

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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DECREE

PRESCRIBING REGULATORY REQUIREMENTS FOR EDUCATIONAL INVESTMENT AND OPERATION

Pursuant to the Law on Government Organization dated June 19, 2015;

Pursuant to the Law on Education dated June 14, 2005; the Law on Amendments to certain articles of the Law on Education dated November 25, 2009;

Pursuant to the Law on Higher Education dated June 18, 2012;

Pursuant to the Law on Investment dated November 26, 2014;

Pursuant to the Law on Amendment to Article 6 and Appendix 4 regarding the Classification of Trades and Industries subject to investment and business conditions in the Law on Investment dated November 22, 2016;

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

Upon the request of the Minister of Education and Training;

The Government hereby issues the Decree prescribing regulatory requirements for educational investment and business operation.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

1. This Decree deals with regulatory requirements for investment and operation in the education industry, including:

a) Regulatory requirements for establishment, permission for establishment, merger, division, separation, dissolution; permission for educational operations, or suspension of educational operations, of early childhood education institutions, general education institutions, continuing education institutions, specialized schools, universities and academies (hereinafter refer to higher education institution);

b) Regulatory requirements for establishment, permission for establishment, merger, division, separation or dissolution of pedagogy secondary schools, colleges; registration or supplementary registration of vocational and professional education operations for the group of teacher training disciplines; issuance, revocation and suspension of certificates of registration of vocational and professional education operations for the group of teacher training disciplines at the secondary and/or collegiate level;

c) Regulatory requirements for establishment or permission for establishment; registration of educational quality assurance operations; supplementary registration of educational quality assurance operations; suspension of educational quality assurance operations; dissolution of educational quality assurance organizations;

d) Regulatory requirements for conferral of certificates of overseas study consultancy business; suspension of overseas study consultancy business; revocation of certificates of overseas study consultancy business.

2. Regulatory requirements for investment and business operations of foreign-invested educational institutions, representative offices of foreign educational entities located within the territory of Vietnam, foreign-invested educational subsidiaries, and foreign educational collaborations, shall be subject to regulations laid down in the Decree prescribing foreign cooperation and investment in the education sector.

Article 2. Subjects of application

1. This Decree shall be applied to early childhood education institutions, general education institutions, continuing education institutions, specialized schools, universities, secondary schools and colleges carrying out vocational and professional education operations for the group of teacher training disciplines, educational quality assurance organizations, overseas study consultancy businesses, and other organizations or individuals carrying out educational activities.

2. This Decree shall not cover assurance of quality of operations of vocational and professional education and consultancy of overseas study in vocational and professional education under the delegated authority of the Ministry of Labor, War Invalids and Social Affairs.

Chapter II

EARLY CHILDHOOD EDUCATION INSTITUTION

Section 1. KINDERGARTEN, PRESCHOOL OR NURSERY SCHOOL (hereinafter sometimes referred to as school)

Article 3. Regulatory requirements for establishment of public kindergartens, preschools or nursery schools; permission for establishment of non-public or private kindergartens, preschools or nursery schools

1. The proposal for establishment of a kindergarten, preschool or nursery school must be consistent with the local socio-economic and educational network development plan approved by the state regulatory authority.
2. The proposal for establishment of a kindergarten, preschool or nursery school must clearly define preschool objectives, missions, curriculum framework and outline; land, facilities, equipment and intended construction site; organization and personnel structure, financial and other resources; guidelines and strategies for construction and development.

Article 4. Procedures and documentation requirements for establishment of public kindergartens, preschools and nursery schools; permission for establishment of non-public or private kindergartens, preschools and nursery schools

1. The President of the People's Committee of an urban/rural district or provincially-controlled town (hereinafter referred to as district-level People's Committee) shall be accorded authority to grant the decision on establishment of a public kindergarten, preschool and nursery school, or permission for establishment of a non-public or private kindergarten, preschool and nursery school.

2. Submitted documentation, including:

a) The application form for approval of establishment of a public kindergarten, preschool and nursery school prepared by a host entity, or permission for establishment of a non-public or private kindergarten, preschool and nursery school prepared by an organization or individual in which necessity for establishment, proposed name and location intended for construction of the premises for child care, parenting and education activities must be clearly specified;

b) The proposal for establishment of a kindergarten, preschool or nursery school that must clearly describe consistency with the socio-economic development plan and the plan for development of local educational network; objectives, missions, educational curriculum framework and program; land, facilities and equipment; organizational system and structure of teachers and administrative officers; financial and other resources; guidelines and strategies for construction and development, solutions to construction and development of the kindergarten, preschool or nursery school over periods of time.

The proposal should specify total proposed capital necessary for execution of plans, provide assurance that child care, parenting and education activities will be performed in a normal manner during 03 first years of establishment and subsequent years, and give a clear explanation for feasibility and legitimacy of finances for construction and development of a kindergarten, preschool or nursery school over periods of time;

c) The written document stating the policy for land allotment, or the agreement in principle on lease and rental of land and affixed building or facilities for construction of a kindergarten, preschool or nursery school of which the minimum term is 05 years;

d) The draft general floor plan and preliminary design of architectural facilities built on the land plot intended for construction of a kindergarten, preschool or nursery school, or architectural design (in case the school head office already exists), which must ensure consistency with educational scales and standards of usable floor area used for performing child care, parenting and education activities.

3. Implementation procedures:

a) The People's Committee of a commune, ward or town (hereinafter referred to as commune-level People's Committee; in case of application for approval of establishment of a public kindergarten, preschool or nursery school); organization or individual (in case of application for approval of establishment of a non-public or private kindergarten, preschool or nursery school) shall submit an application package specified in Clause 2 of this Article, whether directly or by post, to the district-level People's Committee;

b) Within the duration of 20 business days of receipt of all required valid documents, the district-level People's Committee shall be responsible for commanding the Subdepartment of Education and Training and relevant specialized divisions to give their assessment opinions on submitted documents and their assessment of realistic conditions concerning establishment of a kindergarten, preschool or nursery school according to the prescribed subject matters and requirements;

c) Within the duration of 15 business days of receipt of written assessment opinions from the Subdepartment of Education and Training and other relevant specialized divisions, if all regulatory requirements have been met, the President of district-level People's Committee shall issue a decision on establishment or approval of establishment; in case of failure to meet stated requirements, the President of the district-level People's Committee shall send a written response in which reasons for refusal to issue the decision on establishment or approval of establishment should be clearly specified.

4. Within the duration of 02 years after the date of entry into force of the decision on establishment or approval of establishment, if the requesting kindergarten, preschool or nursery school fails to obtain permission to perform its educational activities, that decision shall be annulled.

Article 5. Licensing requirements for educational operations of a kindergarten, preschool and nursery school

1. Obtain the decision on establishment or the decision on approval of establishment, issued by the President of district-level People's Committee.

2. Own land, school head office, facilities and equipment that meet requirements, help maintain and develop educational activities as well as satisfy the following specific requirements:

a) The kindergarten, preschool or nursery school must be located within the precincts of a residential zone in conformity with the general planning and at a place convenient for children to reach; ensure compliance with regulations on safety and environmental sanitation;

b) The total area of project site is divided into multiple spaces used for building infrastructural facilities, playgrounds, roads and growing landscaping plants. The average area of project site must be at least 12 m² per a child in lowland, delta and midland regions; 08 m² per a child in municipal, urban and mountainous regions.

As for administrative subdivisions short of unoccupied land, it shall be possible that the building area is replaced by the floor area and the stipulated area of vacant land must be adequate;

The non-public and private kindergarten, preschool and nursery school may rent unused head offices, facilities and equipment which are state-controlled or owned by public educational institutions for the purpose of organization of educational activities as per applicable laws and regulations.

The non-public and private kindergarten, preschool and nursery school may rent a part or the whole of the available reserves of state-owned houses and infrastructure facilities for use in educational activities in accordance with the Government's regulations on incentives for private sector involvement in the sector of education, vocational education, healthcare, culture, sports, environment and judicial assessment. Rental of educational equipment and facilities which have not yet been operated at the maximum capacity by public service entities in the education sector shall be subject to applicable legislation on management and use of state-owned assets.

c) The kindergarten, preschool or nursery school must build walls to separate its space from the outside;

d) The construction project is divided into the following blocks:

- Block of child care and nursery education classrooms, e.g. general activity gathering classrooms, sleeping classrooms, toilets and play grounds, which must ensure conformity with the specified regulations;

- Block of learning classrooms, e.g. physical education classrooms, art education classrooms or multifunctional classrooms;

- Block of dining rooms, e.g. kitchen spaces and warehouses;

- Block of administrative rooms, e.g. school offices, rector's offices, vice rector's offices, administrative management offices, healthcare rooms, security rooms, staff rooms, toilets intended for teachers, officers, employees, and parking lots for teachers, officers and employees;

- Play grounds, e.g. play grounds for child groups or classes; commonly-shared play spaces, play spaces with landscaping plants.

dd) Equipment, toys, supplies, instructional materials on child care and education must be available in accordance with regulations laid down by the Ministry of Education and Training.

3. Employ an adequate staff of administrative officers, teachers and employees that are structured in a proper manner and meet stipulated standards for provision of early childhood education programs and organization of educational activities.

4. Maintain an sufficient amount of financial resources as required by laws in order to ensure continued operation and development of educational activities.

5. Have the statutes of organization and operations of the kindergarten, preschool or nursery school.

Article 6. Procedures and documentation requirements for educational operations of a kindergarten, preschool or nursery school

1. The Head of the Subdepartment of Education and Training shall be accorded authority to grant the kindergarten, preschool or nursery school the license to carry out educational operations.

2. Documentation must be submitted to apply for such license, including:

a) The request form for the license to carry out educational operations;

b) The duplicate copy derived from the original register, the certified duplicate copy derived from the original copy or the duplicate copy with the original copy for verification purposes (hereinafter referred to as certified duplicate copy) of the decision on establishment or the decision on approval of establishment of the kindergarten, preschool or nursery school;

c) The detailed review report on development of the Proposal for investment in establishment of the kindergarten, preschool and nursery school. The report should specify specific works which have been completed or are in progress, including land, infrastructure, equipment and financial conditions for child care, parenting and education activities; staff of teachers and administrative officers;

d) The list of teachers with their professional qualifications; employment contracts signed between a kindergarten, preschool or nursery school and each teacher;

dd) The list of officers holding important positions, such as the rector, vice rectors, heads of divisions, departments or specialized groups, with their professional qualifications; employment contracts signed between a kindergarten, preschool or nursery school and each administrative officer;

e) Early childhood education curriculum and syllabus for offer of early childhood education program;

- g) The inventory of classrooms, working rooms, facilities and equipment items meeting stipulated requirements;
- h) The legal confirmation document on the title to land or the agreement on rental of a kindergarten, preschool or nursery school of which the minimum term is 05 years;
- i) The legal confirmation document on the available amount of money currently managed by a kindergarten, preschool or nursery school to ensure legitimacy and compliance with the commitment that such amount is only used for paying construction and other recurrent costs incurred by the kindergarten, preschool or nursery school upon receipt of permission for educational operations; the plan for capital mobilization and allocation which assures stable operations of the kindergarten, preschool or nursery school for the next period of 05 years that starts from the date of receipt of permission for enrolment;
- k) The statutes of organization and operation, and rules and regulations on internal expenditure, of the kindergarten, preschool or nursery school.

3. Implementation procedures:

- a) The kindergarten, preschool or nursery school shall send the Subdepartment of Education and Training 01 set of documents prescribed by Clause 2 of this Article, whether directly or by post;
- b) The Subdepartment of Education and Training shall receive and arrange to assess the submitted set of documents. If the submitted set of documents is invalid, a written notification of contents that require modification must be sent to the kindergarten, preschool or nursery school within the duration of 05 business days of receipt of these documents; if such submitted documents are valid, the plan to carry out the field inspection at the office of kindergarten, preschool or nursery school must be given;
- c) Within the duration of 20 business days from the date of notice of the plan to carry out the field inspection, the Subdepartment of Education and Training shall play the leading role and cooperate with other relevant specialized subdepartments in organizing field inspection activities;
- d) Within the duration of 10 business days, if all regulatory requirements have been met, the Head of the Subdepartment of Education and Training shall issue a decision on permission for educational operations; in case of failure to meet stipulated requirements, the written notification must be sent to the kindergarten, preschool or nursery school and clearly define reasons for refusal to give approval.

Article 7. Merger, division or split-up of a kindergarten, preschool and nursery school

1. Merger, division or split-up of a kindergarten, preschool and nursery school shall conform to the following requirements:

- a) Match the planning for development of local educational network;

- b) Satisfy the socio-economic demands of the local area within its scope of operation;
 - c) Ensure that legal rights and benefits of children, teachers, administrative officers and employees are maintained;
 - d) Play a significant role in improving the child care, parenting and education quality and effectiveness.
2. The President of the district-level People's Committee shall be vested with authority to issue a decision on merger, division or split-up of a kindergarten, preschool or nursery school.
3. Documentation submitted to apply for approval of merger, division or split-up, including:
- a) The proposal for merger, division or split-up of a kindergarten, preschool and nursery school;
 - b) The request form for merger, division or split-up of a kindergarten, preschool or nursery school submitted to the district-level People's Committee.
4. Implementation procedures:
- a) The commune-level People's Committee (in case of application for approval of merger, division or split-up of a public kindergarten, preschool or nursery school), or an organization or individual (in case of application for approval of merger, division or split-up of a non-public or private kindergarten, preschool or nursery school), shall send 01 set of documents referred to in Clause 3 of this Article, whether directly or by post, to the district-level People's Committee;
 - b) Within the duration of 20 business days of receipt of all required valid documents, the district-level People's Committee shall be responsible for commanding the Subdepartment of Education and Training and other relevant specialized subdepartments to give their assessment opinions on submitted documents and carry out the field inspection of merger, division or split-up of the kindergarten, preschool or nursery school;
 - c) Within the duration of 15 business days of receipt of the written assessment opinions from the Subdepartment of Education and Training and other relevant specialized subdepartments, if all regulatory requirements have been met, the President of district-level People's Committee shall issue a decision on approval of merger, division or split-up; in case of failure to meet stated requirements, a written response in which clear reasons for refusal to approve merger, division or split-up are given must be sent.

Article 8. Suspension of educational operations of a kindergarten, preschool or nursery school

1. A kindergarten, preschool or nursery school shall be subject to suspension of its educational operations if:
- a) it commits any fraudulent act in order to obtain a license for educational operations;

b) it fails to meet one of the stipulated eligibility requirements for permission for educational operations in accordance with Clause 2 and Clause 3 Article 5 hereof;

c) The license for its educational operations has been granted ultra vires;

d) Its educational activities have not been carried out within the duration of 01 year from the licensing date;

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

e) otherwise prescribed by applicable laws and regulations.

2. The Head of the Subdepartment of Education and Training shall be accorded authority to grant the decision to suspend educational operations of the kindergarten, preschool or nursery school.

3. Implementation procedures:

a) Where it is established that the kindergarten, preschool or nursery 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 establish the inspection team, organize inspection activities and make a report on the field inspection as well as warn the kindergarten, preschool or nursery school about any violation;

b) Within the duration of 10 business days from the date of issue of the warning about its violation which has been detected, the Head of the Subdepartment of Education and Training shall decide whether or not its educational operations are suspended;

c) The decision to suspend educational operations of the kindergarten, preschool or nursery school must specify reasons for such suspension, duration of suspension, approaches to assuring legal rights and benefits of school children, teachers, officers and employees and must be made known to the public through mass media;

d) Upon expiration of the duration of suspension, if the defaulting kindergarten, preschool or nursery school has succeeded in mitigating causes resulting in such suspension, the Head of the Subdepartment of Education and Training shall consider granting a decision on permission for restoration of educational operations which must be made known to the public through mass media. In case of refusal to grant permission for restoration of educational operations, a written notice must be sent to the defaulting school, give clear reasons for such refusal and provide any possible solution;

dd) Documents submitted to apply for restoration of educational operations shall include:

- The request form for permission for restoration of educational operations;

- The decision on establishment of the inspection team;
- Inspection report.

e) Processes for grant of permission for restoration of educational operations of a kindergarten, preschool or nursery school shall be subject to Clause 3 Article 6 hereof.

Article 9. Dissolution of a kindergarten, preschool and nursery school

1. A kindergarten, preschool or nursery school shall be closed when one of the following situations occurs:

- a) The school has committed serious violations against applicable regulations on organization or operation of a kindergarten, preschool or nursery school.
- b) Upon expiration of the duration of suspension of educational operations specified in the suspension decision, causes of such suspension have not yet been corrected;
- c) Educational objectives and contents specified in the establishment decision or the decision on permission for establishment of a kindergarten, preschool or nursery school have no longer matched socio-economic development demands;
- d) The school is dissolved at the request of the organization or individual that submitted application for establishment of a kindergarten, preschool or nursery school.

2. The President of the district-level People's Committee shall be vested with authority to issue a decision on dissolution of a kindergarten, preschool or nursery school.

3. Documentation submitted to request approval of dissolution of a kindergarten, preschool or nursery school shall be composed of the following:

- a) The decision on establishment of the inspection team issued by the district-level People's Committee;
- b) The inspection report;
- c) The request form for the school dissolution made by the Subdepartment of Education and Training which clearly defines reasons for request for dissolution and present evidences that the school has violated regulations laid down in Point a, b and c Clause 1 of this Article, or the request form for dissolution made by the organization or individual as the school founder that clarifies reasons for such dissolution and approaches to dealing with legal rights and benefits of children, teachers, officers and employees of the school; plans to deal with assets of the dissolved school.

4. Implementation procedures:

- a) The organization or individual that submitted the application for establishment of a kindergarten, preschool or nursery school shall send 01 set of documents to request dissolution, whether directly or by post, to the district-level People's Committee;
- b) When discovering, or receiving any report from an authority, organization or individual on, the school's commission of any violation against regulations laid down in Point a, b and c Clause 1 of this Article, the district-level People's Committee shall be responsible for commanding the Subdepartment of Education and Training to undertake and cooperate with relevant subdepartments in verification and completion of preparation of the dissolution documentation which must clarify reasons for such dissolution, and notify the school requesting for dissolution and report to the district-level People's Committee within the permitted duration of 20 business days;
- c) Within the maximum duration of 10 business days of receipt of the request documentation for such dissolution, the President of the district-level People's Committee shall consider whether or not a decision on dissolution of the kindergarten, preschool or nursery school is granted;
- d) The decision to dissolve a kindergarten, preschool or nursery school must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of school children, teachers, officers and employees, or plans to deal with the school's property, and ensure public disclosure, transparency as well as must be made known to the public through mass media.

Section 2. INDEPENDENTLY-RUN NURSERY GROUP OR PRESCHOOL CLASS (hereinafter sometimes referred to as group or class)

Article 10. Eligibility requirements for establishment of independently-run nursery groups or preschool classes

1. Meet child daycare demands of families.
2. Have a staff of teachers satisfying qualification standards referred to in Article 77 of the Law on Education.
3. Provide child care, fostering and education rooms that are built in a rigid or semi-rigid manner, ensure safety, sufficient natural illumination, good ventilation and tidiness, and of which the area for child care, fostering and education activities must be at least 1.5 m² per a child; play spaces, fences and guard doors used for protecting safety for children and amenities suitable for children of various ages; spaces for serving meals to children which are required to have kitchens that have separate kitchens away from nursery centers and meet regulatory safety standards as well as comply with fire prevention and food hygiene regulations. Provide a clean and adequate amount of drinking water for children as prescribed by laws.
4. Amenities necessary for an independent nursery group:

- a) Activity and play mattresses or carpets, nap beds, blankets, pillows, mosquito nets, drinking water containers, toy storage racks, child towel racks and cup holders, infant potty chairs and teacher's chairs;
- b) Basic amenities for children such as toys, supplies and materials used for play and deliberate play and practice activities;
- c) A sufficient amount of personal care supplies for children;
- d) Necessary supplies and materials for child carers, including instructional kits for child care and education activities; child progress monitoring record-books; record-books for monitoring of assets of the nursery group; materials used for promotion of parents' knowledge about child care and education.

5. Amenities necessary for an independent preschool class:

- a) Desks and chairs meeting stipulated standards for children, especially those under 5 years: Sets of one desk and two chairs for two children; one desk, one chair and one whiteboard for teachers; shelves for storage of supplies and toys; drinking and tap water tanks. There must be wooden sleeping boards or beds, blankets, pillows, mosquito nets and fans for children's nap;
- b) Basic amenities for children such as toys, supplies and materials used for play and deliberate play and practice activities;
- c) A sufficient amount of personal care supplies for children;
- d) Necessary supplies and materials for kindergarten teachers, including instructional kits for child care and education activities; child progress monitoring record-books; journals for monitoring of child education activities; materials used for promotion of parents' knowledge about child care and education.

6. As for areas where the network of early childhood education schools or classes has yet to match preschooling demands, individuals may organize child groups in order to meet parents' demands for child care, fostering and education activities and register such activities with the commune-level People's Committees as well as conform to eligibility requirements for registration of their operations, including:

- a) The maximum number of children per a group is 07 children;
- b) Carers of preschoolers must have good health, be tested negative for any infectious disease, have full capacity for civil conducts and have obtained the certificate of completion of the further improvement course in child care and parenting practices in accordance with applicable regulations;
- c) The nursery group must satisfy the minimum facility requirements as follows: It must have the child care and parenting room that covers a minimum area of 15 m²; ensure safety, well-

ventilated space and fresh air; be furnished with safe supplies and toys suitable for children of particular ages; provide an adequate amount of personal supplies for children's meals, naps and activities as well as equipment used for child care and parenting activities; provide sufficient drinking water daily for children; have toilet rooms and appliances intended for children; provide adequate clean water for children; enter into an agreement with parents on child care, fostering and safety guarantee activities; provide instructional materials for child care and education practices.

