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SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom - Happiness

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DECREE

PROVIDING GUIDELINES FOR SOME ARTICLES AND IMPLEMENTATION OF THE LAW ON VOCATIONAL EDUCATION

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

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

Pursuant to the Law on Investment dated November 26, 2014; the Law on amendment to Article 6 and Appendix 4 on the list of conditional business lines specified in the Law on Investment;

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

At the request of the Minister of Labor, Invalids and Social Affairs;

The Government hereby promulgates the Decree on providing guidelines for some articles and implementation of the Law on Vocational Education.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree provides guidelines for some articles and implementation of the Law on Vocational Education, including:

- a. Authority and state management pertaining to vocational education;
- b. Permit the establishment, division, acquisition, dissolution and name changing of the foreign-invested vocational education institution; permit the branch campus establishment and termination of foreign-invested intermediate schools and colleges;
- c. Requirements, authority and procedures for issuance of the Certificate of registration of International Joint Training Program;
- d. Requirements for establishment and termination of the representative offices of foreign-invested vocational schools in Vietnam;

dd. Requirements, authority and procedures for establishing and recognizing non-profit private vocational schools and non-profit foreign-invested vocational schools;

e. Rights and obligations of enterprises providing vocational trainings.

2. Other international cooperation forms specified in Article 47 of the Law on Vocational Education shall be applied in accordance with the Vietnamese Law, foreign laws or the agreements or international treaties to which Vietnam is a signatory.

3. Foreign-invested vocational schools shall register for the vocational education activities as specified in the Government's Decree No. 143/2016/ND-CP dated October 14, 2016 on investment and operation conditions pertaining to vocational education and related amendment documents. .

4. This Decree is not applicable to:

a. State management over teacher training vocational schools and teacher training colleges;

b. Permission to establish, divide, merge and dissolve teacher training vocational schools and foreign-invested teacher training colleges, as well as changing their names; the permission to establish and terminate the branch campuses of the schools and colleges thereof;

c. Issuance of Certificate of registration of International Joint Training Program to students of teacher training programs under the state management of the Ministry of Education and Training.

Article 2. Regulated entities

1. Vocational training centers, intermediate schools, colleges (hereinafter referred to as “vocational schools”).

2. Higher educational institutions which register for the vocational education activities at college level, and enterprises which register for the vocational education activities at intermediate level (hereinafter referred to as “vocational education institutions”).

3. Ministries, ministerial agencies and governmental agencies; socio-political organizations; People’s Committee of provinces and central-affiliated cities (hereinafter referred to as “Provincial People’s Committees); People’s Committees of district, communes and provincial cities (hereinafter referred to as “District People’s Committees”); People’s Committees in communes, wards and villages (hereinafter referred to as "Communal People's Committees).

4. Vietnamese and foreign agencies, organizations, enterprises and individuals that are related to the contents specified in clauses 1, 2 and 3, Article 1 hereof.

Chapter II

AUTHORITY AND DUTIES OF STATE MANAGEMENT OF VOCATIONAL EDUCATION

Article 3. State regulatory agencies for vocational education

1. Ministries of Labor, War Invalids and Social Affairs shall take responsibility before the Government for the state management of vocational education.
2. People's Committees at all levels shall, within their competence, carry out state management on vocational education in their areas.

Article 4. Authority and duties of state management of vocational education assigned to the Ministry of Labor, Invalids and Social Affair

The Ministry of Labor, Invalids and Social Affair shall carry out state management on vocational education as specified in the Law on Vocational Education, this Decree and related legislative documents, and shall perform the following duties:

1. Develop and issue the list of heavy and dangerous disciplines; a list of disciplines facing difficulty in enrollment but are required by the society. Issue the economic and technical norms, minimum volume of knowledge, potential requirements which the students must satisfy after graduating in national intermediate and college disciplines; heavy and dangerous disciplines facing difficulty in enrollment but are required by the society; disciplines ordered or assigned by the regulatory agencies to be offered in trainings and particular specialized disciplines that satisfy the social-economic development requirements and national defense and security requirements.
2. Manage the National Qualification Framework of Vietnam at vocational education levels. Take charge and cooperate in comparing National Qualification Framework of Vietnam with the Qualification Frameworks of ASEAN and other countries.
3. Specify the forms required in training; forms of graduate degrees and certificates, and regulations on management of vocational training qualifications and certificates at all levels; develop and manage the online database system for issuing vocational education qualifications and certificates.
4. Provide regulations on regular trainings; vocational trainings and trainings for improving vocational skills; provide trainings and update knowledge to improve professional abilities for workers, and provide vocational trainings for rural workers. Develop the regulations on vocational trainings provided for Vietnamese students in foreign countries and acceptance of foreign students to study in Vietnamese vocational schools, then send such regulations to the competent authorities for issuance.
5. Specify standards which the heads of vocational schools must follow; professional standards and working regulations for vocational educators; standards for leaders of vocational schools; evaluation norms for the heads of such schools; professional training programs for vocational

educators and vocational education administrative officials; forms and regulations on management and issuance of professional training certificates to vocational educators and vocational education administrative officials. Guide the development plan for teaching staff and vocational education administrative officials. Provide professional promotion exams for vocational education public employees, give rewards and new honorable titles for vocational educators as regulated by laws.

6. Issue the regulations on student activities; regulations on gymnastic and sporting activities, physical trainings, school health activities, cultural and arts activities, environmental protection activities, crime and social malady prevention and control activities; regulations on integration of education, knowledge and complementary skills for students in the programs of vocational schools. Provide guidance for using facilities to serve the education about national defense and security, physical trainings and sporting activities in vocational schools; issue regulations on management and issuance of National Defense Education Certificate to students of vocational schools. Provide guidelines on scholarship policies, career counseling and vocational guidance and provide supports for students to start their careers.

7. Develop the regulations on requirements, procedures and authority to issue, re-issue and revoke the Certificate of Eligibility for Vocational Education Accreditation and submit such regulations to the competent authorities for issuance; suspend the accreditation activities; develop regulations on the duties and rights of the accrediting organizations; accreditation norms, standards, process, and period; issue and revoke the Certificate of Eligibility for Accreditation; standards, duties and rights of accreditors; evaluate and manage the issuance and revoke of accreditor cards, and provide trainings for accreditors; specify the development of the quality assurance system of vocational schools; establish the mechanism for ensuring vocational education quality, and develop and provide the national framework for vocational education quality assurance. Develop and manage the online national database system, ensure and accredit vocational education quality.

8. Cooperate with related ministries and sectors in guiding the provision of trainings and issuance of information technology application certificates and equivalent qualifications pertaining to vocational education.

9. Disseminate information and educate students about the law on vocational education. Carry out enumeration, disseminate information and develop database of vocational education. Conduct research, disseminate information, apply science and technology, produce and trade vocational education services.

10. Guide and inspect the activities of non-governmental associations and organizations pertaining to vocational education.

11. Manage and seek international cooperation in vocational education.

12. Provide guidance for organizing teaching and competition festivals at all levels; organize national teaching and competition festivals and participate in regional and international Skills Competition.

13. Inspect the implementation of the law on vocational education; settle complaints and denunciations and handle violations against the law on vocational.

14. Perform other duties and exercise other rights as regulated by laws.

Article 5. Authority and duties of state management of vocational education assigned to ministries, ministerial agencies and governmental agencies

Ministries, ministerial agencies and governmental agencies shall cooperate with the Ministry of Labor, Invalids and Social Affairs to carry out state management of vocational education as regulated by the Law on Vocational Education, this Decree and other related legal documents and shall perform the following duties:

1. Cooperate with the Ministry of Labor, Invalids and Social Affairs to determine the list of training disciplines at college and intermediate levels; develop the economic and technical norms, the list of minimum training equipment and facilities which satisfy the requirements for each training level of particular and specialized disciplines.
2. Take charge and cooperate with the Ministry of Labor, Invalids and Social Affairs to guide the implementation of specialized and professional contents of training programs, as well as providing trainings for educators and administrative officials of specialized disciplines under the management of ministries and sectors.

