevant ministries and central authorities in assessing the application for dissolution, preparing a consolidated assessment report and submitting the report to the Prime Minister for consideration and decision or the Minister of Education and Training for decision on dissolution within its jurisdiction.

The assessment of the application for dissolution of the higher education institution or the branch/campus of the higher education institution shall be made according to the procedures similar to those applied to establishment of the higher education institution or the branch/campus of the higher education institution according to regulations in this Decree;

b) Regarding the higher education institution or the branch/campus of the higher education institution that is dissolved according to points a,b,c and dd clause 1 of this Article:

Within 06 months from the date on which the competent authority concludes that the higher education institution or the branch/campus of the higher education institution commits one of the violations specified in points a,b,c and dd clause 1 of this Article to the extent that it must be dissolved without any request from the competent management authority or the organization/individual establishing the higher education institution or the branch/campus of the higher education institution, the Ministry of Education and Training shall cooperate with relevant ministries and central authorities in assessing realistic conditions concerning dissolution of the higher education institution or the branch/campus of the higher education institution, making an application for dissolution, and submitting the application to the Prime Minister for consideration and decision on dissolution or the Minister of Education and Training for decision on dissolution within its jurisdiction;

c) The decision on dissolution of the higher education institution or the branch/campus of the higher education institution (according to Form No. 13 Appendix III enclosed with this Decree) shall be publicly announced on mass media.

5. Regarding higher education institutions or branches/campuses of higher education institutions that are dissolved, the State will expropriate land according to applicable regulations of the land law; the property attached to land shall be handled in accordance with applicable regulations.

Section 3. RECOGNITION OF REGIONAL OR NATIONAL PARENT UNIVERSITIES

Article 104. Regulatory requirements for recognition of regional or national parent universities

1. A parent university or affiliate university (if any) shall meet all standards and criteria included in the Higher Education Institution Standard applied to institutions providing doctoral education and must be granted accreditation status according to regulations issued by the Ministry of Education and Training.
2. It is required to offer training programs up to doctoral level in majors and fields, including natural science, mathematical statistics, engineering, computer and information technology, behavioral and social sciences, humanities, business and management.
3. A proposal for development into a regional or national parent university shall be formulated and approved by the Prime Minister. Such proposal shall be consistent with a planning for development of network of pedagogy and higher education institutions and regional planning. It shall clearly specify necessity for development into the regional or national parent university; objectives of developing into the regional or national parent university; targets to be reached, making sure that the parent university is capable of fulfilling and conducting roles and missions of the regional or national parent university; tasks, solutions, resources and roadmap for fulfillment of objectives and targets set out.

Article 105. Power to recognize and procedures for recognition of regional and national parent universities

1. The Prime Minister has power to issue a decision on recognition of a regional or national parent university.
2. An application for recognition of a regional or national parent university includes:
 - a) A written request for recognition of the regional or national parent university (according to Form No. 12 Appendix III enclosed with this Decree);
 - b) A proof of fulfillment of the requirements specified in clause 1, clause 2 Article 104 of this Decree;
 - c) A report on results of implementation of the proposal for development into the regional or national parent university, enclosed with proofs of fulfillment of objectives and targets according to the roadmap of the proposal;

d) Draft statutes of organization and operation of the regional or national parent university; regulations on organizational structure, finances and assets; other contents (if any).

3. Procedures:

a) The parent university shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 15 days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the parent university for amendments/additions to the application;

c) Within 90 days from the date of receipt of the sufficient application, if the application is satisfactory, the Ministry of Education and Training shall preside over and cooperate with relevant agencies in organizing the assessment of the application and the realistic assessment to correctly assess the implementation of the proposal, preparing an assessment report, completing and submitting the application to the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Home Affairs and relevant agencies and units to seek their written opinions; if the parent university is not eligible, it shall be notified in writing and provided with clear reasons.