Article 11. Procedures and documentation requirements for establishment of an independently-run nursery group or preschool class

1. The President of the commune-level People's Committee shall be vested with authority to grant the decision to approve establishment of an independent nursery group and preschool class.

2. Documentation submitted to request approval of establishment of a nursery group and preschool class shall be composed of the following:

a) The request form for permission for establishment of an independently-run nursery group or preschool class;

b) The non-public or private kindergarten, preschool and nursery school may rent unused head offices, facilities and equipment which are state-controlled or owned by public educational institutions for the purpose of organization of educational activities as per applicable laws and regulations;

c) The certified duplicate copy of teacher's degree or certificate.

3. Implementation procedures:

a) The organization or individual shall send 01 set of documents referred to in Clause 2 of this Article, whether directly or by post, to the commune-level People's Committee;

b) The commune-level People's Committee shall handle and assess the submitted set of documents. If the submitted set of documents has been found illicit, a written notification of contents that require modification must be sent to the applicant within the permitted duration of 05 business days of receipt of these documents; if such submitted documents have been judged valid, the written request for field inspection of eligibility requirements for establishment of an independent nursery group or preschool class must be sent to the Subdepartment of Education and Training;

c) Within the maximum period of 10 business days, the Subdepartment of Education and Training shall conduct the requested field inspection and submit its written opinions to the commune-level People's Committee to define whether or not the independent nursery group or preschool class satisfies regulatory requirements for establishment;

d) Within the duration of 10 business days of receipt of the written response from the Subdepartment of Education and Training, the President of commune-level People's Committee shall issue a decision on establishment or approval of establishment; in case of refusal to issue the decision, a written notification in which reasons for refusal to issue the decision on establishment or approval of establishment should be clearly specified shall be sent to the applicant and the Subdepartment of Education and Training.

Article 12. Merger, division and split-up of independently-run nursery groups or preschool classes

1. Merger, division or split-up of an independent nursery group or preschool class shall conform to the following requirements:

a) Conform to regulations on teachers, the number of children per a nursery group or preschool class, and classroom organization activities;

b) Assure safety, legal rights and benefits for children and teachers;

c) Contribute to improving the child care, parenting and education quality.

2. The President of the commune-level People's Committee shall be vested with authority to grant the decision to approve merger, division or split-up of an independent nursery group and preschool class.

3. Documentation submitted to request approval of merger, division or split-up of a nursery group and preschool class shall be composed of the following:

a) The request form for merger, division or split-up of an independently-run nursery group or preschool class;

b) The certified duplicate copy of teacher's degree or certificate.

4. Implementation procedures:

a) The organization or individual shall send 01 set of documents referred to in Clause 3 of this Article, whether directly or by post, to the commune-level People's Committee. Within the maximum period of 05 business days of receipt of all legally required documents, the commune-level People's Committee shall send the Subdepartment of Education and Training the written request for inspection of eligibility requirements for merger, division or split-up of an independent nursery group or preschool class;

b) Within the maximum period of 10 business days, the Subdepartment of Education and Training shall consider conducting the requested field inspection and, if all regulatory requirements have been met, submit its written opinions to the commune-level People's Committee;

c) Within the permissible duration of 10 business days of receipt of the written response from the Subdepartment of Education and Training, the President of commune-level People's Committee shall decide whether merger, division or split-up is approved. In case of refusal to grant a decision to approve merger, division or split-up of a nursery group or preschool class, a written notification in which reasons for such refusal should be clearly stated shall be sent to the Subdepartment of Education and Training and the applicant.

Article 13. Suspension of educational operations of independent nursery groups or preschool classes

1. An independent nursery group or preschool class shall be subject to suspension of its educational operations when one of the following cases occurs:

a) It fails to meet one of the stipulated eligibility requirements for establishment referred to in Clause 2, 3, 4 and 5 Article 10 hereof;

b) It has committed any violation against regulations on imposition of penalties for administrative offences arising in the education industry to the extent that the decision on suspension thereof is granted.

2. The President of the commune-level People's Committee shall be vested with authority to grant the decision to suspend educational operations of an independent nursery group and preschool class.

3. Implementation procedures:

a) The commune-level People's Committee shall cooperate with the Subdepartment of Education and Training in establishment of the inspection team, organization of inspection activities and preparation of the assessment report on field inspection of realistic conditions of the group or class. Based on the inspection review report, the President of the commune-level People's Committee shall decide whether or not the group or class is suspended. The decision on suspension of the group or class should clearly specify the reasons for, the duration of educational operations, corrective measures and must be published through mass media;

b) Upon expiration of the duration of suspension of educational operations, if the defaulting group or class has succeeded in correct violations, the President of the commune-level People's Committee shall consider granting a decision on permission for restoration of educational operations of the group or class and publish this decision through mass media. In case of refusal to grant the decision on permission for restoration of educational operations, a written notice must be sent to the defaulting organization or individual, give clear reasons for such refusal and provide any possible solution;

c) Documents submitted to apply for restoration of educational operations shall be composed of the followings:

- The request form for permission for restoration of educational operations;

- The decision on establishment of the inspection team;
- Inspection report.

d) Processes for grant of permission for restoration of educational operations of an independent nursery group or preschool class shall be subject to Clause 3 Article 11 hereof.

Article 14. Dissolution of independently-run nursery groups or preschool classes

1. An independent nursery group or preschool class shall be dissolved when one of the following cases occurs:

- a) Upon expiration of the duration of suspension of educational operations specified in the suspension decision, causes of such suspension have not been corrected yet;
- b) The group or class has committed serious violations against applicable regulations on organization or operation of independent nursery groups or preschool classes;
- c) The group or class is dissolved at the request of the organization or individual that submitted application for establishment of that group or class.

2. The President of the commune-level People's Committee shall be vested with authority to decide whether or not an independent nursery group and preschool class is dissolved.

3. Implementation procedures:

- a) The commune-level People's Committee shall cooperate with the Subdepartment of Education and Training in conduct of inspection activities and preparation of the inspection review report;
- b) Based on the inspection review report, the President of the commune-level People's Committee shall grant his/her decision on revocation of the establishment permit and on dissolution of the independent nursery group or preschool class. The dissolution decision must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of school children, teachers, officers and employees and must be made known to the public through mass media.

Chapter III

GENERAL EDUCATION INSTITUTION

Section 1. PRIMARY SCHOOL

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

1. The proposal for establishment of a primary school must be consistent with the local educational network development plan approved by the state regulatory authority, correspond to local socio-economic development requirements, and provide favorable conditions for children to go to school with the aim of fulfilling the primary education universalization mission.
2. The proposal for establishment of a primary school must clearly define objectives, missions, curriculum framework and outline; facilities, equipment, intended construction site and land coverage; organization and personnel structure, financial and other resources; guidelines and strategies for school construction and development.

Article 16. Procedures and documentation requirements 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 be accorded authority to grant the decision on establishment of a public primary school, or permission for establishment of private primary school.
2. The application package shall be composed of the following:
 - a) The request form for establishment of a primary school;
 - b) The proposal for establishment of a primary school;
 - c) The CV and the copy of the legitimate degree or certificate of the recommended rector;
 - d) The written opinion of relevant authority on establishment or permission for establishment of the school;
 - dd) The statement of explanation for acceptance of opinions from relevant authorities and the complementary report prepared under the direction of the district-level People's Committee (if any).
3. Implementation procedures:
 - a) The commune-level People's Committee (if the applicant is a public primary school), or the organization or individual (if the applicant is a private primary school) shall send 01 set of documents referred to in Clause 2 of this Article, whether directly or by post, to the Subdepartment of Education and Training;
 - b) The Subdepartment of Education and Training shall handle submitted application documents. Within the permitted duration of 05 business days of receipt of these documents, if the submitted set of documents has been found illicit, a written notification of contents that require modification must be sent to the respective applicant. Within the maximum period of 20 business days of receipt of all legally required documents, if all stipulated requirements are met, the Subdepartment of Education and Training shall give its opinions in writing and send the written

request for approval of establishment or permission for establishment of the school to the district-level People's Committee;

c) Within the maximum duration of 20 business days of receipt of all legal application documents, the President of the district-level People's Committee shall grant the decision on establishment or approval of establishment of the requesting school. In case of refusal to grant that decision, a written notification which clarifies reasons for such refusal must be sent to the Subdepartment of Education and Training, the commune-level People's Committee and the requesting organization or individual.

4. Upon expiration of the duration of 02 years after the date of entry into force of the decision on establishment or approval of establishment, if the requesting primary school has yet to obtain any permission for its educational operations, the Subdepartment of Education and Training shall report to the President of the district-level People's Committee on the decision on cancellation of the decision on establishment or permission for establishment of the school.

Article 17. Licensing requirements for educational operations of a primary school

1. Obtain the decision on establishment or approval of establishment of the school.

2. Own land, school head office, facilities and equipment that meet regulatory requirements concerning educational operations:

a) The minimum area of land used for construction of the requesting school that is determined by taking into account the number of classes, students and geographic characteristics shall be at least 10 m² per a student in rural or mountainous regions; 06 m² per a student in municipal or urban regions. As for administrative subdivisions short of unoccupied land, it shall be possible that the usable area of land is replaced by the floor area of land and is adequate as prescribed; the district-level People's Committee shall be responsible for preparing the proposal for use of the replacement area which must be approved by the provincial-level People's Committee;

b) The school construction project is divided into the following sections:

- A section consisting of perimeter fences, school gates, name signs, classrooms, rector's office, vice rector's office, offices, conference rooms, teacher's rooms, libraries, educational equipment storage spaces, computer labs, history and Young Pioneers' activity exhibition houses, healthcare rooms, guard rooms;

- A section consisting of arts education rooms, audiovisual rooms, student consultation rooms, rooms for inclusive education for students with disabilities, physical education or multi-functional rooms;

- A section consisting of toilet areas particularly intended for males, females, teachers, students and disabled students, garbage disposal areas and water supply and drainage systems that conform to stipulated sanitary standards, parking lots intended for students, teachers and staff, land plots used for play and physical activities conforming to requirements that it must occupy at

least 30% of total area of the school, play activity courtyards must be built on flat grounds and shaded by trees, and physical training yards which must be suitable and ensure safety for students;

- A section consisting of canteens and dormitories that ensure conditions for semi-boarding student's healthy life, toilet areas built on each floor or block of classrooms, swimming pools, physical education areas with play tools, training and fitness aids or equipment for students.

c) The requesting school must fully provide educational equipment according to the list of basic educational equipment articles issued by the Ministry of Education and Training, promptly meet requirements concerning teaching equipment provided for teachers and students.

3. The site for construction of the school must provide safe educational environment for learners, teachers and employees.

4. Educational program and teaching or learning materials must be appropriate for primary education activities.

5. The staff of teachers, administrative officers and employees meets stipulated qualitative and quantitative standards, be uniform in terms of personnel structure and satisfy requirements of an educational program.

6. The school must maintain a sufficient amount of financial resources as required by laws in order to ensure continued operation and development of its educational activities.

Article 18. Procedures and documentation requirements for approval of educational operations of a primary school

1. The Head of the Subdepartment of Education and Training shall be accorded authority to grant the requesting primary school the license to carry out its educational operations.

2. The application package shall be composed of the following:

a) The request form for permission for educational operations;

b) The decision on establishment or approval of establishment of the school;

c) The written report on a relevant competent authority's inspection of regulatory requirements referred to in Article 17 hereof.

3. Implementation procedures:

a) The rector of the requesting school shall be responsible for preparing the application documentation for approval of educational operations, referred to in Clause 2 of this Article;

b) The Subdepartment of Education and Training shall accept the submitted documentation and check licensing requirements for educational operations in accordance with Article 17 hereof. Within the duration of 20 business days of receipt of all required documents, the Head of the Subdepartment of Education and Training shall issue a decision on approval of organization of educational activities to the requesting school; in case of refusal to issue the decision, a written notification in which reasons for such refusal and possible solutions should be clearly specified shall be sent to the requesting school.

Article 19. Merger, division or split-up of a primary school

1. Merger, division or split-up of a primary school shall conform to the following requirements:

a) Correspond to the local educational network development plan approved by the state regulatory authority and match local socio-economic development demands;

b) Assure safety, legal rights and benefits for students, contribute to increasing educational quality and effectiveness;

c) Ensure that legal rights and benefits of teachers, administrative officers and employees are maintained.

2. The President of the district-level People's Committee shall be vested with authority to issue a decision on merger, division or split-up, or permission for merger, division or split-up of a primary school.

3. The application package shall be composed of the following:

a) The request form for merger, division or split-up;

b) The proposal for merger, division or split-up;

c) The written confirmation of financial status, assets, real property, loans and liabilities as well as other relevant matters;

d) The written opinion of the relevant authority.

4. Merger, division or split-up of a primary school shall be carried out according to the processes similar to those for establishment of primary school referred to in Clause 3 Article 16 hereof.

Article 20. Suspension of educational operations of a primary school

1. A primary school shall be subject to suspension of its educational operations when one of the following cases occurs:

a) The school commits any fraudulent act in order to obtain a license for its educational operations;

b) The school neither conforms to one of the eligibility requirements for establishment or permission for establishment as stipulated in Article 15 hereof nor conforms to licensing requirements for educational operations of a primary school in accordance with Article 17 hereof;

c) The license for the school's educational operations has been granted ultra vires;

d) Its educational activities have not been carried out within the duration of 01 year from the licensing date;

dd) The school has committed any offence against laws and regulations on education to the extent that it is subject to suspension imposed as an administrative penalty;

e) Any other violation is committed as prescribed by applicable laws and regulations.

2. The Head of the Subdepartment of Education and Training shall be accorded authority to issue a decision on suspension of educational operations of the defaulting school.

3. Implementation procedures:

a) Where it is established that the 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 establish the inspection team, organize inspection activities and make a report on the field inspection of the school;

b) In light of the severity of violation that the school has committed, the Head of the Subdepartment of Education and Training shall issue a decision on suspension of educational operations of the defaulting school and report to the district-level People's Committee. c) The decision to suspend educational operations of a primary school must specify reasons for such suspension, duration of suspension, approaches to assuring legal rights and benefits of the school's students, teachers, administrative officers and employees and must be made known to the public through mass media;

c) Upon expiration of the duration of suspension, if the suspended school has succeeded in mitigating causes resulting in such suspension and submitted the application documentation referred to in Point d of this Clause for restoration of its educational operations, the Head of the Subdepartment of Education and Training shall issue a decision on permission for restoration of educational operations which must be made known to the public through mass media. In case of refusal to grant permission for restoration of educational operations, a written notice must be sent to the school, give clear reasons for such refusal and provide any possible solution;

d) Documents submitted to apply for restoration of educational operations shall be composed of the followings:

- The request form for permission for restoration of educational operations;

- The decision on establishment of the inspection team;
- Inspection report.

dd) Processes for grant of permission for restoration of educational operations of a primary school shall be subject to Clause 3 Article 18 hereof.

Article 21. Dissolution of a primary school

1. A primary school shall be closed when one of the following situations occurs:

- a) The school has committed serious violations against applicable regulations on organization or operation of a primary school;
- b) Upon expiration of the duration of suspension of educational operations specified in the suspension decision, causes of such suspension have not been corrected yet;
- c) Educational objectives and contents specified in the establishment decision or the decision on permission for establishment of a primary school have no longer matched local socio-economic development demands;
- d) The school is dissolved at the discretion of the organization or individual applying for establishment of the primary school.

2. The President of the district-level People's Committee shall be accorded authority to grant a decision on dissolution of a primary school, or permission for dissolution of a private primary school.

3. The application package shall be composed of the following:

a) The primary school can be dissolved as prescribed by Point a, b and c Clause 1 of this Article if it submits the following documents:

- The request form for dissolution submitted by the Subdepartment of Education and Training;
- Documentation relating to suspension of educational operations;
- Documents concerning failure to mitigate causes of suspension of educational operations;
- The decision on establishment of the inspection team;
- Inspection report.

b) The primary school can be dissolved as prescribed by Point a, b and c Clause 1 of this Article if it submits the following documents:

- The request form for dissolution submitted by an organization or individual;
- The request form for dissolution submitted by the Subdepartment of Education and Training.

4. Implementation procedures:

a) The Subdepartment of Education and Training shall measure the severity of violation referred to in Point a, b and c Clause 1 of this Article or consider the request for dissolution of the organization or individual applying for establishment of the school; request the President of the district-level People's Committee in writing to issue a dissolution decision;

b) The district-level People's Committee shall consider the request of the Head of the Subdepartment of Education and Training to decide whether or not the school's dissolution is allowed within the duration of 20 business days after receipt of all required documents. The dissolution decision must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of the school's students, teachers, administrative officers and employees and must be made known to the public through mass media.

Section 2. OTHER EDUCATIONAL INSTITUTION PROVIDING THE PRIMARY EDUCATION PROGRAM

Article 22. Regulatory eligibility requirements for provision of primary education programs by other educational institutions

1. The educational institution must satisfy requirements for assistance with primary education universalization set down by the local jurisdiction where that institution is located.

2. The educational institution must be sponsored by a primary school and provide support to a competent authority for management of educational programs, teaching plans, textbooks and reference materials, educational activities, and documents necessary for educational activities, student performance assessment or grading.

3. The educational institution must employ a staff of qualified administrative officers and teachers conforming to the regulatory standards.

4. The educational institution must have classrooms that conform to the following requirements:

a) Ensure that a classroom is designed in conformity with the predetermined specifications, provides adequate lighting, is kept cool in the summer and warm in the winter, is safe for teachers and students in accordance with applicable school sanitation and hygiene norms, and provides basic amenities for students with disabilities to make their learning activities easier;

b) Make the following equipment available for use, such as student's chairs and desks conforming to the stipulated specifications and providing adequate seats for all students, teacher's chairs and desks, board, lights, fans (installed at places where electricity is supplied), document and teaching equipment storage cabinets.

Article 23. Regulatory procedures for provision of primary education programs by other educational institutions

1. The President of the commune-level People's Committee shall license other educational institutions to provide primary education programs.
2. The application package shall be composed of the following:
 - a) The request form for the license to provide primary education programs;
 - b) The certified duplicate copy of the degree or certificate of the recommended director of the requesting educational institution;
 - c) The written document evidencing receipt of sponsorship from the primary school located within the same district.
3. Implementation procedures:
 - a) The requesting organization or individual shall send 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the commune-level People's Committee;
 - b) The commune-level People's Committee shall receive the submitted application documentation. Within the permitted duration of 05 business days of receipt of such documentation, if the submitted documentation has been found illicit, a written notification of contents that require modification must be sent to the respective applicant;
 - c) Within the duration of 20 business days of receipt of all valid documents, the President of the commune-level People's Committee shall issue a decision on permission for other educational institutions to provide primary education programs; in case of refusal to issue such decision, a written notification in which reasons for such refusal and possible solutions should be clearly specified shall be sent to the respective applicant.

Article 24. Suspension or revocation of the decision on permission for provision of primary education programs by other educational institutions

1. Suspension of the decision on permission for provision of primary education programs by other educational institutions shall be carried out in the same manner as that of a primary school in accordance with Article 20 hereof.
2. Revocation of the decision on permission for provision of primary education programs by other educational institutions shall be carried out as follows:
 - a) The President of the commune-level People's Committee shall revoke the decision on permission for provision of primary education programs by other educational institutions.

b) The educational institution shall be subject to revocation of the decision on permission for provision of primary education programs when one of the following situations occurs:

- The educational institution is dissolved in accordance with applicable laws and regulations;
- a) The educational institution has committed serious violations against applicable regulations on organization or operation of a educational institution;
- Upon expiration of the duration of suspension, causes for such suspension have not been corrected yet;
- Educational objectives and contents have no longer matched local socio-economic development demands;
- The educational institution is dissolved at the request of the organization or individual applying for establishment of the educational institution;
- As otherwise prescribed by applicable laws and regulations.

c) Revocation of the decision on permission for provision of primary education programs by other educational institutions must define reasons for such revocation, provide approaches to assuring legal rights and benefits of that educational institution's students, teachers, administrative officers and employees and must be made known to the public through mass media.

Section 3. LOWER SECONDARY SCHOOL, UPPER SECONDARY SCHOOL AND MULTI-LEVEL GENERAL EDUCATION SCHOOL

Article 25. Regulatory eligibility requirements for establishment of a public lower secondary school, upper secondary school and multi-level general education school (hereinafter referred to as secondary school), or permission for establishment of a private secondary school

1. The proposal for establishment of a secondary school must be consistent with the local socio-economic development and education network plan approved by the state regulatory authority.
2. The proposal for establishment of a secondary school must clearly define objectives, missions, curriculum framework and outline; facilities, equipment, intended construction site and land coverage; organization and personnel structure, financial and other resources; guidelines and strategies for school construction and development.

Article 26. Procedures and documentation requirements for establishment of a public secondary school, or permission for establishment of a private secondary school

1. The President of the district-level People's Committee shall be accorded authority to grant the decision on establishment or permission for establishment of a lower secondary school and

multi-level general education school with the lower secondary education level as the highest level (hereinafter referred to as lower secondary school); the President of the People's Committee of a centrally-affiliated city and province (hereinafter referred to as provincial-level People's Committee) shall be accorded authority to grant the decision on establishment or permission for establishment of a upper secondary school and multi-level general education school with the upper secondary education level as the highest level (hereinafter referred to as upper secondary school).

2. The application package shall be composed of the followings:

- a) The request form for establishment of a secondary school;
- b) The proposal for establishment of a secondary school;
- c) The CV and the copy of the legitimate degree or certificate of the recommended rector;
- d) The written opinion of the relevant authority on establishment or permission for establishment of the secondary school;
- dd) The statement of explanation for acceptance of opinions from relevant authorities and the complementary report prepared under the direction of the district-level or provincial-level People's Committee (if any).