Article 6. Authority and duties of state management of vocational education assigned to the provincial People's Committees

Provincial People's Committees shall take responsibility before the Government for the development of vocational education, carry out state management of vocational education within their province as regulated by the Law on Vocational Education, this Decree and other related legal documents, and perform the following duties:

1. Prepare the vocational education development plan for the locality and submit it to the Provincial People's Committee, as well as implementing such plan after it is approved; satisfy the budget requirements and requirements for teaching staff, administrative officials, employees, workers, facilities and training equipment of the affiliated public vocational schools.
2. Guide the provision of trainings in high quality disciplines. Develop and approve the economic and technical norms; develop the cost norms for primary trainings and under-03-months trainings in the disciplines ordered or assigned by the locality. Order products and assign the training tasks to vocational schools within their province.
3. Manage or decentralize affiliated colleges and intermediate schools and carry out regional management for the vocational schools affiliated to ministries, ministerial agencies, governmental agencies, social-political organizations and foreign-invested private vocational schools in their area.

4. Manage and inspect the implementation of specialized and professional standards of educators and the vocational education manager title; guide and direct the training plan and the use of teaching staff and vocational education administrative officials.
5. Guide and direct the public vocational schools under the management of the locality to build the working place and develop the personnel mechanism based on the professional titles; inspect the implementation of autonomy and self-responsibility mechanism for finance, organization and personnel of vocational schools under their management.
6. Implement vocational training supportive policies and vocational education socialization policy in their area.
7. Direct the cooperation between enterprises and vocational schools within their area; develop policies for encouraging enterprises to order trainings from vocational schools.
8. Carry out enumeration activities; provide information about the organization and activities of vocational schools and about the international cooperation in vocational education.
9. Submit the cost estimate decision, fund allocation decision and final account of vocational education expenditures to the Provincial People's Committee as specified in the current regulations.
10. Within their competence, inspect the implementation of the law on vocational education in the province; settle complaints and denunciations and handle violations against the regulations on vocational education.
11. Direct the Department of Labor, Invalids and Social Affairs to help the Provincial People's Committee to carry out state management on vocational education in the province.
12. Carry out other duties and exercise other rights as regulated by laws.

Article 7. Authority and duties of state management of vocational education assigned to the District People's Committees

District People's Committee, within their competence, shall be assigned to carry out state management on vocational education based on their functions, duties and rights and shall take responsibility before the Provincial People's Committee for the vocational education development in the district as specified in this Decree.

Article 8. Authority and duties of state management of vocational education assigned to the Communal People's Committees

Communal People's Committee, within their competence, shall be assigned to carry out state management on vocational education based on their functions, duties and rights and shall take responsibility before the superior People's Committee for the vocational education development in the commune as specified in this Decree.

Chapter III

REQUIREMENTS, AUTHORITY AND PROCEDURES FOR GETTING THE PERMISSION TO ESTABLISH, DIVIDE, MERGE AND DISSOLVE FOREIGN-INVESTED VOCATIONAL SCHOOLS AND CHANGE THEIR NAMES; THE PERMISSION TO ESTABLISH AND TERMINATE THE BRANCH CAMPUSES OF FOREIGN-INVESTED INTERMEDIATE SCHOOLS AND COLLEGES

Section 1: REQUIREMENTS, AUTHORITY AND PROCEDURES FOR GETTING THE PERMISSION TO ESTABLISH VOCATIONAL SCHOOLS AND BRANCH CAMPUSES OF FOREIGN-INVESTED INTERMEDIATE SCHOOLS AND COLLEGES

Article 9. Requirements for establishing foreign-invested vocational schools

1. Have developed an establishment proposal which is suitable to the planning scheme of Vietnamese vocational school network.
2. Have received the investment registration certificate (for cases where the foreign investors must complete procedures for getting the investment registration certificates as regulated by the law on investment).
3. Have a location for building facilities with a minimum land use area of 1.000 m² for vocational training center; 10.000 m² for an intermediate school within an urban area and 20.000 m² for such school within a rural area; 20.000 m² for a college within an urban area and 40.000 m² for such college within a rural area.
4. The investment capital shall be established by using legal sources, exclusive of the land values, to be specific:
 - a. At least 05 billion VND for a vocational training center;
 - b. At least 50 billion VND for an intermediate school;
 - c. At least 100 billion VND for a college.
5. Training programs:
 - a. Expected training programs shall satisfy the requirements specified in clause 1, Article 34 of the Law on Vocational Education; they shall not have any contents that may harm the national defense and security and the community interests; they shall not disseminate religions, distort history; and shall not negatively affect Vietnamese culture, ethics, habits and customs;
 - b. Foreign-invested vocational schools shall provide Vietnamese and foreign training programs within the scope of international joint training programs.

c. Compulsory subjects which Vietnamese students participating in joint training programs must study at foreign-invested intermediate schools and colleges shall be taught under the regulations of the Ministry of Labor, Invalids and Social Affairs.

6. Specific expectations about the organizational structures; facilities and training equipment; training programs and teaching materials; teaching staff and administrative officials shall satisfy the vocational education registration requirements specified in Article 14 of the Government's Decree No. 143/2016/ND-CP dated October 14, 2016 on investment and operation conditions pertaining to vocational education , and the requirements specified in this Decree.

Article 10. Requirements for establishing foreign-invested vocational schools for the disabled

The establishment of foreign-invested vocational schools for the disabled shall satisfy the requirements specified in Article 9 hereof and the requirements specified in clause 3, Article 18 of the Law on Vocational Education.

Article 11. Requirements for establishing branch campuses of foreign-invested intermediate schools and colleges

1. Have a branch campus establishment plan which specifies the establishment necessity; school name and practice scope; the development plan and the disciplines that are suitable to the training level and scale of each branch development stage. Such establishment plan must be enclosed with proof documents.
2. Have a contract or an agreement on the rules for hiring suitable facilities within a minimum of 05 years.
3. The investment amount must achieve 25% of the investment amounts specified in points a, b and c, clause 4, Article 9 hereof.

Article 12. Application documents for permission to establish foreign-invested vocational schools and branch campuses of foreign-invested intermediate schools and colleges

1. There must be 01 application for permission to establish a foreign-invested vocational school, consisting of:
 - a. An application form using Form 1A specified in the Appendix hereto;
 - b. A copy of the Investment Registration Certificate (for cases where the foreign investors must complete procedures for getting the Investment Registration Certificate as regulated by the Law on Investment);
 - c. An establishment proposal using form 1B specified in Appendix hereto;

d. A copy of the certificate of land use rights, certificate of home ownership or land lease agreement of the applicant. Such copy must specify the address, area and boundary post of the land and the agreed principles for leasing existing facilities in compliance with the law regulations and related legal documents which do not expire within at least 05 years after the application documents are sent.

dd. Financial statements which specify the amount mentioned in clause 4, Article 9 hereof.

2. If the school is invested by more than 02 foreign organizations or individuals or a joint venture is established between the domestic and foreign investors, apart from the documents specified in clause 1 of this Article, the application dossier shall also consist of:

a. A copy of proof documents proving the property ownership rights. Such documents shall be enclosed with the documents on valuation of the assets contributed by foreign organizations or individuals or joint venture participants who request the establishment of the foreign-invested vocational school;

b. A document on appointment of representative in the name of the foreign-invested vocational school. Such document is provided by the foreign organizations or individuals or joint venture participants;

c. List, forms and document on capital contribution of joint venture participants who commit to contribute capital for the establishment of the school.

3. An application for permission to establish branch campuses of foreign-invested intermediate schools and colleges shall consist of:

a. An application form using Form 1A specified in Appendix hereto;

b. Establishment proposal using form 1B specified in Appendix hereto;

c. Copies of legal documents proving that they have satisfactory facilities and financial ability as specified in clause 2, clause 3, Article 11 hereof.

