

LAW

ON VOCATIONAL EDUCATION

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly issues a Law on vocational education.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Law promulgates the system of vocational education; organization and operation of the vocational education institutions; rights and obligations of organizations and individuals involved in the vocational education.

Article 2. Regulated entities

This Law shall apply to vocational training centers, vocational secondary schools, colleges; enterprises and agencies, organizations, and individuals involved in the vocational education in Vietnam.

Article 3. Interpretation of terms

For the purposes of this Law, these terms below shall be construed as follow:

1. *Vocational education* means a level of national education system which provides workers with elementary-level, intermediate-level, college-level vocational training and other vocational training programs in order to meet the needs of direct human resources in production, businesses and services, including: formal training and continuing training.

2. *Vocational training* means teaching and learning activities in order to equip trainees with necessary vocational knowledge, skills and attitudes so that they can find jobs or self-employ after completing their training courses or improve their vocational training levels.

3. *Module* means study units integrated comprehensively between vocational knowledge, practicing skills and attitudes in that they need to perform a task or some tasks of a particular job.

4. *Credit* means a unit that gives weight to the knowledge, skill, and result requirements taken in a certain time.

5. *Formal training* means a form of training which vocational education institutions and higher education institutions, or enterprises registering vocational education operation (hereinafter referred to as vocational education institutions) provide full-time courses in elementary-level, intermediate-level, and college-level vocational training.

6. *Continuing training* means a form of in-service training, correspondence training, or guided self study training regarding vocational training programs at elementary level, intermediate level, or college-level or vocational training programs and other vocational training programs, which is in a flexible manner in terms of programs, duration, methods, location to meet students' needs.

7. *Private vocational education institution or non-profit foreign-invested vocational training institution* means a private vocational education institution or a foreign-invested vocational education institution whose annual accumulated profits are undivided shared assets used for reinvestment in the vocational education institution; its shareholders or capital contributing members shall not receive dividends or receive annual dividends not exceeding the interests of the Government's bonds.

8. *Enterprise* means an enterprise established and operating under Law on enterprises, or a cooperative established and operating under the Law on Cooperatives or another economic organization having legal status according to the Civil Code.

Article 4. Objectives of vocational education

1. General objectives of vocational education are: provide training for personnel directly involved in production, businesses or services, who acquire proficiency equivalent to their training standards, possess professional ethics and good health, gain creative ability, adapt to the environment in the context of international integration; improve their productivity and quality; and enable students to find jobs, self employ or enter higher education.

2. Specific objectives pertaining to every level of vocational education:

a) Elementary level: equip students for abilities to perform simple tasks of a particular job;

b) Intermediate level: equip students for abilities to perform elementary-level tasks and some complicated and special tasks; apply technology to their jobs, work independently or work in groups;

c) College level: equip students for abilities to perform intermediate-level tasks and some complicated and special tasks; acquire abilities to create and apply modern technology to their jobs, instruct and observe other members in their groups in performing the tasks.

Article 5. Vocational education institutions

1. Vocational education institutions include:

- a) Vocational education centers;
- b) Vocational training schools;
- c) Colleges.

2. Vocational education institutions shall be organized under following types:

a) Public vocational education institution is a State-owned vocational education institution, whose facilities invested and constructed by the State;

b) Private vocational education institution is a vocational education institution under ownership of a social organization, a socio-professional organization, a private economic organization or individual, or a vocational education institution invested and constructed by a social organization, a socio-professional organization, a private economic organization, or an individual;

c) Foreign-invested vocational education institution includes wholly foreign-invested vocational education institution; joint-venture vocational education institution between domestic investors and foreign investors.

Article 6. Policies of the State on vocational education development

1. Development of open, flexible, diversified system of vocational education which in the way of standardization, modernization, democratization, socialization and international integration, connectivity between levels of vocational education and between other training levels.

2. Investment in vocational education shall be given priority in the policies on socio-economic development and human resource development. The budget for vocational education shall be given priority in the total government budget expenditures on education and training and it shall be allocated according to public, transparent, and promptly rules.

3. Invest in improving training quality, develop vocational education institution network under the planning; invest in some major and high quality vocational education institutions in order to meet the needs of labor market and learning of workers and universalize vocational education to the youth.

4. The State adopts policies on classifying lower secondary school and upper secondary school graduates into vocational education institutions in conformity with every period of socio-economic development.

5. Synchronously invest in training human resource in national major disciplines, or disciplines accessing to the advanced levels of the region and the world; attach special importance to vocational education in severely disadvantaged areas, ethnic minority areas, border, island, and

coastal areas; invest in training in vocations required by the labor market but that they are difficult to invest in private sector involvement.

6. The State shall invite tenders or place orders for the training pertaining to specific disciplines; disciplines of key industries; disciplines required by the labor market but they are difficult to invest in private sector involvement. The vocational education institutions are invited tenders or placed orders for training regardless of types of institutions as prescribed in this Clause.

7. Support entities with meritorious services to the Revolution, demobilized soldiers, ethnics, poverty or near poverty families, the disabled, supportless orphans, fisherman catching fishes offshore, rural-area workers directly working in agricultural production households whose farmland is withdrawn and other beneficiaries of incentive policies on education in order for them to find jobs, self-employ, or set themselves up in business; and establish gender equality in vocational education.

8. The State enables vocational education institutions to study and apply science and technology; combine training with scientific research and production, businesses, or services in order to improve training quality.

Article 7. Private sector involvement in vocational education

1. Diversify types of vocational education institutions, forms of vocational training; encourage and enable enterprises, socio-political organizations, social organizations, socio-professional organizations, other organizations, Vietnamese citizens, and foreign entities, overseas Vietnamese to establish vocational education institutions and participate in the vocational training operation.

2. Give incentive policies on socializing to any organization or individual contributing or investing in establishment of vocational education institutions as prescribed in regulations of the Government. Give incentive policies on land, taxation, credit, training of educators and administrative officials, renting of facilities to vocational education institutions and non-profit foreign-invested vocational education institutions.

3. Encourage craftsmen and skilled workers in vocational training; encourage and support in training in traditional vocations and vocations in rural areas.

4. Socio-political organizations, social organizations, socio-professional organizations must cooperate with competent authorities in formulation of strategies, planning, and policies on vocational education development within their competence; and observe the implementation of the policies and regulations of vocational education as prescribed.

5. Vietnam Chamber of Commerce and Industry, enterprise associations, socio-professional organizations must formulate and assess the vocational training programs; propagate and enable enterprises to exercise their rights and fulfill their responsibility in vocational education.

Article 8. Planning for networks of vocational education institutions

1. The planning for networks of vocational education institutions shall be made according to following rules:

- a) Conform to the strategies, planning for socio-economic development, and/or planning for human resource development of the country, fields, or local government, as well as investment capacity of the State, resource mobilization capacity of the social.
- b) Ensure the structure of disciplines, training standards and structure of regions; the diversity and the synchronization of the vocational education system, combination of training and production, businesses and services; improvement of training quality, and meet the requirements pertaining to national industrialization, modernization and international integration.

2. Planning for networks of vocational education institutions:

- a) Structure of networks of vocational education institutions and training scope according to disciplines, training standards, and types of vocational education institutions;
- b) Dispose vocational education institutions in every area or local government.
- c) Develop teaching staff and administrative officials of vocational education;
- d) Invest in training facilities and equipment.

3. The planning for networks of vocational education institutions shall be made according to the following rules:

- a) Vocational education authorities in the central government shall take charge and cooperate with relevant Ministries or agencies, the People's Committee of central-affiliated cities and provinces (hereinafter referred to as provinces) in formulation of the planning for networks of Vietnamese vocational education institutions which is approved by the Prime Minister, and inspection of the implementation of the planning;
- b) The Ministries, agencies, People's Committee of the provinces shall formulate and approve the planning for networks of vocational education institution of their Ministries, departments, or provinces and take responsibility for the implementation according to the planning for networks of Vietnamese vocational education institutions.

Article 9. Bridge programs

- 1. Bridge programs shall be run according to training programs; the learners are not required to learn the completed subjects again when they reach the higher level in the same or different disciplines.
- 2. The Principals of the vocational training schools or colleges shall decide the modules, credits, or subjects that the students are not required learning again according to the training programs.

3. Bridge programs between levels of the vocational education shall comply with regulations of the Heads of vocational education authorities of central government; Bridge programs between levels of the vocational education and levels of higher education shall comply with regulations of the Prime Minister.

Chapter II

VOCATIONAL EDUCATION INSTITUTIONS

Section 1. Organization of vocational education institutions

Article 10. Organizational structure of vocational education institutions

1. Organizational structure of a public or private vocational training school or college includes:

a) School councils of public vocational training schools, or colleges; Board of Directors of private vocational training schools or colleges;

b) Principals, Vice Principals;

c) Administrative departments;

d) Faculties, or subjects;

dd) Advisory boards;

e) School branch; organizations for scientific and technology research; organizations for training services, scientific research and application development; internal business facilities (if any).

2. Organizational structure of a public or private vocational training center includes:

a) Directors, Deputy Directors;

b) Administrative departments;

c) Subjects;

d) Advisory boards;

dd) Organizations for training services; internal business facilities (if any).