The realistic assessment shall be made by an assessment council, composed of the representatives of the Ministry of Education and Training, the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Home Affairs, and the People's Committee of the province where the parent university is based. The assessment council shall be established under a decision issued by the Minister of Education and Training and it shall advise the Minister of Education and Training on the feasibility and reality of the application for recognition of the regional or national parent university in order to submit it to the Prime Minister for consideration and decision;

d) Within 30 days from the date of receipt of sufficient written opinions from relevant agencies and units specified in point c of this clause, the Ministry of Education and Training shall consolidate such written opinions, complete the application and submit them to the Prime Minister for consideration and decision;

d) The decision on recognition of the regional or national parent university (according to Form No. 13 Appendix III enclosed with this Decree) shall be publicly announced on mass media.

Chapter VII

EDUCATION QUALITY ACCREDITATION

Section 1. EDUCATION QUALITY ACCREDITATION ORGANIZATIONS IN VIETNAM

Article 106. Regulatory requirements for establishment of public education quality accreditation organizations or permission for establishment of private education quality accreditation organizations

1. The establishment of a public education quality accreditation organization or permission for establishment of a private education quality accreditation organization shall meet the following regulatory requirements:

- a) Make a proposal for establishment or permission for establishment of the education quality accreditation organization;
- b) Formulate a plan for facilities, finances and staff to serve operations conducted by the education quality accreditation organization;
- c) The public education quality accreditation organization shall self-cover its recurrent and investment expenditures.

2. The establishment of a public education quality accreditation organization or permission for establishment of a private education quality accreditation organization for accreditation of quality of higher education shall meet the following regulatory requirements:

- a) Meet regulatory requirements for establishment or permission for establishment of an education quality accreditation organization specified in clause 1 of this Article;
- b) Formulate a plan for organizational apparatus, staff and finances in order to ensure that the education quality accreditation organization is independent from a regulatory body or another higher education institution. To be specific:

The education quality accreditation organization shall have juridical personality and autonomy and self decide organizational apparatus, staff and professional operations according to the statutes of organization and operation; none of the staff is part-time employee or seconded by a regulatory body or another higher education institution;

The education quality accreditation organization shall cover funding for its operations and make self-decision on expenditures and revenues according to financial rules and regulations of law; it does not receive funding from a regulatory body, another higher education institution or an investor in higher education institution.

3. The establishment of an education quality accreditation organization affiliated to the Ministry of Public Security or the Ministry of National Defense shall comply with specific regulations issued by the Government.

Article 107. Procedures for establishment of public education quality accreditation organizations or permission for establishment of private education quality accreditation organizations

1. The Minister of Education and Training shall issue a decision on establishment of a public education quality accreditation organization or permission for establishment of a private education quality accreditation organization.

2. Application:

a) A written request for establishment or permission for establishment of the education quality accreditation organization (according to Form No. 01 Appendix IV enclosed with this Decree);

b) A proposal for establishment or permission for establishment of the education quality accreditation organization (according to Form No. 02 Appendix IV enclosed with this Decree).

3. Procedures:

a) An organization/individual shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the applicant for amendments/additions to the application;

c) If the application is satisfactory, within 15 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall assess the application and inspect the authenticity of documents included in the application; and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 106 of this Decree;

d) Within 10 days from the date of receipt of the assessment report, if the requirements are fulfilled, the Minister of Education and Training shall issue a decision on establishment or permission for establishment of the education quality accreditation organization; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the applicant.

The decision on establishment or permission for establishment of the education quality accreditation organization (according to Form No. 08 Appendix IV enclosed with this Decree) shall be publicly announced on mass media.

Article 108. Requirements to be satisfied by education quality accreditation organizations for conducting education quality accreditation

1. Have a head office that stably operates and a minimum working area of 08 m²/person; provide sufficient equipment serving education quality accreditation.

2. Ensure financial resources to maintain and develop operations of the education quality accreditation organization for at least 02 years from the date on which it is licensed to provide education quality accreditation services.

3. Employ at least 10 full-time accreditors working under labor contracts or employment contracts with the duration of at least 12 months with the accreditation organization and gaining experience of at least 05 years in participation in education quality accreditation.

