

LAO PEOPLE'S DEMOCRATIC REPUBLIC

PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

Office of the Prime Minister

No. 64/PM

PRIME MINISTER'S DECREE ON PRIVATE EDUCATION

- With Reference to: The Constitution of the Lao People's Democratic Republic 14 August 1991;
- With reference to: Lao PDR Government Law No. 01/95, dated 3 August 1995.
- With reference to: The Decree of the Prime Minister on the Organization of the Ministry of Education No. 61/PM dated 10 April 1995;
- With reference to: The Proposal of the Ministry of Education.

The Prime Minister Promulgates:

Part I
General Provisions

Article 1

The Government encourages the private sector to participate in education and considers private education to be a part of the national education system. Public and private education has to cooperate in order to develop human resources according to the needs of the society.

Article 2

Any educational organization, both public sector and private sector, must lie within the unique national education system; abide by the regulations released by the Government to assure the national, scientific, and civic character; and educate Lao people to have good behavior as well as professional and scientific knowledge.

Part II
Regulations for Private Schools

Article 3

Any type of private school at any level must carry out teaching and other related activities according to the laws and the regulations of the Government. Especially, they must abide strictly by the regulations for private education of the Ministry of Education and must apply either the curriculum of the Ministry of Education or a curriculum approved by the Ministry of Education.

Any subject matter taught in private school must be in the Lao language, except foreign languages. For some subjects or some schools, which are international in character and require instruction in a foreign language, approval by the Ministry of Education is required. The teachers in private schools must be authorized by the Minister of Education.

Article 4

Foreign investments to establish private schools must be authorized by the Foreign Investment Management Committee.

Article 5

The authorized person has absolutely no right to carry out anything beyond what is written in the terms of establishment permission.

Article 6

The authorized person can transfer his or her school to another person who has completed the conditions of Article 11, subject to the agreement of the authorizer.

Article 7

The authorized person, the Directors, the person responsible for academic affairs, and the teachers must have good behavior and discipline, and be responsible in performing their duties.

Article 8

The authorizer has the right to withdraw the establishment permission according to Article 10 when:

1. The authorized person no longer fulfils the criteria in Article 11.
2. The authorized person has insufficient funds to continue the activities of the private school.
3. The authorized person violates or does not carry out the provisions of this Decree or the regulations of the Ministry of Education, or causes damage.
4. The authorized person violates or does not carry out the activities of the private school according to the instructions of the authorizer and causes serious damage.

Part III
Conditions for the Establishment
Of Private Schools

Article 9

There are three types of private education as follows:

1. Education for people of normal school age, like that in the regular public school system, which is divided into two subsystems:
 - General Education
 - Vocational, Technical, and Higher Education
2. Non-Formal Education, that is, short-term adult education.

3. Special Education, that is, education for physically or mentally abnormal children.

Article 10

No person may establish a private school before being authorized. The application for permission and the authorization must follow the procedures determined by the Ministry of Education.

Article 11

A juristic person or a person has the right to apply for the establishment of a private school, as follows:

a) Juristic Person

A juristic person, including the legal representative of an association, has the right to apply for the establishment of any type of private school, both in the formal and the non-formal education system, and in either General Education or Vocational, Technical, and Higher Education as determined in Article 9, but with the following conditions:

1. The juristic person must have the purpose of promoting education.
2. The juristic person must have assets or status sufficient for the establishment and implementation of the school's activities.
3. The Director or the representative of an association must meet the following criteria:
 - Be Laotian, a resident alien or a foreigner aged 18 or over. In cases where the resident alien or foreigner is the Director, it is necessary that the Vice-Director must be Laotian.
 - Have the qualifications stipulated by the regulations of the Ministry of Education for the level or regional position of the school.
 - Have good behavior and morals.
 - Have not been fired by the Government because of committing any offences.
 - Not be an incapacitated person.
 - Have never been convicted of a crime, except a case which is a petty offence or committed by negligence occurring more than five years before the date of the current request for establishment permission.

b) A person

1. A person who is a Lao citizen has the right to apply for the establishment of any type of private school, both in the formal and non-formal education system, and in either General Education or Vocational, Technical, and Higher Education as written in Article 9.
2. A person who is a foreigner has the right to apply for the establishment of a private school only for Vocational, Technical, and higher Education, either in the formal or non-formal system, but the Board of Directors must include at least one Laotian.
3. Any person who applies for the establishment of a private school must meet the following criteria:

- Be at least 18 years old.
- Have assets or status sufficient for the establishment and the implementation of the school's activities.
- Have the qualifications stipulated by the regulations of the Ministry of Education for the level or regional position of the school.
- Have good behavior and morals.
- Have not been fired by the Government because of committing any offences.
- Have never lost establishment permission or had such permission withdrawn within two years of the current application for establishment permission.
- Not be an incapacitated person.
- Have never been convicted of a crime, except a case which is a petty offence or committed by negligence occurring more than five years before the date of the current request for establishment permission.