Article 13. Authority to permit the establishment of foreign-invested vocational schools and branch campuses of foreign-invested intermediate schools and colleges

1. Ministry of Labor, Invalids and Social Affairs shall permit the establishment of the foreign-invested colleges and their branch campuses.

2. The chair-person of the provincial People's Committee shall permit the establishment of the vocational training centers, intermediate schools and branch campuses of foreign-invested intermediate schools.

Article 14. Procedures for getting the permission to establish foreign-invested vocational schools

1. Procedures

a. Organizations or individuals requesting the permission to establish a foreign-invested college shall send the documents specified in clause 1 and clause 2, Article 12 hereof to the General Department of Vocational Education in person or by using online public services or by post; if they apply for permission to establish a vocational training center or an intermediate school, they shall send the application documents to the Department of Labor, Invalids and Social Affairs;

b. General Department of Vocational Education, Department of Labor, Invalids and Social Affairs shall receive and appraise the application for permission to establish vocational schools. If the application documents are deemed unsatisfactory, within 05 working days after receiving such documents, the receiving agency shall send a written reply to the applicant and specify the explanations;

c. Within 03 working days after receiving sufficient and valid documents, the General Department of Vocational Education and Department of Labor, Invalids and Social Affairs shall send the application for permission to establish foreign-invested vocational schools to the Appraisal Council for appraisal;

d. The appraisal of the above-mentioned application shall be carried out in accordance with the regulations in clause 2, Article 8 of the Government's Decree No. 143/2016/ND-CP dated October 14, 2016 on investment and operation conditions pertaining to vocational education. Within 15 working days after receiving the documents, the Appraisal Council shall appraise them and announce the results;

dd. Within 10 working days after receiving the application which has been appraised as complete by Appraisal Council, the receiving agency shall send them to the competent person mentioned in Article 13 hereof for permission to establish the foreign-invested vocational school, using form 1C specified in Appendix hereto.

2. Deadline for sending the establishment permission

a. Within 02 working days after issuing the permission to establish the foreign-invested college, the General Department of Vocational Education shall send the written permission to the provincial People's Committee where the college office is located for supervision and management. They shall also post such permission on their website.

b. Within 02 working days after issuing the permission to establish vocational training center or foreign-invested intermediate school within the area, the provincial People's Committee shall send the written permission to the General Department of Vocational Education for supervision and management. Also, they shall post such permission on their website.

Article 15. Procedures for getting the permission to establish branch campuses of foreign-invested intermediate schools and colleges

1. Procedures

a. A foreign-invested intermediate school or a foreign-invested college that requests for the permission to establish their branch campus shall make an application as specified in clause 3, Article 12 hereof. If the college apply for the permission to establish their branch campus, they shall send the application to the General Department of Vocational Education in person or by using online public services or by post; if the intermediate school apply for the permission to establish their branch campus, they shall send the application to the Department of Labor, Invalids and Social Affairs;

b. Within 10 working days after receiving complete and valid application, the receiving agency shall submit it to the competent person mentioned in Article 13 hereof for him/her to issue the permission to establish branch campus of foreign-invested intermediate school or college, using form 1C specified in Appendix hereto. If the application is deemed unsatisfactory, within 03 working days after receiving the application, the receiving agency shall provide explanations in writing for the intermediate school or college.

2. Deadline for sending the written permission to establish branch campuses

a. Within 02 working days after issuing the written permission to establish the branch campus of a foreign-invested college, the General Department of Vocational Education shall send permission to the People's Committee in the province where the college office and branch campus are located in order for such Committee to carry out supervision and management. Also, they shall post this permission on their website.

b. Within 02 working days after receiving the permission to establish the branch campus of foreign-invested intermediate school, the provincial People's Committee shall send such written permission to the General Department of Vocational Education for supervision and management. Also, they shall post this permission on their website.

Article 16. Operation registration procedures and operation period

1. Application documents and procedures for carrying out vocational education activities of foreign-invested vocational schools shall be made and carried out in accordance with Section 1 and Section 2, Chapter III of the Government's Decree No. 143/2016/ND-CP dated October 14, 2016 on investment and operation conditions pertaining to vocational education.

2. Operation period of a foreign-invested vocational school shall not exceed 50 years from the date on which the establishment permission is received.

3. In necessary cases, if the foreign-invested vocational school has a longer operation period than specified in clause 1 of this Article, they shall send a report to the Prime Minister for decision.

Section 2: APPLICATION DOCUMENTS AND PROCEDURES FOR DIVIDING, MERGING AND DISSOLVING FOREIGN-INVESTED VOCATIONAL SCHOOLS AND CHANGING THEIR NAMES; TERMINATING THE OPERATION OF BRANCH CAMPUSES OF FOREIGN-INVESTED INTERMEDIATE SCHOOLS AND COLLEGES

Article 17. Division and acquisition of foreign-invested vocational schools

1. Rules for dividing and merging foreign-invested vocational schools:

- a. Comply with the vocational school network planning scheme which has been approved by the competent regulatory agency;
- b. Ensure the benefits of students, teachers, lecturers, administrative officials, employees and workers;
- c. New vocational schools which are established after the division and acquisition process shall satisfy the requirements specified in Article 9 hereof.

2. Application dossier for division and acquisition of foreign-invested vocational school shall consist of:

- a. A application form of the applicant. Such form shall specify the reasons and purposes of such division and acquisition; the head office, branch campus and training location of the vocational school after being merged and the new head office of such school after being divided;
- b. Meeting minutes of stakeholders or venturers which specify information about the division and acquisition of the foreign-invested vocation school.
- c. One of the following documents:

An acquisition contract signed by the legal representatives of vocational schools. The acquisition contract must specify the name and head office address of the merging vocational school; address and head office address of the merged vocational school; acquisition procedures and requirements; methods for students, teachers, administrative officials, employees and workers; deadline, procedures and requirements for transferring assets and stakes of the merged vocational school to become the stakes of the merging vocational school, and acquisition deadline.

Division and acquisition proposal of the foreign-invested vocational school which has been approved by the owner of such school. The division and acquisition proposal of the vocational school shall comply with the current regulations and shall specify the name and address of the divided vocational school; name and address of the vocational school after the division; property division principles and procedures; plans for students, teachers, administrative officials, employees and workers; deadline and procedures for transferring the stakes of the divided vocational school to the newly-established vocational school; rules for fulfilling the obligations of the divided vocational schools; and deadline for dividing such schools. The division proposal shall be sent to all lenders (if any) and a written notification shall be sent to students, teachers, administrative officials, employees and workers within 30 days after the proposal is approved.

3. Authority to divide and merge the foreign-invested vocational schools:

The competent person who permits the establishment of the foreign-invested vocational school and is mentioned in Article 13 hereof shall have the authority to permit the division and acquisition of such school.

4. Procedures for dividing and merging foreign-invested vocational schools

a. Procedures

Applicant requesting the division and acquisition of the foreign-invested vocational school shall make an application dossier as specified in clause 2 of this Article and send it to the General Department of Vocational Education in person or by post if they apply as a college; or to the Department of Labor, Invalids and Social Affairs if they apply as a vocational training center or an intermediate school;

Within 10 working days after receiving the valid application dossier, the General Department of Vocational Education shall get opinions from the People's Committee in the province where the head office of the foreign-invested college is located during the acquisition or division; the General Department of Vocational Education and Department of Labor, Invalids and Social Affairs shall appraise such dossier and submit it to the competent person specified in Article 13 hereof for him/her to make a decision to divide or merge the foreign-invested vocational school, using form 2A specified in Appendix hereto;

If the application dossier is deemed unsatisfactory, within 03 working days after receiving such dossier, the receiving agency shall send written explanations to the applicant requesting the division and acquisition of the foreign-invested vocational school.

b. Deadline for sending the permission for division and acquisition of foreign-invested vocational school

Within 02 working days after the permission to divide and merge the foreign-invested college is received, the General Department of Vocational Education shall send such written permission to the People's Committee of the province where the head office of the college is located before and after the division or acquisition, in order for such Committee to carry out supervision and management. Also, the General Department of Vocational Education shall post this written permission on their website.