3. Implementation procedures:

- a) The commune-level People's Committee (if the applicant is a lower secondary school), or the district-level People's Committee (if the applicant is an upper secondary school), or the organization or individual (if the applicant is a private secondary school), shall be required to send 01 set of documents referred to in Clause 2 of this Article, whether directly or by post, to the Subdepartment of Education and Training (if the applicant is a lower secondary school) or the Department of Education and Training (if the applicant is an upper secondary school);
- b) The Subdepartment of Education and Training or the Department of Education and Training shall receive submitted application documents. Within the maximum duration of 20 business days of receipt of all legally required documents, if all stipulated requirements are satisfied, the receiving authority shall give its opinions in writing and send the written request for approval of establishment or grant of permission for establishment of the school to the person having relevant delegated powers as prescribed by Clause 1 of this Article; unless all stipulated requirements are met, a written notification in which reasons for refusal should be clearly stated must be sent to the commune-level People's Committee, district-level People's Committee or the requesting organization or individual;
- c) Within the maximum duration of 20 business days of receipt of all legally required documents, the person having relevant delegated powers shall issue the decision on establishment or permission for establishment of the requesting school; in case of rejection, a written notification

in which reasons for such rejection should be clearly stated must be sent to the receiving authority or the requesting organization or individual.

4. 02 years after the date of entry into force of the decision on establishment or approval of establishment, if the secondary school has yet to obtain any permission for its educational operations, the Subdepartment of Education and Training or the Department of Education and Training shall report to the person given relevant powers who may decide whether the decision on establishment and approval of establishment becomes null and void.

Article 27. Licensing requirements for educational operations of a secondary school

1. The school must be established under the decision on establishment or approval of establishment, granted by the person given relevant powers as provided by Clause 1 Article 26 hereof.

2. The school must own land, school head office, facilities and equipment that meet regulatory requirements concerning educational operations. School facilities shall conform to the following requirements:

a) The classroom must be built in conformity with the stipulated specifications, be furnished with an adequate number of chairs and desks of which the height fits for all students, teacher's chairs and desks, boards, and ensure good illumination, cool air and be capable of operating in two shifts a day;

b) The specialist classroom must be subject to regulations on the specialist classroom, adopted by the Minister of Education and Training;

c) Block of facilities providing educational support services, e.g. multifunctional physical activity facility, library, Young Pioneer – Youth Union activity facility and historical exhibition house;

d) Block of clerical and administrative facilities, e.g. rector's offices, vice rector's offices, meeting halls that can receive all of the administrative officers, teachers and employees, rooms intended for subject groups, healthcare service rooms, storage facilities, guest contact and reception rooms and Communist Party or Union activity rooms;

dd) Playgrounds and physical training courtyards that occupy at least 25% of total usable area of the school and are fully furnished with equipment used for physical and sport activities as well as ensure safety for use;

e) Parking lots that must be arranged at suitable areas within the precinct of the school, ensure conformity to safety, security and sanitation standards;

g) Information technology facilities and systems with internet connection that match teaching and learning demands.

3. The school must be located at an area that helps provide a good and safe educational environment for students, teachers, administrative officers and employees. The school must be located at a separate area with perimeter walls, school main entrance gate and school name sign. The school must cover a sufficient area of land that is prescribed by applicable laws and meets requirements concerning organization of educational activities.
4. The school's curriculum and syllabus must be provided in accordance with applicable laws provided they match the teaching and learning demands at specific educational levels.
5. The school must employ a staff of teachers and administrative officers that satisfy stipulated moral standards and gain equivalent educational qualifications, and are adequate according to the classification structure of teachers and meet stipulated requirements regarding provision of educational programs and organization of educational activities.
6. The school must maintain a sufficient amount of financial resources as required by laws in order to ensure continued operation and development of its educational activities.
7. The school must adopt its statutes of organization and operations.

Article 28. Procedures and documentation requirements for application for approval of educational operations of a secondary school

1. The Head of the Subdepartment of Education and Training shall be accorded authority to grant the requesting lower secondary school the license to carry out its educational operations; the Director of Department of Education and Training shall be accorded authority to grant the requesting upper secondary school the license to carry out its educational operations.
2. The application package shall be composed of the followings:
 - a) The request form for the license to carry out educational operations;
 - b) Certified duplicate copy of the establishment decision or the decision on approval of establishment of the school;
 - c) Written document on evaluation of requirements, referred to in Article 27 hereof, conducted by relevant competent authorities.
3. Implementation procedures:
 - a) The public secondary school, or representative of organization or individual (if the applicant is the private secondary school) shall send 01 set of documents referred to in Clause 2 of this Article, whether directly or by post, to the competent persons stipulated by Clause 1 of this Article;
 - b) The competent persons referred to in Clause 1 of this Article shall receive the submitted documentation. Within the permitted duration of 05 business days of receipt of such

documentation, if the submitted set of documents has been found illicit, a written notification of contents that require correction or modification must be sent to the respective applicant;

c) Within the maximum duration of 20 business days of receipt of all valid application documents, the competent persons referred to in Clause 1 of this Article shall grant the decision on approval of educational operations of the requesting school. In case of refusal to grant approval of educational operations, a written notice must be sent to the requesting school, give clear reasons for such refusal and provide any possible solution.

Article 29. Merger, division or split-up of a secondary school

1. Merger, division or split-up of a secondary school shall conform to the following requirements:

a) Correspond to the local educational network development plan approved by the state regulatory authority and match local socio-economic development demands;

b) Assure safety, legal rights and benefits for students, contribute to increasing educational quality and effectiveness;

c) Ensure that legal rights and benefits of teachers, administrative officers and employees are maintained.

2. The competent persons authorized to grant the decision on establishment or the decision on approval of establishment of the school shall be vested authority to issue the decision on merger, division or split-up of the school or approval thereof. Where the schools established 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 issuing such decision.

3. The application package shall be composed of the followings:

a) The request form for merger, division or split-up;

b) The proposal for merger, division or split-up;

c) The written confirmation of financial status, assets, real property, loans and liabilities as well as other relevant matters;

d) The written opinion of the relevant authority.

4. Merger, division or split-up of a secondary school shall be carried out according to the processes similar to those for establishment of a secondary school referred to in Article 26 hereof.

Article 30. Suspension of educational operations of a secondary school

1. A secondary school shall be subject to suspension of its educational operations when one of the following cases occurs:

- a) The school commits any fraudulent act in order to obtain a license for its educational operations;
- b) The school fails to meet one of the stipulated licensing requirements for its educational operations in accordance with Article 27 hereof;
- c) The license for the school's educational operations has been granted ultra vires;
- d) Its educational activities have not been carried out within the duration of 01 year from the licensing date;
- dd) The school has committed any offence against laws and regulations on education to the extent that it is subject to suspension imposed as an administrative penalty;
- e) The school has committed serious violations against regulations on objectives, educational plan and quality, educational, assessment and examination rules;
- g) The school has committed any other violation prescribed by applicable laws and regulations.

2. The competent person having authority to license operational operation shall be accorded authority to issue a decision on suspension of educational operations of the violating secondary school. The decision to suspend educational operations of a secondary school must clearly specify reasons for such suspension and term of suspension, approaches to assuring legal rights and benefits of the school's students, teachers, administrative officers and employees, and must be made known to the public through mass media.

3. Implementation procedures:

- a) Where it is established that the school has committed one of the violations prescribed by Article 27 hereof, the competent person referred to in Clause 1 Article 26 hereof shall establish the inspection team, conduct inspection procedures and make a report on the field inspection of the school;
- b) In light of the severity of violation that the school has committed, the Head of the Subdepartment of Education and Training (if the requesting secondary school is established under the decision of the President of district-level People's Committee), or the Director of the Department of Education and Training (if the secondary school is established under the President of provincial-level People's Committee) shall issue a decision on suspension of educational operations of the defaulting school and report to the competent person vested with authority to issue the decision on establishment or the decision on approval of establishment of the secondary school;

c) Upon expiration of the duration of suspension, if the defaulting secondary school has succeeded in mitigating causes resulting in such suspension, the competent person vested authority to grant the suspension decision shall issue a decision on permission for restoration of the school's operations which must be made known to the public through mass media. In case of refusal to grant permission for restoration of educational operations, a written notice must be sent to the school, give clear reasons for such refusal and provide any possible solution;

d) Documents submitted to apply for restoration of educational operations shall be composed of the followings:

- The request form for permission for restoration of educational operations;
- The decision on establishment of the inspection team;
- Inspection report.

dd) Processes for grant of permission for restoration of educational operations of a secondary school shall be subject to Clause 3 Article 28 hereof.

Article 31. Dissolution of a secondary school

1. A secondary school shall be closed when one of the following situations occurs:

a) The school has committed serious violations against applicable regulations on administration, organization or operation of a secondary school;

b) Upon expiration of the duration of suspension of educational operations specified in the suspension decision, causes for such suspension have not been corrected yet;

c) Educational objectives and contents specified in the establishment decision or the decision on approval of establishment of a secondary school have no longer matched local socio-economic development demands;

d) The school is dissolved upon the request of the organization or individual applying for establishment of the secondary school.

2. The competent persons vested authority to grant the decision on establishment or the decision on approval of establishment of the school shall have authority to issue the decision on dissolution of the school.

3. The application package shall be composed of the followings:

a) The secondary school can be dissolved under the provisions of Point a, b and c Clause 1 if it submits the following documents:

- The request form for permission for dissolution, submitted by the Subdepartment of Education and Training in case of request for dissolution of a lower secondary school, or by the Department of Education and Training in case of request for dissolution of an upper secondary school;
- Documents relating to suspension of educational operations;
- Documents concerning failure to mitigate causes of suspension of educational operations;
- The decision on establishment of the inspection team;
- Inspection report.

b) The secondary school can be dissolved as prescribed by Point d Clause 1 if it submits the following documents:

- The request form for dissolution submitted by an organization or individual;
- The request form for permission for dissolution, submitted by the Subdepartment of Education and Training in case of request for dissolution of a lower secondary school, or by the Department of Education and Training in case of request for dissolution of an upper secondary school.

4. Implementation procedures:

b) The Subdepartment of Education and Training (if the requesting secondary school is established under the decision of the President of district-level People's Committee), or the Department of Education and Training (if the secondary school is established under the President of provincial-level People's Committee), or the organization or individual founding the school (if the requesting school is a private one), shall set up the plan for dissolution of the school which is then submitted to the competent person vested authority to make a decision on dissolution of the school. The dissolution decision must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of the school's students, teachers, administrative officers and employees and must be made known to the public through mass media;

b) The Subdepartment of Education and Training (in case of dissolution of a lower secondary school), or the Department of Education and Training (in case of dissolution of an upper secondary school), shall inspect and evaluate the severity of violation referred to in Point a, b and c Clause 1 of this Article or consider the request for dissolution submitted by the organization or individual founding the secondary school; request the competent person vested authority to issue the decision on establishment or the decision on approval of establishment of the secondary school in writing to issue a dissolution decision;

c) Within the maximum duration of 20 business days of receipt of all legally required documents, the competent person vested authority to issue the decision on establishment or the decision on approval of establishment of the secondary school shall issue the decision on dissolution of the school.

Section 4. TECHNOLOGY – CAREER EDUCATION CENTER

Article 32. Eligibility requirements for establishment of technology – career education center

1. Correspond to the local socio-economic development requirements and the educational network development plan approved by the state regulatory authority; ensure feasibility and efficiency; match learning demands of the population.
2. Employ a staff of qualified administrative officers and teachers conforming to the regulatory standards.
3. Have a site used for construction or installation of facilities or equipment in accordance with the following regulations:
 - a) Have an adequate number of classrooms, laboratory facilities, specialist classrooms, libraries and manufacturing practice rooms that meet teaching and learning requirements;
 - b) Have teaching equipment, books or journals that meet requirements for provision of training programs at centers, are managed and used in an effective manner in accordance with applicable laws and regulations.

Article 33. Procedures and documentation requirements for establishment of technology – career education center

1. The President of provincial-level People's Committee shall be vested authority to issue the decision on establishment of technology – career education center.
2. The application package shall be composed of the followings:
 - a) Written request for establishment of the center;
 - b) Explanation for fulfillment of requirements concerning facilities, staff of administrative officers and teachers as prescribed by Article 32 hereof;
 - c) Opinions received from relevant regulatory authorities;
 - d) Résumé of the recommended Director of the center.
3. Implementation procedures:
 - a) The Department of Education and Training shall undertake or cooperate with the district-level People's Committee or the organization or individual in formulation of the proposal for establishment of the technology and career education center, send the application for establishment of the center to the relevant regulatory authority in order to obtain written opinions on establishment and request evaluation thereof conducted by the Department of Home Affairs;

b) The Department of Home Affairs shall carry out evaluation and deliver the evaluation dossiers to the provincial-level People's Committee for verification and report to its President to request him/her to issue the decision on establishment of the center. In case of refusal to grant that decision, a written notice in which reasons for such refusal are clearly defined must be sent to the Department of Education and Training, requesting organization or individual.

Article 34. Merger, division and split-up of technology – career education center

1. The President of the provincial-level People's Committee shall be vested authority to issue the decision on merger, division or split-up of technology – career education center.

2. Merger, division or split-up of the technology - career education center shall be subject to regulations laid down in Article 32 and 33 hereof.

Article 35. Suspension of educational operations of the technology – career education center

1. A technology – career education center shall be suspended when one of the following circumstances occurs:

a) The center has committed any offence against laws and regulations on penalties for administrative offences arising in the education industry to the extent that it is subject to suspension;

b) Educational operations of the technology – career education center are uncertain due to objective reasons.

2. The President of the provincial-level People's Committee shall be vested authority to issue the decision on suspension of educational operations of the technology – career education center.

3. The documentation to be submitted shall include the written request sent to the Department of Home Affairs for evaluation of suspension of the center's educational operations.

4. Implementation procedures:

a) The Department of Education and Training requests the Department of Home Affairs in writing to establish the inspection team, conduct the field inspection at the center, address the inspection dossiers to the office of the provincial-level People's Committee for its verification and preparation of a report to its President to request his/her decision on suspension of educational operations of the technology – career education center. The decision to suspend educational operations of the center must clearly specify reasons for such suspension and duration of suspension, approaches to assuring legal rights and benefits of the center's students, teachers, administrative officers and employees, and must be made known to the public through mass media;

b) Upon expiration of the duration of suspension, if the defaulting center has succeeded in mitigating causes resulting in such suspension, the President of the provincial-level People's Committee shall issue a decision on permission for restoration of the center's educational operations which must be made known to the public through mass media. In case of refusal to grant that decision, a written notice must be sent to the defaulting organization or individual, give clear reasons for such refusal and provide any possible solution;

c) Documents submitted to apply for permission for restoration of educational operations shall be composed of the followings:

- The request form for permission for restoration of educational operations;
- The decision on establishment of the inspection team;
- The inspection report.

d) Processes for grant of permission for restoration of educational operations of a technology – career education center shall be subject to Clause 3 Article 33 hereof.

Article 36. Dissolution of the technology – career education center

1. A technology – career education center shall be closed when one of the following situations occurs:

a) The center has committed serious violations against applicable regulations on administration, organization or operation of a center;

b) Upon expiration of the duration of suspension of educational operations specified in the suspension decision, causes for such suspension have not yet been corrected;

c) Educational objectives and contents specified in the decision on establishment of a technology – career education center have no longer matched local socio-economic development demands.

2. The President of the provincial-level People's Committee shall issue the decision on dissolution of the technology – career education center.

3. The request documentation shall be composed of the followings:

a) The plan to dissolve the technology – career education center;

b) The written request submitted to the Department of Home Affairs for its evaluation.

4. Implementation procedures:

a) The Department of Education and Training sets up the plan for dissolution of the technology - career education center and sends the written request to the Department of Home Affairs for its evaluation;

b) In light of the results of evaluation conducted by the Department of Home Affairs, the President of the provincial-level People's Committee shall issue the decision on dissolution of the requesting technology – career education center within the permitted duration of 20 business days of receipt of all legally required documents. The dissolution decision must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of the center's students, teachers, administrative officers and employees and must be made known to the public through mass media.

Chapter IV

CONTINUING EDUCATION INSTITUTION

Section 1. CONTINUING EDUCATION CENTER

Article 37. Eligibility requirements for establishment of continuing education center

1. Correspond to the local socio-economic development requirements, learning demands of the community and the educational network development plan approved by the state regulatory authority.

2. Employ a staff of qualified administrative officers and teachers conforming to the regulatory standards.

3. Have a site used for construction or installation of facilities or equipment in accordance with the following regulations:

a) Have an adequate number of classrooms, laboratory rooms, libraries and production practice facilities that meet teaching and learning requirements;

b) Have teaching and laboratory equipment, teaching books and learning materials in conformity with requirements concerning provision of continuing education programs.

Article 38. Procedures and documentation requirements for establishment of continuing education center

1. The President of the provincial-level People's Committee shall be vested authority to issue the decision on establishment of provincial-level continuing education center.

2. The request documentation shall be composed of the followings:

a) The written request for establishment of the continuing education center, submitted by the Department of Education and Training;

b) The proposal for establishment of the continuing education center which clearly specifies the demands for grant of the license for educational operations, guidelines for operations of the continuing education center, requirements concerning facilities, administrative officers and teachers as prescribed by Article 37 hereof;

c) Résumé of the recommended Director of the center.

3. Implementation procedures:

a) The Department of Education and Training sends 01 set of application documents prescribed by Clause 2 of this Article, whether directly or by post, to the Department of Home Affairs to request its evaluation;

b) Within the maximum duration of 10 business days of receipt of all legally required application documents, the Department of Home Affairs shall conduct evaluation and deliver evaluation dossiers to the provincial-level People's Committee for its verification;

c) Within the permitted duration of 05 business days of receipt of all valid documents, the President of the provincial-level People's Committee shall issue the decision on establishment of provincial-level continuing education center. In case of refusal to grant that decision, a written notice in which reasons for such refusal are clearly defined must be sent to the Department of Education and Training.

Article 39. Merger, division or split-up of the continuing education center

1. The President of the provincial-level People's Committee shall be vested authority to issue the decision on merger, division or split-up of the continuing education center.

2. Merger, division or split-up of the continuing education center shall be subject to Article 37 and 38 hereof.

Article 40. Suspension of educational operations of a continuing education center

1. A continuing education center shall be subject to suspension of its educational operations when one of the following cases occurs:

a) The center has committed any offence against laws and regulations on penalties for administrative offences arising in the education industry to the extent that it is subject to suspension;

b) Educational operations of the continuing education center are uncertain due to objective reasons.

2. The President of the provincial-level People's Committee shall make a decision on suspension of educational operations of a continuing education center.

3. Implementation procedures:

- a) The Department of Education and Training requests the Department of Home Affairs in writing to establish the inspection team, conduct the field inspection at the center and make a report on that inspection, address the inspection dossiers to the office of the provincial-level People's Committee for its verification and preparation of a report to its President to call for his/her decision on suspension of educational operations of the continuing education center;
- b) The decision to suspend educational operations of the center must clearly specify reasons for such suspension, duration of suspension, approaches to assuring legal rights and benefits of the center's students, teachers, administrative officers and employees, and must be made known to the public through mass media;
- c) Upon expiration of the duration of suspension, if the defaulting center has succeeded in mitigating causes resulting in such suspension, the President of the provincial-level People's Committee shall issue a decision on permission for restoration of the center's educational operations which must be made known to the public through mass media. In case of refusal to grant that decision, a written notice must be sent to the Department of Education and Training or the defaulting organization or individual, give clear reasons for such refusal and provide any possible solution;
- d) Documents submitted to apply for restoration of educational operations shall be composed of the followings:
 - The request form for permission for restoration of educational operations;
 - The decision on establishment of the inspection team;
 - The inspection report.
- dd) Processes for grant of permission for restoration of educational operations of the continuing education center shall be subject to Clause 3 Article 38 hereof.

Article 41. Dissolution of the continuing education center

- 1. A continuing education center shall be closed when one of the following situations occurs:
 - a) The center has committed serious violations against applicable regulations on administration, organization or operation of a center;
 - b) Upon expiration of the duration of suspension of educational operations specified in the suspension decision, causes for such suspension have not yet been corrected;
 - c) Educational objectives and contents specified in the decision on establishment of a continuing education center have no longer matched local socio-economic development demands.

2. The President of the provincial-level People's Committee shall be vested authority to issue the decision on dissolution of the continuing education center.

3. Implementation procedures:

a) The Department of Education and Training sets up the plan for dissolution of the continuing education center and sends the written request to the Department of Home Affairs for its evaluation. Upon completion of the evaluation, the Department of Home Affairs shall deliver the evaluation dossiers to the provincial-level People's Committee for its verification and preparation of a report to its President to request him/her to issue the decision on dissolution of the center;

b) The decision on dissolution of the continuing education center must be made known to the public through mass media.

Section 2. COMMUNITY LEARNING CENTER

Article 42. Eligibility requirements for establishment of the community learning center

1. Correspond to the local educational network development plan approved by the state regulatory authority and learning demands of the community.

2. Employ officers, teachers, accountants and pursers that meet requirements concerning the center's operations in accordance with applicable laws and regulations.

3. Have a specified site, facilities and equipment, educational programs, plans and learning materials necessary to meet requirements concerning the center's operations by acquisition of new facilities, equipment or use of existing facilities and amenities within areas at the commune level.

Article 43. Procedures and documentation requirements for establishment of the community learning center

1. The President of the district-level People's Committee shall be vested authority to issue the decision on establishment of the community learning center.