Article 109. Procedures for issuing licenses for education quality accreditation

1. The Minister of Education and Training shall decide to issue a license for education quality accreditation.

2. Application:

a) A written request for license for provision of education quality accreditation services (according to Form No. 03 Appendix IV enclosed with this Decree);

b) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the education quality accreditation organization of which the minimum term is 02 years;

c) A declaration of the area of working office and equipment of the education quality accreditation organization;

d) A legal confirmation document on the amount currently managed by the education quality accreditation organization; a plan for investment in financial resources for maintenance of its operations, including an estimate of costs for construction or rental of location for its head office, facilities, purchase of equipment, salaries payable to administrative officers, accreditors, staff and other costs for maintenance of operations for at least 02 years from the date on which the education quality accreditation organization is issued with the license for education quality accreditation;

dd) A copy of decision on establishment or permission for establishment of the education quality accreditation organization; list of accreditors enclosed with their curricula vitae and proofs of experience in participation in provision of education quality accreditation services within 05 years, copies of accreditor cards that are still valid and accreditors' degrees and qualifications; recruitment decision, full-time labor contract or employment contract signed by the education quality accreditation organization and each accreditor.

3. Procedures:

a) The education quality accreditation organization shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

b) Within 05 working days from the date on which the Ministry of Education and Training receives the sufficient application, if the application is unsatisfactory, it shall give a written notification of contents to be amended to the education quality accreditation organization;

c) Within 30 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall organize the assessment of the application and inspect the authenticity of documents included in the application; when necessary, the Ministry of Education and Training shall conduct a physical inspection and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 108 of this Decree;

d) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Minister of Education and Training shall decide to issue a license for provision of education quality accreditation services (according to Form No. 08 Appendix IV enclosed with this Decree); if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the education quality accreditation organization.

The decision to issue the license for provision of education quality accreditation services shall clearly determine subjects and scope of education quality accreditation; be valid within 5 years from the issuance date and be publicly announced on mass media.

4. At least 30 days before the expiration date of the decision to issue the license for education quality accreditation, the education quality accreditation organization shall submit a written request to the Ministry of Education and Training to renew the decision (according to Form No.04 Appendix IV enclosed with this Decree) enclosed with a report on the operation process and results of assessment carried out by Ministry of Education and Training showing that the education quality accreditation organization has "Passed" and documents proving that the education quality accreditation organization meets all requirements to be issued with the license for education quality accreditation.

Within 15 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall organize the assessment of the application and when necessary, it shall conduct a physical inspection. If the requirements are fulfilled, the Minister of Education and Training shall issue a decision to extend the period of education quality accreditation (according to Form No. 08 Appendix IV enclosed with this Decree) and it must be publicly announced on mass media. The period of education quality accreditation shall be extended by up to 05 years upon each extension. If the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the education quality accreditation organization.

5. During the process of its operations, if the education quality accreditation organization wishes to modify or revise subjects or scope of education quality accreditation, it shall follow procedures for requesting the Ministry of Education and Training to decide revision or modification of the decision to issue the license for education quality accreditation. Application and procedures for applying for revision or modification of the decision to issue the license for provision of education quality accreditation services shall comply with regulations in clause 2 and clause 3 of this Article.

Article 110. Suspension of provision of education quality accreditation services

1. An education quality accreditation organization shall have its provision of education quality accreditation services suspended in one of the following cases:

- a) It commits any fraudulent act in order to obtain a license for education quality accreditation;
- b) During the operation process, it fails to meet one of the requirements specified in Article 106, Article 108 of this Decree;
- c) It provides education quality accreditation services in a manner that is contrary to regulations, resulting in false results of education quality accreditation;
- d) Other cases prescribed by law.

2. The Minister of Education and Training shall issue a decision on suspension of provision of education quality accreditation services.

3. Procedures:

- a) When detecting that the education quality accreditation organization has committed one of the violations prescribed by clause 1 of this Article, the Ministry of Education and Training shall issue a decision on establishment of an inspectorate, conduct an inspection to assess the seriousness of the violation, make an inspection record, and notify the education quality accreditation organization of the violation;
- b) Depending on the seriousness of the violation, the Minister of Education and Training shall consider issuing a decision on suspension of education quality accreditation.