Within 02 working days after the permission to divide and merge the vocational training center and the foreign-invested intermediate school in the province is received, the provincial People's Committee shall send the permission to the General Department of Vocational Education for supervision and management, and shall post such permission on their website.

Article 18. Dissolution of foreign-invested vocational schools

1. Foreign-invested vocational school shall be dissolved if it falls into the cases specified in clause 1 of Article 21 of the Law on Vocational Education and shall receive a permission to be

dissolved if it falls into cases specified in clause 2, Article 21 of the Law on Vocational Education.

2. An application dossier for dissolution of foreign-invested vocational school specified in clause 1, Article 21 of the Law on Vocational Education shall consist of:

a. A written request for dissolution of the competent authority which specifies the reasons of the dissolution;

b. Results from inspection of the violations specified in clause 1a, Article 21 of the Law on Vocational Education;

c. Decision on suspension of training activities which is issued by the competent agency regarding the violations specified in clause 1b, Article 21 of the Law on Vocational Education;

d. Inspection record of the competent agency issuing the certificate in vocational education registration. Such inspection is carried out for the violations specified in points c and d, clause 1, Article 21 of the Law on Vocational Education.

3. An application dossier for dissolution of foreign-invested vocational school specified in clause 2, Article 21 of the Law on Vocational Education shall consist of:

a. An application form of the applicant owning the foreign-invested vocational school, in which the reasons for dissolution must be specified;

b. A dissolution plan on how to handle the assets and benefits of students, teachers, administrative officials, employees and workers and how to fulfill the financial obligations as regulated by laws.

4. Authority to give dissolution permission

The competent person who gives permission to establish the foreign-invested vocational school as specified in Article 13 hereof shall be authorized to permit the dissolution of such school.

5. Procedures for giving dissolution permission

a. Procedures

Applicants requesting the division and acquisition of the foreign-invested vocational school shall make an application dossier as specified in clause 3 of this Article and send it to the General Department of Vocational Education in person or by post if they apply as a college; or to the Department of Labor, Invalids and Social Affairs if they apply as a vocational training center or an intermediate school;

Within 20 working days after receiving the sufficient and valid application dossier for dissolution, the receiving agency shall appraise such dossier and submit it to the competent

person mentioned in clause 4 of this Article for dissolution permission. The written permission to dissolve the foreign-invested vocation school shall clearly specify the dissolution reasons and methods for ensuring benefits of students, teachers, administrative officials, employees and workers; plans for resolving the assets and fulfilling financial obligations;

If the foreign-invested vocational school commits violations in one of the cases specified in clause 1, Article 21 of the Law on Vocational Education, the General Department of Vocational Education or the Department of Labor, Invalids and Social Affairs shall make an application dossier for dissolution as specified in clause 2 of this Article and send it to the competent person mentioned in clause 4 of this Article for permission to dissolve the foreign-invested vocational school, using form 2B in Appendix hereto;

If the application dossier is deemed unsatisfactory, within 03 working days after receiving the dossier, the receiving agency shall send a written reply which specifies the explanations to the applicant.

b. Deadline for sending the dissolution permission

Within 02 working days after receiving the permission to dissolve the foreign-invested college, the General Department of Vocational Education shall send such written permission to the People's Committee of the province where the head office of such college is located for supervision and management. Also, they shall post the permission on their website.

Within 02 working days after receiving the permission to dissolve the foreign-invested intermediate school or the foreign-invested vocational center, the provincial People's Committee shall send such written permission to the General Department of Vocational Education for supervision and management and post such permission on their website.

Article 19. Terminating the operation of branch campuses of foreign-invested intermediate schools or colleges

The termination of branch campuses of foreign-invested intermediate schools or colleges shall be carried out in accordance with the regulations on dissolution of foreign-invested vocation school apart from the regulation specified in Article 18 of this Decree.

Article 20. Changing names of foreign-invested vocation schools

1. A vocational college may be considered for changing their name after the written request of the owner or the legal representative of the stakeholder is sent to the General Department of Vocational Education in person or by using online public services or by post; if it is the vocational training center or the intermediate school that requests the name changing, the written request shall be sent to the Department of Labor, Invalids and Social Affairs and shall clearly specify the reasons for making such change; and the changed name of the vocational school.

2. Within 05 working days after receiving the application dossier, the competent person that gives the permission to establish the foreign-invested vocational school shall also permits the name changing of such school.

3. After the foreign-invested vocational school changes their name may continue to provide trainings in the disciplines specified in the certificate in vocational education registration by the competent agency.

Chapter IV

REQUIREMENTS, AUTHORITY AND PROCEDURES FOR ISSUANCE OF THE CERTIFICATE OF REGISTRATION OF INTERNATIONAL JOINT TRAINING PROGRAM

Article 21. Forms of International Joint Training Programs

1. The joint training program is entirely run in Vietnam:

a. Based on the programs developed by both parties and provide Vietnamese qualifications and certificates;

b. Based on the programs transferred from foreign countries and recognized by international training organizations and provide Vietnamese qualifications and certificates;

c. Based on the foreign programs or programs developed by both parties and recognized by international training organizations. Such programs are designed to provide foreign qualifications and certificates;

d. Based on the programs transferred from foreign countries and recognized by international training organizations. Such programs are designed to provide Vietnamese and international qualifications and certificates.

2. The joint training program is partially run in Vietnam and in a foreign country:

a. Based on the foreign programs recognized by international training organizations and provide Vietnamese qualifications and certificates;

b. Based on the foreign programs recognized by international training organizations and provide foreign qualifications and certificates;

c. Based on the foreign programs or programs developed by both parties and recognized by international training organizations. Such programs are designed to provide both Vietnamese and foreign qualifications and certificates.

Article 22. Requirements for providing an International Joint Training Program

1. Training disciplines and degree levels

Vocational schools and vocational education institutions which cooperate with foreign training schools in providing joint training programs specified in Article 22 hereof may provide training programs in the vocational disciplines and issue vocational degrees, except for political, national defense, security and religious disciplines. Also, they shall ensure that the contents of the programs do not cause any harms to the national defense and security and community benefits' do not propagate religions, distort history and cause negative impacts to the culture, ethics and habits and customs of Vietnam.

2. Enrollment entities for joint training programs

- a. If the programs provide Vietnamese qualifications or certificates, the enrollment entities must comply with Vietnamese law;
- b. If the programs provide foreign qualifications or certificates, the enrollment entities must comply with foreign laws;
- c. If the programs provide both Vietnamese and foreign qualifications or certificates, the enrollment entities must comply with the regulations specified in points a and b, clause 2 of this Article.

3. Training facilities and equipment

- a. There must be classrooms, laboratories, practice rooms and training workshops; the vocational schools shall satisfy the requirements for teaching, learning and studying the training programs and the training scale requirements of each joint training discipline. The area of the classrooms, practice rooms and training workshops which are used for learning and teaching must be at least 05 m² per one seat;
- b. Training equipment used for each joint training discipline must be sufficient according to the regulations of the training programs and must conform to the training scale of each discipline.

4. Training programs and teaching materials

Vocational training institutions and vocational education institutions providing joint training programs shall ensure adequate provision of textbooks and teaching materials suitable to the programs.