2. The application package shall be composed of the followings:

a) The written request of the commune-level People's Committee for establishment of the community learning center in which conformity with requirements specified in Article 42 hereof must be clearly defined;

b) CVs and certified duplicate copies of papers, degrees or certificates of the recommended managers of the community learning center.

3. Implementation procedures:

- a) The commune-level People's Committee shall send 01 set of application documents prescribed by Clause 2 of this Article, whether directly or by post, to the Subdepartment of Education and Training;
- b) Within the permissible duration of 10 business days, the Subdepartment of Education and Training receives the request dossiers, conduct evaluation of fulfillment of stated requirements and submit the evaluated dossiers to the President of the district-level People's Committee for his/her consideration or decision;
- c) Within the permissible duration of 05 business days of receipt of all legally required documents, the President of the district-level People's Committee shall make his/her decision. In case of refusal to grant that decision, a written notice must be sent to the commune-level People's Committee and the Subdepartment of Education and Training, give clear reasons and any possible solution.

Article 44. Suspension of operations of the community learning center

1. The community learning center shall be suspended when one of the following situations occurs:

- a) The center has committed any offence against laws and regulations on penalties for administrative offences arising in the education industry to the extent that it is subject to suspension;
- b) Operations of the community learning center have not matched the community's learning demands;
- c) For the duration of 12 successive months, the center has not carried out any activity to satisfy the community's learning demands.

2. The President of the district-level People's Committee shall be vested authority to issue the decision on suspension of the community learning center.

3. Implementation procedures:

- a) The Subdepartment of Education and Training sets up the inspection team, carries out inspection and makes an assessment report on reality of the community learning center. If there is any sufficient ground for suspension of the center's operations as prescribed by Clause 1 of this Article, it must request the President of the district-level People's Committee to make his/her decision on suspension of operations of the community learning center;
- b) The decision to suspend operations of the center must clearly specify reasons and grounds for such suspension and duration of suspension, approaches to assuring legal rights and benefits of the center's students, teachers, administrative officers and employees, and must be made known to the public through mass media;

c) Upon expiration of the duration of suspension, if the defaulting center has succeeded in mitigating causes resulting in such suspension, the Subdepartment of Education and Training carries out inspection and requests the President of the district-level People's Committee to issue his/her decision on permission for restoration of the center's operations which must be made known to the public through mass media. In case of refusal to grant that decision, a written notice must be sent to the Subdepartment of Education and Training and the commune-level People's Committee, give clear reasons and any possible solution;

d) Documents submitted to apply for restoration of the center's operations shall be composed of the followings:

- The request form for permission for restoration of the center's operations;
- The decision on establishment of the inspection team;
- The inspection report.

dd) Processes for grant of permission for restoration of operations of a community learning center shall be subject to Clause 3 Article 43 hereof.

Article 45. Dissolution of the community learning center

1. A community learning center shall be closed when one of the following situations occurs:

- a) The center has committed serious violations against applicable regulations on administration, organization or operation of the community learning center;
- b) Upon expiration of the duration of suspension of the center's operations specified in the suspension decision, causes for such suspension have not yet been corrected;
- c) The center's educational objectives and contents have no longer matched local socio-economic development demands.

2. The President of the district-level People's Committee shall be vested authority to issue the decision on dissolution of the community learning center.

3. Implementation procedures:

- a) The Subdepartment of Education and Training conduct inspection of the community learning center. If there is any sufficient ground for dissolution as prescribed by Clause 1 of this Article, it must request the President of the district-level People's Committee to make his/her decision on dissolution of operations of the community learning center;
- b) The dissolution decision must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of the center's students, teachers, administrative officers and employees and must be made known to the public through mass media.

Section 3. FOREIGN LANGUAGE AND COMPUTER TRAINING CENTER

Article 46. Eligibility requirements for establishment of the foreign language and computer training center

1. Correspond to the socio-economic development and local educational network plan approved by the state regulatory authority.
2. The proposal for establishment of a foreign language and computer training center must clearly define objectives, missions, curriculum framework and outline; facilities, equipment, intended construction site and land coverage; organization and personnel structure, financial and other resources; guidelines and strategies for center construction and development.

Article 47. Procedures and documentation requirements for establishment of the foreign language and computer training center

1. Authority to establish the foreign language and computer training center:
 - a) The President of the provincial-level People's Committee or the Director of the Department of Education and Training (in case of being authorized by the President of the provincial-level People's Committee) shall be vested with authority to grant a decision on establishment of the centers that fall within his/her remit; the centers of a vocational education secondary school; the centers of organizations or individuals submitting applications for establishment of these centers;
 - b) The Director of a university, academy and Rector of a higher education institution shall be accorded authority to issue the decision on establishment of the centers that fall within his/her remit;
 - c) The head of a social organization, socio-professional organization or economic organization authorized by laws to establish training centers shall be vested with authority to make his/her decision on the foreign language and computer training centers that fall within his/her remit.
2. The application package shall be composed of the followings:
 - a) The request form for establishment of the foreign language and computer training center;
 - b) The proposal for establishment of the foreign language and computer training center that specifies the following contents such as the center's name, type, location, necessity and legal grounds for establishment of the center; objectives, functions and missions of the center; training curriculum and scale; facilities of the center; organizational structure, Director or Vice Director (if any) of the center, teams (or specialized divisions); CV of the recommended Director of the center;
 - c) The draft statutes of operations of the foreign language and computer training center.

3. Implementation procedures:

- a) The organization or individual shall send 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the competent person vested relevant authority to establish the foreign language and computer training center;
- b) Within the permissible duration of 10 business days of receipt of all required valid documents, the competent authority vested with power to establish the foreign language and computer training center shall be responsible for evaluation and inspection of requirements in accordance with applicable laws and regulations.
- c) Within the permissible duration of 05 business days, the competent person vested authority to issue the decision on establishment or approval of establishment of the foreign language and computer training center as prescribed by Clause 1 of this Article issues the decision on establishment or approval of establishment of the requesting center when all specified requirements have been satisfied; in case of refusal to grant that decision, a written notification in which reasons for such refusal should be clearly stated must be sent to the requesting organization or individual.

Article 48. Licensing requirements for educational operations of a foreign language and computer training center

- 1. The center must be established under the decision on establishment or the decision on approval of establishment as provided by Clause 1 Article 47 hereof.
- 2. The center employs administrative officers, teachers and technicians providing theory or practice lectures that meet statutory qualification requirements; accountants and pursers that are required to meet its operational requirements. The average number of teachers must be 25 students/1 teacher/shift.
- 3. The center must have an adequate number of classrooms and functional rooms which are relevant and meet requirements of the training program; offices for the administrative mechanism according to the organizational structure of the center which are used for performing management and training tasks. The center's classrooms must be fully illuminated and cover the minimum area of 1.5 m²/student/shift.
- 4. The center must provide an adequate amount of syllabuses, materials, teaching and learning accessories that meet requirements of the training program; have libraries, facilities used for laboratory, practice and internship and other facilities that meet requirements of the training program, scientific and technological operations.

Article 49. Procedures and documentation requirements for educational operations of a foreign language and computer training center

- 1. Authority to license educational operations:

a) The Director of the Department of Education and Training shall be vested with authority to issue the decision on approval of educational operations of foreign language and computer training centers of the Department of Education and Training; those of the vocational education secondary schools; those of the organizations or individuals requesting permission for establishment; those of universities or colleges that are located outside the precincts of these universities or colleges; those of ministries, departments, social organizations and socio-professional associations based in his/her local jurisdiction;

b) The Director of a university, academy and Rector of a higher education institution shall be accorded authority to issue the decision to license educational operations of the foreign language and computer training center operating within the precincts of such university, academy and higher education institution.

2. The application package shall be composed of the followings:

a) The request form for the license to carry out educational operations;

b) The decision to establish the center issued by the competent person;

c) The statutes of educational operations of the center;

d) The report on office equipment, classrooms, practice rooms, training facilities, enclosing the written evidence of legal right to use land and house, sources of financing for operations of the center;

dd) Curriculum, syllabus and teaching materials;

e) The list of particulars of administrative officers and teachers involved in the training program;

g) Regulations on schooling fee and charge;

h) The certificate awarded students upon completion of a training program.

3. Implementation procedures:

a) The foreign language and computer training center shall send 01 set of application documents stipulated by Clause 2 of this Article, whether directly or by post, to the competent person referred to in Clause 1 of this Article;

b) Within the duration of 05 business days of receipt of the submitted documentation, the competent person referred to in Clause 1 of this Article handles that submitted documentation. Where the submitted documentation has not yet met regulations, a written notice must be sent to specify which contents need modification or revision to the requesting center;

c) Within the permissible duration of 10 business days of receipt of all valid application documents, the competent person referred to in Clause 1 of this Article works with relevant

authorities and affiliations to carry out field evaluation of capability to fulfill stipulated requirements and record results of such evaluation as an evaluation report;

d) Within the maximum duration of 05 business days of receipt of evaluation results, the competent person referred to in Clause 1 of this Article shall grant the decision on approval of educational operations of the requesting center. In case of refusal to grant that decision, a written notice must be sent to the requesting center and give clear reasons for such refusal.

Article 50. Merger, division or split-up of a foreign language and computer training center

1. Merger, division or split-up of a foreign language and computer training center shall conform to the following requirements:

- a) Match local human resource development demands;
- b) Assure legal rights and benefits of teachers, administrative officers and employees;
- c) Contribute to increasing educational quality and effectiveness.

2. The competent person authorized to grant the decision on establishment of the center shall be vested authority to issue the decision on merger, division or split-up of the center.

3. Merger, division or split-up of the center shall be carried out according to the processes similar to those for establishment of that center referred to in Article 47 hereof.

Article 51. Suspension of educational operations of a foreign language and computer training center

1. A foreign language and computer training center shall be subject to suspension of its educational operations when one of the following cases occurs:

- a) The center has committed any offence against laws and regulations on penalties for administrative offences arising in the education industry to the extent that it is subject to suspension;
- b) Educational operations of the center are uncertain due to objective reasons;
- c) The center has committed any other violation prescribed by applicable laws and regulations.

2. The competent person having authority to license operational operations of the center shall be accorded authority to issue a decision on suspension of educational operations of the foreign language and computer training center.

3. Implementation procedures:

a) Where it is established that the school has committed one of the violations prescribed by Article 1 hereof, the competent person referred to in Clause 1 Article 49 hereof shall establish the inspection team, conduct inspection procedures and make a report on the field inspection of the center and recommend possible solutions;

b) Based on the inspection results, the competent person having authority to license operational operations of the center shall be accorded authority to issue a decision on suspension of educational operations of the foreign language and computer training center. The decision to suspend educational operations of the center must clearly specify reasons for such suspension and duration of suspension, approaches to assuring legal rights and benefits of the center's students. b) The decision on suspension of educational operations of the foreign language and computer training center must be made known to the public through mass media;

c) Upon expiration of the duration of suspension, if the defaulting center has succeeded in mitigating causes resulting in such suspension, the competent person vested authority to grant the suspension decision shall issue a decision on permission for restoration of the center's educational operations which must be made known to the public through mass media. In case of refusal to grant that decision, a written notice must be sent to the requesting center and give clear reasons for such refusal;

d) Documents submitted to apply for restoration of educational operations shall be composed of the followings:

- The request form for permission for restoration of educational operations;
- The decision on establishment of the inspection team;
- The inspection report.

dd) Processes for grant of permission for restoration of educational operations of a foreign language and computer training center shall be subject to Clause 3 Article 49 hereof.

Article 52. Dissolution of a foreign language and computer training center

1. A foreign language and computer training center shall be closed when one of the following situations occurs:

a) The center has committed serious violations against applicable regulations on administration, organization or operation of a foreign language and computer training center;

b) Educational objectives and contents specified in the establishment decision or the decision on approval of establishment of a foreign language and computer training center have no longer matched local socio-economic development demands;

a) The center is dissolved at the request of the organization or individual applying for establishment of the foreign language and computer training center.

2. The competent person authorized to grant the decision on establishment of the center shall be vested authority to issue the decision on dissolution of the center.

3. Implementation procedures:

a) The competent person having authority to issue the decision on establishment of the foreign language and computer training center establishes the inspection team to carry out the field inspection at the center, recommends possible solutions or consider solutions recommended by the organization or individual founding the center, makes recommendations and prepares a report on the inspection results;

b) Based on the inspection results, the competent person authorized to grant the decision on establishment of the center issues the decision on dissolution of the center. The dissolution decision must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of the center's students, teachers, administrative officers and employees and must be made known to the public through mass media.

Chapter V

SPECIALIZED SCHOOL

Section 1. SCHOOL OR CLASS FOR GIFTED STUDENTS IN SPORT AND PHYSICAL ACTIVITIES

Article 53. Eligibility requirements for establishment of a school or class for gifted students in sport and physical activities

1. Employ a staff of qualified administrative officers and teachers conforming to the regulatory standards in order to provide general knowledge at respective educational levels. Have a staff of coaches qualified to provide sport and physical education programs that satisfy the following specific requirements, i.e. they must hold at least a three-year bachelor's degree in sport and physical education to be qualified to provide training for classes for gifted students in sport and physical activities, and at least a bachelor's degree in sport and physical education for schools for gifted students in sport and physical activities; with respect to athletes awarded the title ranging from first class to master, in order to be qualified to provide training they are required to obtain at least a three-year bachelor's degree in sport and physical education.

2. Provide an adequate number of facilities to support students in learning general knowledge and engaging in sport and physical training subjects. The school must also provide boarding facilities to accommodate students who live far away from the school.

Article 54. Procedures for establishment of a school or class for gifted students in sport and physical activities

1. A class for gifted students in sport and physical activities shall be established within the precincts of a general education institution at the request of the school headmaster; established

within the precincts of a primary school or lower secondary school under the establishment decision issued by the President of the district-level People's Committee upon receipt of the request jointly submitted by the Subdepartment of Education and Training and the regulatory authority over sports and physical activities at the district level; established within the precincts of an upper secondary school under the establishment decision issued by the President of the provincial-level People's Committee upon receipt of the request jointly submitted by the Department of Education and Training and the Department of Culture, Sports and Tourism (or simply the Department of Culture and Sports).

2. A school for gifted students in sport and physical activities of a local jurisdiction shall be established at the request of the Director of the Department of Education and Training, and the Director of the Department of Culture, Sports and Tourism (or the Department of Culture and Sports); established under the establishment decision issued by the President of the provincial-level People's Committee upon receipt of an agreement from the Ministry of Education and Training, and the Ministry of Culture, Sports and Tourism.

3. A school for gifted students in sport and physical activities of a ministry or department shall be established according to the procedure wherein a functional affiliation requests the Minister or the Head of a Ministry-level authority to make a decision on approval of its educational operations after receipt of an agreement from the Ministry of Education and Training and the Ministry of Culture, Sports and Tourism.

Section 2. UPPER SECONDARY SCHOOL FOR THE GIFTED

Article 55. Regulatory eligibility requirements for establishment of public upper secondary school for the gifted, and approval of establishment of private upper secondary school for the gifted

1. It must ensure that the proposal for its establishment is consistent with the local socio-economic development and education network plan approved by the state regulatory authority.

2. The proposal for establishment of a school must clearly define objectives, missions, curriculum framework and outline; facilities, equipment, intended construction site and land coverage; organization and personnel structure, financial and other resources; guidelines and strategies for school construction and development for the purpose of completion of objectives and missions as a school for the gifted.

Article 56. Procedures and documentation requirements for establishment of public upper secondary school for the gifted, and approval of establishment of private upper secondary school for the gifted

1. Authority to decide to establish the school:

a) The President of the provincial-level People's Committee shall be accorded authority to issue the decision to establish a provincially-governed public school for the gifted or to approve

establishment of a provincially-controlled private school for the gifted after considering the request of the Director of the Department of Education and Training;

b) The President of the People's Committee of the province where the requesting school is based shall be accorded authority to issue the decision to establish a public school for the gifted or to approve establishment of a private school for the gifted which is affiliated to a higher education institution upon the request of the Head of that higher education institution.

2. Procedures and documentation requirements for establishment or approval of establishment of a school for the gifted shall be similar to those applied to secondary schools in accordance with regulations laid down herein.

Article 57. Licensing requirements for educational operations of an upper secondary school for the gifted

The school must meet licensing requirements for educational operations of an upper secondary school as prescribed by Article 27 hereof and the following requirements:

1. The school's curriculum and syllabus must be provided in accordance with applicable laws and regulations on schools for the gifted.

2. The school must hire a staff of administrative officers, teachers and employees that are adequate, meet qualification, competency and conduct standards to be able to complete missions of a school for the gifted.

Article 58. Procedures and documentation requirements for educational operations of an upper secondary school for the gifted

1. The Director of the Department of Education and Training of a local jurisdiction where a school for the gifted is based shall be accorded authority to license educational operations of the school for the gifted.

2. Documentation requirements and processes for grant of a license for educational operations of a school for the gifted shall be similar to those applied to a secondary school as provided in Article 28 hereof.

Article 59. Merger, division, split-up, dissolution or suspension of educational operations of an upper secondary school for the gifted

Procedures and documentation requirements for merger, division, split-up, dissolution or suspension of educational operations of an upper secondary school for the gifted shall be similar to those applied to secondary schools as prescribed by Article 29, 30 and 31 hereof.

Section 3. CENTER FOR INCLUSIVE EDUCATION SUPPORT AND DEVELOPMENT

Article 60. Regulatory eligibility requirements for establishment of a public center for inclusive education support and development, and approval of establishment of a private center for inclusive education support and development

1. The requesting center must establish the proposal for establishment of a center for inclusive education support and development wherein its operational objectives, functions and missions should be clearly specified.
2. Establishment of the center shall correspond to the local educational network development plan approved by the state regulatory authority and match local demands for educational support for the disabled.
3. The requesting center must reserve a place used as its main office or hold the decision on allocation or leasing of land for center construction, issued by the regulatory authority; must be furnished with initial necessary equipment; must have fund for its operations in accordance with applicable laws and regulations.
4. The requesting center must recruit a staff of administrative officers, teachers and employees that meet requirements concerning the center's operations.

Article 61. Procedures and documentation requirements for establishment of a public center for inclusive education support and development, and approval of establishment of a private center for inclusive education support and development

1. The President of the provincial-level People's Committee shall be vested with authority to grant the decision on establishment of a public center for inclusive education support and development, or approval of establishment of a private center for inclusive education support and development.
2. The application package shall be composed of the followings:
 - a) The written request for establishment of a center for inclusive education support and development;
 - b) The proposal for establishment of a center for inclusive education support and development which is formulated in accordance with applicable laws and regulations on establishment, re-organization and dissolution of public service organizations;
 - c) The draft statutes of organization and operation of the center for inclusive education support and development and other relevant documents (e.g. documents related to land, fund and human resources).
3. Implementation procedures:

a) The requesting organization or individual sends 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the Department of Home Affairs for its evaluation;

b) Within the permissible duration of 15 business days of receipt of all legally required application documents, the Department of Home Affairs conducts or collaborates with relevant authorities in carrying out evaluation. Subject matters of the evaluation shall include necessity and legal bases for establishment of the center, objectives, scope, target students, name, legal status, functions, missions and powers, organizational structure and financial mechanism of the center; conditions necessary for the center's normal operations; feasibility of the project for establishment of the center; draft statutes of organization and operation of the center;

c) If there exist any ambiguous or contentious issues, the Department of Home Affairs will request the organization or individual applying for establishment of the center to provide the written explanation that helps clarify such issues and report to the Department of Home Affairs;

d) Within the permissible duration of 20 business days of receipt of the written document on evaluation from the Department of Home Affairs, the President of provincial-level People's Committee shall issue a decision on establishment or approval of establishment of the center; in case of refusal to issue that decision, a written notification in which reasons for refusal should be clearly specified shall be sent to the requesting organization or individual.

Article 62. Licensing requirements for educational operations of the center for inclusive education support and development

1. The requesting center has obtained the decision on establishment or the decision on approval of establishment, issued by the President of provincial-level People's Committee.

2. The requesting 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 students with disabilities;

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 providing necessary educational services must obtain qualifications relevant to the approaches to education of

students with disabilities. Employees providing educational supports must be trained in education of students with disabilities in accordance with applicable laws and regulations.

4. Contents of the educational program, teaching and advisory materials must fit into the modalities of education of students with disabilities, including:

- a) Contents of the educational program and materials relating to education of personal care for the disabled students relative to their disability type;
- b) Contents of the educational program and teaching materials relating to education of personal care for the disabled students relative to their disability type;
- c) Advisory materials relating to selection of the modalities of education that match the disability type and degree of specific disabled students.

Article 63. Licensing requirements for educational operations of the center for inclusive education support and development

1. The Director of the Department of Education and Training shall be vested with authority to license educational operations of the center for inclusive education support and development.

2. The application package shall be composed of the followings:

- a) The written request for approval of educational operation of the center in which a requirement that the center's operations relative to the center's stated missions must be specified;
- b) Certified duplicate copy of the establishment decision or the decision on approval of establishment of the center.

3. Implementation procedures:

- a) The requesting center sends 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the Department of Education and Training;
- b) The Subdepartment of Education and Training shall handle submitted application documents. Within the duration of 15 business days of receipt of the valid submitted documentation, the Subdepartment of Education and Training carries out evaluation. If the submitted documentation fails to meet regulations, the submitted documentation shall be returned and the center shall be requested in writing to make any necessary revision or modification of its submitted application documentation.
- c) Within the maximum duration of 25 business days of receipt of all valid application documents, the Department of Education and Training shall be responsible for carrying out evaluation of eligibility requirements for educational operations of the center and issuing the decision on approval of educational operations of the center. In case of refusal to grant that

decision, a written notice must be sent to the requesting center, give clear reasons for such refusal and recommended solutions.