3. The foreign-invested vocational education institutions shall be given autonomy in organizational structure.

Article 11. School councils

1. The School council shall be established in a public vocational training school or college.
2. The School council is an administrative organization representing the ownership of the school, which has following tasks and entitlement:
 - a) Decide guidelines, objectives, strategies, planning, development plans and Regulation on the organization and operation of the school;
 - b) Decide guidelines on training and international cooperation;
 - c) Decide policies on use of finance, assets and guidelines on development investment as prescribed;
 - d) Decide the organizational structure of the school; the establishment, acquisition, division, dissolution of the organizations of the school; and requests for dismissing the Principal from his position;
 - dd) Observe the implementation of Resolutions of the School council, the implementation of democratic regulations in the school.
3. Members of the School council:
 - a) The Principal, Vice Principals, Secretaries of party committees, President of Trade Union, Secretaries of Communist Youth Union of Ho Chi Minh City, representatives of educators and departments, faculties, or internal business facilities of the school (if any);
 - b) Representatives of the senior authority or representatives of the relevant internal business facilities.
4. The President of the School council is appointed or dismissed by the Head of the competent agency. Requirements applied to the President of the School council are similar to the requirements applied to the Principal as prescribed in Clause 2 Article 14 of this Law.
5. Tenure of the School council is 05 years and according to the tenure of the Principal. The School council operates on the principle of collectives, under the majority rule.
6. Competence, procedures for establishment, number, organizational structure, specific tasks and power of the School council; tasks and entitlement of the President, or Secretary of the School council; the appointment, discharge, or dismissal of the President or members of the School council shall comply with the Regulations of the vocational training schools, Regulations of the colleges and Regulation on the organization and operation of vocational education institutions.

Article 12. Board of Directors

1. The Board of Directors shall be set up in the private vocational training schools or colleges.

2. The Board of Directors which is the only representative of owners of the school shall have the following tasks and entitlement:

- a) Implement Resolutions of the General meeting of shareholders;
- b) Decide guidelines, objectives, strategies, planning, or plans for development and regulations on organization and operation of the school;
- c) Decide the organizational structure of the school; the establishment, acquisition, division, or dissolution of the organizations of the school; the appointment, discharge, or dismissal of the Principal and request for recognition or non-recognition of the Principal from the competent authorities;
- d) Decide the guidelines on training activities and international cooperation;
- dd) Decide the organization, personnel, finance, assets and guidelines on investment and development of the school;
- e) Observe the implementation of the Resolutions of the Board of Directors, the General meeting of shareholders, and the implementation of the democratic regulations of the school.

3. Members of the Board of Directors shall consist of:

- a) Representatives of the organizations or individuals holding a certain number of shares as prescribed;
- b) The Principal, representatives of vocational education authorities of local government where the vocational education institution is located or representatives of the relevant internal business facilities;
- c) Representatives of the Communist Parties, Unions; representatives of educators.

4. The President of the Board of Directors elected by the Board of Directors under the majority rule and ballot.

The President of the Board of Directors is the owner of school's account and takes legal responsibility for the management of finance and assets of the school. The President of the Board of Directors may authorize the Principal to be the representative of the account, and exercise rights and fulfill obligations similarly to the account owner within his authorized scope.

5. The tenure of the Board of Directors is 5 years. The Board of Directors shall operate on the principle of collectives and under the majority rule.

6. The procedures for establishment, members, tasks and entitlement of the Board of Directors; requirements, tasks and entitlement of the President and Secretary of the Board of Directors as

regulated in the Regulations of the vocational training schools, colleges and Regulations on organization and operation of vocational education institutions.

Article 13. Directors of vocational education centers

1. The Director of a vocational education center is the leader of the center, the representative of the center who takes legal responsibility and manages operation of the vocational education center.

Tenure of the Director of the vocational education center is 05 years.

2. The Director of the vocational education center must:

- a) Have moral virtue;
- b) Have at least a college degree;
- c) Have completed refresher courses in vocational education management;
- d) Attain fitness.

3. The Director of the vocational education center shall have following tasks and entitlement:

- a) Issue regulations of the vocational education centers;
- b) Decide the establishment, acquisition, division, or dissolution of the organizations of the vocational education centers; the appointment, discharge and dismissal of people occupying leader or vice leader positions in the organizations of the center;
- c) Formulate the planning and develop teaching staff and administrative officials; decide the structure, number of employees and efficiency wages; employ officials and workers according to the needs of the vocational education center; conclude employment contract, labor contract, manage and use officials, workers and terminate the contract as prescribed;
- d) Provide training activities, international cooperation, assess vocational education quality and cooperate with enterprises in the vocational training institution; offer career counseling to high school students;
- dd) Manage the facilities, assets, and finance and use mobilized resource effectively to serve the operation of the vocational education centers as prescribed;
- e) Follow the information and report regime and inspection or observation as prescribed;
- g) Formulate and implement the democratic regulations in the institution; subject to the observation of the individual, organization, or unions in the vocational education centers;

- h) Send a report on result of tasks and entitlement to the senior agency every year;
- i) Other tasks and entitlement as prescribed.

4. Competence in appointment, recognition, discharge or dismissal of the Director of the vocational education center:

a) The competent persons deciding the establishment of the public vocational education center may appoint, discharge, or dismiss the Directors of the public vocational education centers affiliated to that center;

b) The President of the People's Committee of the province may recognize or not recognize the Directors of the private vocational education centers in the administrative divisions at the request of the capital contributing members of the centers or the organizations or individuals which are the owner of private vocational education centers.

5. Procedures for the appointment, recognition, discharge or dismissal of the Director of vocational education center shall comply with the Regulations of vocational education centers.

Article 14. Principals of vocational training schools or colleges

1. The Principal of vocational training schools or colleges is the leader of the vocational training schools or the colleges, the representative who takes legal responsibility and manages the operation of the school. Tenure of the Principal is 05 years. The Principal shall be appointed and appointed again at the end of the tenure and not exceeding two consecutive tenures.

The Principal of a public vocational training school or college shall be the owner of the school's account, take legal responsibility for the management of finance and assets of the school.

2. The Principal of the vocational training school or college must:

a) Have moral virtue, have at least 5-year experience of teaching or management of vocational education;

b) Have at least a Bachelor's degree regarding the Principal of the vocational training school; have at least a Master's degree regarding the Principal of the college;

c) Have completed refresher courses in vocational education management;

d) Attain fitness; ensure the age to participate in at least one tenure of the Principal regarding the appointment of the Principal of the public vocational training schools or colleges.

3. The Principal of the vocational training school or college must:

a) Issue the regulations of the vocational training schools or colleges according to the Resolutions of the School council or the Board of Directors;

- b) Implement Resolutions of the School council or the Board of Directors;
- c) Decide the establishment, acquisition, division, or dissolution of the organizations of the school according to the Resolutions of the School council or the Board of Directors; the appointment, discharge or dismissal of the leader or vice leader positions in organizations of the school.
- d) Formulate the planning and develop teaching staff, administrative officials; decide the structure, number of employees and efficiency wages; employ officials and workers according to the demand of the vocational education center; conclude employment contract, labor contract, manage and use officials, workers and terminate the contract as prescribed;
- dd) Provide training activities, international cooperation, assess vocational education quality and cooperate with enterprises in the organization of vocational training;
- e) Manage the facilities, assets, and finance and use mobilized resource effectively to serve the operation of the vocational education centers as prescribed;
- g) Report and subject to the inspection or observation as prescribed;
- h) Formulate and implement the democratic in the institution; subject to the observation of the individuals, organizations or unions in the school;
- i) Send a report on result of performance of the Principal and the School managing board to the School council or the Board of Directors every year;
- k) Other tasks and entitlement as prescribed.

4. Competence in appointment, recognition, discharge or dismissal of the Director of the vocational education schools or colleges:

- a) Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, Presidents of People's Committees of provinces, leaders of socio-political organizations may appoint, discharge or dismiss the Principal of the public affiliated vocational training schools or colleges;
- b) The President of the People's Committee of the province may recognize or not recognize the Principals of the private vocational training schools in the administrative divisions at the request of the Board of Directors;
- c) The Heads of vocational education authorities in the central government may recognize or not recognize the Principals of private colleges at the request of the Board of Directors.

5. Procedures for appointment, recognition, discharge or dismissal of the Principals of vocational training schools or colleges shall comply with the Regulations of the vocational training schools or Regulations of the colleges.

Article 15. Advisory board

1. The Advisory board in the vocational education institution shall be set up by the Head of the vocational education institution in order to offer advice to the Head of the vocational education institution on the implementation of his tasks and entitlement.
2. The organization, operation, tasks and entitlement of the Advisory board shall be regulated by the Head of the vocational education institution.

Article 16. Branches of the vocational training schools or colleges

1. A branch of a vocational training school or a vocational college shall be in the organizational structure and subject to the management of the Principal of the vocational training school or the vocational college. The branch of a vocational training school or a vocational college does not have independent legal status, is located in the central-affiliated city or province other than the province where the head office of the vocational training school or the vocational college is located, and subject to the State management as prescribed.
2. The branch of the vocational training school or the vocational college shall perform the tasks according to the management of the Principal of the vocational training school or the vocational college, send a report on operation of the branch to the Head of the vocational training school or the vocational college, or to the competent authority where the branch is located.
3. Requirements pertaining to the establishment or permission for the establishment; competence and procedures for the establishment or permission for the establishment, registration of vocational education operation relating to the branch of the vocational training school or the vocational college shall comply with Article 18 and Article 19 of this Law.