The decision on suspension of provision of education quality accreditation services (according to Form No. 08 Appendix IV enclosed with this Decree) shall be publicly announced on mass media;

- c) During the period of suspension, if the violation resulting in the suspension is eliminated, the education quality accreditation organization shall send a written notification enclosed with proof to the Minister of Education and Training. Within 07 working days from the date of receipt of the written notification from the education quality accreditation organization, the Minister of Education and Training shall issue a decision on permission for resumption of provision of education quality accreditation services which must be publicly announced on mass media.

Article 111. Dissolution of education quality accreditation organizations

1. An education quality accreditation organization shall be dissolved in one of the following cases:

- a) The organization has committed serious violations against regulations on management, organization or operation of an education quality accreditation organization as concluded by a competent authority;

b) 06 months from the date on which the decision on establishment or permission for establishment is issued, the organization fails to follow procedures for applying for the license for provision of education quality accreditation services or is not eligible to be issued with the license for provision of education quality accreditation services;

c) The organization fails to rectify the violation that leads to its suspension by the deadline;

d) The license for provision of education quality accreditation services is expired but the organization fails to apply for renewal of the license or the renewal is rejected;

dd) The education quality accreditation organization shall be dissolved at the request of the organization/individual establishing the education quality accreditation organization.

2. The Minister of Education and Training shall issue a decision on dissolution of the education quality accreditation organization.

3. Application:

a) If the education quality accreditation organization is dissolved according to regulations in point dd clause 1 of this Article, the application includes:

A written request for dissolution of the education quality accreditation organization (according to Form No. 05 Appendix IV enclosed with this Decree);

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

b) If the education quality accreditation organization is dissolved according to regulations in points a,b,c and d clause 1 of this Article, the application includes:

A written request for dissolution of the education quality accreditation organization (according to Form No. 05 Appendix IV enclosed with this Decree) enclosed with proofs that the organization has committed the violation, resulting in the dissolution;

Methods of settling organization and personnel structure, staff, finances, assets, land and other relevant issues.

4. Procedures:

a) Regarding the education quality accreditation organization that is dissolved according to regulations in point dd clause 1 of this Article:

The organization or individual shall submit an application specified in point a clause 3 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training;

Within 30 days from the date on which the dissolution application is received, the Minister of Education and Training shall organize verification and assessment, and issue a decision on dissolution of the education quality accreditation organization;

b) Regarding the education quality accreditation organization that is dissolved according to regulations in points a,b,c and d clause 1 of this Article:

The Minister of Education and Training shall direct formulation of the application for dissolution of the education quality accreditation organization according to point b clause 3 of this Article, clearly specifying reasons for dissolution and notify the education quality accreditation organization;

Within 30 days from the date of notification of the formulation of the dissolution application, the Minister of Education and Training shall organize verification and assessment, and issue a decision on dissolution of the education quality accreditation organization.

5. The decision on dissolution of the education quality accreditation organization (according to Form No. 08 Appendix IV enclosed with this Decree) shall be publicly announced on mass media.

Section 2. RECOGNITION OF FOREIGN EDUCATION QUALITY ACCREDITATION ORGANIZATIONS OPERATING IN VIETNAM

Article 112. Requirements to be satisfied by foreign education quality accreditation organizations to be recognized in Vietnam

1. The organization shall be established and legally operate according to regulations of the host country.
2. The organization shall be recognized or licensed to provide legal education quality accreditation services by a competent authority of the host country or a legal international association operating in the field of education quality accreditation.
3. The organization shall promulgate standards of education quality accreditation recognized by the competent authority of the host country or the legal international association operating in the field of education quality accreditation.
4. The organization has provided education quality accreditation services for at least 05 years at the host country; has provided education quality accreditation services for higher education training programs at all levels or higher education institutions.
5. The organization shall make specific rules and have clear purposes and scope of operation.
6. The organization shall employ at least 10 accreditors, including at least 05 accreditors who are members of legal international associations operating in the field of education quality accreditation.

Article 113. Procedures for foreign education quality accreditation organizations to be recognized in Vietnam

1. The Minister of Education and Training shall issue a decision to recognize operation of a foreign education quality accreditation organization in Vietnam.