5. The teaching staff and administrative officials must be sufficient in quantity, suitable to the disciplines and comply with the regulated standards, to be specific:

- a. Educators teaching the joint training programs specified in clauses 1a and 1b, clause 2a, Article 21, hereof shall satisfy the training requirements specified in Article 54 of the Law on Vocational Education or must be artisans with high skills;

b. Educators teaching the joint training programs specified in clause 1c, clause 2b, Article 21 hereof shall satisfy the requirements of the joint training programs or the national standards of the country which cooperates in providing joint training with Vietnamese vocational schools;

c. Educators teaching the joint training programs specified in clause 1d, clause 2c, Article 21 hereof shall satisfy the requirements specified in points a and b, clause 5 of this Article;

d. Educators that use a foreign language to teaching the joint training programs must satisfy the language requirements of the programs as agreed by the parties. Educators who are foreigners teaching a foreign language at the vocational school must have bachelor's degrees or higher and suitable foreign language teacher certificates;

dd. Educators who are foreigners teaching joint training programs shall satisfy the requirements specified in the law regulations on foreign workers in Vietnam;

e. The maximum rate is 25 students per 01 teacher.

6. Language for teaching and learning:

a. Language used for teaching and learning specialized subjects of the joint training programs which provide Vietnamese or foreign qualifications or certificates must be Vietnamese or a foreign language or must be translated by a translator;

b. Students participating in the joint training programs which provide foreign certificates must satisfy the language requirements of the contract parties, but they must at least achieve the outcome language level 3 of Vietnam's language proficiency framework or equivalent standards;

c. Based on the needs of students, the contract parties may provide language training programs to help students to achieve the levels specified in point b, clause 6 of this Article.

Article 23. Application for registration of joint vocational training

There must be 01 application for registration of joint vocational training, consisting of:

1. An application form for registration of joint vocational training signed by the parties, using form 3A in Appendix hereto.

2. A report on the actual conditions for carrying out joint training activities. Such report is developed by the parties by using form 3B in Appendix hereto.

3. A copy of the written permission to provide trainings in the expected training disciplines. Such permission is granted to the Vietnamese and foreign vocational schools.

4. A copy of the quality assessment certificate of foreign training programs provided by foreign vocational schools or quality assurance documents of the competent agencies.

Article 24. Authority to issue certificates of registration of joint training programs

1. Director General of the General Department of Vocational Education shall issue certificate of registration of joint training programs to colleges and higher educational institutions.
2. Director the Department of Labor, Invalids and Social Affairs shall issue the certificates of registration of joint training programs to intermediate schools, vocational training centers and enterprises that run joint training programs in their provinces.

Article 25. Procedures for issuing certificates of registration of joint training programs

1. Procedures

a. A vocational school or a vocational training facility participating in joint training programs shall make an application dossier as specified in Article 23 hereof and send it to the General Department of Vocational Education in person or by using online public services or by post, if they request the certificate of registration of joint training programs to be given to a college; if they request the certificate to be given to a vocational training center or an intermediate school, they shall send the application dossier to the Department of Labor, Invalids and Social Affairs;

b. Within 15 working days after receiving the complete and valid application dossier, the receiving agency shall take charge and cooperate with related agencies or units to carry out appraisal for the actual ability to satisfy the requirements specified in Article 20 hereof. Based on the results of the above-mentioned appraisal, the competent person mentioned in Article 24 hereof shall issue the certificate of registration of joint training program by using form 3C in Appendix hereto.

If the application is deemed unsatisfactory, within 03 working days after receiving such application, the receiving agency shall provide explanations in writing.

2. Deadline for send the certificate of registration of joint training programs:

Within 02 working days after the certificate of registration of joint training programs is granted to a college or a high education institution, the General Department of Vocational Education shall send the copy of such certificate to the provincial People's Committee for supervision and management. Also, they shall post on their website the permission to give such certificate;

b. Within 02 working days after the certificate of registration of joint training programs is granted to an intermediate school or a vocational training center or an enterprise, the Department of Labor, Invalids and Social Affairs shall send a copy of such certificate to the General Department of Vocational Education for supervision and management and shall post on their website the permission to give the certificate.

Article 26. Suspension and termination of joint training activities

1. The joint training activities of vocational school or vocational training facility shall be terminated if they fall into one of the following cases:

a. During the enrollment period, they do not satisfy the requirements for joint training specified in Article 22 hereof;

c. They commit frauds to obtain the certificate of registration of joint training programs;

c. They organize an enrollment without having the certificate of registration of joint training programs;

d. The person issuing the certificate of registration of joint training programs is not authorized;

dd. Other cases regulated by laws.

2. The joint training activities of a vocational school or a vocational training facility shall be terminated if they fall into one of the following cases:

a. At the request of the contract parties;

b. The suspension period has ended but the reasons causing the suspension have not been rectified;

c. Violations against the law regulations are committed and cause serious consequences;

d. The joint training activities are not carried out within 24 months or more after the certificate of registration of joint training programs is received;

dd. Other cases as regulated by laws.

3. Authority to suspend joint training activities

a. Director General of the General Department of Vocational Education has the power to suspend the joint training activities of colleges and high education institutions;

b. Director of the Department of Labor, Invalids and Social Affairs has the power to suspend the joint training activities of intermediate schools, vocational training centers and enterprises.

4. Procedures for suspending joint training activities

The competent person who is authorized to suspend the joint training activities specified in clause 3 of this Article shall carry out the suspension procedures as follows:

a. Inspect and evaluate the violation level and determine the reasons for suspending the joint training activities;

b. Within 10 working days after receiving the violation inspection and evaluation results and the suspension reasons, the competent person mentioned in clause 3 of this Article shall issue the decision on suspension of joint training activities, using form 4A in Appendix hereto, send a notification to the related agency for cooperation in implementing such decision and for this agency to post the decision on their website. The decision on suspension of joint training activities shall clearly specify the suspension reasons, contents and deadline, as well as the methods for ensuring the legal rights and benefits of students, teachers, administrative officials, employees and workers;

c. Within 30 working days after the decision on suspension of joint training activities is received, the vocational school or the vocational training facility shall refund the tuition fees for students and pay the salaries for teachers, as well as ensuring other legal rights and benefits of students, teachers, administrative officials, employees and workers under the labor contracts which have been signed or the signed collective labor agreement; pay the tax debts and other debts (if any);

d. After the suspension period ends, if the reasons causing the suspension are rectified, the competent person decided to suspend the joint training activities shall give permission to resume such activities, using form 4B in Appendix hereto and shall post this permission on the agency's website. If the permission to resume the joint training activities is not received, there must be a written notification sent to the contract parties, in which the reasons and solutions are clearly specified.

5. Application documents and procedures for resuming the joint training activities

a. Within 15 working days before the suspension period ends, the representatives of the contract parties shall send an application form to the competent person who suspended the joint training activities mentioned in clause 3 of this Article in person or via online public service portal or by post, in order for him/her to resume such activities;

b. Within 15 working days after receiving the valid and sufficient application dossier, the receiving agency shall take charge and cooperate with related agencies and units to appraise the actual ability to satisfy the joint training requirements specified in Article 22 hereof;

c. Based on the results of the appraisal, the competent person mentioned in clause 3 of this Article shall terminate the suspension of the joint training activities and give permission to resume such activities.

6. Termination of joint training activities

a. Within 60 working days before terminating the joint training activities, the contract parties shall send a report on the termination of such activities to the General Department of Vocational Education if they terminate the activities of a college or a higher educational institution; or to the Department of Labor, Invalids and Social Affairs in the province where the head office is located, if they terminate the activities of a vocational training center, an intermediate school or an enterprise, in order for such Department to carry out supervision and management;

b. The report on the termination of joint training activities shall clearly specify the termination reasons and contents and the methods for ensuring legal rights and benefits of students, teachers, administrative officials, employees and workers; payments for the tax debts and other debts (if any).

Chapter V

REQUIREMENTS FOR AND AUTHORITY TO ESTABLISH AND TERMINATE THE OPERATION OF THE REPRESENTATIVE OFFICES OF FOREIGN VOCATIONAL SCHOOLS IN VIETNAM

Article 27. Legal locations of the representative offices

The representative office of a foreign vocational school in Vietnam (hereinafter referred to as "representative office") represents the foreign vocation school in carrying out the duties and exercising the rights specified in clause 2 of Article 49 of the Law on Vocational Education.