Article 17. Organizations of the Communist Party of Vietnam, unions, social organizations in the vocational education institutions

1. Organizations of the Communist Party of Vietnam, unions, and social organizations in the vocational education institutions established and operated under the Regulations of their organizations and Constitution and law.
2. The vocational education institution must enable the organizations of the Communist Party, unions and social organizations to be established and operated under regulations of Clause 1 of this Article.

Article 18. Establishment, acquisition, division or permission for establishment, acquisition, division of vocational education institutions

1. The vocational education institution is established or permitted for establishment if there is a project satisfying requirements as prescribed in regulations of the Prime Minister on vocational education authorities in the central government and it comply with the approved planning for networks of vocational education institutions.

2. The foreign-invested vocational education institution must satisfy requirements as prescribed in Clause 1 of this Article and other requirements as prescribed in law on investment.

3. The vocational education institution for the disabled must satisfy the requirements as prescribed in Clause 1, Clause 2 of this Article and the following requirements:

a) There are training facilities, equipment, learning materials, method and duration of training compliant with the disabled. The buildings serving the study of the disabled must satisfy technical regulations and standards as prescribed in law on construction;

b) There are teaching staff having qualification and teaching skills for the disabled.

4. The acquisition, division or separation of vocational education institutions must:

a) Conform to the planning for networks of vocational education institutions and meet requirements pertaining to socio-economic development;

b) Ensure the interests of the educators, civil servants, workers and students; and improve the quality and effect of vocational education.

5. The Heads of vocational education authorities in the central government shall impose specific regulations on requirements pertaining to the establishment, acquisition, division or permission for the establishment, acquisition, or division of the vocational education institutions.

6. Competence in establishment, acquisition, or division or permission for establishment, acquisition, or division of vocational education institutions:

a) The President of People's Committee of province shall decide the establishment of vocational education centers, public vocational training schools of central-affiliated cities and provinces; permit the establishment of private vocational education centers or vocational training schools and foreign-invested vocational education centers or vocational training schools in the administrative divisions;

b) Ministers, Heads of ministerial-level agencies, Heads of socio-political organizations in the central governments shall decide the establishment of vocational education centers, or public vocational training schools affiliated to their authorities or organizations.

c) The Heads of vocational education authorities in the central government shall decide the establishment of public colleges; permit the establishment of private colleges or foreign-invested colleges;

d) The competent persons establishing or permitting the establishment of vocational education institutions may make acquisition or division or permit the acquisition or division of the institutions.

7. Procedures for the establishment, acquisition, or division, or permission for establishment, acquisition, or division of public or private vocational education centers, vocational training schools, or colleges shall comply with regulation of the Heads of vocational education authorities.

Procedures for the establishment, acquisition, or division, or permission for establishment, acquisition, or division of foreign-invested vocational education institutions shall comply with regulations of the Government.

Article 19. Registration of vocational education

1. A vocational education institution, a higher education institution, or an enterprise shall be granted the Certificate in vocational education registration if it meets all requirements below:

- a) There is a decision on establishment or a permission for establishment;
- b) There is land, facilities, or equipment meeting requirements pertaining to training activities according to the commitment;
- c) There are sufficient training programs, teaching and learning materials as prescribed;
- d) There are teaching staff and administrative officials of vocational education who have equalizations and sufficient quantity, uniform structure;
- dd) There is necessary finance resource as prescribed to ensure the maintenance and development of the vocational education;
- e) There are regulations on organization and operation.

2. The vocational education institution may only enroll students or provide training when it is granted the Certificate in vocational education registration.

3. The vocational education institution wishing change the information in the Certificate in vocational education registration shall apply for additional registration to the competent authority.

4. The Heads of vocational education authorities in the central government shall provide regulations on requirements, competence and procedures for issuance, revocation of the Certificate of vocational education registration or the Certificate of additional registration of vocational education.

Article 20. Suspension of vocational education

1. A vocational education institution shall be suspended its vocational education operation in the following cases:

- a) Commit fraud acts in order to be established or permitted for establishment or receive the Certificate in vocational education registration;
- b) Do not satisfy one of requirements as prescribed in Clause 1 Article 19 of this Law;
- c) Organize vocational education activities when it is not granted the Certificate in vocational education registration;
- d) Commit violations against law on vocational education and face administrative penalty on suspension of activities;
- dd) Other cases as prescribed.

2. The Decision on suspension of vocational education activities must contain reasons for the suspension, deadline for suspension, measures ensuring lawful interests of the educators, civil servants, workers and students. The decision on suspension of vocational education shall be announced on the means of mass media.

3. The competent persons granting the Certificate in vocational education registration may suspend the vocational education activities. The Heads of vocational education authorities in the central government shall regulate the procedures for suspension of vocational education activities.

4. After the deadline for suspension of vocational education activities expires, if the problems for suspension are solved, the competent person in charge of suspension decision may make another decision on resuming the vocational education activities.

Article 21. Dissolution of vocational education institutions

1. A vocational education institutions shall be dissolved in the following cases:

- a) Commit violations against law causing serious consequences;
- b) The deadline for suspension of training activities expires but the problems for the suspension have not solved;
- c) The vocational college is not granted the Certificate in vocational education registration after 36 months and the vocational training school is not granted the Certificate in vocational education registration after 24 months, from the date on which the decision on establishment or the permission for establishment takes effect;
- d) The vocational education institution has not operated after 24 months, from the date on which it is granted the Certificate of vocational education registration.

2. The vocational education institution shall be permitted for dissolution at the request of the organizations or individuals establishing that vocational education institution.

3. The Decision on suspension of vocational education activities must contain reasons for the dissolution, measures ensuring lawful interests of the educators, civil servants, workers and students. The decision on dissolution of vocational education institutions must be announced on the means of mass media.

4. The competent persons establishing or permitting the establishment of vocational education institutions may dissolve or permit the dissolution of vocational education institutions. The Heads of vocational education authorities in the central government shall regulate the procedures for dissolution or permission for dissolution of vocational education institutions.

Article 22. Regulations of vocational education institutions

1. The Regulations of vocational education institution shall be issued by the Heads of vocational education authorities in the central government, including Regulation of vocational education centers, Regulation of vocational training schools, and Regulations of colleges.

2. Regulation of a vocational education institution shall contain:

a) Objectives and mission;

b) Tasks and entitlement of the vocational education institution;

c) Training activities;

d) Tasks and entitlement of educators or administrative officials;

dd) Tasks and entitlement of learners;

e) Organization and management of the vocational education institution;

g) Finance and assets;

h) Relationship between the vocational education institution, enterprises, families and social.

3. The vocational education institution shall formulate its Regulation on the organization and operation and announce at its premises pursuant to the Regulations of vocational education institutions.

Article 23. Tasks and entitlement of public or private vocational education institutions;

1. Formulate strategies and planning for vocational education institution development.

2. Provision of vocational training:

a) The vocational education center shall provide elementary-level vocational training, general vocational training and career counseling for students according to compulsory education programs;

b) The vocational training schools shall provide intermediate-level and elementary-level vocational training;

c) The vocational college shall provide college-level, intermediate-level and elementary-level vocational training.

3. Provide continuous training as prescribed in the Section 2 Chapter III of this Law.

4. Enjoy autonomy and take responsibility for enrollment and management of students.

5. Announce the objectives, training programs; requirements for teaching and learning quality assurance; tuition fees and exemption and reduction in tuition fees; results of training quality assessment; system of degrees and certificates in the vocational education institutions; jobs after graduation and measures for inspection and observation of the training quality.

6. Conduct teaching and learning activities according to the objectives and training programs; grant degrees or certificates in vocational education to learners; provide theoretic or practical courses and probation according to the contract concluded with enterprises.

7. Use foreign training programs which are recognized the quality by the foreign or international education and training organization to perform training objectives as prescribed.

8. Associate domestic training activities; associate training activities with foreign organizations as prescribed in this Law and relevant regulations of law.

9. Mobilize, manage, and use resources as prescribed.

10. Construct and invest in training facilities, equipment as required by standardization and modernization.

11. Employ and manage educators, administrative officials, civil servants, workers; enable for the educators to participate in production practice at the enterprises to update and improve the vocational skills; enable for the educators, civil servants, workers and students to participate in social activities.

12. Assess and guarantee the training quality as prescribed.

13. Give advice on training and jobs to the students without charges.

14. Qualify for enterprise establishment, or for scientific activities, production, business, or services as prescribed.

15. Introduce the subjects about language, custom, and relevant regulations of law of the country where the workers work and relevant regulations of Vietnamese law into the curriculum when sending domestic workers overseas.

16. Research science to serve and improve the training quality; apply research findings, technology transfers to the practical production, sales, and services.

17. Conform to the democratic regulations in the vocational education institution.

18. Provide a mechanism in order for the students, educators and social to evaluate the vocational training quality.

19. Report and subject to the observation and inspection as prescribed.

20. Other tasks and entitlement as prescribed.

Article 24. Tasks and entitlement of foreign-invested vocational education institutions

1. Qualify for protection of lawful rights and interests as prescribed in Vietnamese law and the international agreements to which the Socialist Republic of Vietnam is a signatory.

2. Ensure the lawful rights and interests of the educators, students and other workers even if the vocational education institution is suspended, dissolved or subject to suspend or dissolve ahead of schedule.

3. Respect Vietnamese law and custom.

4. Other tasks and entitlement as prescribed in Article 23 of this Law.

Article 25. Autonomy of vocational education institutions

1. The vocational education institution has autonomy in its organization and personnel, finance and assets, training and technology, international cooperation, training quality assurance as prescribed; ensures accountability to the competent authorities, students and the social for the organization and management of its training activities and quality.

