

Compulsory Education Law of the People's Republic of China

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The Compulsory Education Law of the People's Republic of China, amended and adopted at the 22nd Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on June 29, 2006, is hereby promulgated and shall go into effect as of September 1, 2006.

Hu Jintao

President of the People's Republic of China

June 29, 2006

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(Adopted at the Fourth Session of the Sixth National People's Congress on April 12, 1986, and amended at the 22nd Meeting of the Standing Committee of the Tenth National people's Congress on June 29, 2006)

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Chapter I

General Provisions

Article 1 This Law is enacted in accordance with the Constitution and the Education Law, for the purpose of ensuring the right of school-age children and adolescents to compulsory education, guaranteeing provision of compulsory education and improving the qualities of the entire nation.

Article 2 The State implements a system of nine-year compulsory education.

Compulsory education means education which is uniformly provided by the State and which all the school-age children and adolescents must receive, and constitutes a public welfare undertaking which must be guaranteed by the State.

No tuition or miscellaneous fees shall be charged for provision of compulsory education.

The State establishes a mechanism for guaranteeing funds for compulsory education, to ensure implementation of the system of compulsory education.

Article 3 In compulsory education, the State policy on education shall be implemented by providing qualities-oriented education, to improve the quality of instruction, with a view to enabling school-age children and adolescents to achieve all-round development -- morally, intellectually and physically, so as to lay the foundation for bringing up well-educated and self-disciplined builders and successors of socialism imbued with lofty ideals and moral integrity.

Article 4 All school-age children and adolescents of the nationality of the People's Republic of China shall, in accordance with law, enjoy the equal right, and fulfil the obligation, to receive compulsory education, regardless of sex, ethnic status or race, family financial conditions, religious belief, etc.

Article 5 People's governments at various levels and their departments concerned shall perform the duties provided for in this Law, to ensure the right of school-age children and adolescents to compulsory education.

Parents of school-age children and adolescents or other statutory guardians shall, in accordance with law, guarantee that they start school at the specified age and receive and complete compulsory education.

Schools providing compulsory education according to law shall accomplish the tasks of instruction and teaching in compliance with the prescribed standards and guarantee the quality of instruction and teaching.

Public organizations and individuals shall create a good environment for school-age children and adolescents to receive compulsory education.

Article 6 The State Council and the local people's governments at or above the county level shall rationally allocate educational resources, promote balanced development of compulsory education, help the schools started on weak foundations to improve the conditions for school running, and adopt measures to ensure that compulsory education is provided in rural areas and in areas inhabited by ethnic groups and that the school-age children and adolescents who are from families with financial difficulties or who are disabled receive compulsory education.

The State arranges for and encourages the economically developed areas to support the underdeveloped areas in providing compulsory education.

Article 7 In compulsory education, the system shall be practiced under which the State Council shall provide guidance, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall make overall plans for its provision and the people's governments at the county level shall play the main role in administration.

The administrative departments for education of the people's governments at or above the county level shall be responsible specifically for the provision compulsory education, and the other administrative departments concerned of the said people's governments shall be responsible for the provision of such education within the scope of their respective duties.

Article 8 The authorities of the people's governments for educational supervision shall oversee the observation of laws and regulations in compulsory education, the quality of instruction and teaching and the balanced development of compulsory education, and announce their reports on supervision.

Article 9 All public organizations and individuals shall have the right to inform the State organs concerned of violations of this Law or lodge complaints against such violations with the said organs.

Where a major event in violation of this Law occurs, which impedes provision of compulsory education, thus exerting a great impact on the society, the leading person of the people's government concerned or of the administrative department for education of the people's government shall admit his mistake and resign.

Article 10 Public organizations and individuals that make outstanding contribution to provision of compulsory education shall be commended and rewarded by the people's governments at different levels and the related departments in accordance with relevant regulations.

Chapter II

Students

Article 11 When children have reached the age of six, their parents or other statutory guardians shall send them to school to receive and complete compulsory education. For children in areas where conditions do not exist for children to do so, the beginning of their schooling may be postponed to the age of seven.

If, on account of physical conditions, school-age children or adolescents need to postpone schooling or be suspended from school, their parents or other statutory guardians shall submit an application to such an effect for approval to the local people's governments of the towns or townships or to the administrative departments for education of the people's governments at the county level.