Part IV

Support and Encouragement of Private School Policy

Article 12

Private schools are supported and encouraged as follows:

1. The teachers in government schools are allowed to work part-time in private schools, under conditions determined by the Ministry of Education.
2. The Government permits the authorized person or juristic person to loan or rent the school's assets, when possible.
3. Private schools are exempt from business tax.
4. Private Schools are exempt from income tax.
5. The importation of necessary instructional materials is exempt from customs.
6. Private schools are exempt from land-use tax.
7. The Government supports and encourages private schools to have innovative forms, when possible.
8. The Ministry of Education will provide in-service training and continuing education for teachers in private schools.
9. The Ministry of Education is allowed to obtain aid from international organizations to grant to private schools.

The support and encouragement of private education is based on the assumption that private schools abide by Government regulations.

Part V
Organization and Management of the Private Education Sector

Article 13

A Consultant Council for the Private Education Sector shall be established, consisting of:

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| 1. Vice- Minister of Education | President by nomination |
| 2. One cadre who has status equivalent to the Director of a Department | Secretary by nomination |
| 3. Director of the Vocational, Technical and Higher Education Department | Member by position |
| 4. Director of the General Education and Kindergarten Department | Member by position |
| 5. Director of the Non-Formal Education System | Member by position |
| Four seniors consisting of: | |
| 6. One representative of the authorized Member by election of persons from General Education | Authorized persons in the concerned schools |
| 7. One representative of the authorized persons from institutions of Vocational, Technical, and Higher Education | Member by election of authorized persons in the concerned schools |
| 8. One representative of teachers in General Education | Member by election of authorized persons in the concerned schools |
| 9. One representative of teachers from Vocational, Technical, and Higher Education | Member by election of authorized persons in the concerned schools |
| 10. One representative from the Committee for Planning and Co-operation | Member |
| 11. One representative from the Ministry of Labour and Social Welfare | Member |

Some other seniors may be invited to the Consultant Council as observers.

Article 14

The Consultant Council for the Private Education Sector has the following roles:

1. Study and submit to the Minister of Education the implementation plan for the private education sector and collaborate with other organizations in the interest of promotion and management.
2. Study and submit to the Minister of Education the regulations necessary to abide by this Decree.
3. Set up a specific unit to carry out designated tasks.
4. Perform other functions as assigned by the Minister of Education.

Article 15

A Bureau of Private Education with status equivalent to the other Departments in the Ministry of Education shall be established, and submit directly to the Minister of Education an implementation plan for private education. This Bureau is to be Located in the Ministry of Education and consist of Secretary of Private Education holding the position of Head and four to six academic staff members at the beginning.

Article 16

The Ministry of Education is in charge of nominating the Consultant Council for the Private Education Sector. Council members shall have a mandatory term of two years.

Article 17

The Ministry of Education has the right to release regulations ordering any type of private school at any level to set up a Consultant Council to direct and perform the school's activities.

Article 18

The Consultant Council stipulated in Article 17 shall consist of the person or the juristic person authorized to establish the private school being President; the representative of the Ministry of Education or Provincial Education Service, the Prefecture, or the District Education Bureau; the representative of the teachers; the representative of the Guardians; the Director or the person responsible for academic affairs being both member and Secretary; and some seniors when necessary.

Article 19

The Director and the person responsible for academic affairs must have the qualifications stipulated in the regulations of the Ministry of Education.

Article 20

The nomination of the Director, the person responsible for academic affairs and the teachers in any type of private school must follow the regulations of the Ministry of Education.

Article 21

Any documents regarding the private school's activities must be in Lao or translated into the Lao Language.

Article 22

The Ministry of Education is in charge of delegating power for establishment permission and the management of private schools throughout the country.

Article 23

The examination organization for private schools must abide by the same regulations as those of any government school.

Article 24

The director of private school has the right to award certificates to his or her graduated students with the recognition of the Minister of Education.

Article 25

The students in private schools, if they wish, can move into the government schools and, reciprocally, the students in government schools can move into private schools, in accordance with the procedures stipulated in the regulations of the Ministry of Education.

Article 26

The Minister of Education is in charge of releasing the regulations on tuition fees and the method of paying any charges in private schools in a proper manner, and in accordance with the general regulations regarding the payment of charges and the financial management of the Government.

Part VI
Final Provisions

Article 27

The Bureau of the Consultant Council for Private Education has its own seal for administrative activity use.

Article 28

Any private school officially authorized has its own seal for administrative activity use.

Article 29

The Ministry of Education is assigned to supervise and instruct all private schools to abide by this decree.

Article 30

The Ministry of Education is in charge of releasing detailed additional rules and regulations when necessary, and in accordance with this decree.

Article 31

This Decree replaces that of the Ministry Council No. 58/MCP dated 29 September 1990. Any rules and regulations released previously, which contradict the present decree, are cancelled.

Article 32

The present decree goes into effect on the date of signature.

Vientiane, 14 August 1995
The Prime Minister of the Lao PDR

Khamtay SIPHANDONE.