2. The public vocational education institution which ensures its total regular investment expenditures shall have autonomy and take responsibility as prescribed in regulations of the Government.

3. The vocational education institution which is incapable of self-responsibility or violates against the law in the process of enjoying the autonomy, it shall be restricted autonomy and subject to regulations of law.

Section 2: POLICIES ON VOCATIONAL EDUCATION INSTITUTIONS

Article 26: Policies on vocational education institutions

1. The vocational education institution shall benefit from the following policies:

- a) Acquire land through land allocation or lease by the State; receive incentives for credit to invest in facilities and improve the training quality; tax incentives in accordance with regulations of law on taxation; tax exemption from the undivided income in the vocational education to invest in development; tax exemption and reduction as prescribed in regulations on profits earned from products or services of the training activities; tax incentives applied to the production, business or services conformable with the training activities, publishing of teaching materials, production and provision of training equipment, import of books, newspaper, materials and training equipment;
- b) Participate in tender, receive the training order of the State as prescribed in law on tender, orders for public services using government budget.
- c) Apply for capital incentives from domestic and foreign programs or projects;
- d) Participate in programs for training of domestic and foreign vocational educators or administrative officials using the funding from the government budget;
- dd) Support the investment to ensure the requirements in order to accept upper-secondary ethnic boarding school graduates to apprentice;
- e) Support development in training of disciplines meeting study demands of the workers working abroad;
- g) Incentive policies on private sector involvement as prescribed.

2. People's Committees at all levels shall enable vocational education institutions in the administrative divisions to undertake training activities, propagate the progress of science, technology and technology transfers.

Article 27: Policies on vocational education institutions reserved for the disabled

1. The State encourages vocational education institutions in enrollment of the disabled; encourages organizations or individuals in establishment of vocational education institutions reserved for the disabled.

2. The vocational education institutions reserved for the disabled shall benefit from the policies as prescribed in Article 26 of this Law and receive finance support to invest in training facilities and equipment; acquire land through land allocation or lease to construct buildings which is located in the place convenient to the disabled.

Section 3: FINANCE AND ASSETS OF VOCATIONAL EDUCATION INSTITUTIONS

Article 28: Finance resources of vocational education institutions

1. Government budget (if any).
2. Investment of domestic and foreign organizations and individuals.
3. Tuition fees and enrollment charges.
4. Receipts from cooperation in training, science and technology, production, businesses and services.
5. Sponsorship, aid, gift from domestic and foreign organizations and individuals as prescribed.
6. Other receipts as prescribed.

Article 29. Tuition fees and enrollment charges.

1. The tuition fee or enrollment charge is an amount of money which is paid to the vocational education institution by the student for cost of training and enrollment.
2. The training cost includes expenditures on payment to instructors, learning materials, practicing or probation materials; depreciation of training facilities, equipment and other necessary costs.
3. The public vocational education institution having autonomy and subject to total responsibility may intentionally decide the tuition fees or enrollment charges as prescribed in regulations on total autonomous public educational institutions.

Other public vocational education institution shall decide the tuition fees or enrollment charges of every major and vocation according to methods of imposing tuition fees or enrollment charges and tuition fee or enrollment charge bracket as prescribed in regulations of the Government.

4. The private vocational education institutions or foreign vocational education institutions may intentionally decide the tuition fees or enrollment charges.
5. The tuition fees or enrollment charges must be announced in the same time with the enrollment notification.
6. The vocational education institution providing high quality training programs may collect tuition fees equivalent to the training quality.

The Heads of vocational education authorities in the central government shall regulate the criteria for determination of high quality training programs; take responsibility for management and observation of collection of tuition fees equivalent to the training quality.

Article 30. Training facilities and equipment

The vocational education institution must ensure the training equipment is provided according to the List of minimum training equipment and facilities as prescribed in regulations of the Head of the vocational education authority in the central government.

Article 31. Management and use of finance and assets of vocational education institutions

1. The vocational education institution shall follow finance, accounting, auditing, taxation regime and financial disclosure as prescribed.

2. The vocational education institution using government budget must manage and use the government budget resources as prescribed in law on government budget.

The public vocational education institution may decide the capital mobilization, use of capital and assets associated with the tasks assigned to expand and improve the quality of training as prescribed in regulations of the Heads of vocational education authorities in the central government.

3. The vocational education institution manages and uses the assets from government budget as prescribed in law on management and use of state-owned property; enjoy autonomy and take responsibility for management and use of the assets from the government budget.

4. The assets and land allocated to the private vocational education institution by the State under form of sponsorship, aid, or gift must be used for proper purposes and they are not changed into private ownership regardless of forms.

5. The vocational education authorities in the central government, Ministries, ministerial-level agencies, and the People's Committee of the province shall inspect the management and use of the finance resources at the vocational education institutions; management and use of state-owned property of the vocational education institutions as prescribed in regulations of the Government.

Chapter III

TRAINING ACTIVITIES AND INTERNATIONAL COOPERATION IN VOCATIONAL EDUCATION

Section 1: FORMAL TRAINING

Article 32. Enrollment

1. A vocational education institution may determine its enrollment quotas according to requirements pertaining to quantity and quality of the teaching staff, training facilities and equipment which is conformable to the requirements related to socio-economic development and planning for human resource development.

2. The enrollment shall be carried out as follows:

- a) The vocational education institution shall carry out the enrollment once a year or twice a year according to the determined enrollment quotas;
- b) The elementary-level enrollment shall be carried in the form of admission;
- c) The intermediate-level, or college-level enrollment shall be carried out in the form of admission or examination or the combination between admission and examination. The Principal of the vocational training school or vocational college may decide the shortlisting before performing the admission or examination according to the specific requirements of the major or vocation.

3. Cases of enrollment without examination at the college level include:

- a) Students obtaining upper-secondary degrees or students who learned and passed the exams which satisfy the requirements pertaining to upper-secondary knowledge, or students obtaining at least very good elementary-level vocational degrees and they have registered the same major or profession
- b) Students obtaining upper-secondary degrees or students who learned and passed the exams which satisfy the requirements pertaining to upper-secondary knowledge, or students obtaining at least good elementary-level vocational degrees, having at least two working experience and they have registered the same major or vocation;
- c) Other cases as prescribed in Clause 2 Article 4 of this Law.

4. The Heads of vocational education authorities in the central government shall regulate the determination of enrollment quotas of the vocational education institutions and issuance of the enrollment regulations.

Article 33. Duration of training

- 1. The duration of training of elementary-level shall last from 03 months to under 01 year, provided that the minimum-learning hours are 300 hours with regard to students having education conformable with their vocations.
- 2. The duration of training of intermediate-level applied to year-based program shall last from 01 year to 02 years with regard to the lower-secondary graduates according to their majors or vocational training.

The duration of training of intermediate-level according to the accumulated duration of modules or credits is the time in which the number of modules or credits accumulated with regard to every training program.

If a student obtaining lower-secondary degree wishes to reach college education, he/she must learn and pass the exams which satisfy the requirements pertaining to upper-secondary knowledge.

3. The duration of training of the college-level applied to year-based program shall last from 02 to 03 years with regard to the upper-secondary graduates according to their majors or vocations; from 01 to 02 years with regard to the intermediate-level graduates according to their disciplines and the upper-secondary graduates or they have learned and passed the exams which satisfy the requirements pertaining to upper-secondary knowledge.

The duration of training of college-level according to the method of accumulation of modules or credits is the time in which the number of modules or credits are accumulated with regard to every training programs with regard to the upper-secondary graduates or the students who have learned and passes the exams which satisfy the requirements pertaining to upper-secondary knowledge.

4. The Minister of Education and Training shall regulate the upper-secondary knowledge which is required from the students wishing to study at the college-level.

Article 34. Training programs

1. A vocational training program must meet all requirements below:

a) Clarify the training objectives for elementary-level, intermediate-level, or college-level; introduce regulations on knowledge and skills of the graduates; scope and structure of curriculum, methods and types of training; methods of assessment of learning outcomes applied to every module, course credit, subject, major, or vocation and level;

b) Ensure the a scientific, modern, systematic, practical, and flexible program to adapt to the variation in the labor market; arrange reasonably the duration of body of knowledge and professional skills; ensure the connectivity in the national education system;

c) Update and supplement periodically the program conformable with the technology in production, businesses and services.

2. The Head of the vocational education institution shall have autonomy and take responsibility for compile or selection and approval for training programs of vocational education levels.

3. The foreign-invested vocational education institutions shall have autonomy and take responsibility for formulation and performance of training programs as prescribed in regulations of the Heads of vocational training authorities in central government.

4. The Heads of vocational education authorities in the central government shall regulate the minimum body of knowledge, requirements pertaining to qualifications of graduates of every vocational education level; process of formulation, assessment and issuance of training programs of elementary-level, intermediate-level and college-level.

Article 35. Training materials

1. Training materials of elementary-level, intermediate-level, or college-level shall concretize requirements pertaining to body of knowledge and skills of every module, credit, or subject in the training program, and facilitate the positive teaching methods. The Head of the vocational education institution shall decide to establish the assessment council of training materials; compile or select the training materials; approve the training materials used as official teaching and learning materials.

2. The Heads of vocational education authorities in the central government shall regulate the compilation, selection, assessment, approval and use of the vocational education materials.

