

VOCATIONAL EDUCATION LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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Contents

Chapter I General Provisions

Chapter II System of Vocational Education

Chapter III Provision of Vocational Education

Chapter IV Conditions Ensuring the Provision of Vocational Education

Chapter V Supplementary Provisions

Chapter I

General Provisions

Article 1 This Law is enacted in accordance with the Education Law and the Labour Law, for the purpose of implementing the strategy for revitalizing the country by means of science and education, developing vocational education, enhancing the quality of workers and promoting the socialist modernization drive.

Article 2 This Law applies to vocational schools of all types and levels and to all forms of vocational training. Specialized training provided by State organs for their functionaries shall be governed by separate laws and administrative rules and regulations.

Article 3 Vocational education constitutes an important component of the nation's educational undertakings as well as an important avenue for promoting economic and social development and employment.

The State undertakes the development of vocational education, promotes its reform so as to improve its quality and institute and perfect s system of vocational education that suits the needs of the socialist market economy and the needs of social progress.

Article 4 In the provision of vocational education, the State's educational principles shall be implemented, that is, ideological and political education and the education in professional ethics shall be conducted, vocational knowledge imparted, vocational skills fostered and vocational guidance provided to the educatees so as to enhance their quality in an all-round way.

Article 5 Citizens shall have the right to receive vocational education according to law.

Article 6 People's governments at various levels shall incorporate the development of vocational education into their plans for national economic and social development.

Trade organizations, enterprises and institutions shall, in accordance with law, fulfill their obligations to provide vocational education.

Article 7 The State adopts measures to develop vocational education in rural areas and provides support and assistance to areas inhabited by minority nationalities and outlying and poverty-stricken areas in developing vocational education.

The State adopts measures to enable women to receive vocational education, organize the unemployed to receive different forms of vocational education, and support the development of vocational education for the disabled.

Article 8 Vocational education shall be provided in light of actual needs and in conformity with the standards established by the State for classifying and grading occupations. A system comprising certificates of schooling, certificates of vocational training and certificates of occupational qualifications shall be practised.

The State practises a system whereby workers receive the necessary vocational education prior to employment or assignment.

Article 9 The State encourages and arranges scientific research on vocational education.

Article 10 The State gives awards to units and individuals that have made outstanding achievements in vocational education.

Article 11 The administrative department for education under the State Council shall be responsible for the overall planning, comprehensive coordination and macro-management of vocational education.

The administrative departments for education, labor and other relevant departments under the State Council shall, within their respective functions and responsibilities defined by the State Council, be responsible for the different aspects of vocational education.

Local people's governments at or above the county level shall strengthen leadership , overall coordination, supervision, guidance and assessment of vocational education in areas under their jurisdiction.

Chapter II

System of Vocational Education

Article 12 In light of the different levels of economic development and degrees of universal education in different areas, the State introduces a division of education, at different stages, chiefly among junior secondary school graduates, so that some of them may receive regular senior secondary school education and others may receive occupational education, and institutes and perfects a vocational education system whereby vocational school education is conducted simultaneously with vocational training and is interconnected and developed in coordination with other types of education.

Article 13 Vocational school education is divided into three levels, namely, elementary, secondary and tertiary.

The elementary and secondary vocational school education shall be provided by elementary and secondary vocational schools. The tertiary vocational education shall be provided, where necessary and where conditions permit, either by tertiary vocational schools or by regular institutions of higher education. Other types of schools may provide vocational

school education at the same level in compliance with the overall plans drawn up by the administrative department for education.

Article 14 Vocational training comprises pre-service training, training to facilitate change of occupations; apprentice training, on-the-job training, job-transfer training and other categories of vocational training, and all these categories of training may, in light of actual conditions, be divided into three levels: elementary, secondary and tertiary.

Vocational training shall be provided by the appropriate vocational training institutions and/or vocational schools.

Other schools or institutions of education may, depending on their own capabilities, provide various forms of vocational training to meet social needs.