Article 64. Re-organization and approval of re-organization of the center for inclusive education support and development

1. Re-organization of the center for inclusive education support and development shall be allowed or approved when the following requirements are met:

a) There is a need for revision or modification of the center's functions, missions or powers;

b) Re-organization of the center shall correspond to the local educational network development plan and demands concerning educational support for the disabled students within a local jurisdiction approved by the state regulatory authority (if any);

c) Re-organization of the center shall aim at improving the quality and effectiveness of operations of the center for inclusive education support and development.

2. The President of the provincial-level People's Committee shall be vested with authority to grant the decision on re-organization or approval of re-organization of a center for inclusive education support and development.

3. The request documentation shall be composed of the followings:

a) The written evidence of necessity and legal bases for re-organization of the center;

b) The plan to deal with issues regarding personnel, organizational structure, finance, assets, land and other related issues;

c) Written documents of competent authorities on confirmation of finance, assets, land, loans, liabilities and other related issues (if any);

d) Regulations on responsibilities assumed by the center's head and other relevant persons relating to execution of the plan for re-organization and dissolution of the center for inclusive education support and development, and execution duration.

4. Procedures for re-organization or approval of re-organization of the center for inclusive education support and development shall be the same as those applied to establishment of the center as prescribed by Article 61 hereof.

Article 65. Suspension of educational operations of the center for inclusive education support and development

1. The center for inclusive education support and development shall be suspended when one of the following situations occurs:

- a) The center fails to meet any requirements specified in Article 62 hereof;
- b) The center has committed any fraudulent act in order to obtain a license for its educational operations;
- c) The license for the center's educational operations has been granted ultra vires;
- d) Its educational activities have not been carried out within the duration of 01 year from the licensing date;
- dd) The center has committed any offence against laws and regulations to the extent that it is subject to suspension imposed as an administrative penalty;
- e) Any other violation is committed as prescribed by applicable laws and regulations.

2. The Director of the Department of Education and Training shall issue the decision on suspension of educational operations of the center for inclusive education support and development.

3. Implementation procedures:

- a) The Director of the Department of Education and Training establishes the inspection team, carries out inspection and makes an assessment report on reality of the center;
- b) The decision to suspend educational operations of the center must specify reasons for such suspension, duration of suspension, approaches to assuring legal rights and benefits of the center's students, teachers, administrative officers and employees and must be made known to the public through mass media;
- c) Upon expiration of the duration of suspension, if the defaulting center has succeeded in mitigating causes resulting in such suspension, the Director of the Department of Education and Training shall issue a decision on permission for restoration of the center's educational operations which must be made known to the public through mass media. In case of refusal to grant that decision, a written notice must be sent to the requesting center, give clear reasons for such refusal and recommended solutions;
- d) Documents submitted to apply for restoration of educational operations shall be composed of the followings:
 - The request form for permission for restoration of educational operations;
 - The decision on establishment of the inspection team;
 - The inspection report.

dd) Processes for grant of permission for restoration of educational operations of the center shall be subject to Clause 3 Article 63 hereof;

e) Upon expiration of the duration of suspension, unless the defaulting center has succeeded in mitigating causes resulting in such suspension, the Director of the Department of Education and Training shall, based on realistic conditions, issue the second decision on suspension of the center's educational operations of which the duration is restricted to 12 months. Upon expiration of the duration of the second decision on suspension, unless the defaulting center has succeeded in mitigating causes resulting in such suspension, the Director of the Department of Education and Training shall request in writing the President of the provincial-level People's Committee to issue the decision on dissolution of the center for inclusive education support and development.

Article 66. Dissolution of the center for inclusive education support and development

1. The center for inclusive education support and development shall be subject to dissolution when one of the following situations occurs:

a) The center's functions and missions no longer exist;

b) The center has not fulfilled its missions or has operated in an inefficient manner for last 3 years according to the evaluation conducted by the competent person having authority to establish or approve establishment of the center;

c) The center has committed serious violations against applicable laws and regulations on organization or operation of a center for inclusive education support and development;

d) Upon expiration of the duration of suspension of educational operations specified in the suspension decision, causes for such suspension have not been corrected yet;

dd) The center is dissolved at the request of the founding organization or individual, or in conformity with the requirement concerning organizational arrangement of the center for inclusive education support and development in order to ensure that the center's operations correspond to the plan for development of network of centers for inclusive education support and development which has been approved by the respective competent authority.

2. The President of the provincial-level People's Committee shall be vested with authority to issue the decision on dissolution of the center for inclusive education support and development.

3. The request documentation shall be composed of the followings:

a) The request form for dissolution of the center for inclusive education support and development;

b) The proposal for dissolution of the center for inclusive education support and development;

c) Written documents of competent authorities on confirmation of discharge of obligations regarding finance, assets, land, loans, liabilities and other related issues (if any).

4. Processes for dissolution of the center for inclusive education support and development shall be the same as those stipulated in the regulations on establishment of the center for inclusive education support and development as referred to in Clause 3 Article 61 hereof.

Section 4. BOARDING GENERAL EDUCATION SCHOOL FOR MINORITIES

Article 67. Eligibility requirements for establishment of a boarding general education school for minorities

1. It must ensure that the proposal for its establishment is consistent with the local socio-economic development and education network plan approved by the state regulatory authority.

2. The proposal for establishment of a boarding general education school for minorities must clearly define objectives, missions, curriculum or syllabus; facilities, equipment, intended construction site and land coverage; organization and personnel structure, financial and other resources; guidelines and strategies for school construction and development.

Article 68. Procedures for establishment of boarding general education school for minorities

1. The President of the provincial-level People's Committee shall be vested with authority to issue the decision on establishment of the provincial- and district-level boarding general education school for minorities.

2. Documentation requirements for establishment of a boarding general education school for minorities shall be the same as those applied to a lower, upper secondary school and multi-level general education school as prescribed by Clause 2 Article 26 hereof.

3. Processes for establishment of a boarding general education school for minorities:

a) The Department of Education and Training takes charge of formulating and collaborate with relevant authorities in evaluation of, the proposal for establishment of the school as prescribed by Article 67 hereof and sends the application documents to the President of the provincial-level People's Committee to seek his/her decision on establishment of the school;

b) The provincial-level People's Committee handles the submitted application and verifies whether the requesting school has conformed to eligibility requirements for establishment stated by applicable laws and regulations. Within the permissible duration of 20 business days of receipt of all valid documents, the President of the provincial-level People's Committee shall issue the decision on establishment of the school. In case of refusal to grant that decision, a written notice in which reasons for such refusal should be clearly defined must be sent to entities concerned.

Article 69. Licensing requirements for educational operations of a boarding general education school for minorities

1. The requesting school has obtained the decision on establishment of the school, issued by the President of the provincial-level People's Committee.
2. The requesting school must prepare land, facilities and equipment available for use at respective educational levels in accordance with this Decree and ensure conformance to criteria set out for a nationally accredited school, and must additionally provide:
 - a) The boarding building that has capacity of at least 06 m²/student;
 - b) Student's boarding rooms, canteens and other associated equipment;
 - c) Accommodations for teachers on duty;
 - d) Minority cultural activity and education halls associated with other equipment;
 - dd) Classrooms and equipment used for career education, education of general and traditional trades of minorities, depending on particular characteristics of each locality.
3. The requesting school must be located at an area that helps provide a good and safe educational environment for students, teachers, administrative officers and employees.
4. The school's curriculum and syllabus must be custom-made to respective educational levels in accordance with applicable laws and regulations.
5. The requesting school must employ a staff of teachers and administrative officers that satisfy stipulated moral standards and gain educational qualifications relative to specific educational levels, and are adequate according to the classification structure of teachers and meet stipulated requirements regarding provision of educational programs and organization of educational activities.
6. The requesting school must maintain a sufficient amount of financial resources as required by laws in order to ensure continued operation and development of its educational activities.
7. The requesting school must adopt the statutes of its organization and operations.

Article 70. Procedures and documentation requirements for a license for educational operations of a boarding general education school for minorities

1. The Director of the Department of Education and Training shall be vested with authority to issue the decision to license educational operations of the provincial- and district-level boarding general education school for minorities (including the school providing the upper secondary education program). The Head of the Subdepartment of Education and Training shall be vested with authority to issue the decision to license educational operations of the district-level boarding

general education school for minorities (including the school providing the lower secondary education program).

2. Documentation requirements for a license for educational operations of a boarding general education school for minorities shall be similar to those applied to a secondary school as provided in Clause 2 Article 28 hereof.

3. Implementation procedures:

a) The requesting school sends 01 set of application documents stipulated by Clause 2 of this Article, whether directly or by post, to the competent person referred to in Clause 1 of this Article;

b) The competent person referred to in Clause 1 of this Article handles the submitted application documents and checks licensing requirements for educational operations in the same manner as applied to a secondary school in accordance with Article 27 hereof. Within the permitted duration of 05 business days of receipt of such documentation, if the submitted set of documents has been found illicit, a written notification of contents that require correction or modification must be sent to the requesting school;

c) Within the maximum duration of 20 business days of receipt of all valid application documents, the competent person referred to in Clause 1 of this Article grants the decision on approval of educational operations of the requesting school. In case of refusal to grant that decision, a written notice must be sent to the requesting school, give clear reasons for such refusal and provide any possible solution.

Article 71. Merger, division, split-up, dissolution or suspension of educational operations of a boarding general education school for minorities

1. The competent person vested with authority to grant the decision on establishment of the boarding general education school for minorities shall have authority to issue the decision on merger, division, split-up or dissolution of the school.

2. The competent person having authority to license operational operations of the boarding general education school for minorities shall be accorded authority to issue a decision on suspension of educational operations of the school.

3. Procedures and documentation requirements for merger, division, split-up, dissolution or suspension of educational operations of a boarding general education school for minorities shall be similar to those applied to a secondary school as prescribed by Article 29, 30 and 31 hereof.

Section 5. SEMI-BOARDING GENERAL EDUCATION SCHOOL FOR MINORITIES

Article 72. Eligibility requirements for establishment of a semi-boarding general education school for minorities

1. The requesting school's proposal must correspond to the socio-economic development and local educational network plan approved by the state regulatory authority.

2. The proposal for establishment of a semi-boarding general education school for minorities must clearly define objectives, missions, curriculum or syllabus; facilities, equipment, intended construction site and land coverage; organization and personnel structure, financial and other resources; guidelines and strategies for school construction and development. The requesting school must, based on its directions for school construction and development, ensure stable percentage of minority students and semi-boarders under the guidelines of the Ministry of Education and Training.

Article 73. Procedures and documentation requirements for establishment of a semi-boarding general education school for minorities

1. The President of the district-level People's Committee shall be vested with authority to make a decision on establishment of the semi-boarding general education school for minorities.

2. The request documentation shall be composed of the followings:

a) The request form for establishment of a semi-boarding general education school for minorities;

b) The proposal for establishment of the school as provided for by Article 72 hereof.

3. Implementation procedures:

a) The commune-level People's Committee (in case of establishment of a new semi-boarding general education school for minorities), or the requesting school (in case of a semi-boarding general education school for minorities that is established from another general education school), sends 01 set of application documents prescribed by Clause 2 of this Article, whether directly or by post, to the Subdepartment of Education and Training;

b) The Subdepartment of Education and Training handles the submitted documentation, conducts and collaborates with relevant authorities in carrying out evaluation of subject matters of the proposal for establishment of the school; requests the President of the district-level People's Committee to consider issuing the decision on establishment of the semi-boarding general education school for minorities;

c) Within the permissible duration of 45 business days of receipt of all legally required documents, the President of the district-level People's Committee issues his/her decision. In case of refusal to grant approval of educational operations, a written notice must be sent to the Subdepartment of Education and Training, give clear reasons for such refusal and provide any possible solution.

Article 74. Licensing requirements for educational operations of a semi-boarding general education school for minorities

1. The requesting school has obtained the decision on establishment of the school, issued by the President of the district-level People's Committee.
2. The requesting school must prepare land, facilities and equipment available for use at respective educational levels in accordance with this Decree and must additionally provide:
 - a) Facilities that have capacity of 2 shifts/day;
 - b) Facilities used for management, care and nurturing of semi-boarders, e.g. offices for student's contact during their stay at the school, boarding accommodations, kitchens, canteens, bathrooms, facilities for sanitation, clean water supply and other associated equipment;
 - c) Instruments and devices used for minority cultural, sports, physical training, entertainment and recreational activities of students.
3. The requesting school must be located within a safe and convenient environment for students, teachers, administrative officers and employees.
4. The school's curriculum and syllabus must be provided in accordance with applicable laws provided they match the teaching and learning demands at respective educational levels.
5. The requesting school must employ an adequate staff of administrative officers, teachers and employees that are structured in a proper manner and meet stipulated standards for provision of educational program of a semi-boarding general education school for minorities.
6. The requesting school must maintain a sufficient amount of financial resources as required by laws in order to ensure continued operation and development of its educational activities.
7. The requesting school must adopt the statutes of its organization and operations.

Article 75. Procedures and documentation requirements for educational operations of a semi-boarding general education school for minorities

1. The Head of the Subdepartment of Education and Training shall be vested with authority to issue the decision to license educational operations of the semi-boarding general education school for minorities.
2. The request form for the license to carry out educational operations.
3. Implementation procedures:
 - a) The requesting school sends the request form for the license to carry out its educational operations to the Subdepartment of Education and Training for its consideration and issuance of its decision;

b) The Subdepartment of Education and Training checks licensing requirements for its educational operations as prescribed by Article 74 hereof. Within the permissible duration of 20 business days of receipt of all valid application documents, the competent person referred to in Clause 1 of this Article grants the decision to license educational operations of the requesting school. In case of refusal to grant that decision, a written notice must be sent to the requesting school, give clear reasons for such refusal and provide any possible solution.

Article 76. Suspension of educational operations of a semi-boardings general education school for minorities

1. The semi-boardings general education school for minorities that fails to meet one of the requirements set out in Article 74 hereof shall be subject to suspension of its educational operations.

2. The semi-boardings general education school for minorities that has not enrolled a stipulated percentage of minority students and semi-boarders over last 3 years shall be changed to a public general education school.

3. Implementation procedures:

a) The semi-boardings general education school for minorities sends the request form for approval of such change to the Subdepartment of Education and Training. The request form must specify the plan for use of the school's facilities and policies applied to students, teachers, administrative officers and employees upon completion of the change;

b) The Subdepartment of Education and Training handles the submitted request documentation, conducts and collaborates with relevant district-level authorities in carrying out evaluation and requests the President of the district-level People's Committee to issue the decision on change of the semi-boardings general education school for minorities into the public general education school.

Article 77. Merger, division, split-up, dissolution or suspension of educational operations of a semi-boardings general education school for minorities

1. The competent person vested with authority to grant the decision on establishment of the semi-boardings general education school for minorities shall have authority to issue the decision on merger, division, split-up or dissolution of the school.

2. The competent person having authority to license operational operations of the semi-boardings general education school for minorities shall be accorded authority to issue a decision on suspension of educational operations of the school.

3. Procedures and documentation requirements for merger, division, split-up, dissolution or suspension of educational operations of a semi-boardings general education school for minorities shall be similar to those applied to a secondary school as prescribed by Article 29, 30 and 31 hereof.

Chapter VI

POSTSECONDARY-, COLLEGE-LEVEL PEDAGOGY SCHOOL; HIGHER EDUCATION INSTITUTION

Section 1. POSTSECONDARY-, COLLEGE-LEVEL PEDAGOGY SCHOOL

Article 78. Regulatory eligibility requirements for establishment of public postsecondary- and college-level pedagogy school, or approval of establishment of private postsecondary- and college-level pedagogy school

1. The requesting school must ensure that the proposal for its establishment is consistent with the plan for network of pedagogy schools approved by the state regulatory authority. Contents of the proposal for establishment of the school must specify necessity for establishment of the school, assessment of conformance of its establishment to the plan for network of vocational education institutions; name of the school; functions, missions, organizational and management structure; training disciplines and scale; training objectives, curriculum and syllabus; financial resources; land coverage; proposed facilities, personnel number and structure of a staff of tenured lecturers and administrative officers that meets quality and qualification standards stipulated by applicable regulations adopted by the Ministry of Education and Training, and aligns with the schedule of registration of training disciplines and enrolment; the plan for construction and development of the school over specific periods of time; duration and progress of execution of the school investment project; socio-economic effectiveness.

2. The requesting school must obtain the written approval of establishment of the school located within a centrally-affiliated city or province from the People's Committee of the province where the school is based (except for establishment of its subsidiary school).

3. The postsecondary- and college-level pedagogy school must respectively reserve at least 02 and 05 hectares of land used for construction of its head office; the requesting school must provide facilities and equipment that satisfy operational requirements of the school. The project for construction of the requesting school must be located within a safe and convenient environment for the school's students, teachers, administrative officers and employees.

4. The fund for construction of the school must be derived from legal capital sources, exclusive of land value, and must be at least VND 50 and 100 billion for the postsecondary- and college-level pedagogy school, respectively. The estimate of the fund for the project for construction of a public school must be approved by the host entity of that school and clearly define which fund is used for execution of that construction project according to the specified plan, investment capital expressed in cash, assets that are made available for investment purposes and legitimacy of which is proved.

Article 79. Procedures and documentation requirements for establishment of public postsecondary- and college-level pedagogy school, or approval of establishment of private postsecondary- and college-level pedagogy school

1. The Minister of Education and Training shall be vested with authority to issue the decision on establishment of a public college-level pedagogy school or approval of establishment of a private college-level pedagogy school; the President of the provincial-level People's Committee shall be vested with authority to issue the decision on establishment of a public postsecondary-level pedagogy school or approval of establishment of a private postsecondary-level pedagogy school within his/her local jurisdiction.

2. The application documentation shall be composed of the followings:

a) The application form for establishment of a public school, submitted by the host entity of that school; the application form for approval of establishment of a private school, submitted by the requesting organization or individual. The application form must specify reasons for application for establishment or approval of establishment of the school; the school's Vietnamese and English name; addresses of main office and training locations; the school's functions and missions; trades, occupations, training scale and qualifications;

b) The written consent of the People's Committee of the province where the school is based;

c) The proposal for establishment of the school that describes its conformance to all regulatory eligibility requirements as provided for by Article 78 hereof;

d) The 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) The certified duplicate copy of the certificate of right to use land and house ownership, or the written consent to allocation or leasing of land, issued by the provincial-level People's Committee (including definite information about the address, land acreage and boundary lines of the school construction site);

e) With respect to the application for establishment of a public school, the decision on approval of the school construction project which clearly defines the funding source for execution of the project according to the plan for school investment and construction must be included; with respect to the application for approval of establishment of a private school, the bank's written confirmation of total balance of contributed capital in the project management board's account, evidences of the right of ownership of assets and the written document on valuation of assets provided as capital contribution, if such capital contribution is made by offering assets or the right of ownership of assets;

g) With respect to a private school, the following additional documents must be provided:

- Statement on recommendation of the representative who is the bearer of the application for establishment of the school by capital contributors.

- List of brief résumés of the school's founding members.

- List, form and written record of capital contributions made by stakeholders that undertake to contribute their capital to establish the school.

- Recommended Chair and Management Board of the school.

3. Implementation procedures:

a) Receive the application package for establishment or approval of establishment of the requesting postsecondary-, college-level pedagogy school.

- The requesting entity, organization or individual sends 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the Ministry of Education and Training (in case of application for establishment of a college-level pedagogy school), or the Department of Education and Training (in case of application for establishment of an postsecondary-level pedagogy school).

- The Ministry of Education and Training or the Department of Education and Training carries out brief review of the submitted documentation before sending it to the council on evaluation of the application for establishment of the school.

Within the permissible duration of 05 business days of receipt of the application documentation, the Ministry of Education and Training or the Department of Education and Training sends the received application documentation to its evaluation council if it is established that that application documentation is valid, or sends a written response to the entity, organization or individual applying for establishment or approval of establishment of the school which clearly specifies reasons for rejection, if it is established that the application documentation is invalid.

b) Evaluate the application documentation for establishment or approval of establishment of the requesting postsecondary-, college-level pedagogy school:

- The evaluation council conducts evaluation of the application documentation for establishment or approval of establishment of the requesting postsecondary-, college-level pedagogy school.

- The Minister of Education and Training grants the decision on establishment of the council on evaluation of the application documentation for establishment of a college-level pedagogy school and issues the statutes of organization and operation of that evaluation council. The evaluation council shall be chaired by the leader of the Ministry of Education and Training or the authorized person and joined as members who are representatives of ministries and state authorities such as the Ministry of Planning and Investment, the Ministry of Finance, the Ministry of Home Affairs, the provincial-level People's Committee of the local jurisdiction where the college-level pedagogy school is based and representatives of certain specialized divisions of the Ministry of Education and Training.

The President of the provincial-level People's Committee grants the decision on establishment of the council on evaluation of the application documentation for establishment of a postsecondary-level pedagogy school and issues the statutes of organization and operation of that evaluation

council. The evaluation council shall be chaired by the leader of the provincial-level People's Committee or the authorized person, and joined as members who are representatives of subsidiary departments of the provincial-level People's Committee such as the Department of Education and Training, the Department of Planning and Investment, the Department of Finance, the Department of Home Affairs and other relevant authorities.

- Within the permissible duration of 05 business days of receipt of the application documentation for school establishment from the Ministry of Education and Training or the Department of Education and Training, the evaluation council conducts evaluation of that application documentation;

- Based on the evaluation results achieved from the evaluation council (disclosed in the evaluation meeting), the entity, organization or individual applying for establishment or approval of establishment of the school prepares their complete application package for submission to the Ministry of Education and Training or the Department of Education and Training.