Article 36. Requirements pertaining to training methods

1. The training methods applied to elementary-level must attach special importance to vocational practice skills and promotion of the positiveness and self-awareness of students.

2. The training methods applied to intermediate-level or college-level must combine the vocational practice skills and vocational knowledge; promote the positiveness, self-awareness, dynamic, independent working and working in groups; use teaching software and apply information technology and communication to teaching and learning.

Article 37. Training organization and management

1. The training program shall be a year-based program or a credit-based or module-based program. The vocational education institution shall have autonomy or take responsibility for implementation of year-based, credit-based, or module-based training program subject to the condition of the institution, provided that it must ensure the quality applied to every training program.

2. Any student accumulating enough modules or credits as defined in the training program shall be recognized as completion of the program; the accumulated modules or credits shall be recognized and he/she is not required to learn them again in other training programs.

3. The Heads of vocational training authorities in central government shall regulate the implementation of year-based, module-based, or credit-based training programs and association of implementation of training programs.

Article 38. Degrees and certificates in vocational education

1. Degrees and certificates in vocational education shall be granted to vocational training graduates (at all levels). The degrees and certificates in vocational education shall be granted as follows:

a) A student finishing the training program at elementary-level may take an end of course test, if he/she passes the test, he/she shall be granted the Certificate in elementary-level vocational training by the Head of vocational education institution or an enterprise providing vocational training;

b) A student finishing the year-based training program at intermediate-level passes an graduation exam or a student finishing the module-based or credit-based training program as prescribed, the Principal of the vocational training school or vocational college shall be recognition of graduation and granted a Degree of vocational secondary schools;

c) A student finishing the year-based training program at college-level passes an graduation exam or protection of graduation thesis or a student finishing the module-based or credit-based training program as prescribed, the Principal of the vocational training school or vocational college, or higher education institution providing college-level shall be recognized as graduation and granted a Degree of college-level and recognition of practice bachelor or practicing engineers.

2. The vocational education institution shall print blank degrees/certificates and grant them to students; and announce information about the degrees/certificates on its website.

3. The Heads of vocational training authorities in central government shall provide regulations on tests, examination, and recognition of graduation; in forms of degrees/certificates, the printing, management, dispense, revocation, and cancelation of them; on responsibility of the foreign-invested vocational education institution in the grant of degrees/certificates in Vietnam; on mutual recognition applied to overseas vocational training graduates; and on procedures for recognition of vocational training degrees/certificates granted by the foreign vocational education institution.

Section 2: CONTINUING TRAINING

Article 39. Contract of training

1. A contract of training is an agreement concluded verbally or in writing on rights and obligations between the head of a vocational education institution, organization(s), individual(s) and students involving in the continuing training program as prescribed in Point a, b, c and d Clause 1 of Article 40 of this Law and when the enterprise employ and train workers in order for they to work for it.

2. A contract of training must contain:

a) Name(s) of vocation or vocational skills;

b) Location of training;

c) Duration of the course;

d) Tuition fees and method of payment of tuition fees;

dd) Responsibility for compensation in case of breaches of the contract committed by each party;

e) Termination of contract;

g) Other agreements which are not unlawful and immoral.

3. If the enterprise trains employed people to work for it, except for regulations in Clause 2 of this Article, the contract of training shall contain:

a) Commitment of trainees to the duration of working at the enterprise;

b) Commitment of the enterprise to employ the trainees after completion of training;

c) Agreement on working time and wage paid to the trainees who directly or indirectly make products for the enterprise over the duration of training.

4. The contract of training in the form of apprenticeship, except regulations in Clause 2 of this Article, there shall be agreement on the date on which the trainees are paid wage and the wages paid to learners in certain periods.

Article 40. Continuing training programs

1. Continuing training programs include:

a) Continuing training programs at the request of students; refresher courses in update and improvement of vocational knowledge and skills;

b) Training programs in the forms of apprenticeship;

c) Technology transfer programs;

d) Other training programs lasting under 03 months;

dd) Continuing training programs which grant degrees of college-level or vocational secondary schools and certificates in elementary-level vocational training.

2. A continuing training program must meet all requirements below:

a) The training programs prescribed in Point a, b, c and d Clause 1 of this Article must ensure the practicality and enable students to perform tasks of the profession which they have learned, improve the working productivity or conversion of vocations. The Heads of vocational education institutions, enterprises, or vocational training classes which provide training programs prescribed in Point a, b, c and d Clause 1 of this Article shall have autonomy and take responsibility for formulation and selection of their training programs.

b) The training program prescribed in Point dd Clause 1 of this Article must meet the requirements prescribed in Article 34 of this Law.

Article 41. Duration and methods of continuing training

1. The duration of programs prescribed in Point a, b, c and d Clause 1 of Article 40 of this Law depends on every program provided that it is flexible and appropriate to every student.
2. The duration of year-based programs prescribed in Point dd Clause 1 Article 40 of this Law may be longer than the duration prescribed in Article 33 of this Law.
3. The methods of continuing training must promote active roles, self-training capacity and experience of students; use modern equipment and information technology and communication in order to improve the quality and effectiveness of teaching and learning.

Article 42. Instructors of continuing training programs

1. The instructors of training programs prescribed in Point a, b, c and d Clause 1 Article 40 of this Law are educators, scientists, engineers, technical officials, craftsmen, skilled workers, or productive farmers.
2. The instructors of training programs prescribed in Point dd Clause 1 Article 40 of this Law are educators who satisfy the qualifications prescribed in Article 53 and Article 54 of this Law.

Article 43. Organization and management of continuing training

1. The organization and management of continuing training shall be carried out as prescribed in Article 37 of this Law.
2. The vocational education institutions, enterprises, or vocational training classes may provide training programs prescribed in Point a, b, c and d Clause 1 Article 40 of this Law.
3. The vocational education institutions or higher education institutions providing colleges may provide training programs prescribed in Point dd Clause 1 Article 40 of this Law if they have provided formal training and they are permitted by the training authority.
4. The Heads of vocational education authorities in the central government shall provide guidance on continuing training.

Article 44. Degrees or certificates in continuing training

1. The continuing vocational training programs prescribed in Point a, b, c and d Clause 1 Article 40 of this Law shall apply tests or exams when the modules, subjects, or programs are finished depending on every program, which decided by the Heads of vocational education institution, enterprises, or the Heads of organizations or individuals providing vocational training classes.
2. The tests, exam or issuance of degrees or certificates in vocational education pertaining to the training program prescribed in Point dd Clause 1 Article 40 of this Law shall be carried out as prescribed in Article 39 of this Law.

3. The students finishing the continuing training programs prescribed in Point a, b, c and d Clause 1 Article 40 of this Law shall be issued the certificates in vocational training by the Heads of vocational education institutions, enterprises, or vocational training classes. The certificate in vocational training must contain content of vocational training and duration of courses.

Article 45. Vocational training classes

1. The vocational training classes shall be established by organizations or individuals to provide training programs prescribed in Point a, b, c and d Clause 1 Article 40 of this Law.

If the vocational training class is established according to the order of the State, the organization or individual establishing the vocational training class must meet the requirements prescribed in regulations of the Heads of vocational education authority in the central government.

2. If the organizations or individuals establishing vocational training classes meeting all requirements prescribed in Clause 2 of this Article, they shall benefit from incentive policies below:

a) Expenditures on operation of the vocational training classes shall be subtracted from taxable income in accordance with regulations of law on taxation.

b) They are eligible to participate in vocational programs or projects of the State if they meet all requirements as prescribed;

c) They are eligible to issue certificates in vocational training to students;

d) They are eligible to assign vocational instructors to attend pedagogical refresher courses, update technology knowledge in their majors;

dd) The students shall be provided training support if the vocational training classes belong to vocational training programs or projects of the State.

3. A vocational training class satisfying the following requirements shall benefit from incentive policies of the State:

a) It has facilities, equipment, instructors, and training programs in conformity with the training vocations;

b) It has sent a report on vocational training operation to the People's Committee of the commune, ward or town where the vocational training class is located.

Section 3: INTERNATIONAL COOPERATION IN VOCATIONAL EDUCATION

Article 46: International cooperation objectives in vocational education

1. Improve vocational training quality oriented to modernity, access advanced vocational education level of the regions and the world.
2. Enable vocational education institution to develop stably, provide qualified and skilled human resources to serve the industrialization and modernization of the country.

Article 47: Types of international cooperation in vocational education

1. Educational association.
2. Establishment of representative offices of the foreign vocational education institutions in Vietnam.
3. Cooperation in scientific research, technology transfers and organization of scientific meetings or seminars.
4. Provide fresher courses for or exchange educators, administrative officials of vocational education and students.
5. Exchange of information about training operation; provision of training programs; exchange of publications, materials and outcomes of training operation.
6. Participation in regional and international educational organizations or non-trading partnership.
7. Establishment of representative offices of the Vietnamese vocational education institutions overseas.
8. Other type of cooperation as prescribed in regulations of law.

Article 48. Training association with foreign institutions

1. Training association with foreign institutions means the formulation and provision of the training association programs between Vietnamese vocational education institutions and foreign vocational education institutions without establishment of new legal entity in order to provide training programs and issue degrees or certificates in vocational education.
2. The training program used in training association with foreign institutions is the foreign training program or the program formulated by two parties. The training program shall be provided wholly in Vietnam or partly in Vietnam and partly overseas. The Head of the vocational education institutions shall approve the training program used in the training association with foreign institutions.
3. The vocational education institution associated with foreign vocational education institutions must obtain a certificate in registration of training association and satisfy requirements pertaining to teaching staff, facilities, training equipment, programs and content of training.