2. Application:

a) A written request for a license for provision of its education quality accreditation services in Vietnam (according to Form No. 06 Appendix IV enclosed with this Decree);

b) A document proving that the foreign education quality accreditation organization is established and legally operates, issued by a competent authority of the host country or a legal international association;

c) A summary of establishment and development of the foreign education quality accreditation organization, specifying assessment and recognition by the foreign education quality accreditation organization in the latest 05 years and links with relevant websites;

d) A copy of Charter for operations of the foreign education quality accreditation organization;

dd) Curricula vitae and accreditor cards or documents proving the practicing status of accreditors, degrees and qualifications of accreditors providing education quality accreditation services in Vietnam.

3. Documents issued by a foreign authority shall be consularly legalized by the Ministry of Foreign Affairs of Vietnam or a diplomatic mission/consular mission or an authority authorized to perform consular functions of Vietnam in a foreign country, unless otherwise stipulated in international agreements to which the Socialist Republic of Vietnam is a signatory.

4. Procedures:

a) The foreign education quality accreditation organization shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Ministry of Education and Training.

Within 05 working days from the date of receipt of the sufficient application, if the application is unsatisfactory, the Ministry of Education and Training shall give a written notification to the foreign education quality accreditation organization for amendments/additions to the application;

b) Within 15 days from the date of receipt of the sufficient and satisfactory application, the Ministry of Education and Training shall assess the application and inspect the authenticity of documents included in the application; and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 112 of this Decree;

c) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Minister of Education and Training shall issue a decision to recognize operation of the foreign education quality accreditation organization in Vietnam; if the requirements are not fulfilled, he/she shall send a written notification in which reasons should be clearly specified to the education quality accreditation organization.

The decision to recognize operation of the foreign education quality accreditation organization in Vietnam (according to Form No. 08 Appendix IV enclosed with this Decree) shall be publicly announced on mass media.

5. During the process of its operations, if the education quality accreditation organization wishes to modify or revise subjects or scope of operations, it shall request the Ministry of Education and Training to issue a decision on recognition of such revision or modification. Application for and procedures for applying for the decision on recognition of the revision or modification shall comply with clause 2, 3 and 4 of this Article.

Article 114. Revocation of decisions to recognize operation of foreign education quality accreditation organizations in Vietnam

1. A foreign education quality accreditation organization shall have its decision to recognize provision of its education quality accreditation services in Vietnam revoked in one of the following cases:

- a) It has committed any fraudulent act in order to obtain a license to provide its education quality accreditation services within Vietnam;
- b) It intentionally provides education quality accreditation services in a manner that is contrary to regulations, resulting in false results of education quality accreditation.
- c) Other cases as prescribed by law.

2. The Minister of Education and Training shall issue a decision on revocation of the decision to recognize operation of the foreign education quality accreditation organization in Vietnam.

3. Procedures:

- a) When detecting that the foreign education quality accreditation organization has committed one of the violations prescribed by clause 1 of this Article, the Ministry of Education and Training shall decide to establish an inspectorate, organize inspection and assessment of the seriousness of the violation, make an inspection record and notify the foreign education quality accreditation organization of any violation;
- b) Depending on the seriousness of the violation, the Minister of Education and Training shall consider revoking the decision to recognize operation of the foreign education quality accreditation organization in Vietnam. The decision on revocation of the decision to recognize operation of the foreign education quality accreditation organization in Vietnam (according to

Form No. 08 Appendix IV enclosed with this Decree) shall be publicly announced on mass media.

Chapter VIII

OVERSEAS EDUCATION CONSULTING SERVICE PROVISION

Article 115. Overseas education consulting service providers

1. Overseas education consulting service providers include:

- a) Enterprises and branches of enterprises that are established and operate according to regulations of the Law on Enterprises;
- b) Public service providers that perform their functions of provision of overseas education consulting services;
- c) Foreign education organizations that legally operate within Vietnam.