Within the permissible duration of 05 business days after the evaluation date, where the evaluation council determines that the submitted application package has not conformed to regulatory requirements, the Ministry of Education and Training or the Department of Education and Training sends a written response to the requesting entity, organization or individual in which reasons for determination of their failure to conform to such requirements should be clearly defined.

c) Issue a decision on establishment or approval of establishment of the requesting postsecondary- or college-level pedagogy school as follows:

Within the permissible duration of 10 business days of receipt of the application documentation for establishment or approval of establishment of the school that has been improved based on the opinions received from the evaluation council, the Minister of Education and Training issues his/her decision on establishment of a public college-level pedagogy school or approval of establishment of a private college-level pedagogy school. The President of the provincial-level People's Committee shall be accorded authority to grant the decision on establishment of a public postsecondary-level pedagogy school, or approval of establishment of a private postsecondary-level pedagogy school. In case of refusal to grant that decision, a written notice in which reasons for such refusal should be clearly defined must be sent.

The decision on establishment of a public postsecondary-level pedagogy school, or approval of establishment of a private postsecondary-level pedagogy school must be sent to the Ministry of Education and Training. The decision on establishment of a public college-level pedagogy school, or approval of establishment of a private college-level pedagogy school must be sent to the provincial-level People's Committee of the local jurisdiction where the requesting school is based.

Article 80. Regulatory eligibility requirements for the certification of registration of vocational education practice awarded to the requesting school to provide training in a range of disciplines for postsecondary- or college-level teachers

1. The requesting school must obtain the decision on establishment or the decision on approval of establishment of the school.
2. The project for construction of the requesting school must be located within a safe and convenient environment for the school's students, teachers, administrative officers and employees.
3. The school must own school head office, facilities and equipment that meet regulatory requirements concerning educational operations specified in the proposal for school establishment under its prior commitments. Specifically, the minimum construction floor area is 5.5 and 7.5 m²/student with respect to the postsecondary- and college-level pedagogy school, respectively.
4. The requesting school must ensure that its training curriculum, syllabus, teaching and learning materials conform to vocational education requirements and are appropriate for provision of training in a range of postsecondary- and college-level pedagogical disciplines under the instructions of the Ministry of Education and Training.
5. The requesting school's staff of administrative officers and teachers must meet stipulated educational standards, be adequate, be organized according to the personnel structure consistent with the procedures for registration of training disciplines or occupations and enrolment in accordance with regulations adopted by the Ministry of Education and Training.
6. The requesting school must maintain a sufficient amount of financial resources as required by laws in order to ensure continued operation and development of its educational activities.
7. The school must adopt its statutes of organization and operations.

Article 81. Procedures for awarding the certificate of registration of vocational education practice to the requesting school to provide training in a range of disciplines for postsecondary- or college-level teachers

1. The Director of the Department of Education and Training shall be vested with authority to award the certificate of registration of vocational education practice to the requesting school to provide training in a range of disciplines for postsecondary-level teachers.

The Minister of Education and Training shall be vested with authority to award the certificate of registration of vocational education practice to the requesting school to provide training in a range of disciplines for college-level teachers.

2. The application documentation shall be composed of the followings:

- a) The application form for award of the certificate of registration of vocational education practice to provide training in a range of disciplines for teachers;

b) The certified duplicate copy of the establishment decision or the decision on approval of establishment of the school;

c) The review report on fulfillment of commitments specified in the proposal for school establishment;

d) The interpretation of conditions for training quality assurance:

- The list of particulars of tenured teachers and administrative officers, verified by the Department of Education and Training;

- Land, facilities and equipment meeting requirements of training activities as agreed upon in its commitments; inventory of all facilities used for training activities in the school, quantity and area of lecture halls, libraries, laboratory rooms, devices, teaching and reference materials, books used in educational activities, all of which are verified by the Department of Education and Training;

- Financial resources required by applicable regulations for the purpose of ensuring continued operation and development of the school's vocational education activities;

- Proposed student intake and enrolment plan;

- The school's curriculum, syllabus, teaching and learning materials required by regulations.

dd) Statutes and rules of school organization and operation.

3. Implementation procedures:

a) The requesting school sends 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the Department of Education and Training in the province where it is based in order for it to consider making the decision to award such certificate for the school's postsecondary-level education program, or to the Ministry of Education and Training in order for it to consider making the decision to award such certificate for the school's college-level education program;

b) Within the permitted duration of 05 business days of receipt of these application documents, if the submitted set of documents has been found illicit, the receiving entity must send a written notification of contents that require the requesting school's modification or revision;

c) Within the permissible duration of 10 business days of the valid application documents, if all regulatory eligibility requirements have been met, the competent person will grant such certificate for the postsecondary- or college-level vocational education program in which allowed training disciplines must be specified. In case of refusal to grant such certificate, a written notice in which reasons for such refusal are clearly defined must be sent.

4. If the postsecondary- and college-level pedagogy school that has been awarded the certificate of registration of vocational education practice wishes to apply for an addition of any vocational education activity to its existing registration for provision of training in a range of disciplines for postsecondary- and college-level teachers, it must submit a set of application documents including the request form for an addition of vocational education activity in which the training discipline that requires such addition must be specified; the statement of the requesting school's conformity to eligibility requirements for such addition where appropriate for specific training disciplines, enclosing respective evidencing documents.

Application for additional registration of vocational education practice shall be carried out according to the procedures prescribed by Clause 3 of this Article.

Article 82. Merger, division or split-up of a postsecondary- and college-level pedagogy school

1. Merger, division or split-up of a postsecondary-level pedagogy school or a college-level pedagogy school shall conform to the following requirements:

- a) Such action must align with the plan for network of pedagogy schools and match the local socio-economic development demands;
- b) Such action must help assure rights and benefits of students, teachers, administrative officers and employees; contribute to improving the quality and effectiveness of vocational education activities and the quality of pedagogical training;
- c) The postsecondary- and college-level pedagogy school that is newly established during the merger, division or split-up procedures must meet statutory requirements specified in Article 78 hereof.

2. The competent person vested with authority to issue the decision on establishment or approval of establishment of the postsecondary- and college-level pedagogy school shall have the authority to issue the decision on merger, division or split-up or approval of merger, division or split-up of that postsecondary- and college-level pedagogy school.

3. Procedures for merger, division or split-up of a postsecondary- and college-level pedagogy school shall be the same as the procedures for establishment of postsecondary- and college-level pedagogy school, referred to in Article 79 hereof.

Article 83. Suspension of provision of training in a range of disciplines for postsecondary- and college-level teachers

1. The competent person having authority to grant the certificate of registration of vocational education practice for provision of training in a range of disciplines for postsecondary- and college-level teachers shall be vested with authority to suspend provision of vocational education program.

2. Provision of training in a range of disciplines for postsecondary- or college-level teachers shall be suspended when the following situations occur:

- a) The school has committed any fraudulent act in order to obtain the decision on establishment or approval of establishment of the postsecondary- and college-level pedagogy school or the certificate of registration of vocational education practice for provision of training in a range of disciplines for postsecondary- or college-level teachers;
- b) The school has not conformed to one of the regulatory eligibility requirements for registration of vocational education practice for provision of training in a range of disciplines for teachers as prescribed herein;
- c) The school has provided training in a range of disciplines for teachers when it has yet to obtain the certificate of registration of vocational education practice;
- d) The school has committed violations against laws on education to the extent that it is subject to suspension of its educational operations imposed as an administrative penalty;
- dd) As otherwise prescribed by laws and regulations.

3. Implementation procedures:

- a) The competent person having authority to award the certificate of registration of vocational education practice for provision of training in a range of disciplines for postsecondary- or college-level teachers establishes the inspection team, carries out inspection activities and makes a report on field inspection of the school subject to suspension;
- b) Based on the inspection results, the competent person having authority to grant the certificate of registration of vocational education practice for provision of training in a range of disciplines for postsecondary- and college-level teachers makes a decision to suspend such provision of training.

The suspension decision must specify reasons for such suspension, duration of suspension, approaches to assuring legal rights and benefits of the school's students, teachers, administrative officers and employees and must be made known to the public through mass media.

4. Upon expiration of the duration of suspension, if the defaulting school has succeeded in mitigating causes resulting in such suspension, the competent person vested authority to grant the suspension decision shall issue a decision on permission for restoration of the school's operations which must be made known to the public through mass media. In case of refusal to grant permission for restoration of educational operations, a written notice must be sent to the school, give clear reasons for such refusal and provide any possible solution.

5. The documentation submitted to apply for permission for restoration of educational operations shall be composed of the followings:

- a) The request form for permission for restoration of the school's educational operations;
- b) The decision on establishment of the inspection team;
- c) The inspection report.

6. Grant of permission for restoration of vocational education practice of the school shall be carried out according to the process prescribed by Clause 3 Article 81 hereof.

Article 84. Revocation of the certificate of registration of vocational education practice for provision of training in a range of disciplines for postsecondary- or college-level teachers

1. The certificate of registration of vocational education practice for provision of training in a range of disciplines for teachers when one of the following situations occurs:

- a) The school has committed any fraudulent act in order to obtain the certificate of registration of vocational education practice for provision of training in a range of disciplines for teachers;
- b) The school has committed a serious violation against applicable regulations on organization and operation of vocational education activities;
- c) The school has committed violations against laws on vocational education to the extent that it is subject to revocation of its certificate imposed as an administrative penalty;
- d) The school has been dissolved in accordance with laws;
- dd) As otherwise prescribed by laws and regulations.

2. The competent person having authority to grant the certificate of registration of vocational education practice for provision of training in a range of disciplines for teachers, as prescribed by Clause 1 Article 81 hereof, shall be vested with authority to issue the decision on suspension of provision of vocational education program according to the following processes and procedures:

- a) Inspect and evaluate the severity of violation, determine reasons for revocation of the certificate of registration of vocational education program;
- b) Within the permissible duration of 10 business days of receipt of the results achieved from inspection and evaluation of the severity of violation and reasons for revocation, the competent person having authority to grant the certificate of registration of vocational education practice for provision of training in a range of disciplines for teachers, as prescribed by Clause 1 Article 81 hereof, shall issue the decision on revocation of that certificate, notify this to the relevant authority for its collaboration in implementation of this decision, disclose the decision through websites of the decision-making authority;
- c) Within the permissible duration of 05 business days of receipt of the revocation decision, the school shall be obliged to give back the certificate to the decision-making authority and

concurrently terminate its registered vocational education program promptly after the revocation decision enters into force.

Article 85. Dissolution of a postsecondary-, college-level pedagogy school

1. The postsecondary-, college-level pedagogy school shall be dissolved when one of the following situations occurs:

- a) The school has committed any violation against laws which leads to serious consequence;
- b) Upon expiration of the duration of suspension of vocational education practice for provision of training in a range of disciplines for teachers, causes for such suspension have not yet been corrected;
- c) The school has not been awarded the certificate of registration of vocational education practice for provision of training in a range of disciplines for teachers for 3 years after the date of entry into force of the decision on establishment or approval of establishment;
- d) The school has yet to provide the registered vocational education program for 3 years after the date of grant of the certificate;
- dd) The school is dissolved upon the request of the organization or individual as the founder of the school.

2. The competent person vested with authority to issue the decision on establishment or approval of establishment of the school shall have the authority to issue the decision on dissolution or approval of dissolution.

3. The request for dissolution shall be composed of the following documents such as the written request form of the school for dissolution which specifies reasons for dissolution, approaches to dealing with issues relating to legitimate rights and benefits of students, teachers, administrative officers and employees (the organization or individual requests dissolution).

4. Implementation procedures:

- a) The competent person vested with authority to issue the decision on establishment or approval of establishment of the school conducts field inspection of the school;
- b) Based on the inspection results, the competent person issues the decision on dissolution of the school. The dissolution decision must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of the school's students, teachers, administrative officers and employees and must be made known to the public through mass media;
- c) The processing duration shall be 20 business days after receipt of the written request.

Article 86. Conditions and procedures for establishment or dissolution of a branch of a postsecondary-, college-level pedagogy school

Conditions and procedures for establishment or dissolution of a branch of a postsecondary-, college-level pedagogy school shall be the same as those for establishment of postsecondary- and college-level pedagogy school, referred to in Article 78, 79 and 85 hereof.

Section 2. HIGHER EDUCATION INSTITUTION

Article 87. Regulatory eligibility requirements for establishment of a public higher education institution, or approval of establishment of a private higher education institution

1. The requesting higher education institution must ensure that the proposal for its establishment is consistent with the socio-economic development and education network plan approved by the state regulatory authority. The proposal for establishment of an institution must specify name, training field, discipline and scale, objectives, curriculum and syllabus, financial resource, land, facilities, lecturers, administrative officers, functions, missions, organizational and management structure, scheme for construction and development of the requesting institution over time periods, duration and progress of execution of the project for construction and development of the requesting institution and socio-economic efficiency. In order to obtain permission for establishment of a public higher education institution, the requesting institution must adhere to a commitment that it will operate under the autonomous mechanism as a public service entity in accordance with the Government's applicable laws and regulations. Establishment of a non-public not-for-profit higher education institution shall be preferred.
2. The requesting institution is required to obtain the written approval of its establishment within a centrally-affiliated city or province from the People's Committee of the province where that institution is based (except when the subsidiary institution of the provincial-level People's Committee is established).
3. The requesting institution must reserve at least 05 hectares of land used for construction of its head office and provide an average space of at least 25 m²/student as of the time the institution's training competency is stable after 10 years of its development; must ensure that its facilities, equipment and staff of tenured lecturers satisfy its operational requirements. The project for construction of the requesting institution must be located within a safe environment for the school's students, teachers, administrative officers and employees.
4. There must be the project for construction of the requesting institution approved by its host entity in which the funding source for execution of that project in conformity with the stated plan must be clearly defined in case of establishment of a public higher education institution, and must ensure the minimum investment capital of VND 1,000 billion in case of establishment of a non-public higher education institution (exclusive of the value of land used for construction of the requesting institution). That amount of investment capital must be expressed in cash and assets already made available for investment, certified in writing by the competent authority, and at the date of evaluation carried out before grant of permission for establishment of a non-public institution, more than a half of such amount has been used.

5. The requesting institution must make a detailed estimate of the number and structure of tenured lecturers and administrative officers that meet the training quality and qualification standards prescribed by applicable regulations adopted by the Ministry of Education and Training, and suit the specified scheme in order to create new disciplines and carry out enrolment as stated in the proposal for establishment of the requesting institution.

Article 88. Procedures and documentation requirements for establishment of a public higher education institution, or approval of establishment of a private higher education institution

1. The Prime Minister shall have authority to issue the decision on establishment of a public higher education institution, or approval of establishment of a private higher education institution.

2. A higher education institution shall be established by taking two following steps:

- a) Approve the policy on establishment or approval of establishment of the requesting institution;
- b) Issue the decision on establishment or approval of establishment of the requesting institution.

3. Documentation submitted to apply for approval of the policy on establishment or the policy on permission for establishment of a higher education institution shall include the followings:

a) The application form for approval of the policy on establishment of a public higher education institution, prepared by the host institution, or for approval of the policy on permission for establishment of a non-public higher education institution, prepared by the requesting organization or individual;

b) The written consent of the provincial-level People's Committee to establishment of the requesting higher education institution at its local jurisdiction. The written consent should specify necessity and relevance of establishment of the requesting institution to the local socio-economic development plan, policy on allocation or leasing of land for construction of the requesting institution, land plot location and possibility of the local authority's cooperation in or provision of favorable conditions for construction and development of the requesting institution, and legal documents on land use rights (if any);

c) The proposal for establishment of the requesting institution;

d) With respect to the application documentation for establishment of a non-public higher education institution, in addition to documents referred to in Point a, b and c of this Clause, the other documents provided under the instructions of the Ministry of Education and Training are required, including:

- The list of founding members;

- The statement on recommendation of the representative who is the bearer of the application for establishment of the requesting institution by capital contributors;
- The commitment to contribution of capital for construction of the higher education institution made by the organization or individual, and the uncontentious opinion obtained from the representative who is the bearer of the application for establishment of the requesting institution;
- The list of stakeholders committed to contributing their capital;
- The written agreement on capital contribution.

4. Application for approval of the policy on establishment or the policy on permission for establishment of a higher education institution shall be carried out according to the following processes:

- a) The organization or individual applying for approval of the policy on establishment or the policy on permission for establishment of a higher education institution sends 01 set of application documents prescribed by Clause 3 of this Article, whether directly or by post, to the Ministry of Education and Training;
- b) The Ministry of Education and Training conducts evaluation of the submitted documentation, makes a report, and requests the Prime Minister to consider and approve the policy on establishment or permission for establishment of the requesting institution;
- c) Within the permissible duration of 45 business days of receipt of the application documentation for establishment of the requesting institution as required by applicable laws and regulations, the Minister of Education and Training shall be responsible for sending the written response to the results of processing of the application documentation submitted by the organization or individual undertaking the project for establishment of the requesting institution;
- d) Within the duration of 03 years after the date of entry into force of the Prime Minister's approval of the policy on establishment or permission for establishment of the requesting institution, if the project developer has not presented the application documentation to the Prime Minister for his decision on establishment or approval of establishment of the requesting institution, the Minister of Education and Training shall be responsible for reporting to the Prime Minister to request him to consider granting the decision on cancellation of the written document on approval of the policy on establishment or approval of establishment of the requesting institution.

Where the written document on approval of the policy on establishment or approval of establishment of the requesting institution expires or is annulled, the Government shall take back the allocated land to give it to another education institution and keep educational use of such land remain unchanged, and deal with assets associated with land in accordance with applicable laws and regulations.

5. The application documentation for the Prime Minister's decision on establishment or approval of establishment of the requesting institution shall include:

- a) The Prime Minister's written document on approval of the policy on establishment or the policy on permission for establishment of the requesting higher education institution;
- b) The certified duplicate copy of the investment certificate in case of establishment of a non-public higher education institution, issued by the provincial-level People's Committee;
- c) The legally valid document stating confirmation of the land use right or the one issued by the regulatory authority having power to allocate or lease land for a period of 50 years or more for the purpose of construction of the requesting institution with the following issues specified such as location, boundary line, address and area of the land plot where the requesting institution is based;
- d) The construction planning of the requesting institution and general floor plan approved by the host entity in case of establishment of a public higher education institution, or by the provincial-level People's Committee in case of establishment of a non-public higher education institution;
- dd) The written document containing the detailed report on the progress of execution of the project for establishment of the requesting institution, prepared by the host entity (in case of establishment of a public higher education institution) or by the Project Management Unit together with the opinion received from the People's Committee of the province where the requesting institution will be based (in case of establishment of a non-public higher education institution);
- e) The statement of proposed fields or disciplines of study, administrative officers and training scale;
- g) The legally valid documents indicating confirmation of the investor's capital put under management of the Project Management Unit, including:
 - Interpretations on the competency in making fund investments, the decision on fund investments and facility and engineering conditions of the host entity (in case of establishment of a public higher education institution);
 - The bank's written confirmation of available amount of money in the custody of the project management unit, the legally valid documents providing evidence of the right to own assets associated with the written document indicating valuation of the contributed asset in case of capital contribution made in the form of assets or asset ownership rights; the evidencing documents relating to the amount of fund used for the purpose of construction of the requesting school and purchase of equipment thereof (attached confirmation by the competent financial institution of the amount of fund that has been used for construction of the requesting school and confirmation by the bank of the fund balance available in the account of the project management unit).

6. The process for submission of application for the Prime Minister's decision on establishment or approval of establishment of the requesting institution shall be prescribed as follows:

a) The project developer sends 01 set of application documents referred to in Clause 5 of this Article, whether directly or by post, to the Ministry of Education and Training;

b) Within the permitted duration of 15 business days of receipt of these documents, if the submitted set of documents has been found illicit, the Minister of Education and Training assumes responsibility for sending a written notification to the project developer for any revision or modification;

c) If these documents have been found conforming to regulations laid down in Clause 5 of this Article within the duration of 60 business days, the Ministry of Education and Training shall take responsibility for undertaking or cooperating with the relevant regulatory authority in conducting evaluation of the submitted documentation and field evaluation in order to give accurate judgements on various conditions and subject matters specified in the project, preparing the complete documentation for submission to the Ministry of Planning and Investment, the Ministry of Finance and Ministry of Home Affairs to acquire their written opinions on the projects satisfying requirements set out by laws and send any notice to the project developer in case of failure to meet such requirements. The field evaluation of the project shall be carried out by the Evaluation Board, composed of the representative 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 the province where the requesting institution is based. The Evaluation Board shall be established under the decision made by the Minister of Education and Training and perform the function of advising the Minister of Education and Training on the feasibility of the project before submitting that project to the Prime Minister for his consideration and grant of the decision;

d) Within the permissible duration of 30 business days of receipt of all written opinions from relevant authorities or entities, the Ministry of Education and Training consolidates all received opinions, completes the project-related documentation and submits such documentation to the Prime Minister;

dd) Upon expiration of the duration of 4 years after the entry into force of the Prime Minister's decision on establishment or approval of establishment of the requesting institution, unless the requesting institution meets licensing requirements for its educational operations, the Minister of Education and Training shall assume responsibility for reporting to the Prime Minister to apply for his decision on cancellation of the decision on establishment or approval of establishment of the said institution, and the Ministry of Education and Training shall send the People's Committee of the province where the requesting school is based a written notification of recovery of the right to use land for construction of the requesting institution within its jurisdiction.

Where the decision on establishment or approval of establishment of the requesting institution expires, the Government shall take back the allocated land in accordance with applicable laws on land and deal with associated assets in accordance with applicable laws and regulations.