Article 12 School-age children and adolescents shall be exempted from the entrance examinations. The local people's governments at various levels shall ensure that school-age children and adolescents enroll in school near the places where their residence is registered.

For school-age children and adolescents whose parents or other statutory guardians work or reside in places other than the places of their registered residence and who have to receive compulsory education in the places where their parents or other statutory guardians work or reside, the local people's governments shall provide equal conditions for them to receive compulsory education. The specific measures in this regard shall be formulated by provinces, autonomous regions, and municipalities directly under the Central Government.

The administrative department for education of the people's government at the county level shall ensure that the children of servicemen within its administrative area receive compulsory education.

Article 13 The administrative departments for education of the people's governments at or above the county level and the people's governments of towns or townships shall arrange for and urge school-age children and adolescents to enroll in school, help solve their difficulties in receiving compulsory education, and adopt measures to prevent them from dropping out of school.

The residents' committees and villagers' committees shall assist the governments in successfully urging school-age children and adolescents to enroll in school.

Article 14 No employing units shall employ school-age children or adolescents who are expected to receive compulsory education.

The public organizations which have obtained approval according to relevant State regulations to recruit school-age children and adolescents for special training in literature and art or sports shall guarantee that the recruited school-age children or adolescents receive compulsory education; where a public organization intends to provide compulsory education itself, the matter shall be subject to approval by the administrative department for education of the people's government at or above the county level.

Chapter III

Schools

Article 15 The local people's government at or above the county level shall, on the basis of such factors as the number of the school-age children and adolescents and the places of their residence within its administrative area and according to relevant State regulations, formulate and adjust the plans for the establishment of schools. Where schools need to be established in new residential communities, schools shall be established simultaneously with the development of the residential communities.

Article 16 Establishment of schools shall be in compliance with the standards for running schools prescribed by the State and meet the need of instruction and teaching, and shall meet the requirements for location and the standard for construction, as are prescribed by the State, in order to ensure safety of the students and the teaching and administrative staff.

Article 17 People's governments at or above the county level may, in light of need, establish boarding schools to ensure that the school-age children and adolescents who live far from school receive compulsory education.

Article 18 The administrative department for education under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in light of need, establish schools (classes) in economically developed areas to enroll school-age children and adolescents of ethnic groups.

Article 19 People's governments at or above the county level shall, in light of need, establish schools (classes) to provide special education that is appropriate for school-age children and adolescents who are blind, deaf-mute or mentally retarded to receive compulsory education. Such schools (classes) shall have places and facilities tailored to the special characteristics of the said children and adolescents for the benefit of their study, rehabilitation and daily life.

Regular schools shall admit to the classes corresponding to the levels of the disabled school-age children and adolescents who are capable of receiving regular education and provide them with aid in study and rehabilitation.

Article 20 The local people's governments at or above the county level shall, in light of need, establish special schools to provide compulsory education to the school-age adolescents who are prone to such serious juvenile misbehaviors as are specified in the law on prevention of juvenile delinquency.

Article 21 The juvenile delinquents and the minors against whom compulsory educational measures are taken, who have not completed compulsory education, shall be provided with such education, and the funds needed in this respect shall be guaranteed by the people's governments.

Article 22 People's governments at or above the county level and the administrative departments for education shall promote balanced development among schools by narrowing the differences in the conditions for school running, and they shall not divide the schools into key and non-key schools. And the schools shall not divide the classes into key and non-key classes.

People's governments at or above the county level and their administrative departments for education shall not change the nature of government-run schools in any name or in disguised form.

Article 23 People's governments at or above the county level and their departments concerned shall, in accordance with law, maintain order in the areas surrounding the schools, protect the legitimate rights and interests of the students, teachers and schools and ensure security of the schools.

Article 24 Schools shall set up a sound security system and a mechanism in response to emergencies, conduct education among students in the importance of security, tighten administration, eliminate hidden hazards in time and prevent accidents.

People's governments at or above the county level shall regularly inspect school buildings with respect to their safety and have them maintained or renovated in time, where necessary.

Schools shall not employ persons who have been deprived of their political rights for intentional crimes or persons who are not suited to compulsory education.