Article 15 Vocational training for the disabled shall be provided by institutions of education for the disabled, in addition, vocational schools and vocational training institutions of various types and at different levels and other types of institutions of education shall accept disabled students in accordance with the relevant regulations of the State.

Article 16 Regular secondary schools may provide vocational subjects in light of local conditions, or supplement existing subjects with appropriate subject matters related to vocational education in light of actual needs.

Chapter III

Provision of Vocational Education

Article 17 People's governments at or above the county level shall establish vocational schools and vocational training institutions to serve as a mainstay and play an exemplary role, which shall provide guidance and assistance to the vocational schools and vocational training institutions established in accordance with law by rural communities and other public organizations, as well as individual citizens.

Article 18 In response to the needs of well-coordinated development of the rural economy, science and technology, and education, people's governments at the county level shall provide various forms of vocational education and develop training programs of practical skills so as to promote the development of rural vocational education.

Article 19 Competent government departments and trade organizations shall, by itself or jointly, establish vocational schools or vocational training institutions, as well as arrange for , coordinate the efforts of and provide guidance to the enterprises and institutions of the trades concerned to establish vocational schools or vocational training institutions.

The State encourages the use of modern means of teaching in developing vocational education.

Article 20 An enterprise shall, in light of its actual conditions, provide systematic vocational education and training for its own employees and for the persons to be employed.

An enterprise may establish vocational school(s) or vocational training institution(s) either by itself or in collaboration with other enterprise(s), and it may also entrust existing schools

or vocational training institutions to provide vocational education for its own employees or for the persons to be employed.

Any worker who is to do a technical type of job must undergo training beforehand; and any worker who is to do a job that requires special skills must undergo training and obtain the necessary qualifications for such a job.

Article 21 The State encourages institutions, non-governmental organizations, other public organizations and individual citizens to establish vocational schools and vocational training institutions in accordance with relevant State regulations.

Measures for the establishment of vocational schools and vocational training institutions within Chinese territory by an organization or individual from abroad shall be formulated by the State Council.

Article 22 For a jointly operated vocational school or vocational training institution, the collaborators shall conclude a contract for the joint establishment and running of such a school or institution.

Any competent government department, trade organization, enterprise or institution which intends to entrust a school or vocational training institution with the provision of vocational educational programs shall conclude a contract of authorization with the latter.

Article 23 In teaching, vocational schools and vocational training institutions should integrate education with industrial production, aim at serving the needs of local economic development, and maintain close ties with enterprises, thus helping trainees to acquire practical skills and become skilled workers.

Vocational schools and vocational training institutions may set up enterprises or have places for practice that are related to the vocational education programs provided.

Article 24 To establish a vocational school, the following basic conditions shall be satisfied:

- (1) having an organizational structure and rules and regulations;
- (2) having qualified teachers;
- (3) having premises for teaching that meet specified standards and having facilities and equipment that meet the needs of vocational education;
- (4) having the necessary funds for establishing the school and stable sources of operating funds.

To establish a vocational training institution, the following basic conditions shall be satisfied:

- (1) having an organizational structure and a system for management;
- (2) having teachers and managerial personnel that meet the needs of the training programs provided;
- (3) having places, facilities and equipment that meet the needs of training;

(4) having the needed operating funds.

The establishment, modification, and/or termination of a vocational school or a vocational training institution shall be governed by relevant State regulations.

Article 25 A student who has received education at a vocational school and passed the examinations administered by the school shall be issued a certificate of schooling in accordance with relevant State regulations. A student who has received vocational training provided by a vocational school or vocational training institution and passed the examinations administered by the school or vocational training institution shall be issued a certificate of training in accordance with relevant State regulations.

According to relevant State regulations, the certificates of schooling and the certificates of training shall serve as qualifying certificates for graduates of vocational schools and for trainees who have completed their vocational training programs to seek employment.

Chapter IV

Conditions Ensuring the Provision of Vocational Education

Article 26 The State encourages efforts to raise funds in accordance with law and through multiple avenues for developing vocational education.