Article 89. Licensing requirements for educational operations of a higher education institution

1. The requesting institution has received the Prime Minister's decision on establishment or approval of establishment.
2. The requesting school must prepare land, facilities, equipment, student's dormitory and physical training facilities that meet regulatory operational requirements. The project for construction of the requesting institution must be located within a safe environment for its students, teachers, administrative officers and employees as agreed upon in the proposal for establishment of the requesting institution.
3. The requesting institution's curriculum, syllabus, teaching and learning materials must obey applicable laws and regulations.
4. The requesting institution's staff of tenured lecturers and administrative officers must be adequate and consistent in terms of its personnel structure, be appropriate for training disciplines or fields, satisfy stipulated conduct and qualification standards and ensure that they are competent to fulfill educational objectives and execute educational programs, and meet eligibility requirements concerning higher education lecturers and administrative officers prescribed by applicable laws and regulations of the Ministry of Education and Training.
5. The requesting institution must maintain a sufficient amount of financial resources as required by laws in order to ensure its continued operation.
6. The requesting institution must adopt the statutes of its organization and operations as well as its internal financial rules.

Article 90. Procedures and documentation requirements for educational operations of a higher education institution

1. The Minister of Education and Training shall have authority to license educational operations of a higher education institution.
2. The application documentation for such license shall be composed of the followings:
 - a) The request form for the license to carry out educational operations;
 - b) The review report on fulfillment of commitments specified in the proposal for establishment of a higher education institution;
 - c) The training program;
 - d) The interpretation of conditions for training quality assurance:

- The list of particulars of tenured lecturers and administrative officers, certified by the provincial-level People's Committee;
- The inventory of all facilities used for training activities in the requesting institution, quantity and area of lecture halls, libraries, laboratory rooms, devices, teaching and reference materials, books used in educational activities, all of which are verified by the provincial-level People's Committee;
- The proposed student intake and enrolment plan.

3. Implementation procedures:

- a) The requesting institution sends 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the Ministry of Education and Training;
- b) The Ministry of Education and Training receives and conducts the field evaluation determining whether licensing requirements for educational operations of the requesting institution are satisfied;
- c) Within the maximum duration of 30 business days of receipt of all legally-required application documents, the Minister of Education and Training grants the decision on approval of educational operations of the requesting school. Where the submitted documents do not meet regulations laid down in Clause 2 of this Article, within the duration of 30 business days, the Ministry of Education and Training send a notification of the results of processing of the application documentation for a license to carry out educational operations of the requesting institution.

Article 91. Regulatory eligibility requirements for establishment of the branch of a public higher education institution, or approval of establishment of the branch of a non-public higher education institution

1. The requesting school's proposal for its establishment must align with the socio-economic development plan of the local jurisdiction where the branch of a higher education institution will be based. The proposal for establishment of the branch of a higher education institution should specify necessity for establishment of a higher education institution's branch, legal bases for development of the construction project, guidelines and strategies for construction and development of the branch over periods of time, name, location, legal status, functions, missions of the proposed branch, and approaches to execution of the construction project, e.g. the approach to organization of the management and personnel mechanism, the solution to construction of facilities, the financial solution, project execution steps, preferred missions and attached evidences of eligibility requirements for establishment of the proposed branch.
2. The requesting institution must receive the written consent to establishment of the branch from the People's Committee of the province where the requesting institution is based.

3. The requesting institution must reserve at least 02 hectares of land used for construction of its branch (or otherwise considered or decided by the Minister of Education and Training in certain particular cases) and provide an average space of at least 25 m²/student as of the time the branch's training competency is stable after 10 years of its development; must ensure that its facilities, equipment and staff of tenured lecturers and administrative officers satisfy its operational requirements. The project for construction of the proposed branch must be located within a safe environment for its students, teachers, administrative officers and employees.

4. There must be the project for construction of the requesting institution approved by its host entity in which the funding source for execution of that project in conformity with the stated plan must be clearly defined in case of establishment of the branch of a public higher education institution, and must ensure the minimum investment capital of VND 250 billion in case of establishment of the branch of a non-public higher education institution (exclusive of the value of land used for construction of the proposed branch). That amount of investment capital must be expressed in cash and assets already made available for investment, certified in writing by the competent authority, and at the date of evaluation carried out before grant of permission for establishment of the branch of a non-public institution, more than VND 150 billion has been disbursed.

5. There must be a detailed estimate of the number and structure of tenured lecturers and administrative officers that meet the training quality and qualification standards prescribed by applicable regulations adopted by the Ministry of Education and Training, and suit the specified scheme in order to create new disciplines and carry out enrolment as stated in the proposal for establishment of the proposed branch.

Article 92. Procedures and documentation requirements for establishment of the branch of a public higher education institution, or approval of establishment of the branch of a non-public higher education institution

1. The Minister of Education and Training shall have authority to issue the decision on establishment of the branch of a public higher education institution, or approval of establishment of the branch of a non-public higher education institution.

2. A higher education institution's branch shall be established according to the following dual-step process:

a) Approve the policy on establishment or approval of establishment of the branch in case of:

- Establishment of a new branch;

- Establishment of the branch of a higher education institution on the premises of existing higher education institutions.

b) Issue the decision on establishment or approval of establishment of the branch.

3. The application documentation submitted to apply for approval of the policy on establishment or the policy on permission for establishment of a branch shall include the followings:

a) In case of establishment of a new branch:

- The application form for approval of the policy on establishment of a branch, prepared by the host entity of a public higher education institution, or for approval of the policy on permission for establishment of a branch, prepared by the Chair of the Management Board of a non-public higher education institution. The application form for approval of the policy on establishment or the policy on permission for establishment of the branch should describe the main contents relating to necessity, name, legal status and objectives of its establishment, plan for construction and development prepared over periods of time, functions, missions, organizational, management and personnel mechanism, training disciplines and scale, financial resources, land and facilities of the branch;
- The written consent from the provincial-level People's Committee to establishment of the branch. The written consent should specify necessity and relevance of establishment of the branch to the local socio-economic development plan, policy on allocation or leasing of land for construction of the branch, land plot location and possibility of the local authority's cooperation in or provision of favorable conditions for construction and development of the branch, and legally valid documents on land use rights (if any);
- The proposal for establishment of the branch;
- With respect to a non-public higher education institution, in addition to the written documents mentioned above, the application documentation for establishment of the branch should additionally include the investment commitment of the Management Board of the higher education institution and attached evidences of financial capability of the higher education institution, verified by the competent authority.

b) Establishment of the branch of a higher education institution on the premises of an existing higher education institution:

- The application form for approval of the policy on establishment of a branch, prepared by the host entity of a public higher education institution and the existing higher education institution, or for approval of the policy on permission for establishment of a branch, prepared by the Chair of the Management Board of a non-public higher education institution and the existing higher education institution. The application form for approval of the policy on establishment or the policy on permission for establishment of the branch should describe the main contents relating to necessity, name, legal status and objectives of its establishment, plan for construction and development prepared over periods of time, functions, missions, organizational, management and personnel mechanism, training disciplines and scale, financial resources, land and facilities of the branch;
- The written consent to establishment of the branch from the People's Committee of the province where the branch is based.

4. Application for approval of the policy on establishment or the policy on permission for establishment of the branch shall be carried out according to the following processes:

- a) The host entity of the public higher education institution or the Management Board of the non-public higher education institution sends 01 set of documents referred to in Clause 3 of this Article, whether directly or by post, to the Ministry of Education and Training;
- b) The Minister of Education and Training conducts evaluation of the submitted documentation, considers and approves the policy on establishment or the policy on permission for establishment of the branch;
- c) Within the permissible duration of 45 business days of receipt of the application documentation for establishment of the branch as required by applicable laws and regulations, the Minister of Education and Training assumes responsibility for sending the written response related to the results of processing of the submitted documentation;
- d) Upon expiration of the duration of 03 years after the date of entry into force of the Minister of Education and Training's approval of the policy on establishment or the policy on permission for establishment of the branch, if the application documentation for establishment or approval of establishment of the branch is not presented, the Minister of Education and Training shall issue the decision on cancellation of the written document indicating approval of the policy on establishment or approval of establishment of the branch;

Where the written document on approval of the policy on establishment or the policy on permission for establishment of the branch expires or is annulled, the Government shall take back the allocated land to give it to another education institution and keep educational use of such land remain unchanged, and deal with assets associated with land in accordance with applicable laws and regulations.

5. The application documentation for the Minister of Education and Training's decision on establishment or approval of establishment of the branch shall include:

- a) The Minister of Education and Training's written document on approval of the policy on establishment or the policy on permission for establishment of the branch;
- b) The legally valid document containing confirmation of the land use right or the one issued by the regulatory authority having power to allocate or lease land for a period of 50 years or more for the purpose of construction of the branch with the following issues specified such as location, boundary line, address and area of the land plot where the branch is based;
- c) The construction planning of the branch and the general floor plan approved by the host entity in case of establishment of the branch of a public higher education institution, or by the provincial-level People's Committee in case of establishment of the branch of a non-public higher education institution;

d) The written document containing the detailed report on the progress of execution of the project for establishment of the branch, enclosing the confirmation of the People's Committee of the province where the branch is based;

dd) The statement of proposed training fields or disciplines, administrative officers and training scale;

e) The legally valid documents indicating confirmation of the investor's capital including:

- Interpretations on the competency in making fund investments, the decision on fund investments and facility and engineering conditions of the host entity (in case of establishment of the branch of a public higher education institution);

- The bank's written confirmation of available amount of money, the evidencing documents relating to the amount of fund used for the purpose of construction of the branch (attached confirmation by the competent financial institution of the amount of fund that has been used for construction of the higher education institution and confirmation by the bank of the fund balance available in the account of the non-public higher education institution).

6. Implementation procedures:

a) The requesting institution sends 01 set of application documents referred to in Clause 5 of this Article, whether directly or by post, to the Ministry of Education and Training;

b) Within the permitted duration of 15 business days of receipt of these documents, if the submitted set of documents has been found illicit, the Minister of Education and Training assumes responsibility for sending a written notification to the requesting higher education institution for any revision or modification;

c) If these documents have been found conforming to regulations laid down in Clause 5 of this Article within the duration of 60 business days, the Ministry of Education and Training shall take responsibility for undertaking or cooperating with the relevant regulatory authority in conducting evaluation of the submitted documentation and field evaluation in order to give accurate judgements on various conditions and subject matters specified in the project, preparing the complete documentation for submission to the Ministry of Planning and Investment, the Ministry of Finance and Ministry of Home Affairs to acquire their written opinions on the projects satisfying requirements set out by laws and send any notice to the requesting higher education institution in case of failure to meet such requirements. The field evaluation of the project shall be carried out by the Evaluation Board, composed of the representative 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 the province where a higher education institution's branch is based. The Evaluation Board shall be established under the decision made by the Minister of Education and Training and perform the function of advising the Minister of Education and Training on the feasibility of the project;

d) Within the permissible duration of 30 business days of receipt of all written opinions from relevant authorities or entities, the Ministry of Education and Training consolidates all received opinions, completes the project-related documentation and considers giving its decision;

dd) Upon expiration of the duration of 4 years after the entry into force of the Ministry of Education and Training's decision on establishment or approval of establishment of the branch, unless the branch meets licensing requirements for its educational operations, the Minister of Education and Training shall assume responsibility for granting the decision on cancellation of the decision on establishment or approval of establishment of the said branch, and sends the People's Committee of the province where the branch is based a written notification of recovery of the right to use land for construction of the said branch which has been allocated within his/her jurisdiction;

Where the decision on establishment or approval of establishment of the branch expires, the Government shall take back the allocated land in accordance with applicable laws on land and deal with associated assets in accordance with applicable laws and regulations.

Article 93. Procedures and requirements for the license for educational operations of the branch of a higher education institution

1. Requirements for the license for educational operations of the branch of a higher education institution shall include:

a) The branch must receive the Minister of Education and Training's decision on establishment of the branch;

b) The branch must prepare land, facilities, equipment, student's dormitory and physical training facilities that meet regulatory operational requirements. The project for construction of the branch must be located within a safe environment for its students, teachers, administrative officers and employees as agreed upon in the proposal for establishment of the branch;

c) The branch must design the curricula relative to specific disciplines or specializations (except those of the higher education institution applying for permission for establishment of its branch which have already been licensed), syllabuses, teaching and learning materials in accordance with applicable regulations;

d) The branch's staff of tenured lecturers and administrative officers must be adequate and consistent in terms of its personnel structure, be appropriate for training disciplines or fields, satisfy stipulated conduct and qualification standards and ensure that they are competent to fulfill educational objectives and execute educational programs, and meet eligibility requirements concerning higher education lecturers and administrative officers prescribed by applicable laws and regulations of the Ministry of Education and Training;

dd) The branch must maintain a sufficient amount of financial resources as required by laws in order to ensure its continued operation;

e) The branch must adopt the statutes of its organization and operations as well as its internal financial rules.

2. Procedures for grant of a license for educational operations of the branch shall be similar to those applied to a higher education institution as provided in Article 90 hereof.

Article 94. Merger, division or split-up of a higher education institution

1. Merger, division or split-up of a higher education institution shall conform to the following requirements:

a) Match the plan for development of network of higher education institutions;

b) Satisfy the socio-economic development demands of the country;

c) Assure legal rights and benefits of its students, teachers, administrative officers and employees;

d) Contribute to increasing the quality and effectiveness of the higher education.

2. The Prime Minister shall have authority to issue the decision on merger, division or split-up of a higher education institution.

3. The request documentation for these actions shall be composed of the followings:

a) The request form submitted by the host entity (if a public higher education institution requests such actions), the request form submitted by the requesting higher education institution (if a non-public higher education institution requests such actions) to the Ministry of Education and Training for merger, division or split-up of the requesting higher education institution, enclosing the opinion received from the People's Committee of the province where the requesting higher education will be based upon completion of merger, division or split-up;

b) The minutes of the meeting of shareholders on merger, division or split-up of the requesting higher education institution (with respect to a public higher education institution);

c) The proposal for merger, division or split-up of the requesting higher education institution, which specifies purposes of such actions, the main office of the higher education institution formed upon completion of such actions, the proposed personnel structure, the alternatives for students, lecturers, administrative officers and employees, the procedures or documentation requirements and time limit for transformation of assets, contributed capital and shares.

4. Implementation procedures:

a) Within the permitted duration of 15 business days of receipt of these request documents, if the submitted set of documents has not conformed to regulations laid down in Clause 3 of this Article, the Ministry of Education and Training sends a written notification to the host entity of

the requesting higher education institution (with respect to a public higher education institution), or to the requesting higher education institution (with respect to a non-public higher education institution) for any revision or modification;

b) If these documents have been found conforming to regulations laid down in Clause 3 of this Article, within the duration of 30 business days, the Ministry of Education and Training takes responsibility for undertaking evaluation and cooperating with the relevant ministries or regulatory authorities in submitting such evaluated documents to the Prime Minister for his consideration and decision.

Article 95. Suspension of educational operations of a higher education institution or a branch of a higher education institution

1. A higher education institution shall be subject to suspension of its educational operations when the following situations occur:

- a) The requesting institution has committed any fraudulent act in order to approval of establishment or permission for establishment or the license for its educational operations;
- b) The requesting institution has failed to meet one of the stipulated licensing requirements for its educational operations as prescribed by this Decree;
- c) The license for its educational operations has been granted ultra vires;
- d) The requesting institution has committed violations against laws on education to the extent that it has to be subject to suspension of its educational operations imposed as an administrative penalty;
- dd) As otherwise prescribed by laws and regulations.

2. The Minister of Education and Training shall have authority to issue the decision on suspension of educational operations of a higher education institution or a branch of a higher education institution.

3. The suspension decision must clearly specify reasons for such suspension, duration of suspension, provide approaches to assuring legal rights and benefits of students, teachers, administrative officers and employees and must be made known to the public through mass media.

4. Upon expiration of the duration of suspension, if causes resulting in such suspension have been corrected, the competent person vested authority to grant the suspension decision shall issue a decision on permission for restoration of educational operations of a higher education institution or a branch of a higher education institution and must make that decision known to the public through mass media. In case of refusal to grant permission for restoration of educational operations, a written notice must be sent to the requesting institution, give clear reasons for such refusal and provide any possible solution.

5. d) Documents submitted to request restoration of educational operations shall be composed of the followings:

- a) The request form for permission for restoration of educational operations;
- b) The decision on establishment of the inspection team;
- c) The inspection report.

6. Grant of permission for restoration of educational operations of a higher education institution or a branch of a higher education institution shall be subject to the procedures prescribed by Clause 3 Article 90 hereof.

Article 96. Dissolution of a higher education institution or a branch of a higher education institution

1. A higher education institution or a branch of a higher education institution shall be dissolved when the following situations occur:

- a) It has committed serious violations against applicable regulations on organization or operation of a higher education institution or a branch of a higher education institution;
- b) Upon expiration of the duration of suspension specified in the suspension decision, causes for such suspension have not yet been corrected;
- c) Educational objectives and contents specified in the establishment decision or the decision on approval of establishment have no longer matched the national socio-economic development demands;
- d) The dissolution takes place upon the request of the organization or individual as the founder of a higher education institution or a branch of a higher education institution;
- dd) Upon expiration of the duration of 05 years, it has failed to comply with the commitment specified in the approved proposal for its establishment after the date of entry into force of the decision on establishment or approval of establishment.

2. The Prime Minister shall have authority to issue the decision on dissolution of a higher education institution. The Minister of Education and Training shall have authority to dissolve the branch of a higher education institution.

3. The request documentation for dissolution of a higher education institution or a branch of a higher education institution shall include:

- a) The written request for dissolution of a higher education institution or a branch of a higher education institution, submitted by the host entity of the requesting institution, or the

organization or individual as the founder of that higher education institution or branch, which specifies reasons for or purposes of dissolution of the requesting institution;

b) The plan for dissolution of a higher education institution or a branch of a higher education institution which specifies approaches to assuring legitimate rights and benefits of its students, lecturers, administrative officers and employees, the plan for treatment of assets and financial matters of the requesting institution.

4. Implementation procedures:

a) The Ministry of Education and Training receives the request documentation for dissolution of a higher education institution or a branch of a higher education institution, and conduct its evaluation. Evaluation of the request documentation for dissolution of a higher education institution or a branch of a higher education institution shall be carried out according to the procedures similar to those applied to establishment of a higher education institution under the provisions of this Decree;

- Within the permitted duration of 15 business days of receipt of the request documentation, if the submitted set of documents has been found illicit, the Ministry of Education and Training sends a written notification to the requesting institution or branch of the requesting institution for any revision or modification;

- Within the permissible duration of 30 business days of receipt of the request documentation meeting regulations, the Ministry of Education and Training undertakes cooperation with relevant ministries or sectoral authorities in conduct of evaluation of the request documentation, prepares a consolidated report for submission to the Prime Minister for his consideration and decision in respect of a higher education institution, or his decision in respect of a branch of a higher education institution.

b) Where a higher education institution or a branch of a higher education institution violates one of the regulations laid down in Point a, b, c and d Clause 1 of this Article, but its host entity or the organization or individual as the founder of that institution or branch does not make any request, the Ministry of Education and Training bears responsibility for cooperating with relevant ministries or regulatory sectoral authorities in evaluation of conformity with requirements for dissolution of that institution or branch and submit an evaluation report to the Prime Minister for his consideration and decision in respect of a higher education institution, or his consideration or decision in respect of a branch of a higher education institution.

5. The decision on dissolution of a higher education institution or a branch of a higher education institution must clearly specify reasons for such dissolution, provide approaches to assuring legal rights and benefits of its students, teachers, administrative officers and employees and must be made known to the public through mass media.

6. Upon the dissolution of a higher education institution or a branch of a higher education institution, the Government shall take back the allocated land in accordance with applicable laws on land and deal with associated assets in accordance with applicable laws and regulations.

Chapter VII

EDUCATION QUALITY ACCREDITATION

Section 1. DOMESTIC EDUCATION QUALITY ACCREDITATION ORGANIZATION

Article 97. Regulatory eligibility requirements for establishment of a public education quality accreditation organization, or approval of establishment of a private education quality accreditation organization

The proposal for its establishment must be consistent with the plan for development of network of education quality accreditation organizations in accordance with regulations laid down in the Law on Higher Education. The proposal must clearly specify the name of the organization or individual applying for establishment or approval of establishment, the proposed name of the education quality accreditation organization written in Vietnamese, English or any other language where appropriate, the proposed location of its main office, objectives and missions, subjects and scope of educational quality accreditation operations, the proposed number or structure of qualifications of accreditors, personnel structure, conditions concerning facilities or financial resources, the developmental plan and schedule and measures to be taken over periods of time.

Article 98. Procedures and documentation requirements for establishment of a public education quality accreditation organization, or approval of establishment of a private education quality accreditation organization

1. The Minister of Education and Training shall have authority to issue the decision on establishment of a public education quality accreditation organization or approval of establishment of a private education quality accreditation organization.
2. The application documentation shall be composed of the followings:
 - a) The application form for establishment of an education quality accreditation organization;
 - b) The proposal for establishment of an education quality accreditation organization, prescribed by Article 97 hereof;
 - c) The résumé certified by the commune-level People's Committee that must be submitted by the individual applying for establishment or the authenticated duplicate copy of the decision on establishment that must be submitted by the organization applying for establishment; the list of the recommended Director, Vice Directors (if any) and members of the Education Quality Accreditation Commission, enclosing their résumés certified by their host entities or organizations or the commune-level People's Committee; the authenticated duplicate copy of an accreditor's identity card and qualifications.
3. Implementation procedures:

- a) The requesting organization or individual sends 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the Ministry of Education and Training;
- b) Within the permissible duration of 05 business days of receipt of these documents, if the submitted set of documents has been found illicit, the Ministry of Education and Training sends a written notification to the requesting organization or individual for any revision or modification. Within the maximum duration of 15 business days of receipt of all legally required application documents, the Ministry of Education and Training evaluates the submitted documentation and verifies accuracy of materials enclosed in the submitted documentation. If all stipulated eligibility requirements have been met, the Minister of Education and Training issues the decision on establishment or approval of establishment of an education quality accreditation organization. In case of refusal to grant that decision, a written notice in which reasons for such refusal should be defined must be sent.

