

**THE GOVERNMENT OF
VIETNAM**

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THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, October 24, 2022

DECREE

PRESCRIBING FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE OF MINISTRY OF EDUCATION AND TRAINING OF VIETNAM

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on Amendments to the Law on Government Organization and the Law on Local Government Organization dated November 22, 2019;

Pursuant to the Government's Decree No. 123/2016/ND-CP dated September 01, 2016 defining the functions, tasks, powers and organizational structures of ministries and ministerial agencies, and the Government's Decree No. 101/2020/ND-CP dated August 28, 2020 providing amendments to the Government's Decree No. 123/2016/ND-CP dated September 01, 2016;

At the request of the Minister of Education and Training of Vietnam;

The Government promulgates a Decree prescribing the functions, tasks, powers and organizational structure of the Ministry of Education and Training of Vietnam.

Article 1. Position and functions

The Ministry of Education and Training of Vietnam is a governmental agency in charge of performing the state management of preschool education, general education, professional secondary education in pedagogy, pedagogical colleges, higher education and continuing education in educational objectives, programs, contents and methods; regulations on examination, admission, training, and diplomas/degrees and certificates; development of teachers and education managers; textbooks, syllabi and teaching materials; infrastructure facilities and equipment; education quality assurance and accreditation; state management of Vietnamese language and minority languages; state management of public services within the scope of its management.

Article 2. Tasks and powers

The Ministry of Education and Training of Vietnam shall perform its tasks and powers as prescribed in the Government's Decree No. 123/2016/ND-CP dated September 01, 2016 and the Government's Decree No. 101/2020/ND-CP dated August 28, 2020, and the following specific tasks and powers:

1. Regarding legislation

a) Submit the following documents to the Government, including bills and draft resolutions of the National Assembly, draft ordinances and draft resolutions of the Standing Committee of the National Assembly, draft decrees of the Government according to annual law-making programs and plans, and other resolutions, projects and schemes as assigned by the Government or the Prime Minister;

b) Obtain the Government's opinions about bills and ordinances submitted by regulatory authorities, organizations or members of the National Assembly to the National Assembly or Standing Committee of National Assembly in the fields and sectors under its management;

c) Request the Government to decide measures for organizing the implementation of the Constitution, laws, resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, orders and decisions of the President of Vietnam as assigned by the Government or the Prime Minister;

d) Submit draft decisions, directives and other documents as assigned to the Prime Minister;

dd) Promulgate circulars and other legislative documents on state management of fields and sectors within the scope of its management; instruct and inspect the implementation of such documents;

e) Promulgate Joint Circulars with the Chief Justice of the Supreme People's Court, and the Prosecutor General of the People's Supreme Procuracy on cooperation between the Ministry of Education and Training of Vietnam and the Supreme People's Court, and the People's Supreme Procuracy in implementing procedures relating the scope of its management;

g) Direct and organize the dissemination of information and education about laws in the fields within the scope of its management;

h) Review legislative documents promulgated by ministries, Provincial People's Councils or People's Committees relating to the fields or sectors under its management; propose actions against any legislative documents promulgated by these authorities if they are found to be contrary to legislative documents in the fields or sectors under its management.

2. Regarding strategies, master plans and plans

a) Submit the following documents to the Government or the Prime Minister, including annual, medium-term and long-term development plans, master plans, strategies, national target programs, national programs, national action programs, and nationally significant projects within the scope of its management; publish (except contents classified as state

secrets) and organize the implementation of strategies, master plans and plans after they have been approved; mechanisms and policies for mobilization of social resources for developing the education and training sector, building a learning society, and classifying students for educational purposes;

b) Submit the following documents to the Prime Minister for approval, including master plans for development of higher education institutions and pedagogical institutions; master plans for development of special educational institutions for disabled persons, and inclusive education support and development centers;

3. Regarding educational objectives, programs and contents

a) Instruct and organize the fulfillment of educational objectives conformable with educational levels and training qualifications of the national educational system within the scope of its management;

b) Promulgate preschool education programs; stipulate standards, compiling and editing processes of preschool education programs;

c) Promulgate general education programs; stipulate standards, compiling and editing processes of general education programs; stipulate upper secondary education knowledge to be accumulated by students having lower secondary diplomas to attend vocational secondary programs in vocational education institutions;

d) Stipulate continuing education programs;

dd) Stipulate the formulation, appraisal and promulgation of training programs of higher education and pedagogical college levels; promulgate the list of training majors of higher education;

e) Promulgate pre-university training programs.