Article 27 The people's government of a province, autonomous region or municipality directly under the Central Government shall determine the average expenses for students of the vocational schools in the area under its jurisdiction; the relevant departments under the State Council shall, in collaboration with the department of finance under the State Council, do the same for students of the vocational schools of their departments. The sponsor of a vocational school shall appropriate adequate funds and pay in full the average expenses for the students.

The fiscal appropriations provided by the people's governments at various levels and by relevant departments under the State Council for the establishment and maintenance of vocational schools and vocational training institutions shall gradually increase.

No organization or individual shall be allowed to misappropriate or withhold the funds designated for vocational education.

Article 28 An enterprise shall bear the expenses for the vocational education of its own employees and of the persons it plans to employ, and the specific measures shall be formulated according to law by the relevant departments under the State Council in collaboration with the finance department under the State Council or by the people's government of a province, autonomous region or municipality directly under the State Council.

Article 29 If an enterprise fails to provide vocational education in accordance with the provisions of Article 20 of this Law, the local people's government at or above the county level shall order it to put it right; if the enterprise refuses to put it right, the government may collect from it the amount of expenses that it should assume and use the money for the local vocational education.

Article 30 With regard to the local surcharges which the government of a province, autonomous region or municipality directly under the Central Government has decided, in accordance with the relevant provisions of the Education Law, to levy for educational purposes, a certain proportion of it may be used for vocational education, or a part of it may be used to finance specific project(s) of vocational education.

Article 31 People's governments at various levels may allocate an appropriate part of the funds earmarked for developing science and technology and for spreading the use of advanced techniques in rural areas for the use of vocational training there.

Article 32 Vocational schools and vocational training institutions may charge their students receiving secondary or tertiary education or training an appropriate sum of tuition, but they should, at their discretion, reduce the tuition of the students who have financial difficulties or who are disabled or exempt them from tuition. The measures for charging tuition fees shall be formulated by the people's government of a province, autonomous region or municipality directly under the Central Government.

The State supports enterprises, institutions, non-governmental organizations, other public organizations and individual citizens in their efforts to establish scholarships and/or grant loans, in accordance with relevant State regulations, for the purpose of awarding students with outstanding scholastic achievements or assisting students with financial difficulties.

Article 33 The earnings derived by vocational schools or vocational training institutions from running enterprises or providing social services shall be mainly used for developing vocational education.

Article 34 The State encourages financial institutions to support the development of vocational education by providing loans.

Article 35 The State encourages enterprises, institutions, non-governmental organizations, other public organizations and individual citizens to make donations to aid vocational education and it also encourages organizations and individuals abroad to fund or make donations for vocational education. All such funds and donations must be used for vocational education.

Article 36 People's governments at or above the county level and the relevant departments shall incorporate the preparation and in-service training of vocational education teachers into their plans for augmenting the teaching staff in general, so as to ensure that the increase of vocational education teachers meet the needs of the development of vocational education.

A vocational school or vocational training institution may recruit specialized technicians and persons with special expertise, as well as teachers from other institutions of education to serve as part-time teachers. The departments and institutions concerned shall facilitate the recruitment of such persons.

Article 37 Efforts should be made by the relevant departments under the State Council, local people's governments at or above the county level, and organizations and individual citizens that set up vocational schools or vocational training institutions to build bases for production and practice in vocational education.

Enterprises and institutions should let the students and teachers of vocational schools and vocational training institutions practise there, and should give appropriate remuneration to those who do practical work .

Article 38 People's governments at or above the county level and the relevant departments shall institute and perfect a system in the service of vocational education and improve the compilation, publication and distribution of textbooks and other teaching materials used for vocational education.

Chapter V

Supplementary Provisions

Article 39 Whoever violates the provisions of the Education Law in vocational education activities shall be punished in accordance with the relevant provisions of the Education Law.

Article 40 This Law shall go into effect as of September 1, 1996.