Article 25 Schools shall not collect any fees in violation of State regulations, nor shall they seek profits by selling commodities, services, etc. to students or doing so in disguised form.

Article 26 The system under which the principal assumes full responsibility shall be practiced in schools. Principals shall meet the requirements for the position as prescribed by the State. Principals shall be appointed according to law by the administrative departments for education of the people's governments at the county level.

Article 27 Where a student violates the administrative rules of the school, the school shall criticize him by way of education, but shall not expel him.

Chapter IV

Teachers

Article 28 Teachers shall enjoy the rights, and fulfill the duties, as provided for by law, and they shall play an exemplary role for other persons and be devoted to the educational undertaking of the people.

Teachers shall be respected by the entire society.

Article 29 Teachers shall treat students equally in instruction and teaching, pay attention to the individual differences of students, teach students in accordance with their aptitude, and promote their full development.

Teachers shall respect the personality of students, and they shall not discriminate against students, punish them physically or in disguised form, or humiliate them or strip them of their dignity, nor shall they infringe on the students' legitimate rights and interests.

Article 30 Teachers shall obtain the qualifications for teachers as prescribed by the State.

The State shall establish a unified system for the posts of teachers engaged in compulsory education. Such posts of teachers are divided into primary, intermediary and senior posts.

Article 31 People's governments at various levels shall guarantee the salaries, welfare benefits and social insurance premiums of the teachers and improve their working and living conditions, and improve the mechanism for guaranteeing the funds for the salaries of teachers in rural areas.

The average salary of teachers shall be not less than that of the local public servants.

Teachers engaged in special education shall enjoy subsidies for special posts. Teachers working in areas inhabited by ethnic groups or in outlying or poverty-stricken areas shall enjoy subsidies for working under tough conditions or in poverty-stricken areas.

Article 32 People's governments at or above the county level shall put more efforts in the training of teachers and adopt measures for developing education among teachers.

The administrative departments for education of the people's governments at the county level shall distribute the resources of teachers within their own administrative areas in a balanced manner, arrange training for principals and teachers and arrange for their transfer from school to school, and enhance the development of schools started on weak foundations.

Article 33 The State Council and the local people's governments at various levels shall encourage and support teachers in urban schools and graduates of schools of higher education to go to rural areas and areas inhabited by ethnic groups to engage in compulsory education.

The State encourages graduates of schools of higher education to teach as volunteers in schools in rural areas and in areas inhabited by ethnic groups where teachers are lacking. The administrative departments for education of the people's governments at the county level shall vouch for their qualifications as teachers according to law, and the length of time of their teaching shall be counted in their length of service.

Chapter V

Instruction and Teaching

Article 34 Instruction and teaching shall be carried out in conformity with the pattern of education and the characteristics of students' physical and mental development, be oriented to the need of all students and designed to impart knowledge to them by organically integrating moral, intellectual, physical and aesthetic education in instruction and teaching, with special attention paid to developing their ability of independent thinking, creativity and practice, in order to enable them to develop in an all-round way.

Article 35 The administrative department for education under the State Council shall, on the basis of the physical and mental development of school-age children and adolescents and the actual conditions, determine the teaching system, the contents of instruction and teaching and curriculums, reform the examination system and improve the method of student enrollment by senior secondary schools, in order to promote qualities-oriented education.

Schools and teachers shall conduct instruction and teaching in accordance with the determined contents of instruction and teaching and curriculums and ensure that the requirements specified by the State in respect of the essential qualities are met.

The State encourages schools and teachers to adopt such methods of instruction and teaching as the elicitation method, in order to improve the quality of instruction and teaching.

Article 36 Schools shall put moral education in the first place and embodying moral education in instruction and teaching, carry out social practices that are suited to the ages of the students, thus to form a system for ideological and ethical education in which the school, family and society cooperate with each other and help students cultivate good ideology and moral character and a good habit of conduct.

Article 37 Schools shall guarantee the students time for extracurricular activities and organize extracurricular cultural and recreation activities, etc. Public cultural and sports facilities shall be made convenient for schools to carry out extracurricular activities.

Article 38 Textbooks shall be compiled in compliance with the educational policy and curricular standards of the State, and their contents shall be simplified by selecting the essential, basic knowledge and skills, the textbooks shall be affordable and of practical use, and their quality shall be guaranteed.