Article 28. Names of the representative offices

Name of a representative office shall be put in the following order: "Văn phòng đại diện" (representative office of), "Tên của tổ chức, cơ sở giáo dục nghề nghiệp nước ngoài" (Proper name of the foreign vocational school) and "tại Việt Nam" (in Vietnam).

Article 29. Requirements for issuance of operation licenses to representative offices

A foreign vocational school shall be issued with a license to establish their representative office in Vietnam if they satisfy the requirements specified in clause 3, Article 49 of the Law on Vocational Education.

Article 30. Validity period of the operation license of a representative office

The validity period of the operation license granted to the representative office of a foreign vocational school in Vietnam shall not exceed 05 years from the date on which the establishment decision is received. If such period is extended, it shall not exceed 03 years; and if the license is re-issued, its validity period shall not exceed the period of the license granted before.

Article 31. Authority to grant the establishment license to the representative office

The Minister of Labor, Invalids and Social Affairs shall issue the establishment license to the representative office of the foreign vocational school in Vietnam.

Article 32. Procedures for granting the establishment certificate to the representative office

1. An application dossier for the establishment certificate of the representative office shall consist of:

- a. An application form of the foreign vocational school which requests the permission to establish their representative office in Vietnam. This form must specify the reasons and the necessity to establish such office in Vietnam; summarize the establishment and development processes of the foreign vocational school; and mention about the person expected to become the manager of the representative office in Vietnam, using form 5A specified in Appendix hereto;
- b. A document proving the legal status of the foreign vocational school;
- c. A copy of the Operational Charter of the foreign vocational school;
- d. A draft of the Regulation on organization and operation of the representative office in Vietnam;
- dd. Personal records of the expected manager of the representative office in Vietnam. Such records must be confirmed by the head of the foreign vocational school or the competent agency of Vietnam;
- e. Confirmation documents provided by a foreign agency must be consularly legalized under the law regulation on consular legalization.

2. Procedures for issuing the permission to establish the representative office

a. Procedures:

Foreign vocational school requesting the permission to establish their representative office in Vietnam shall make an application dossier as specified in clause 1 of this Article and send it to the General Department of Vocational Education in person or via online public service portal or by post;

Within 20 working days after receiving the sufficient and valid application dossier, the receiving agency shall appraise it and get opinions from related agencies (if any), submit it to the competent person mentioned in Article 31 hereof for issuance of the establishment license to the representative office of the foreign vocational school in Vietnam, using form 5B in Appendix hereto. If the application dossier for the establishment license is not valid, within 03 working days after receiving the dossier, the receiving agency shall provide explanations in writing.

b. Deadline for sending the establishment license to the representative office:

Within 02 working days after issuing the establishment license to the representative office of the foreign vocational school in Vietnam, the General Department of Vocational Education shall send a copy of such license to the People's Committee of the province where the representative office is located for supervision and management. Also, they shall post information about this issuance on their website.

Article 33. Amending, extending and re-issuing the establishment license

1. The foreign vocational school shall register for the amendments to and extension of the establishment license granted to their representative office if they fall into one of the following cases:

a. The name and address of the head office of the foreign vocational school are changed in the country where it is established;

b. The name and address of the representative office in Vietnam are changed;

c. The operational period specified in the establishment license granted to the representative office in Vietnam expires.

2. The foreign vocational school shall request the establishment license to be re-issued to their representative office if they fall into one of the following cases:

a. The functions and operation scope of the foreign vocational school are changed;

b. The head office of the foreign vocational school is moved from one country to another country;

c. The establishment license has been lost or damaged.

3. Within 10 working days after changes are made to the establishment license or it is lost or damaged, or 30 days before such license expires, the foreign vocational school shall send an application dossier to the General Department of Vocational Education to request them to amend, extend or re-issue the establishment license.

4. The competent person who issues the establishment license to the representative office has the power to grant the permission to amend, extend or re-issue such license.

5. An application dossier for permission to amend, extend or re-issue the establishment license to the representative office shall consist of:

a. An application form of the foreign vocational school which specifies the name and address of the representative office; contents of the amendments; reasons for amending, extending or re-issuing the establishment license;

b. Establishment license of the representative office (except when it is lost).

6. Procedures for amending, extending or re-issuing the establishment license to the representative office

a. Procedures:

Foreign vocational school requesting the amendment, extension or re-issuance of the establishment license of their representative office shall make an application dossier as specified

in clause 5 of this Article and send it to the General Department of Vocational Education in person or via online public service portal or by post;

Within 20 working days after receiving the complete and valid application dossier, the receiving agency shall appraise and submit it to the competent person for amendments to, extension or re-issuance of the establishment license, using form 5C in Appendix hereto. If the application dossier is invalid, within 05 working days after receiving the application, the receiving agency shall provide explanations in writing.

b. Within 02 working days after permission to amend, extend or re-issue the establishment license to the representative office of the foreign vocational school in Vietnam is received,

Article 34. Operational termination and establishment license revocation

1. The representative office of the foreign vocational school in Vietnam shall have their operation terminated if they fall into the cases specified in clause 5, Article 49 of the Law on Vocational Education.

2. The competent person who grants the establishment license to the representative office of the foreign vocational school in Vietnam as specified in Article 31 hereof shall have the power to terminate the operation of such office and revoke their establishment license.

3. The General Department of Vocational Education shall write explanations about the termination of the representative office or the revocation of such offices establishment license and send them to the People's Committee in the province where the representative office is located before the operation of such office is terminated.

4. Within 60 working days after receiving the written notification about the termination, the representative office shall complete all procedures related to their workers; debts, salaries and social insurance; fulfill other financial obligations (if any); return their establishment license and seals and send a written report to the General Department of Vocational Education.

Article 35. Announcement about the operation of the representative office

Within 20 working days after receiving the establishment license, the representative office of the foreign vocational school in Vietnam shall publish the notification of such license on 03 consecutive issues of newspapers, with at least 01 central newspaper and 01 local newspaper. The contents of the notification shall include the name of the representative office in Vietnamese and in a common foreign language (if any); information about the license (number, dates and issuing agency); full name of the manager of the office; address, logo, phone, fax, website and email (if any); account at the transaction bank; operation registration certificate (number, dates and issuing agency).

Article 36. Rights and obligations of the representative office

1. While operating in Vietnam, the representative office has the following rights:

- a. Have their legal rights and benefits protected by the Vietnamese Government as regulated by Vietnamese laws and the international treaties to which Vietnam is a signatory;
 - b. Rent an office. Rent and buy necessary equipment and appliances for serving the operation of the representative office; hire Vietnamese or foreign employees to work at such office as regulated by Vietnamese laws;
 - c. Open an account under Vietnamese laws and shall only use this account to serve the operation of the representative office;
 - d. Have seals that bear the name of their office;
 - dd. Other rights as regulated by the laws.
2. While operating in Vietnam, the representative office shall fulfill the following obligations:
- a. Carry out activities that are suitable to their functions and duties; objectives and operation scope, time and location specified in the establishment license of the representative office of foreign vocational school in Vietnam; take the responsibility for all activities of such representative office;
 - b. Periodically, before December 15 every year, send a report by using online services and a documents on the operation results of the representative office to the General Department of Vocational Education and the Department of Labor, Invalids and Social Affair in the province where the representative office is located;
 - c. Send a report and provide documents on related issues, as well as providing explanations about such issues if requested by a Vietnamese competent agency;
 - d. The head of the representative office in Vietnam shall carry out their duties as authorized by the foreign vocational school within the authorized scope and deadline;
 - dd. The foreign employees of the representative office shall fulfill the right purposes of entering the country of Vietnam; strictly comply with the laws and respect Vietnamese traditions and customs. All violations against Vietnamese laws committed by the employees of the representative office shall be handled in accordance with Vietnamese laws;
 - e. Other duties as regulated by laws.