4. Regarding state management of Vietnamese language and minority languages

a) Play the leading role and cooperate with relevant Ministries and regulatory authorities in formulating and submitting regulations on policies for development and preservation of Vietnamese language and minority languages to the Government for promulgation;

b) Provide instructions on learning Vietnamese language for foreign citizens and overseas Vietnamese.

5. Regarding textbooks, syllabi and teaching materials

a) Stipulate standards and selection of toys and learning materials used in preschool education institutions;

b) Stipulate standards, compiling and editing processes of textbooks of general education; stipulate selection of textbooks in general education institutions;

c) Stipulate textbooks, syllabi and teaching materials of continuing education;

d) Stipulate compilation, selection, appraisal, approval and use of teaching materials and syllabi of higher education and pedagogical college.

6. Regarding examination, testing, admission, training, and diplomas/degrees and certificates

a) Request the Government to promulgate a system of higher education degrees/diplomas and stipulate the equivalent degrees/diplomas of some specific in-depth majors within the scope of its management;

b) Stipulate examination, testing, admission, training, joint training and management of degrees/diplomas and certificates of the national educational system within the scope of its management;

c) Stipulate recognition of degrees/diplomas issued by foreign educational institutions for use in Vietnam.

7. Regarding teachers and education managers

a) Stipulate standards of titles and working principles of teachers and education managers; the framework list of job positions and staff quota in education institutions;

b) Stipulate standards of heads and deputy heads of preschool education institutions, general education institutions, continuing education institutions, and pedagogical colleges;

c) Promulgate professional standards of teachers; develop professional standards of job titles-based improvement training programs for lecturers, teachers and persons working in the education field;

d) Promulgate codes of conduct for teachers, for educational institutions;

dd) Request the Prime Minister to stipulate standards, procedures for appointment and dismissal of the titles of professor and associate professor;

e) Promulgate within its competence or request competent authorities to promulgate policies for teachers; manage and instruct the implementation of policies for training, improvement and benefits of teachers and education managers within the scope of its management.

8. Regarding management of learners

a) Request the Government to promulgate policies for learners under its management; cooperate with the Ministry of Finance of Vietnam to formulate and request competent authorities to promulgate preferential credit policies for students;

b) Stipulate in-school and out-of-school teaching and educational activities; stipulate assessment of study and training results; commendation and disciplinary actions against learners.

9. Regarding management of infrastructure facilities and equipment

a) Formulate and promulgate within its competence or request competent authorities to promulgate standards and use quota of infrastructure facilities, library and equipment of schools in accordance with regulations of law;

b) Stipulate standards and usage quota of specialized machinery and equipment; standards and usage quota of specialized areas of non-business works under its management.

10. Regarding finance, assets and public investment

a) Make annual budget estimates, 03-year state budget-financial plans of the Ministry of Education and Training of Vietnam; allocate its annual budget; perform rights and responsibilities of the owner's representative of public property under its management as prescribed by law and as assigned by the Government; cooperate with the Ministry of Finance of Vietnam in formulating spending regimes, standards and limits of state budget for education and training; cooperate with the Ministry of Finance of Vietnam and relevant Ministries and regulatory authorities in consolidating state budget estimates, plans for allocation of annual central-government budget, 05-year financial plans, 03-year state budget-financial plans, and annual budget statements in the field of education and training; inspect and monitor the implementation of state budget in the field of education and training;

b) Promulgate and instruct the implementation of standards, norms and use regimes of public property under its management or assigned in accordance with regulations of law on management and use of public property; instruct procedures and formulate, appraise and promulgate technical-economic norms in the field of education and training under its delegated management; instruct methods for setting education and training service prices in the field of education and training; disclose and make reports on management and use of public property under its management in accordance with regulations of law;

c) Develop its annual and medium-term public investment plans, issue decisions on investment guidelines and decisions on investment projects under its management as prescribed in the Law on public investment; manage and execute public investment projects under its management as prescribed by law; monitor, inspect, assess and supervise the implementation of plans, programs and projects under its management, and perform other rights and tasks as assigned by the Government or the Prime Minister or as

prescribed. Make reports on disbursement, cost statements of tasks and projects funded by public investment funding sources as prescribed;

d) Propose investment lists, investment guidelines, approve decisions on investment in programs/projects funded by ODA loans, concessional loans and ODA grants other than those provided for Vietnam by foreign authorities, organizations or citizens in accordance with regulations of law; manage monitoring and supervision tasks of execution of such programs/projects; perform functions of the governing body of such programs/projects under its management as prescribed by law;

dd) Appraise pre-feasibility study reports and feasibility study reports of programs, projects and schemes in the fields and sectors under its management;

e) Perform rights, responsibilities and obligations of the state owner with regard to state-owned enterprises and state capital portions invested in other enterprises in accordance with regulations of law.