The foreign vocational education institution associated with the Vietnamese vocational education institution must obtain a quality evaluation certificate in vocational education issued by a foreign quality assessment agency or recognized as prescribed in regulations of the Head of vocational education authority in the central government.

Specific requirements, competence, or procedures for issuance of certificate in registration of training association with foreign institutions shall comply with regulations of the Government.

4. In case the training association programs with foreign institutions are suspended from enrollment or terminated because the institutions fail to satisfy requirements prescribed in Clause 3 of this Article, they must make a refund of fees to students, pay teaching salaries, ensure other lawful rights and interests of students, teaching staff, civil servants, and workers according to their labor contracts or collective bargaining agreement; and pay tax liabilities and other liabilities (if any).

Article 49. Representative offices

1. The representative office of a foreign vocational education institution shall represent that institution.

2. The representative office has following tasks and entitlement:

a) Enhance the corporation with Vietnamese vocational education institutions through corporation programs and projects in the vocational education sector;

b) Organize activities of exchanges, consultancy, and exchange of information, seminar, or exhibition in the vocational education sector in order to introduce the foreign vocational education institution;

c) Expedite and observe the performance of agreement on vocational education corporation concluded between the foreign vocational education institution and Vietnamese vocational education institution;

d) Do not conduct vocational education operation which directly profit in Vietnam and do not establish any branch which is affiliated to the representative office of the foreign vocational education institution in Vietnam.

3. The foreign vocational education institution shall be granted license for establishment of a representative office in Vietnam if it:

a) Has legal status;

b) Has principles and operation purposes;

c) Has operated vocational education for at least 05 years in its home country;

d) Has Regulation on the organization and operation of the prospective representative office in Vietnam in accordance with regulations of Vietnamese law.

The Heads of vocational education authorities in the central government shall regulate the procedures for dissolution or permission for dissolution of vocational education institutions.

5. The representative office of foreign vocational education institution shall terminate its operation at the request of the foreign vocational education institution or be terminated in the following cases:

- a) The deadline stated in the license expires,
- b) The licensed is revoked because the representative office has not operated after 06 months, from the date on which the license is granted for the first time or after 03 months, from the date on which the license is granted extension;
- c) The application for representative office establishment license is falsified;
- d) Conduct operation other than operation stated in the license;
- dd) Commit violations against other regulations of Vietnamese law.

Article 50: Policies on development of international cooperation in vocational education

1. The State shall expand and develop international cooperation in vocational education according to the rules of respect for national sovereignty and mutual benefits.
2. The State shall enable foreign organizations or individuals, international organizations, overseas Vietnamese to teach, study, invest, finance, cooperate, apply science or technology transfers in vocational education in Vietnam; they are protected their lawful rights and interests as prescribed in Vietnamese law and the international agreements to which the Socialist Republic of Vietnam is a signatory.
3. The Government shall provide guidance on international cooperation in vocational education.

Chapter IV

RIGHTS AND OBLIGATIONS OF ENTERPRISES IN VOCATIONAL EDUCATION

Article 51. Rights of enterprises in vocational education

1. Establish a vocational education institution to provide direct human resources for the business of the enterprise and the social.
2. Register vocational education operation to provide elementary-level vocational training and continuing training programs as prescribed in Point a, b, c and d Clause 1 Article 40 of this Law

for workers in the enterprise and other workers; receive training funding for the disabled studying and working in the enterprise.

3. Cooperate with other vocational education institutions to provide elementary-level, intermediate-level, or colleges and continuing training programs.
4. Participate in the formulation of training curriculum and materials; teach, give probation, or assess learning outcomes of students in vocational education institutions.
5. Expenditures on vocational training operation of the enterprise shall be subtracted from taxable income in accordance with regulations of law on taxation.

Article 52. Obligations of enterprises in vocational education

1. Provide information about demand for training and use of workers in the enterprise according to disciplines and demand for employment annually for the vocational education authority.
2. Provide training or place an order with vocational education institution in order to train the employed people to work for the enterprise.
3. Fulfill all obligations as agreed in the contract of training association with the vocational education institution.
4. Participate in the formulation of training curriculum and materials; teach, give probation, or assess learning outcomes of learners in vocational education institutions; take learners or teaching staff to visiting, practicing, or receive probation in order to improve their vocational skills according to its contract concluded with the vocational education institution.
5. Pay salaries or wages to students or who directly or indirectly make the products meeting specification over the duration of training, practice, or probation at the enterprise as agreed.
6. Cooperate with the vocational education institution in the training, provision of refresher courses for workers of the enterprise.
7. Enable the workers of the enterprise to attend in-service training courses to improve their vocational skills as prescribed in law on labor.
8. Only use skilled workers or workers obtaining the certificate in national vocational skills with regard to jobs in the List provided by the Minister of Labor, War Invalids and Social Affairs.
9. The Government shall provide guidance on rights and obligations of the enterprise in the vocational education.

Chapter V

EDUCATORS AND STUDENTS

Section 1: EDUCATORS

Article 53. Educators in vocational education institutions

1. Educators in vocational education institutions include educators teaching theory, educators teaching practice, or educators teaching both theory and practice.
2. Educators in the vocational education centers or vocational training schools shall be called as educators; educators in colleges shall be called as lecturers.
3. Titles of educators in the vocational education institution include: teachers, principal teachers, senior teachers; lecturers, principal lecturers, and senior lecturers.
4. An educator in vocational education institutions must meet requirements below:
 - a) Has virtuous characters;
 - b) Achieves the qualifications in professional competence and proficiency;
 - c) Has good health as required by his/her job;
 - d) Has a clear criminal record.

Article 54. Qualifications of educators

1. An educator at elementary-level must obtain at least a degree of vocational secondary schools or a certificate in vocational skills used for teaching elementary-level.
2. An educator teaching theory at intermediate-level must obtain at least a bachelor's degree; an educator teaching practice at intermediate-level must obtain a certificate in vocational skills used for teaching practice at intermediate-level.
3. An educator teaching theory at college-level must obtain at least a bachelor's degree; an educator teaching practice at college-level must obtain a certificate in vocational skills used for teaching practice at college-level.
4. An educator teaching both theory and practice at intermediate-level or college-level must achieve acquire qualifications equivalent to qualifications of the educator teaching theory and educator teaching practice as prescribed in Clause 2 and Clause 3 of this Article.
5. Any educator obtaining no college degree in pedagogy, college degree in technical pedagogy or bachelor's degree in pedagogy, or bachelor's degree in technical pedagogy is required to obtain a certificate in pedagogy.
6. The Head of vocational education authority in central government shall regulate the content of training programs, improve vocational skills and certificate in vocational skills used for teaching

practice at all levels; content of pedagogical proficiency course provided for educators in the vocational education institution.

Article 55. Tasks and entitlement of educators

1. Teach according to objectives and training programs and ensure to carry out the sufficient and quality training programs.
2. Learn and improve their professional competence, proficiency and teaching methods.
3. Exemplarily fulfill civil obligations, law and regulations of organization and operation of vocational education institution.
4. Reserve the virtue, prestigious, or honor of educators; respect personality of learners, fairly treat learners, protect legitimate rights and interests of learners.
5. Manage and observe the vocational education institution; participate in the Communist Party, unions and other social work.
6. Use teaching materials, equipment or aids, equipment and facilities of the vocational education institution.
7. Conclude a visiting lecturer contract with other vocational education institution as prescribed.
8. Give opinion about policies or plans of the vocational education institution on programs, materials, methods of teaching and other issues related to their rights.
9. The educator must reserve time to take a probation at the enterprise to update and improve practice skills and access new technology as prescribed.
10. Other tasks and entitlement as prescribed in regulations of law.

Article 56. Employment, assessment and refresher course in professional competence and proficiency for educators

1. The employment of educator must satisfy requirements or qualifications prescribed in Clause 4 Article 53 and Article 54 of this Law and comply with regulations of law on labor and law on civil servants. Any educator gaining experience in the business in conformity with the disciplines shall be priorly employed.
2. The educators shall be assessed or classified annually as prescribed.
3. The refresher courses in improvement in professional competence in pedagogy, vocational skills, information technology, or foreign languages; probation in the enterprise shall comply with regulations of the Head of vocational education authority in the central government.

Article 57. Visiting lecturers

1. The vocational education institution may invite people satisfy requirements and qualifications as prescribed in Clause 4 Article 53 and Article 54 of this Law for the teaching in the form of visiting lecturers.
2. The visiting lecturers must fulfill obligations and exercise their rights as prescribed in Article 55 of this Law.
3. The visiting lecturers who are officials, officials and civil servants at other agencies or organizations must fulfill their obligations at the institutions they are working for.

