

NATIONAL EDUCATION ACT  
B.E. 2542 (1999)<sup>1</sup>

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BHUMIBOL ADULYADEJ, REX.  
Given on the 14<sup>th</sup> Day of August B.E. 2542;  
Being the 54<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on national education;

This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 50 of the Constitution of the Kingdom of Thailand so permit by the virtue of law;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

**Section 1.** This Act is called the “National Education Act B.E.2542 (1999)”.

**Section 2.** This Act shall come into force from the day following the date of its publication in the Government Gazette.<sup>2</sup>

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<sup>1</sup> Translated by Mr. Tanongsak Mahakusol contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

<sup>2</sup> Published in the Government Gazette, Vol. 116, Part 74 a, Page 1, dated 19<sup>th</sup> August, B.E. 2542 (1999).

**Section 3.** For the parts of all statutes, laws, regulations, rules, notifications, and other orders that have already promulgated within this Act, or are contrary to or inconsistent with the provisions in this Act, this Act shall preempt.

**Section 4.** In this Act:

“Education” means a learning process for the prosperity of person and society through educating, practicing, training, inheriting of culture, creating a sustainable academic advancement, creating a body of knowledge incurring from a supportive environmental, societal, and educational setting and supportive factor for a person to conduct a continuous lifetime learning.

“Basic education” means an education prior to a higher education level.

“Lifetime education” means an education deriving from an integration of formal education, non-formal education, and informal education in order to be capable of developing a quality of life continuously throughout lifetime.

“Establishment of education” means an early childhood development establishment, school, learning centre, college, institution, university, educational agency, or other public or private agency having powers and duties or objectives of providing education.

“Basic establishment of education” means an establishment of education providing a basic education.

“Educational standard” means a prescription regarding a desirable characteristic and quality and an intended standard in all establishments of education. It shall serve as a principle for the purpose of comparison for the promotion and supervision, examination, evaluation, and quality assurance in education.

“Internal quality assurance” means an evaluation and, monitoring and examination of the educational quality and standard of the internal establishment of education by personnel of such establishment of education or an original affiliation organisation having duties to supervise such establishment of education.

“External quality assurance” means an evaluation and, monitoring and examination of the educational quality and standards of the external establishment of

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education by the Office for National Education Standards and Quality Assessment, or a person, or external agency certified by such office, so as to ensure the quality assurance and to provide a development of educational quality and standard in the establishment of education.

“Instructor” means a teacher and faculty member in various level of establishment of education.

“Teacher” means a professional personnel performing main duty of studying and teaching, and promoting learning of a learner through various means in the establishments of education including both public and private.

“Faculty member” mean a personnel performing main duty on teaching and conducting research in the establishment of education in higher education with degree level including both public and private.

“Administrator of establishment of education” means a professional personnel responsible for an administration of each establishment of education including both public and private.

“Administrator of education” means a professional personnel responsible for an administration of education outside the establishment of education from the level of educational service area or above.

“Educational personnel” means an administrator of establishment of education, administrator of education, as well as a person who supports the education whose duties are to provide service or perform a work in connection with a provision of studying and teaching process, supervision, and educational administration in various educational agencies.

“Ministry”<sup>3</sup> means the Ministry of Education.

“Minister” means the Minister having charge and control of the execution of this Act.

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<sup>3</sup> Section 4 Definition of “Ministry” was amended by the National Education Act (No.2) B.E.2545 (2002).

**Section 5.**<sup>4</sup> The Minister of Education shall have charge and control of the execution of this Act, and shall have the power to issue the Ministerial Regulation, Rule, and Notification for the execution of this Act.

The Ministerial Regulation, Rule and Notification shall come into force upon their publication in the Government Gazette.

## Chapter I

### General Provision:

#### Objective and Principle

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**Section 6.** The provision of education shall be for a development of Thai people so as to be a perfect human being including body, mind, intelligence, knowledge, and virtue and to have morality and culture in living life and capable of living with other people happily.