11. Regarding education quality assurance

a) Promulgate standards of higher education institutions, standards of training programs at different levels of higher education;

b) Stipulate conditions, processes and procedures for opening and suspension of training majors at different levels of higher education and pedagogical college;

c) Stipulate determination of enrolment targets of pedagogical college, university education, master education and doctoral education;

d) Direct and instruct the performance of education quality assurance tasks by education and training institutions under its management.

12. Regarding education quality accreditation

a) Stipulate standards for education quality evaluation; procedures and schedule of education quality accreditation at educational levels and training qualifications under its management; operating rules, conditions and standards of organizations and individuals providing education quality accreditation services; consider licensing education quality accreditation operations; issue and revoke certificates of education quality accreditation;

b) Request the Government to stipulate conditions and procedures for establishment, licensing and suspension of operation, and dissolution of education quality accreditation organizations; stipulate conditions and procedures for operation of foreign education quality accreditation organizations in Vietnam;

c) Issue establishment decisions or grant license for establishment and operation, suspension of operation, and dissolution of education quality accreditation organizations;

issue and revoke decisions on recognition of operation of foreign education quality accreditation organizations in Vietnam; stipulate supervision and assessment of education quality accreditation organizations;

d) Manage activities of accreditation of training programs and educational institutions. Provide guidelines for organizations, individuals and educational institutions on evaluation and accreditation of education quality; inspect and evaluate the implementation of regulations on education quality accreditation.

13. Regarding management of education and training institutions

a) Promulgate charters and regulations on organization and operation of preschools, primary schools, lower secondary schools, upper secondary schools, multi-level schools, continuing education institutions, special schools, pedagogical colleges and other educational institutions under its management;

b) Request the Government to stipulate conditions, procedures and authority to establish or grant license for establishment, grant license for and suspend educational operation, issue decisions on merger, split-up, split-off and dissolution of educational institutions, branches/campuses of higher education institutions; issue decisions on naming or renaming of higher education institutions; conversion of universities into parent universities and establishment of schools affiliated to higher education institutions; association of universities for establishing parent universities; conversion of private higher education institutions into non-profit private higher education institutions;

c) Issue decisions on licensing or suspension of educational operation of higher education institutions, their branches/campuses and institutes established by the Prime Minister in accordance with the provisions of the Law on Science and Technology and other educational institutions as prescribed by law.

14. Regarding international cooperation

a) Request the Government to decide policies and measures for strengthening and developing relationship with other countries and international organizations; signing, acceptance, approval, or accession and measures for ensuring the implementation of international conventions on educational matters under its management in the name of the State or the Government;

b) Organize negotiation and signing of international conventions with authorization of competent regulatory authorities, and organize the implementation of international cooperation plans or international conventions on educational matters under its state management to which Vietnam is a signatory;

c) Join international organizations as assigned by the Government; sign and organize the implementation of international agreements in its name in accordance with regulations of law;

d) Request the Government to promulgate regulations on foreign cooperation and investment activities in the education field;

dd) Manage and instruct educational institutions under its management to get international cooperation in teaching, training, development of technical infrastructure facilities, scientific research and technology transfer in the education field;

e) Promulgate or request competent authorities to promulgate regulations on management of operation of educational institutions involving foreign elements in Vietnam;

g) Promulgate regulations on management, and provide guidelines for educational institutions under its management with regard to training and management of foreigners studying in Vietnam;

h) Perform state management of Vietnamese citizens studying, teaching, performing scientific research and academic exchange abroad within the scope of its state management of education.

15. Regarding science, technology and environmental protection

a) Promulgate or request competent authorities to promulgate regulations on science and technology, environmental protection education in educational institutions;

b) Organize the performance of the tasks of science, technology and innovation, environmental protection education; manage and effectively use science and technology resources in the field of education and training in accordance with regulations of law.

16. Regarding emulation and commendation in education branch

a) Stipulate the emulation and commendation in the education branch; stipulate the emulation and commendation of educational institutions under its management;

b) Request the Government to award the titles of “Nhà giáo nhân dân” (“People’s Teacher”) and “Nhà giáo ưu tú” (“Meritorious Teacher”);

c) Organize emulation movements and perform emulation and commendation affairs in the education branch.

17. Regarding public services

a) Manage prices of services in the field of education and training in accordance with regulations of law;

b) Develop and issue technical-economic norms and cost norms (if any) as the basis for setting unit prices or prices of public services funded by state budget in the fields and sectors under its management in accordance with regulations of law on pricing and

relevant laws which shall establish grounds for assigning tasks, placing orders or organizing bidding for provision of public services in accordance with regulations of law;

c) Provide guidelines for implementation of policies and laws on support for providers of public administrative services in the fields and sectors under its management.