Article 58. Policies applied to educators

1. Educators in public vocational education institutions shall benefit from the following policies:
 - a) Receive salaries according to their titles prescribed in Clause 3 Article 53 of this Law; receive incentive allowances according to their disciplines, receive seniority pay regarding educators, particular allowances regarding educators teaching both theory and practice, craftsmen, skilled educators teaching practice, educators teaching disciplines which are heavy and dangerous, and educators teaching the disabled as prescribed in regulations of the Government;
 - b) Incentive policies applied to educators teaching in special schools, schools in severely disadvantaged areas and other incentive policies applied to educators as prescribed in regulations of the Government.
2. Attend refresher courses in professional competence or proficiency as prescribed in regulations of the Government.
3. The State shall encourage educators to teach in vocational education institutions in severely disadvantaged areas; enable educators to teach in the vocational education institutions in disadvantaged or severely disadvantaged areas.
4. If any educator, administrative official, or scientific research official of vocational education satisfies requirements prescribed in regulations of law, he/she shall be conferred a title of People's Educator or Educator of Merit.
5. If the educators who are doctors, craftsmen or skilled people teaching in public vocational education institutions and having good health voluntarily extend their working time at the vocational education institution with the consent of the vocational education institutions, they may take later retirement as prescribed in law on labor.
6. The State adopts policies on investment in training and refresher courses in professional competence, skills, and pedagogical methods applied to educators teaching the disabled.

Section 2: LEARNERS

Article 59. Learners

Learners are learners who are learning vocational education programs in the vocational education institutions, including students learning college-level training programs; students learning intermediate-level and elementary-level training programs; students learning continuing training programs as prescribed in Point a, b, c and d Clause 1 Article 40 of this Law.

Article 60. Rights and obligations of learners

1. Learn and practice as defined in regulations of the vocational education institution.
2. Respect educators, administrative officials, civil servants and workers in the vocational education institution; unite and help each other in learning and practicing.
3. Participate in labor and social work, actions on environmental protection, protection for security, order, prevention and control of crime, social evil.
4. Be respected and treated equally, regardless of sex, women, ethnic groups, religions, backgrounds, receive sufficient information about the study and practice.
5. Be facilitated in study, production, businesses, services, activities in culture, sports.
6. Benefit from policies applied to learners who are beneficiaries of social incentive policies.
7. Other rights and obligations as prescribed in regulations of law.

Article 61. Rights and obligations of learners

1. The learners graduated from training courses for appointed students, in the form of scholarship, training fees or orders from the State, or given by foreign countries under Agreements concluded with the Socialist Republic of Vietnam must execute the manoeuvre related to place of working given by the competent agency for a certain period; if not, they shall make a refund of scholarship or training fees.
2. The learners graduated from training courses as scholarship or training fees given by the employers must work for the employer according to the period as agreed in the training contract; in case they fail to fulfill their commitment, they must make a refund of scholarship or training fees.

Article 62. Policies applied to learners

1. The learners shall benefit from policies on scholarship, social allowances, appointed students, educational credit, exemption or reduction in public service charges as prescribed in Article 89, 90, 91 and 92 of the Law on Education.
2. The learners shall be exempt from tuition fees by the State in the following cases:

a) The learners studying at intermediate-level or college-level who are the people with meritorious services to the Resolution and their relatives as prescribed in law on preferential treatment for the people with meritorious to the Resolution; ethnic minorities in poverty or near poverty households; ethnic minorities in the disadvantaged areas or severely disadvantaged areas; helpless orphans;

b) The lower-secondary graduates continuing to learn intermediate-level;

c) The learners studying in disciplines facing difficulty in enrollment at intermediate-level or college-level but they are required by the social according to the List provided by the Head of vocational education authority; learners studying in special disciplines meeting the requirements pertaining to socio-economic development and national defense and security as prescribed in regulations of the Government.

3. The learners who are women, rural area workers and following training programs at elementary-level and training programs lasting for under 03 months shall be provided training fees as prescribed in regulations of the Prime Minister.

4. Boarding ethnic lower-secondary school graduates, boarding ethnic upper-secondary school graduates, including those enrolled by public vocational training schools or colleges without entrance examinations.

5. The learners who are ethnics in poverty or near poverty households, the disabled; the learners who are Kinh ethnics in poverty or near poverty households or the disabled whose normal residence in the severely disadvantaged areas, ethnic minority areas, border or island areas; the students of boarding ethnic upper-secondary schools following training programs at the intermediate-level or college-level shall benefit from policies on boarding schools as prescribed in regulations of the Prime Minister.

6. During the learning, if the learners do military services or fail to keep learning or working due to their sickness, accidents, unhealthy maternity or their families in difficulties, they may reserve study results and resume the study then. The time limit for the reserve of study results does not exceed 05 years.

7. The knowledge and skills that learners accumulate during the work and results of modules, credits, subjects which they had accumulated in the learning process at the levels of vocational education shall be recognized and be not required to learn them again in other training programs.

8. The graduates shall benefit from the following policies:

a) They are employed by authorities, socio-political organizations, public service agencies, the armed forces as prescribed; the learners obtaining at least very good graduation degrees;

b) Receive salaries as agreed with the employer according to their positions, competence, efficiency provided that they are not lower than the basic salaries, minimum wages or starting

salaries with regard to jobs or positions as required intermediate-level or college-level as prescribed in regulations of law.

Article 63. Policies applied to learners sent to work abroad

1. The State shall carry out policies on vocational training programs provided for workers sent to work abroad.
2. If a learner studying at the vocational education institutions is sent to work abroad under a contract, he/she shall be reserved his/her study results. The time limit for the reserve of study results does not exceed 05 years.

Article 64. Policies applied to learners wining in workmanship contests

1. The State encourages learners to take part in workmanship contests. The winners in national workmanship contests, ASEAN workmanship contests shall be awarded as prescribed in law on emulation and commendation.
2. If the first-prize, second-prize and third-prize winners in the national workmanship contests obtain associate degrees and upper-secondary degrees or they are learned and passed the examinations satisfying the body of knowledge of upper-secondary level as prescribed, they shall be admitted into the colleges without examinations with the majors in conformity with the professions which they win the prizes.
3. If the first-prize, second-prize and third-prize winners in the ASEAN workmanship contests obtain associate degrees and upper-secondary degrees or they are learned and passed the examinations satisfying the body of knowledge of upper-secondary level as prescribed, they shall be admitted into the colleges without examinations with the majors in conformity with the professions which they win the prizes.

Chapter VI

VOCATIONAL EDUCATION QUALITY ASSESSMENT

Article 65. Objectives, entities, and rules for vocational education quality assessment

1. Objectives of vocational education quality assessment:
 - a) Ensure and improve the vocational education quality;
 - b) Certify the satisfaction of objectives of vocational education in every certain period of the vocational education institution or the vocational education programs.
2. Entities of vocational education quality assessment:
 - a) Vocational education institutions;

b) Training programs of vocational education at all levels.

3. The vocational education quality assessment must follow the rules below:

a) Independent, objective and lawful;

b) Honest, public and transparent;

c) Equal, periodical;

d) Compulsory with vocational education institutions and training programs providing major disciplines of the nation, region or the world; vocational education institutions and training programs providing disciplines serving the state management.

Article 66. Organization and management of vocational education quality assessment

1. The organization for education quality assessment shall assess and recognize the vocational education institutions and vocational education programs satisfying the requirements pertaining to vocational education quality.

2. Organizations for vocational education quality assessment include:

a) Organizations for vocational education quality assessment established by the State;

b) Organizations for vocational education quality assessment established by organizations or individuals.

3. An organization for vocational education quality assessment established according to projects must:

a) Have facilities, equipment and finance meeting the requirements pertaining to the organization for vocational education quality assessment;

b) Have administrative official and assessor staff meeting the requirements pertaining to the organization for vocational education quality assessment.

4. The organizations for education quality assessment shall have legal status, take legal responsibility for their operation; and they are eligible to collect assessment fees as prescribed in regulations of law.

5. The Head of vocational education authority shall provide guidance on requirements, procedures and periods of vocational education quality assessment; conditions and competence in establishment, permission for establishment, dissolution of the organizations for vocational education quality assessment; rights and obligations of organizations for vocational education quality assessment; recognition of assessment results of the organizations for vocational education quality assessment; issuance and revocation of certificate of vocational education

quality assessment; criteria, rights and obligations of assessors; management and issuance of vocational education quality assessor's cards.

Article 67. Tasks and entitlement of the vocational education institutions in vocational education quality assessment

1. Formulate and carry out the long-term or annual plans for improvement of vocational education quality.
2. Assess vocational education quality themselves according to the requirements and procedures for vocational education assessment.
3. Provide information or materials relating to vocational education quality assessment.
4. Carry out vocational education quality assessment at the request of competent agencies.
5. Pay quality assessment fees to organizations for vocational education quality assessment.
6. Select organizations for vocational education business organizations to carry out the assessment and vocational education programs.
7. Send complaints or denunciation of decisions, conclusions, and violations of organizations of individuals conducting vocational education quality assessment against law to the competent agencies.

Article 68. Certification of vocational education quality standards

1. If any vocational education institution or training program satisfies requirements pertaining to quality assessment, it shall be granted a Certification of vocational education quality standards. The Certification shall be valid for 05 years.
2. If any vocational education institution or training program fail to satisfy requirements pertaining to quality assessment, it shall be revoked the Certification of vocational education quality standards.

Article 69. Tasks and entitlement of a vocational education institutions obtaining Certification of vocational education quality standards

1. Maintain and keep improving vocational education quality.
2. Send a report to vocational education authority every year.
3. Benefit from policies on investment support to improve the vocational education quality and lodge tender to fulfill the vocational education quotas according to the order of the State.

Article 70. Use of results of vocational education quality assessment

The results of vocational education quality assessment shall be used in the following cases:

1. Evaluate the reality of training quality of vocational education institutions;
2. Learners select vocational education institutions, or training programs at all levels of vocational education;
3. The employers employ workers;
4. The State invest, lodge tender, place orders and assign training tasks to vocational education institutions.