Staff members of government departments and the persons responsible for examining textbooks shall not participate in compiling textbooks or do so in disguised form.

Article 39 The State practices an examination and approval system for textbooks. The measures for examination and approval of textbooks shall be formulated by the administrative department for education under the State Council.

Textbooks which have not been examined and for which no approval has been obtained shall not be published or used.

Article 40 The criterion prices for textbooks shall be fixed under the principle of minimum profits by the administrative department for pricing under the State Council together with the administrative department for publication. The prices for their retail shall be fixed on the basis of the criterion prices by the administrative departments for pricing of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, together with the administrative departments for publication.

Article 41 The State encourages cyclical use of textbooks.

Chapter VI

Guarantee of Funds

Article 42 The State places compulsory education completely within the scope of financial guarantee, and the funds for compulsory education shall be guaranteed by the State Council and the local people's governments at various levels according to the provisions of this Law.

The State Council and the local people's governments at various levels shall incorporate the funds for compulsory education into their budgets and allot such funds in full and in a timely manner in conformity with the standards for the size of the teaching staff and their salaries and the standards for the development of schools and for the average amount of funds per student for public use, in order to ensure the normal running of schools, the safety of the school buildings and the payment of the salaries of the teaching staff according to regulations.

The percentage of increase in government funds allotted for compulsory education by the State Council and the local people's governments at various levels shall be higher than the percentage of increase in regular government revenues, in order to ensure the gradual increase in the average amount of funds for compulsory education per student in school, in the salaries of the teaching staff and in the average amount of funds per student for public use.

Article 43 The basic standard for the average amount of funds per school student for public use shall be formulated by the administrative department

for finance under the State Council together with the administrative department for education and be adjusted in time on the basis of economic and social development. When the standard for the average amount of funds per student for public use is formulated or adjusted, attention shall be paid to meeting the basic need of instruction and teaching.

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in light of the realities within their own administrative areas, formulate the standard for the average amount of funds per school student for public use which shall not be lower than the standard formulated by the State.

The standard for the average amount of funds per student for public use of schools (classes) providing special education shall be higher than that for students of regular schools.

Article 44 Input of funds for compulsory education shall be provided jointly by the State Council and the local people's governments at various levels on the basis of their respective duties, and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for establishing a system for overall planning for bringing such provision into effect. The funds needed for compulsory education in rural areas shall be shared by the people's governments at various levels on the basis of the items and proportions as prescribed by the State Council.

People's governments at various levels shall gratuitously provide textbooks for the school-age children and adolescents whose families are in financial difficulties, and subsidize resident students in living expenses.

The specific measures for guaranteeing funds for compulsory education shall be formulated by the State Council.

Article 45 The local people's governments at various levels shall separately list the funds for compulsory education in their financial budgets.

When drawing up their budgets, people's governments at the county level shall arrange the funds for compulsory education in a balanced manner, apart from giving preferential consideration to schools in rural areas and schools started on weak foundations.

Article 46 The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall standardize the financial system for transfer payment, increase the amount of such transfer of a general nature and standardize the

transfer payment specially for compulsory education, in order to support and guide the local people's governments at various levels in increasing their input in compulsory education. The local people's governments at various levels shall make sure that the funds provided through transfer payment by the people's governments at the higher levels for compulsory education be used for compulsory education according to regulations.

Article 47 The State Council and the local people's governments at or above the county level shall, in light of actual need, set up special funds to assist the rural areas and the areas inhabited by ethnic groups in providing compulsory education.

Article 48 The State encourages public organizations and individuals to make donations to compulsory education, and encourages the establishment of foundations for compulsory education in accordance with the State regulations governing the administration of foundations.

Article 49 The funds for compulsory education shall strictly be used in a way as specified in the budget. No organizations or individuals may take illegal possession of or misappropriate such funds, or illegally collect fees from schools or apportion fees among them.

Article 50 People's governments at or above the county level shall establish a sound system of supervision through auditing and of announcement of statistics in respect of the funds for compulsory education.

Chapter VII

Legal Responsibility

Article 51 Where the related department of the State Council or a local people's government, in violation of the provisions in Chapter VI of this Law, fails to perform the duty of guaranteeing the funds for compulsory education, it shall be ordered by the State Council or the people's government at a higher level to make rectification within a time limit; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law.