Chapter VI

REQUIREMENTS, AUTHORITY AND PROCEDURES FOR ESTABLISHING AND RECOGNIZING NON-PROFIT PRIVATE VOCATIONAL SCHOOLS AND NON-PROFIT FOREIGN-INVESTED VOCATIONAL SCHOOLS

Article 37. Requirements for identifying and evaluating non-profit private vocational schools and non-profit foreign-invested vocational schools

1. Requirements for identifying non-profit private vocational schools and non-profit foreign-invested vocational schools;

a. Difference between revenues and expenditures from annual vocational training and research activities of the vocational schools are common properties which are undivided and used for investment in facility development; development of teaching staff and administrative officials; scientific research activities; provision of scholarships for students and other activities which are carried out to serve the community purposes;

b. If the vocational school is a college, they shall make a commitment with the Department of Labor, Invalids and Social Affairs to carry out non-profit operation; if they are an intermediate school or a vocational training center, they shall make the same commitment with the People's Committee of the province where their head office is located. The commitment shall be publicly announced to the society for supervision;

c. The investor does not receive the profit or the profit received does not exceed the Government bond interest rate during that time.

2. Annual financial report and periodical audit report shall be used as the basis for evaluating the commitment to carry out non-profit operation of private vocational schools and foreign-invested vocational schools.

Article 38. Incentive policies for non-profit private vocational schools and non-profit foreign-invested vocational schools

1. Non-profit private vocational schools and non-profit foreign-invested vocational schools shall be entitled to the policies specified in points a, b, c, d and g, clause 1 of Article 26 of the Law on Vocational Education and the following policies:

a. Given the priority to rent land and facilities;

b. Given the priority to receive investment projects and order products to carry out vocational training tasks and scientific research and technological transfer tasks;

c. Provided with technical support for receiving ethnic minority boarding students to their vocational schools and develop the disciplines that are suitable to the learning needs of the workers working in foreign countries.

2. If the private vocational schools and the foreign-invested vocational schools committed to carry out non-profit operation but they do not fulfill it or do not comply with the regulations specified in clause 1 of Article 37 hereof:

The establishment license and the certificate of eligibility for non-profit operation shall be revoked;

b. The non-profit private vocational schools and the non-profit foreign-invested vocational schools shall have their rights to receive incentive polices to be revoked;

c. The above-mentioned schools shall pay for the state financial supports, including credit incentives and other incentives from domestic and foreign technical support programs and projects;

d. The schools shall have their taxes collected and be punished for their violations against the tax regulations.

Article 39. Authority to grant permission to establish and recognize non-profit private vocational schools and non-profit foreign-invested vocational schools

1. The Minister of Labor, Invalids and Social Affairs shall have the authority to grant permission to establish and recognize private vocational schools and non-profit foreign-invested vocational schools.

2. The Chairperson of the provincial People’s Committee shall grant the permission to establish and recognize intermediate schools and private vocational training centers; non-profit foreign-invested intermediate schools and vocational training centers.

Article 40. Application for permission to establish and recognize private vocational schools and non-profit foreign-invested vocational schools

1. Application documents for permission to establish non-profit private vocational schools shall comply with Article 6 of the Government’s Decree No. 143/2016/ND-CP dated October 14, 2016 on requirements for investment and operation requirements pertaining to vocational education or Article 12 hereof:

a. The investor’s commitment to use the difference between revenue and expenditure in accordance with Clause 1, Article 37 hereof;

b. Meeting minutes of an organization or an individual that is the owner or stakeholder of the non-profit private vocational school or non-profit foreign-invested vocational school. These meeting minutes must be approved by the participating members owning at least 75% of charter capital;

c. A draft of the regulation on organization and operation of non-profit private vocational school or non-profit foreign-invested vocational school;

d. A draft of the Regulation on internal finance of the above-mentioned schools.

2. An application for conversion to non-profit operation of the private vocational school and the foreign-invested vocational school shall consist of:

a. A written request for permission to convert to non-profit operation (specifying principles and purposes of non-profit operation; stakes and common property portions which are undivided of the private vocational school and foreign-invested vocational school);

b. The investor's commitment to use the difference between revenues and expenditures of the private vocational school and the foreign-invested vocational school in accordance with. clause 1, Article 37 hereof;

c. Meeting minutes of an organization or an individual who is the owner or stakeholder of private vocational school and foreign-invested vocational school converting to non-profit operation. These meeting minutes must be approved by the participating members owning at least 75% of charter capital;

d. A copy of the permission to establish private vocational schools and foreign-invested vocational schools;

dd. financial report in the last 03 years and a periodical audit report of the private vocational school and the foreign-invested vocational school.

Article 41. Procedures for establishing and recognizing the non-profit vocational schools and non-profit foreign-invested vocational schools

1. Procedures for establishing new non-profit private vocational schools shall be carried out in accordance with Article 8 of the Government's Decree No. 143/2016/ND-CP dated October 14, 2016 on investment and operation conditions pertaining to vocational education.

2. Procedures for establishing non-profit foreign-invested vocational schools shall be carried out in accordance with Article 14 hereof.

3. Procedures for recognizing the conversion to non-profit operation of private vocational schools and foreign-invested vocational schools.

a. Procedures:

A private vocational college and a foreign-invested vocational college which convert to non-profit operation shall make an application dossier as specified in clause 2, Article 40 hereof and send it to the General Department of Vocational Education in person or via online public service portal or by post; A foreign-invested intermediate school or a foreign-invested vocational training center shall send the above-mentioned application dossier to the Department of Labor, Invalids and Social Affairs;

Within 20 working days after receiving the valid and complete application dossier, the receiving agency shall appraise it and get opinions from related agencies and submit it to the competent

person mentioned in Article 39 hereof for recognition of non-profit private vocational school and non-profit foreign-invested vocational school;

If the application dossier is invalid or incomplete according to the opinions of related agencies, within 03 working days after receiving such opinions, the receiving agency shall send a written request to amend the application or provide more explanations about the contents.

b. Deadline for sending the permission to establish and recognize non-profit private vocational schools and non-profit foreign-invested vocational schools.

Within 02 working days after receiving the permission to establish and recognize non-profit private college and non-profit foreign-invested college, the General Department of Vocational Education shall send such permission to People's Committee of the province where the head office of the private college or the foreign-invested college is located for management and supervision. Also, they shall post this written permission on their website;

Within 02 working days after receiving the written permission to establish and recognize the private vocational school, private vocational training center, foreign-invested intermediate school, foreign-invested vocational education center, the provincial People's Committee shall send this permission to the General Department of Vocational Education for supervision and management and post it on their website.

Chapter VII

RIGHTS AND OBLIGATIONS OF VOCATIONAL TRAINING ENTERPRISES

Article 42. Rights of vocational training enterprises

1. May establish a vocational school to provide trainings for personnel directly carrying out production, business and service activities within the enterprise and in the society as regulated in Article 18 of the Law on Vocational Education.
2. Provide primary and regular trainings at the enterprise under the following regulations:
 - a. Entities who receive the trainings must be employees at the enterprise and other employees having the needs to receive trainings;
 - b. The training programs shall include primary and regular training programs specified in points a, b, c and d, clause 1 of Article 40 of the Law on Vocational Education;
 - c. The teacher is an educator or scientist, engineer, technician, artisan, skilled person or skilled farmer;
 - d. The agreement on salaries and salary payment methods shall be signed with students who are employees of the enterprise during the training period;

dd. If the students satisfy the requirements after completing the training programs, the head of the enterprise shall grant primary certificates or training certificates to them. The training certificate shall specify the training contents and period;

e. A report must be sent to the Department of Labor, Invalids and Social Affairs in the province where the training programs are provided. Such report must be sent before the programs are executed in order for the aforesaid Department to carry out management and supervision.

3. Join and cooperate with vocational schools to provide primary, intermediate, college and regular training programs.

4. May participate in ordering vocational training programs in disciplines prioritized for social-economic development of the State; may order training programs from vocational schools in order to receive personnel working in different fields of production, business and services to the enterprise.