Chapter VII

STATE MANAGEMENT OF VOCATIONAL EDUCATION

Article 71. Responsibility of state management of vocational education

1. The Government shall be in charge of state management of vocational education
2. The vocational education authorities in central government shall take responsibility to the Government for state management of vocational education and have tasks and entitlement below:
 - a) Formulate, request competent agencies to issue or issue within their competence and implement strategies, planning, plans, or policies on vocational education development;
 - b) Formulate, request competent agencies to issue or issue within their competence and implement legislative documents on vocational education;
 - c) Stipulate objectives, content and methods of training; qualifications for educators; list of training vocations at all levels; requirements pertaining to training facilities and equipment; issue regulations on enrollment, tests, examination, recognition of graduation and issuance of degrees or certificates in vocational education.
 - d) Regulate the application and issuance of Certification of registration of vocational education;
 - dd) Management and organization of vocational education quality assessment;
 - e) Release statistics or information about organization and operation of vocational training;
 - g) Organization of organizational structure of vocational education;
 - h) Management and organization of training and refresher courses provided for vocational education administrative officials, educators of continuing training programs;
 - i) Mobilize, manage and use resources to develop vocational education;

k) Manage and organize activities of study, application of science and technology; production, businesses and services in vocational training;

l) Manage and organize international cooperation in vocational education;

m) Inspect the observance of the law on vocational education; deal with complaints or denunciation and actions on violations against law on vocational education.

3. Ministries, ministerial agencies shall cooperate with vocational education authorities in central government in state management of vocational education within their competence and directly manage vocational education institutions of their Ministries or agencies (if any).

4. The People's Committee of the province shall be responsible for state management of vocational education according to the classification of the Government; formulate and implement plans for vocational education in conformity with human resources of local governments; inspect the implementation of law on vocational education conducted by vocational education institutions, organizations and individuals involved in vocational education in the administrative divisions within their competence; make investment in private sector involvement in vocational education; improve quality and effectiveness of vocational education in the local governments.

5. The Government provides guidance on competence and content of state management of vocational education.

Article 72. Inspection of vocational education

1. The vocational education authority shall be vocational education inspector.

2. Vocational education inspector shall have tasks and entitlement below:

a) Inspect the implementation of law and policies on vocational education;

b) Detect, prevent and handle within their competence or request competent agencies to take actions to violations against law on vocational education;

c) Verify or request competent agencies to deal with complaints or denunciation of vocational education;

d) Other tasks and entitlement as prescribed in regulations of law on inspection.

3. Organization and operation of vocational education inspectors shall comply with regulations of law on inspection.

Article 73. Actions to violations

1. Any person commit violation(s) below shall be disciplined, face penalties for administrative violations or criminal prosecution according to his/her nature and severity of the violations; if he/she cause damages, he/she must pay compensation as prescribed;

a) Establish vocational education institutions or perform vocational education operation contrary to regulations of law;

b) Commit violations against regulations on organization and operation of vocational education institutions;

c) Publish, print, or release materials contrary to regulations of law;

d) Making fake documents, violate regulations on enrollment, examination, tests, recognition of graduation and issuance of degrees and certificates;

dd) Infringe human dignity and bodies of vocational educators, administrative officials; maltreat or persecute learners;

e) Violate regulations on vocational education quality assessment;

g) Disturb public security and order in the vocational education institutions;

h) Loss funding, misuse vocational education operation to collect money contrary to regulations or out of self-seeking purposes;

i) Cause damage to facilities of vocational education institutions;

k) Other violations against law on vocational education.

2. The Government shall provide guidance on penalties for administrative violations against law on vocational education.

Article 74. Complaints or denunciation and resolution of complaints or denunciation

The complaints or denunciation and resolution of complaints or denunciation in vocational education shall comply with regulations of law.

Chapter VIII

IMPLEMENTATION

Article 75. Implementation

1. This Law shall take effect from July 1, 2015.

2. The Law on Vocational training No.76/2006/QH11 shall be annulled from the effective date of this Law.

Article 76. Amendments to Law on education

A number of articles of the Law on Education No.38/2005/QH11 amended by the Law No.44/2009/QH12 shall be amended and annulled as follows:

1. Point c and Point d Clause 2 Article 4 shall be amended as follows:

“c) Vocational education training at elementary-level, intermediate-level, or college-level and other vocational training programs;

d) Higher education including university education, master education, and doctoral education.”;

2. Point d Clause 1 Article 51 shall be amended as follows:

“d) The Minister of Education and Training shall make decisions for preparatory universities; the Heads of vocational education authorities in central government shall make decisions for colleges;”;

3. Clause 3 Article 70 shall be amended as follows:

“3. Educators teaching in preschool education, compulsory education, or vocational education at elementary-level or intermediate-level shall be called teachers. Educators teaching in colleges, or higher education institutions shall be called lecturers.”;

4. The phrases below shall be replaced as follows:

a) “Trung tâm dạy nghề” prescribed in Point b Clause 1 of Article 83 shall be replaced with “trung tâm giáo dục nghề nghiệp”;

b) “Lớp dạy nghề” prescribed in Point a Clause 1 of Article 69 and Point b Clause 1 of Article 83 shall be replaced with “lớp đào tạo nghề”;

c) “Thủ trưởng cơ quan quản lý nhà nước về dạy nghề” prescribed in Article 45, 50, 51, 52, 54, 77, 105 and 113 shall be replaced with “Thủ trưởng cơ quan quản lý nhà nước về giáo dục nghề nghiệp ở trung ương”;

d) “Cơ sở dạy nghề” prescribed in Clause 3 of Article 54 shall be replaced with “cơ sở giáo dục nghề nghiệp”;

dd) “Trường dạy nghề” prescribed in Clause 1 of Article 89 shall be replaced with “cơ sở giáo dục nghề nghiệp”;

5. The phrases below shall be annulled as follows:

- a) “Trình độ cao đẳng” prescribed in Clause 2 of Article 40 and Clause 1 of Article 41 shall be annulled;
- b) “Trường cao đẳng” prescribed in Clause 41, Point d Clause 1 Clause 51 of Article 79 shall be annulled;
- c) “Các trường cao đẳng” prescribed in paragraph 3 Clause 2 Article 41 shall be annulled;
- d) “Và lớp trung cấp chuyên nghiệp” prescribed in Point a and “Trung tâm kỹ thuật tổng hợp – hướng nghiệp; trung tâm dạy nghề” prescribed in Point b Clause 1 of Article 69 shall be annulled;

6. The Section 3 Chapter II – Vocational education including Article 32, 33, 34, 35, 36 and 37 shall be annulled; Clause 5 of Article 30, Clause 1 of Article 38, Clause 2 of Article 39, paragraph 2 Clause 1 of Article 40, Point a Clause 1 of Article 42, Clause 1 of Article 43, Point d and Point dd Clause 1 of Article 77 shall be annulled.

Article 77. Amendments to Law on higher education

A number of articles of the Law on Higher Education No.08/2012/QH13. shall be amended and annulled as follows:

1. The phrase “trường trung cấp chuyên nghiệp” prescribed in Clause 3 of Article 37 shall be replaced with “trường trung cấp”;

2. The phrases below shall be annulled as follows:

- a) “Trường cao đẳng” prescribed in Clause 2 of Article 4, Clause 2 of Article 5, Article 33, Point a Clause 1, Clause 3 of Article 36 and Clause 4 of Article 45 shall be annulled;
- b) “Trình độ cao đẳng” prescribed in Clause 1 of Article 6 shall be annulled;
- c) “Trường cao đẳng” prescribed in Article 2, Clause 8 of Article 4, Clause 1 of Article 11, Article 14, Clause 1 of Article 16, Clause 1 of Article 17, Clause 1 of Article 19, Clause 1 of Article 20, Clause 4 of Article 27 and Article 28 shall be annulled;
- d) “Bộ trưởng Bộ Giáo dục và Đào tạo công nhận xếp hạng đối với trường cao đẳng” prescribed in Clause 5 of Article 9 shall be annulled;
- dd) “Có trình độ thạc sĩ trở lên đối với hiệu trưởng trường cao đẳng” prescribed in Point b Clause 2 of Article 20 shall be annulled;
- e) “Bằng tốt nghiệp cao đẳng” prescribed in Clause 1 of Article 38 shall be annulled;
- g) “Chương trình đào tạo cao đẳng” prescribed in Article 59 shall be annulled;

3. Point a Clause 2 of Article 5, Point a Clause 1 of Article 7, paragraph 2 Clause 1 of Article 27, paragraph 2 Clause 2 of Article 27 and Point a Clause 1 of Article 38 shall be annulled.

Article 78. Transitional provisions

Vocational education institutions or higher education institutions taking place enrollment before the effective date of this Law may provide training, grant degrees or certificates to learners as prescribed in the Law on Education No.38/2005/QH11 amended by the Law No.44/2009/QH12, the Law on Vocational training No.76/2006/QH11 and the Law on higher education No.08/2012/QH13 until the end of the courses.

Article 79. Specific provisions

The Government and competent agencies shall provide guidance on Articles and Clauses in the Law.

This Law was passed by the National Assembly of the Socialist Republic of Vietnam, XIII Legislature, and 8th Session, dated November 27, 2014.

**CHAIRMAN OF THE NATIONAL
ASSEMBLY**

Nguyen Sinh Hung

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