Article 52 A local people's government at or above the county level shall, under one of the following circumstances, be ordered by the people's government at a higher level to make rectification within a time limit; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law:

- (1) failing to formulate or adjust the plans for the establishment of schools according to relevant State regulations;
- (2) failing to establish schools in compliance with the standards for running schools, the requirements for location and the standard for construction as prescribed by the State;
- (3) failing to regularly inspect school buildings with respect to their safety and to have them maintained or renovated in time; or
- (4) failing to arrange the funds for compulsory education in a balanced manner according to law.

Article 53 A people's government at or above the county level or its administrative department for education shall, under one of the following circumstances, be ordered to make rectification within a time limit and be criticized in a circular by the people's government at a higher level or its administrative department for education; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law:

- (1) dividing schools into key and non-key schools; or
- (2) changing, or changing in disguised form, the nature of government-run schools.

Where the administrative department for education of the people's government at the county level or the people's government of a town or township fails to adopt measures to arrange for school-age children and adolescents to enroll in school or to prevent them from dropping out of school, they shall be pursued for legal responsibility according to the provisions in the preceding paragraph.

Article 54 Under one of the following circumstances, the organization or individual shall be ordered to make rectification within a time limit by the people's government at a higher level or its administrative department for education, finance or pricing or the auditing authority on the basis of the division of duties; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be punished according to law:

- (1) taking illegal possession of or misappropriating the funds for compulsory education; or
- (2) illegally collecting fees from schools or apportioning fees among them.

Article 55 A school or teacher that, in the work of compulsory education, violates the provisions in the Education Law or Teachers Law shall be punished according to the provisions in either of the said laws.

Article 56 A school that collects fees in violation of State regulations shall be ordered by the administrative department for education of the people's government at the county level to return such fees; and the person directly in charge and the other persons directly responsible shall be punished according to law.

A school that seeks profits by selling commodities, services, etc. to students or doing so in disguised form shall be criticized in a circular by the administrative department for education of the people's government at the county level; the illegal gains, if any, shall be confiscated; and the person directly in charge and the other persons directly responsible shall be punished according to law.

A staff member of a State organ or a person responsible for examining textbooks who participates in compiling textbooks or does so in disguised form shall be ordered to make rectification within a time limit by the people's government at or above the county level or its administrative department for education on the basis of their respective duties and limits of power, and be given administrative sanctions according to law; and the illegal gains, if any, shall be confiscated.

Article 57 Under one of the following circumstances, a school shall be ordered to make rectification within a time limit by the administrative department for education of the people's government at the county level; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be punished according to law:

- (1) refusing to admit to the classes corresponding to the levels of the disabled school-age children and adolescents who are capable of receiving regular education;
- (2) dividing classes into key and non-key ones;
- (3) expelling students in violation of the provisions in this Law; or
- (4) using textbooks which have not been examined and for which no approval has been obtained.

Article 58 The parents or other statutory guardians of school-age children or adolescents who, without justifiable reasons, fail to send them to schools to receive compulsory education according to the provisions of this Law shall be

criticized by the local people's government of the town or township or the administrative department for education of the people's government at the county level and be ordered by the said government or department to make rectification within a time limit.

Article 59 Under one of the following circumstances, an organization or individual shall be punished according to the provisions of relevant laws and administrative regulations:

(1) coercing or cajoling school-age children or adolescents who should receive compulsory education into forfeiting schooling or dropping out of school;

(2) illegally employing school-age children or adolescents who should receive compulsory education; or

(3) publishing textbooks which have not been examined and for which no approval has been obtained according to law.

Article 60 A violation of the provisions of this Law that constitutes a crime shall be investigated for criminal responsibility according to law.

Chapter VIII

Supplementary Provisions

Article 61 The measures for implementing the provisions that school-age children and adolescents who receive compulsory education are exempted from miscellaneous fees shall be formulated by the State Council.

Article 62 For schools that are run by public organizations or individuals according to law to provide compulsory education, the relevant provisions in the Law on Promotion of Privately-Run Schools shall be observed; for matters with regard to which no provisions are contained in the said law, this Law shall prevail.

Article 63 This Law shall go into effect as of September 1, 2006.