2. Overseas education consulting services that are provided include:

- a) Providing information and advice on education policies adopted by countries and territories; giving advice on selection of schools, courses, disciplines and qualifications relevant to students' abilities and expectations.
- b) Organizing overseas education advertisement, promotion, conferences, seminars, exhibition and fair events according to regulations of law;
- c) Organizing enrolment, placement or admission of target overseas students.
- d) Organizing necessary skill development classes or sessions intended for Vietnamese citizens wishing to study abroad;
- dd) Assisting Vietnamese citizens in going to foreign countries to study and their parents or guardians to visit them in the foreign countries according to regulations of law.
- e) Carrying out other activities related to provision of overseas education consulting services.

Article 116. Requirements for provision of overseas education consulting services

- 1. An overseas education consulting service provider shall own its head office that operates stably, facilities and equipment necessary for provision of overseas education consulting services; develop documents to provide information and advice on education policies adopted by countries and territories, and schools, courses, disciplines and qualifications.
- 2. It shall employ front desk counselors. Each counselor shall meet the following requirements:

- a) Hold at least a bachelor's degree; have a good command of at least a foreign language at the 4th level or more as specified in the 6-level Foreign Language Proficiency Framework for Vietnam or equivalent;
- b) Obtain a certificate of completion of overseas education counseling training course according to regulations.

Article 117. Procedures for issuance of certificates of provision of overseas education consulting services

1. The Director of the Department of Education and Training shall issue a decision on issuance of a certificate of provision of overseas education consulting services.

2. An application includes:

- a) An application form for issuance of the certificate of provision of overseas education consulting services (according to Form No. 07 Appendix IV enclosed with this Decree);
- b) A copy of enterprise registration certificate, establishment decision or investment registration certificate;
- c) Copies of legal documents proving land use rights and house ownership or agreement on rental of location for the overseas education consulting service provider.

3. Procedures:

- a) An organization specified in clause 1 Article 115 of this Decree shall submit an application specified in clause 2 of this Article in person, via online public service portal or by post, to the Department of Education and Training of province where overseas education consulting services are provided.
- b) Within 15 days from the date of receipt of the sufficient and satisfactory application, the Department of Education and Training shall organize the assessment and prepare an assessment report to assess the fulfillment of requirements mentioned in Article 116 of this Decree;
- c) Within 05 working days from the date of receipt of the assessment report, if the requirements are fulfilled, the Director of the Department of Education and Training shall issue a certificate of provision of overseas education consulting services; if the requirements are not fulfilled, a written notification in which reasons should be clearly specified shall be sent to the applicant.

The certificate of provision of overseas education consulting services (according to Form No. 09 Appendix IV enclosed with this Decree) shall be publicly announced on mass media.

The certificate of provision of overseas education consulting services shall be valid for up to 05 years and extended by up to 05 years upon each extension. The certificate of provision of

overseas education consulting services shall be extended within 06 months before its expiration date.

4. During the operation process, the overseas education consulting service provider may request the Department of Education and Training to revise, amend or extend the validity period of the certificate of provision of overseas education consulting services. Application and procedures for revising, amending or extending the validity period of the certificate of provision of overseas education consulting services shall comply with regulations in clause 2 and clause 3 of this Article.

Article 118. Suspension of provision of overseas education consulting services

1. An overseas education consulting service provider shall have its provision of overseas education consulting services suspended in one of the following cases:

a) It has committed any fraudulent act in order to obtain the certificate of provision of overseas education consulting services;

b) During operation, it fails to meet one of the requirements specified in Article 116 of this Decree;

c) It has committed any violation against regulations on imposition of penalties for administrative violations arising from educational activities to the extent that the decision on suspension thereof is issued;

d) It has leased out or lent its certificate of provision of overseas education consulting services;

dd) It fails to fulfill its responsibility according to regulations;

e) Other cases as prescribed by law.

2. The Director of the Department of Education and Training shall issue a decision on suspension of provision of overseas education consulting services.

3. Procedures:

a) When detecting that the overseas education consulting service provider has committed one of the violations prescribed by clause 1 of this Article, the Director of the Department of Education and Training shall decide to establish an inspectorate, organize inspection and assessment of the seriousness of the violation, make an inspection record and notify the overseas education consulting service provider of any violation;

b) Within 10 days from the date on which the overseas education consulting service provider is notified of the violation, depending on the seriousness of the violation, the Director of the Department of Education and Training shall issue a decision on suspension of provision of overseas education consulting services.