Article 99. Licensing requirements for operations of an education quality accreditation organization

1. The requesting organization must receive the Minister of Education and Training's decision on establishment or approval of establishment.
2. The requesting organization must have permanent main office and facilities that meet requirements concerning education quality accreditation operations, provide an adequate number of offices for all accreditors with a minimum area of 08 m²/person, and prepare equipment necessary for accrediting operations.
3. The requesting organization must own at least VND 02 billion used as its operating capital.
4. The requesting organization must employ at least 10 accreditors who have been awarded creditor's identity card and work full time in that requesting organization.
5. The requesting organization must administer its own website.

Article 100. Procedures and documentation requirements for grant of the license for education quality accreditation operations

1. The Minister of Education and Training shall have authority to issue the decision to grant the license for education quality accreditation operations.
2. The application documentation shall be composed of the followings:
 - a) The application form for the license to carry out education quality accreditation operations;
 - b) The written document giving certification of the right to use land and own house, held by the requesting organization, or the contract to rent house as the requesting organization's main officer that has the term of at least 02 years and is certified by the competent authority; the description of areas of offices and installed equipment;

c) The written confirmation of the account and capital of the requesting organization, given by the bank that legally operates within Vietnam or by the State Treasury;

d) The authenticated duplicate copy of the decision on establishment or approval of establishment of the requesting organization, the decision on appointment of the Director of an education quality accreditation organization, the list of accreditors with their résumés, authenticated duplicate copies of accreditor's identity card, degree or qualification, the decision on recruitment or the employment contract which has been signed by the requesting organization and accreditor;

dd) Address of the website of the requesting organization.

3. Implementation procedures:

a) The requesting organization sends 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the Ministry of Education and Training;

b) Within the permissible duration of 10 business days of the Ministry of Education and Training's receipt of these documents, if the submitted set of documents has been found illicit, a written notification of contents that require correction or modification must be sent to the requesting organization;

c) Within the maximum duration of 30 business days of receipt of all legally required application documents, the Ministry of Education and Training evaluates the submitted documentation, verifies accuracy of materials enclosed in the submitted documentation, and conducts field inspection where necessary. If all stipulated eligibility requirements have been met, the Minister of Education and Training issues the decision to grant the license for educational quality accreditation operations. In case of refusal to grant that decision, a written notice must be sent, specify reasons for such refusal and provide possible solutions. The license for educational quality accreditation operations must specify subjects and scope of educational quality accreditation operations, and must be valid in 5 years from the issue date.

4. Not later than 30 days before the license for educational quality accreditation operations expires, the requesting organization must submit the request to the Ministry of Education and Training for renewal of that license. The request must specify the operational process and enclose materials evidencing conformity of the requesting organization with requirements, referred to in Clause 2, 3 and 4 Article 99 hereof;

Within the maximum duration of 15 business days of receipt of the valid request, the Ministry of Education and Training shall carry out evaluation of the request, evidencing materials, and conduct field inspection where necessary. If all stipulated requirements are met, the Minister of Education and Training shall renew the license for education quality accreditation operations. The extended duration of the license for education quality accreditation operations shall be less than 05 years per each extension. In case stipulated requirements are not met, a written notice must be sent, give clear reasons and provide recommended solutions.

5. During the process of its operations, if the requesting organization wishes to modify or revise subjects or scope of accreditation operations, it must send the Ministry of Education and Training the request for making any revision or modification of the license. The procedures and documentation requirements for request for modification or revision of the license for education quality accreditation operations shall be subject to regulations laid down in Clause 2 and 3 of this Article.

Article 101. Suspension of education quality accreditation operations

1. The education quality accreditation organization shall be subject to suspension of its operations when one of the following situations occurs:

- a) The requesting organization has committed any fraudulent act in order to obtain the license for its education quality accreditation operations;
- b) The license for education quality accreditation operations has been issued ultra vires;
- c) In the course of its operations, the requesting organization has failed to maintain conformance to regulatory requirements, specified in Clause 2, 3 and 4 Article 99 hereof;
- d) It has not observed the fair and true view concept during the process of education quality accreditation operations and has recognized the false education quality accreditation results;
- dd) As otherwise prescribed by laws and regulations.

2. The Minister of Education and Training shall have authority to issue the decision to suspend education quality accreditation operations.

3. Implementation procedures:

- a) Where it is established that the requesting organization has committed one of the violations prescribed by Clause 1 of this Article, the Minister of Education and Training grants a decision to establish the inspection team, organize inspection activities to determine the severity of violation and make an inspection report;
- b) Based on the severity of violation, the Minister of Education and Training considers issuing the decision to suspend education quality accreditation operations. The decision to suspend education quality accreditation operations must clearly specify reasons for such suspension and duration of suspension, and approaches to assuring legal rights and benefits of related organizations or individuals. The decision on suspension of education quality accreditation operations must be made known to the public through the website of the Ministry of Education and Training and mass media;
- c) Upon expiration of the duration of suspension, if causes resulting in such suspension have been corrected, the requesting organization is required to submit the request form for permission

for restoration of its education quality accreditation operations. The request form must specify completion of correction of these causes and enclose evidencing documents (where available);

d) Within the permissible duration of 15 business days of receipt of the valid request, the Ministry of Education and Training carries out evaluation of the request, evidencing materials, and conducts field inspection where necessary. If causes resulting in such suspension have been mitigated, the Minister of Education and Training shall issue the decision to grant permission for restoration of educational quality accreditation operations. In case of refusal to grant that decision, a written notice must be sent, specify reasons for such refusal and provide possible solutions.

Article 102. Dissolution of an education quality accreditation organization

1. An education quality accreditation organization shall be dissolved when one of the following situations occurs:

a) The requesting organization has committed serious violations against applicable regulations on management, organization or operation of an education quality accreditation organization according to the conclusion drawn by the competent authority;

b) After 06 months from the date of entry into force of the decision on establishment or approval of establishment, the education quality accreditation organization neither registers its accreditation operations nor meets regulatory requirements for the license for education quality accreditation operations;

c) Upon expiration of the duration of suspension of education quality accreditation operations specified in the suspension decision, causes resulting in such suspension have not been corrected yet;

d) Upon expiration of the validity term of the license for education quality accreditation operations, the requesting organization has not made the request for extension of such term and, if that request has been made, has not received permission for such extension;

dd) The decision on establishment or approval of establishment of an education quality accreditation organization has been signed ultra vires;

e) The education quality accreditation organization is dissolved upon the request of the organization or individual acting as the founder of that organization.

2. The request documentation shall be composed of the followings:

a) If the organization or individual acting as the founder of an education quality accreditation organization requests such dissolution, the request documentation shall include the written request made by that organization or individual for dissolution which specifies reasons for such dissolution and approaches to assuring legitimate rights and benefits of related organizations or individuals.

b) If dissolution of the requesting organization is compulsory, the following documents must be submitted:

- The request form of subordinate functional divisions of the Ministry of Education and Training for dissolution of the education quality accreditation organization in which reasons for the request for such dissolution should be clearly defined;
- The written document indicating interpretation of such request prepared by subordinate functional divisions of the Ministry of Education and Training, enclosing evidences of the requesting organization's violation against applicable regulations that results in such dissolution, as prescribed by Point a through Point dd Clause 1 of this Article.

3. Implementation procedures:

a) If the organization or individual acting as the founder of an education quality accreditation organization files a request for such dissolution, the procedures shall be implemented as follows:

- The requesting organization sends 01 set of request documents for such dissolution, whether directly or by post, to the Ministry of Education and Training;
- Within the duration of 30 business days of receipt of the request documentation for dissolution of an education quality accreditation organization, subordinate functional divisions of the Ministry of Education and Training verifies, considers, evaluates such documentation and requests the Minister of Education and Training to issue the decision on dissolution of that organization.

b) If dissolution of the requesting organization is compulsory as prescribed by Point a, b, c, d and dd Clause 1 of this Article, the procedures shall be implemented as follows:

- Subordinate functional divisions of the Ministry of Education and Training prepares the request documentation for such dissolution which specified reasons for such dissolution and notifies the requesting organization of the said request documentation;
- Within the duration of 30 business days from the date of issue of notification of the request documentation for dissolution of an education quality accreditation organization, subordinate functional divisions of the Ministry of Education and Training verifies, considers, evaluates such documentation and requests the Minister of Education and Training to issue the decision on dissolution of that organization.

4. The dissolution decision must specify reasons for such dissolution and approaches to assuring legitimate rights and benefits of related organizations or individuals as well as must be published on the website of the Ministry of Education and Training.

Section 2. RECOGNITION OF FOREIGN EDUCATION QUALITY ACCREDITATION ORGANIZATION TO OPERATE WITHIN VIETNAM

Article 103. Eligibility requirements for awarding recognition to a foreign education quality accreditation organization operating within Vietnam

1. The foreign education quality accreditation organization has been awarded recognition or license to carry out lawful education quality accreditation operations by a host country or a legal international association.
2. The foreign education quality accreditation organization has acquired at least 05 years' experience in providing education quality accreditation services till its application for recognition is processed.

Article 104. Procedures and documentation requirements for awarding recognition to a foreign education quality accreditation organization to operate within Vietnam

1. The Minister of Education and Training shall have authority to issue the decision to award recognition to a foreign education quality accreditation organization operating within Vietnam.
2. The application documentation shall be composed of the followings:
 - a) The written request for the license to provide its education quality accreditation service within Vietnam which clearly specifies the proposed time of commencement of its operations, education quality accreditation process, subjects and scope of education quality accreditation operations;
 - b) The written document evidencing the legal status of the foreign education quality accreditation organization issued by a foreign entity and consularized by the Ministry of Foreign Affairs of Vietnam, a diplomatic mission, a consular post or an entity authorized to perform the consular function of Vietnam in a foreign country, unless otherwise stipulated by the International Treaty to which the Socialist Republic of Vietnam is a party;
 - c) The summary of establishment and development of the foreign education quality accreditation organization which specifies links with related websites.
3. Implementation procedures:
 - a) The requesting organization sends 01 set of application documents referred to in Clause 2 of this Article, whether directly or by post, to the Ministry of Education and Training. Within the permissible duration of 05 business days of receipt of these documents, if the submitted set of documents has been found illicit, the Ministry of Education and Training sends a written notification of any required revision or modification;
 - b) Within the maximum duration of 15 business days of receipt of all legally required application documents, the Ministry of Education and Training evaluates the submitted documentation and verifies accuracy of materials enclosed in the submitted documentation. If stipulated requirements are met, the Minister of Education and Training shall issue the decision to award recognition to the requesting foreign education quality accreditation organization to operate

within Vietnam. The decision on such recognition must be published on the website of the Ministry of Education and Training and made known to the public through mass media.

4. During the process of its operations, if the requesting organization wishes to modify or revise subjects or scope of accreditation services, it must send the Ministry of Education and Training the request for grant of revised or modified recognition. Procedures and documentation requirements for request for grant of the decision on revised or modified recognition shall be subject to Clause 2 and 3 of this Article.

Article 105. Revocation of the decision to award the recognition to a foreign education quality accreditation organization to operate within Vietnam

1. The education quality accreditation organization shall be subject to revocation of the decision on recognition of its education quality accreditation services when one of the following situations occurs:

- a) The affected organization has committed any fraudulent act in order to obtain the license to provide its education quality accreditation services within Vietnam;
- b) The decision on recognition of its education quality accreditation operations has been issued ultra vires;
- c) In the course of its provision of education quality accreditation services, the affected organization has failed to maintain its conformance to regulatory requirements, specified in Clause 1 Article 103 hereof;
- d) It has not observed the fair and true view concept during the process of education quality accreditation operations and has recognized the false education quality accreditation results;
- dd) As otherwise prescribed by laws and regulations.

2. The Minister of Education and Training shall have authority to issue the decision to revoke the recognition awarded to a foreign education quality accreditation organization to operate within Vietnam.

3. Implementation procedures:

- a) Where it is established that the affected organization has committed one of the violations prescribed by Clause 1 of this Article, the Minister of Education and Training grants a decision to establish the inspection team, organizes inspection activities to determine the severity of violation and makes an inspection report;
- b) Based on the severity of violation which has already been determined, the Minister of Education and Training considers revoking the decision to award recognition to a foreign education quality accreditation organization to operate within Vietnam. The revocation decision must specify reasons for such revocation and approaches to assuring legitimate rights and

benefits of related organizations or individuals, must be published on the website of the Ministry of Education and Training and must be made known to the public through mass media.

Chapter VIII

OVERSEAS STUDY COUNSELLING SERVICE PROVISION

Article 106. Overseas study counseling service provider

1. The overseas study counseling service provider shall include:
 - a) Enterprises that are established and operated under the provisions of the Corporate Law;
 - b) Public service providers that perform its functions of doing the business of overseas study counseling services;
 - c) Foreign education organizations that legally operate within Vietnam.
2. The overseas study counseling service business shall include:
 - a) Provision of information and advice on educational policies adopted by countries and territories; provision of advice on selection of school, course, discipline and qualification relevant to student's ability and expectation;
 - b) Organization of overseas study advertisement, promotion, conference, seminar, exhibition and fair events, covered by applicable laws and regulations;
 - c) Organization of enrolment, placement or admission of target overseas students;
 - d) Organization of necessary skill development classes or sessions intended for Vietnamese citizens wishing to study abroad;
 - dd) Application for permission awarded to Vietnamese citizens to take study abroad programs, parents or guardians to pay a visit to foreign schools under applicable laws and regulations;
 - e) Activities related to overseas study counseling service business.

Article 107. Eligibility requirements for the license for overseas study counseling service business

1. The overseas study counseling service provider shall be established under applicable laws and regulations.
2. It must own its main office, facilities and equipment necessary for provision of overseas study counseling services.

3. Its staff of front desk counselors must hold at least the 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 Competency Framework of Vietnam or equivalent, and obtain the certificate of completion of overseas study counseling training course required by the Ministry of Education and Training.

Article 108. Procedures and documentation requirements for awarding the certificate of registration of overseas study counseling service business to an overseas study counseling service provider

1. The Director of the Department of Education and Training shall have authority to issue the certificate of registration of overseas study counseling service business to an overseas study counseling service provider.

2. The application documentation for such certificate shall be composed of the followings:

a) The application form for the certificate of registration of overseas study counseling service business that describes the following key information such as objectives and details of overseas study counseling services, possibility of provision and development of overseas study counseling services, implementation plan and approaches, measures to deal with possible risks to service customers;

b) The authenticated duplicate copy of the certificate of business registration, the establishment decision or the certificate of investment registration;

c) The list of front desk counselors with the following main information: full name, birth date, gender, qualification level, foreign language proficiency, job position; the authenticated duplicate copy of a bachelor's degree, foreign language certificate and certificate of completion of overseas study counseling service course.

3. Implementation procedures:

a) The overseas study counseling organization sends 01 set of application documents prescribed by Clause 2 of this Article, whether directly or by post, to the Department of Education and Training of the province where its services are provided;

b) Within the maximum duration of 15 business days of receipt of all legally required application documents, the Director of the Department of Education and Training evaluates the submitted documentation, verifies accuracy of materials enclosed in the submitted documentation and issues the certificate of registration of overseas study counseling service business. If stipulated requirements have not met yet, a written notice must be sent to the requesting organization and clearly describes reasons.

4. In the course of doing its service business, the overseas study counseling service provider may request the Department of Education and Training for any possible revision or modification of the certificate of registration of overseas study counseling service business. Procedures for

modification or revision of the certificate of registration of overseas study counseling service business shall be subject to Clause 3 of this Article.

Article 109. Suspension of provision of overseas study counseling services

1. The overseas study counseling service provider shall be subject to suspension of its operations when one of the following situations occurs:

a) It has committed any fraudulent act in order to obtain the certificate of registration of overseas study counseling service business;

b) It fails to meet one of the requirements specified in Article 107 hereof;

c) It has committed any offence against laws and regulations on education to the extent that it is subject to suspension imposed as an administrative penalty;

d) It has leased out or lent the certificate of registration of overseas study counseling service business;

dd) As otherwise prescribed by laws and regulations.

2. The Director of the Department of Education and Training shall have authority to issue the decision on suspension of its overseas study counseling services.

3. Implementation procedures:

a) Where it is established that the overseas study counseling service provider has committed one of the violations prescribed by Clause 1 of this Article, the Director of the Department of Education and Training grants a decision to establish the inspection team, organizes inspection activities to determine the severity of violation and makes an inspection report;

b) Based on the severity of violation, the Director of the Department of Education and Training issue the decision on suspension of its overseas study counseling services. The decision to suspend overseas study counseling services must clearly specify reasons for such suspension and duration of suspension, and approaches to assuring legal rights and benefits of its customers, related organizations or individuals. The decision on suspension of overseas study counseling services must be made known to the public through mass media;

c) Upon expiration of the duration of suspension, if causes resulting in such suspension have been corrected, the overseas study counseling service provider is required to submit the request form for permission for restoration of its operations to the Department of Education and Training. The request form must specify completion of correction of these causes and enclose evidencing documents (where available);

d) Within the maximum duration of 15 business days of receipt of the valid request, the Department of Education and Training shall carry out evaluation of the request, evidencing

materials, and conduct field inspection where necessary. If causes resulting in such suspension have been mitigated, the Director of the Department of Education and Training shall issue the decision to grant permission for restoration of educational its operations. If stipulated requirements have not been met yet, a written notice must be sent, specify reasons and provide possible solutions.

Article 110. Revocation of the certificate of overseas study counseling service business

1. The Director of the Department of Education and Training shall have authority to issue the decision on revocation of the certificate of overseas study counseling service business.
2. The certificate of overseas study counseling service business shall be revoked when one of the following situations occurs:
 - a) The overseas study counseling service provider is dissolved under applicable laws and regulations;
 - b) During the duration of suspension, the overseas study counseling service provider continues to provide its overseas study counseling services;
 - c) Upon expiration of the duration of suspension, causes resulting in such suspension have not been corrected yet;
 - d) As otherwise prescribed by applicable laws and regulations.
3. The decision to revoke the certificate of overseas study counseling service business must clearly specify reasons for such revocation and approaches to assuring legal rights and benefits of its customers, related organizations or individuals. The revocation decision must be made known to the public through mass media.

Chapter IX

IMPLEMENTATION PROVISIONS

Article 111. Transitional provisions

1. Notwithstanding applicable regulations on regulatory requirements, documentation requirements, procedures, educational operations, merger, division, split-up, suspension of educational services, dissolution of educational institutions, education quality accreditation services, and overseas study counseling services, laid down in this Decree, educational institutions and organizations or individuals shall implement other relevant regulations set forth in the Law on Education, the Law on Higher Education, the Law on Vocational Education and other directives providing guidance on implementation thereof.
2. Educational institutions and organizations or individuals that were licensed to carry out their operations, educational institutions which were established (concurrently, obtained the license

for its educational operations) before the date of entry into force of this Decree shall be exempted from applying for resumption of their operations.

Educational institutions and organizations or individuals that submitted their applications to state regulatory authorities for the license for their operations, the certificate of registration of education quality accreditation services, the certificate of overseas study counseling service business before the date of entry into force of this Decree shall be exempted from revision or modification of their submitted documentation under the provisions of this Decree.

3. The Minister of Education and Training shall be responsible for reviewing proposals for establishment of higher education institutions for which the Prime Minister's policy on permission was issued before the date of entry into force of this Decree in order to report to the Prime Minister for his consideration and decision.

If proposals for establishment of higher education institutions for which the Prime Minister's policy on permission was issued before the date of entry into force of this Decree remain valid, they shall not be subject to regulations set forth in Clause 4 Article 87 hereof.

Article 112. Entry into force

1. This Decree shall enter into force from April 21, 2017.

2. The Prime Minister's Decision No. 64/2013/QĐ-TTg dated November 11, 2013 on introduction of regulatory requirements and procedures for establishment or approval of establishment, license for educational programs, suspension of educational operations, merger, division, split-up, and dissolution, of a higher education institution or academy shall be repealed from the date of entry into force of this Decree.

3. Regulations concerning application for the certificate of overseas study counseling service business, suspension of overseas study counseling service business, revocation of the certificate of overseas study counseling service business, which are laid down in the Prime Minister's Decision No. 05/2013/QĐ-TTg dated January 15, 2013 on Vietnamese citizens given permission to study abroad shall become defunct from the date of entry into force of this Decree.

4. The Minister of Education and Training shall assume the following responsibilities:

a) Carry out review and announce regulations on regulatory requirements, documentation requirements, procedures for establishment, approval of establishment (including the policy on establishment or permission for establishment of a higher education institution), educational operations, merger, division, split-up, suspension of educational operations, dissolution of an educational institution and education quality accreditation in relevant documents which are repealed;

b) Review the Prime Minister's Decision No. 37/2013/QĐ-TTg dated June 26, 2013 on modification of the plan for development of network of universities and colleges for the period from 2006 to 2020 in order to draw up and request the Prime Minister to approve the plan for

development of network of higher education institutions for the period from 2017 to 2025 with vision for 2030, which provides incentive policies on establishment of non-public not-for-profit higher education institutions and compliance with the principle that the number of higher education institutions by regions is not restricted.

Article 113. Implementation responsibility

The Minister of Education and Training, other Ministers or Heads of Ministry-level agencies, Heads of Governmental bodies, Presidents of People's Committees of centrally-affiliated cities and provinces, and organizations and individuals concerned, shall be responsible for implementing this Decree./.

**PP. THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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