18. Regarding statistics and specialized database establishment

a) Organize and direct the performance of statistical tasks in education; collect, consolidate, analyze, manage, retain and disclose statistical information in education field; establish and promulgate the system of statistical indicators and statistical reports in the education branch;

b) Establish the specialized education database; make connection and sharing of data in accordance with regulations of law.

19. Regarding application of information technology and digital transformation in education branch

a) Formulate and submit to competent authorities for promulgation, or directly promulgate regulations, mechanisms and policies on application of information technology and digital transformation in the field of education and training;

b) Provide guidelines for application, monitoring, supervision and assessment of application of information technology and digital transformation in the field of education and training.

20. Regarding inspection tasks

a) Carry out inspection of policies and laws in the fields and sectors under its management;

b) Carry out inspection of the compliance by ministries, ministerial agencies, Governmental agencies and People's Committees at all levels with laws in the fields and sectors under its management;

c) Resolve complaints, denunciations and propositions of relevant organizations and individuals about education matters under its management; organize receipt of citizens in accordance with regulations of law;

d) Discharge the responsibility to manage the imposition of penalties for administrative violations against regulations on education in accordance with regulations of law.

21. Decide and instruct the implementation of its administrative reform programs according to the objectives and contents of the state administration reform program approved by the Government or the Prime Minister.

22. Perform state management of non-governmental organizations or associations engaged in the fields and sectors under its management in accordance with regulations of law.

23. Manage organizational structure; job positions, official payroll and structure of official ranks; job positions, number and professional title-based structure of public employees; number of employees working under employment contracts. Decide and delegate competent authorities to make decisions on employment, use and management of its officials, public employees and contractual employees in accordance with regulations of law and of the Communist Party of Vietnam; decide the payroll for officials in charge of the Communist Party and trade union's affairs; provide professional training, retraining and drilling, and other policies and benefits for officials, public employees under its management in accordance with regulations of law. Implement measures for tightening administrative disciplines and rules imposed on its officials, public employees and contractual employees; perform tasks of thrift practice, waste combat, anti-corruption, anti-misconduct, anti-bureaucracy and fight against authoritative attitude in organizations and units under its management.

24. Perform other tasks and powers as assigned by the Government or the Prime Minister or as prescribed by law.

Article 3. Organizational structure

1. Early Childhood Education Department.
2. Primary Education Department.
3. Secondary Education Department.
4. Higher Education Department.
5. Physical Education Department.
6. Ethnic Education Department.
7. Continuing Education Department.
8. National Defense and Security Education Department.
9. Political Education and Student Affairs Department.
10. Personnel and Organization Department.
11. Planning and Finance Department.
12. Educational Facilities Department.

13. Science, Technology and Environment Department.
14. Legal Affairs Department.
15. Office of the Ministry.
16. Inspectorate.
17. Quality Control Department.
18. Teachers and Education Managers Department.
19. Information Technology Department.
20. International Cooperation Department.
21. Vietnam National Institute of Educational Sciences.
22. Education Times.
23. Journal of Education.

The organizations referred to in Clauses 1-20 of this Article are Departments of the Ministry in charge of assisting the Minister in performing the state management functions; the organizations referred to in Clauses 21-23 are public administrative units serving the Ministry's performance of state management functions.

The Minister of Education and Training of Vietnam shall request the Prime Minister to promulgate the list of other public administrative units affiliated to the Ministry.

The Minister of Education and Training of Vietnam shall issue decisions defining the functions, tasks, powers and organizational structure of departments/units of and affiliated to the Ministry in accordance with regulations of law, except those under the jurisdiction of the Prime Minister.

Article 4. Transition

The Educational Facilities, Equipment and Children's Toy Department shall continue performing its functions, tasks, powers and organizational structure in accordance with regulations in force until the Minister of Education and Training of Vietnam promulgates a Decision defining the functions, tasks, powers and organizational structure of the Educational Facilities Department.

Article 5. Effect

1. This Decree comes into force from November 01, 2022.

2. This Decree supersedes the Government's Decree No. 69/2017/ND-CP dated May 25, 2017 defining functions, tasks, powers and organizational structure of the Ministry of Education and Training of Vietnam.

Article 6. Responsibility for implementation

Ministers, heads of ministerial agencies, heads of Governmental agencies, and Chairpersons of provincial People's Committees are responsible for the implementation of this Decree.

**ON BEHALF OF THE
GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Pham Binh Minh

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