The decision on suspension of provision of overseas education consulting services (according to Form No. 08 Appendix IV enclosed with this Decree) shall be publicly announced on mass media.

c) During the period of suspension, if the violation resulting in the suspension is eliminated, the overseas education consulting service provider shall send a written notification enclosed with proof to the Director of the Department of Education and Training. Within 07 working days from the date of receipt of the written notification from the overseas education consulting service provider, the Director of the Department of Education and Training shall issue a decision on permission for resumption of provision of overseas education consulting services which must be publicly announced on mass media.

Article 119. Revocation of certificates of provision of overseas education consulting services

1. The Director of the Department of Education and Training shall issue a decision on revocation of a certificate of provision of overseas education consulting services.

2. The certificate of provision of overseas education consulting services shall be revoked in one of the following cases:

a) The overseas education consulting service provider has its operations terminated according to regulations of law;

b) During suspension, the overseas education consulting service provider still continues to provide overseas education consulting services;

c) The overseas education consulting service provider fails to rectify the violation that leads to its suspension by the deadline;

d) Other cases as prescribed by law.

3. Procedures:

a) When detecting that the overseas education consulting service provider has committed one of the violations prescribed by clause 2 of this Article, the Director of the Department of Education and Training shall decide to establish an inspectorate, organize inspection and assessment of the seriousness of the violation, make an inspection record and notify the overseas education consulting service provider of any violation;

b) Within 10 days from the date on which the overseas education consulting service provider is notified of the violation, depending on the seriousness of the violation, the Director of the Department of Education and Training shall consider revoking the certificate of provision of overseas education consulting services.

The Decision on revocation of the certificate of provision of overseas education consulting services (according to Form No. 08 Appendix IV enclosed with this Decree) shall be publicly announced on mass media.

Chapter IX

IMPLEMENTATION CLAUSE

Article 120. Transitional clauses

1. Education institutions and organizations or individuals that have been licensed to conduct their operations; education institutions that have been established and permitted to conduct their educational activities before the effective date of this Decree are not required to apply for resumption of their operations/educational activities.
2. Agencies/organizations/individuals that have submitted their applications to competent authorities for educational investment and operation according to regulations in the Government's Decree No. 46/2017/ND-CP dated April 21, 2017 (amended by the Government's Decree No. 135/2018/ND-CP dated October 04, 2018) before the effective date of this Decree are not required to revise or modify their applications according to regulations of this Decree.
3. Regarding providers issued with certificates of provision of overseas education consulting services without expiration dates before the effective date of this Decree, the Department of Education and Training shall review their applications and issue certificates of provision of overseas education consulting services according to regulations in this Decree.
4. Vietnamese education quality accreditation organizations established and permitted to provide education quality accreditation services before the effective date of this Decree are not required to apply for permission for resumption of provision of education quality accreditation services, but the review and modification shall be conducted to make sure that the requirements specified in Article 106 and Article 108 of this Decree are fulfilled and reports shall be sent to the Ministry of Education and Training within 01 year from the effective date of this Decree.
5. If any policy on establishment or permission for establishment of a university or a branch/campus of a higher education institution has been approved before the effective date of this Decree but the 3-year period has not expired according to the Government's Decree No. 46/2017/ND-CP dated April 21, 2017 (amended by the Government's Decree No. 135/2018/ND-CP dated October 04, 2018), the 5-year period shall be applied according to regulations in point d clause 4 Article 95 and point d clause 4 Article 99 of this Decree. The 5-year period begins when the written approval for the policy on establishment or permission for establishment of the university or the branch/campus of the higher education institution is signed.

Article 121. Effect

1. This Decree comes into effect from November 20, 2024.

2. This Decree replaces the Government's Decree No. 46/2017/ND-CP dated April 21, 2017 and the Government's Decree No. 135/2018/ND-CP dated October 04, 2018.

Article 122. Implementation responsibilities

The Minister of Education and Training, Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Presidents of People's Committees of provinces and central-affiliated cities and relevant organizations and individuals shall be responsible for implementing this Decree.

**ON BEHALF OF THE GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Le Thanh Long

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