5. Assign a representative to participate in the community of colleges and public intermediate schools; if the activities of the enterprise are related to the training disciplines of the school, the enterprise shall assign the representative to participate in the management boards of college and private intermediate school.

6. May participate in developing training disciplines; develop the minimum knowledge volume and set the potential requirements for graduate students; vocational training programs and teaching materials; teach lessons, provide internship guidelines and evaluate the learning results of students at vocational schools.

7. Support with training facilities and equipment; give scholarships to students of vocational schools.

8. Exercise other rights specified in Article 51 of the Law on Vocational Education and related legislative documents.

Article 43. Responsibilities of vocational training enterprise

1. Annually, report the demands for training, using and hiring employees of the enterprise to the Department of Labor, Invalids and Social Affairs in the province where the enterprise's head office is located.

2. Assign a representative who is an expert or a technician suitable to participate in developing the list of training disciplines; develop training programs and teaching materials; participate in teaching and providing internship guidelines and evaluate the learning results of students at the vocational training enterprise.

3. Provide trainings and cooperate with a vocational school to provide these trainings; order trainings from such vocational school to train the employees recruited at the enterprise.

4. Provide feedbacks on the employee quality after training of the vocational school and provide information during the investigation and survey of the state regulatory agencies, enterprise council and vocational school if required, in order to improve the vocational training quality and efficiency.
5. Receive teachers and students from vocational schools to visit, practice and attend an internship to improve professional skills at the enterprise, or update and receive new technologies; pay salaries for teachers and students who directly produces or participates in producing products in compliance with the specifications, including products and services which are provided in the market during the internship period at the enterprise. Such production shall be carried out at the level agreed by the parties. While recruiting employees to receive trainings and work at the enterprise after training, the enterprise shall sign the training contracts with the employees and shall not collect training fees.
6. Pay training expenses and salaries for the employees of the enterprise during their days off for study as agreed in the contract signed by the enterprise and the employees.
7. Develop training plans and programs, provide trainings to improve the education and professional skills for employees of the enterprise and make a report about the implementation results as specified in Article 60, 61 of the Labor Code.
8. Fulfill social obligations for vocational training activities. Contribute in the sustainable development of vocational education by carrying out activities that improve the training quality and satisfy the personnel demands of the enterprise, community and society.
9. Fulfill other obligations as regulated in Article 52 of the Law on Vocational Education and other related legislative documents.

Chapter VIII

IMPLEMENTATION

Article 44. Transitional provisions

1. A foreign vocational school that submits the application documents to request the permission to establish its representative office in Vietnam before this Decree takes effect but does not receive such permission shall amend and complete the application dossier as regulated in this Decree.
2. Foreign applicants who request the permission to establish the foreign-invested vocational school before this Decree takes effect but does not receive such permission shall amend their application dossier and implement the regulations hereof.

Article 45. Amending some articles of the documents related to vocational education

1. Amend point i, clause 5, Article 47 of the Government's Decree No. 29/2012/ND-CP dated April 12, 2012 on recruiting, using and managing officials as follows:

“i. Ministry of Labor, Invalids and Social Affairs shall manage the professional titles of public employees specialized in vocational training, labor and social affairs sector;”

2. Replace some phrases specified in the Government's Decree No. 11/2015/ND-CP dated January 31, 2015 on physical training and sporting activities in schools, as follows:

“a. Replace the phrase “state regulatory agencies managing central vocational education activities” with “Ministry of Labor, Invalids and Social Affairs” in clause 3, Article 4;

b. Replace the phrase “Head of state regulatory agency managing central vocational education activities” with “Ministry of Labor, Invalids and Social Affairs” in point a, clause 1, Article 5, point a, clause 3, Article 5 and clause 1, Article 9”.

3. Amend some articles of the Government's Decree No. 79/2015/ND-CP dated September 14, 2015 on penalties for administrative violations against regulations on vocational education, as follows:

a. Change the title of clause 1, Article 29 to “Chief Inspector of the Department of Labor, Invalids and Social Affairs, chief of specialized inspectorates of Department of Labor, Invalids and Social Affairs, chief of specialized inspectorates of General Department of Vocational Education have the power to:”;

b. Change the title of clause 3, Article 29 to “Chief of inspectorates of Ministry of Labor, Invalids and Social Affairs have the power to impose penalties for administrative violations pertaining to vocational training (except teacher training programs), national vocational skill assessment, including:”;

c. Change the title of clause 4, Article 29 to: “chief of specialized inspectorates of Ministry of Education and Training have the power to impose penalties for administrative violations pertaining to provision of vocational teacher training programs at intermediate and college level, including:”;

d. Change the name of clause 5, Article 29 to “Chief Inspector of Ministry of Labor, Invalids and Social Affairs and Director General of the General Department of Vocational Education have the power to impose penalties for administrative violations pertaining to vocational training (except teacher training programs), national vocational skill assessment, including:”;

dd. Change the name of clause 6, Article 29 to “Chief Inspector of Ministry of Education and Training has the power to impose penalties for administrative violations pertaining to provision of vocational teacher training programs at intermediate and college level, including:”;

e. Clause 2, Article 31 shall be amended to “officials being members of inspectorates under inspection decisions of the Minister of Labor, Invalids and Social Affairs, Chief Inspector of

Ministry of Labor, Invalids and Social Affairs, Director General of the General Department of Vocational Education, Director of Department of Labor, Invalids and Social Affairs, Chief Inspector of the Department of Labor, Invalids and Social Affairs."

4. Amend clause 1, Article 17 of the Government's Decree No. 86/2015/ND-CP dated October 02, 2015 on mechanism for collection and management of tuition fees applicable to educational institutions in the national education system and policies on tuition exemption and reduction and financial support from Academic year 2015 - 2016 to 2020 – 2021:

"1. Minister of Education and Training, Minister of Labor, Invalids and Social Affairs, within their competence, shall take charge and cooperate with related ministries and sectors in providing guidelines for the implementation of this Decree. Minister of Labor, Invalids and Social Affairs shall guide the determination of the disciplines of vocational education corresponding to tuition fee schedule prescribed in clause 4, Article 5 hereof."

5. Amend clause 1, Article 14 of the Government's Decree No. 113/2015/ND-CP dated November 09, 2015 on special, incentive and responsibility allowances and physical hardship, hazard and danger allowances which are paid to teachers working in public vocational schools, as follows:

"1. Minister of Labor, Invalids and Social Affairs shall guide the implementation of this Decree."

6. Amend Article 14 of the Government's Decree No. 143/2016/ND-CP dated October 14, 2016 on investment and operation conditions pertaining to vocational education, as follows:

a. Amend clause 1c, Article 14 as follows:

"c. The vocational school employs qualified teachers who meet professional requirements for teacher's standards, qualifications and pedagogical requirements under law regulations; ensure that the ratio of students to teachers does not exceed 25:1; tenured teachers by training major are available."

b. Repeal point dd, clause 2, Article 14.

7. Replace form No. 03 in Appendix enclosed with the Government's Decree No. 49/2018/ND-CP dated March 30, 2018 on vocational education accreditation with form No. 06 in Appendix hereto.

8. Repeal the phrase "Ministry of Education and Training" specified in clause 1, Article 7 of the Decision No. 53/2015/QĐ-TTg dated October 20, 2015 on boarding policies for college and intermediate students.

Article 46. Entry in force

1. This Decree shall come into force from March 20, 2019.

2. After this Decree comes into force, the Government's Decree No. 48/2015/ND-CP dated May 15, 2015 on providing specific provisions on implementation of the Law on Vocational Education shall expire.

Article 47. Implementation responsibilities

1. Minister of Labor, Invalids and Social Affairs, within the scope of their functions, tasks, power and responsibilities, shall implement this Decree.
2. Ministers and heads of ministerial agencies, Heads of governmental agencies, Chairperson of People's Committees of provinces and central-affiliated cities, and related agencies, organizations and individuals shall implement this Decree.

**PP. GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

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