**Section 7.** A Learning process shall aim at instilling a correct conscience relating to politics and administration of a democratic form of government with the King as Head of State, an awareness to protect and promote right, duty, liberty, respect of law, equality, and human dignity, a sense of pride to be Thai, an awareness to protect public and national interest, as well as promoting religious, art, national culture, sport, folk wisdom, Thai wisdom, and universal knowledge, along with preserving natural resources and environment, a capability to make a living, an awareness to be self-reliance, having creativity, longing for knowledge, and self studying on a continuous basis.

**Section 8.** A provision of education shall be based on the following principles:

- (1) being a lifetime education for people;

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<sup>4</sup> Section 5 was amended by the National Education Act (No.2) B.E.2545 (2002).

- (2) allowing a society to participate in the provision of education;
- (3) developing a content and learning process on a continuous basis.

**Section 9.** A regulating of system, structure, and a process of providing education shall be based on the principles, as follows:

- (1) having a unity in policy and having a diversity in practice;
- (2) having a decentralisation of power to an educational service area, establishment of education, and local administration;
- (3) having a determination of educational standard and a provision of education quality assurance system for all levels and types of education;
- (4) having principle in promoting the teacher profession standard, faculty member, and educational personnel and a development of teacher, faculty member, and educational personnel on a continuous basis;
- (5) assembling resources from various sources for the provision of education;
- (6) participating from a person, family, community, community organisation, local administration, private sector, private organisation, professional organisation, religious institution, establishment, and other social institutions.

## Chapter II

### Right and Duty of Education

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**Section 10.** In the provision of education, the State shall provide equal right and opportunity for a person to receive a basic education throughout for not less than twelve years with quality and without cost.

In the provision of education for a person with physical, mental, intellectual, emotional, societal, communicational, and learning deficiency or with disability or infirmity, or a person who cannot rely on oneself, or who has no one to take care, or underprivileged, such person shall be specially provided with the right and opportunity to receive the basic education.

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In the provision of education to the disabled under paragraph two, it shall be provided at birth or upon discovering the disability without cost and such person shall have a right to receive the facility, media, service, and other assistance in education in accordance with the criteria and procedure prescribed in the Ministerial Regulation.

In the provision of education to a talented person, it shall be provided in an appropriate manner by taking into account the capability of such person.

**Section 11.** A father, mother, or parent shall have a duty to provide a child or a person under custody to receive a compulsory education under section 17 and under the law concerned along with to receive an education apart from the compulsory education according to the family's availability.

**Section 12.** Apart from the State, private sector, and local administration; a person, family, community organisation, private organisation, professional organization, religious institution, establishment, and other social institutions shall have a right to provide basic education as prescribed in the Ministerial Regulation.

**Section 13.** A mother, father, or parent shall be entitled to benefits as follows:

- (1) a support from the State to have knowledge and capability to nurture and provide education to a child or a person under custody;
- (2) a government subsidy for providing basic education for the child or the person under custody by family as prescribed by the law;
- (3) a tax deduction or exemption for an educational expense as prescribed by law.

**Section 14.** A person, family, community, community organisation, private organisation, professional organisation, religious institution, establishment, and other social institution who support or provide basic education shall be entitled to benefits as appropriate to the case, as follows:

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- (1) a support from the State to have knowledge and capability to nurture a person under custody and responsibility;
- (2) a government subsidy for providing basic education as prescribed by the law;
- (3) a tax deduction or exemption for an educational expense as prescribed by law.

### Chapter III

#### Educational System

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**Section 15.** The provision of education shall have three types namely formal education, non-formal education, and informal education:

(1) a formal education is an education which determine an objective, educational procedure, curriculum, period of study, measurement and evaluation as a certain condition of graduation;

(2) a non-formal education is an education having flexibility in determining an objective, type, procedure for providing education, period of study, measurement and evaluation as a significant condition for graduation. The content and curriculum shall be appropriate and in conformity with the problem and demand of a person in each group.

(3) an informal education is an education which allow the learner to learn by oneself according to the interest, potential, availability, and opportunity by educating from a person, experience, society, environment, media and other sources of knowledge.

An establishment of education may provide education in one type or all of three types.

There shall be a comparison and transferring of academic result accumulated by the learner between the same types or different types whether the academic result is from the same establishment of education or not, including learning in the non-formal, informal, vocational training, or working experience.

**Section 16.** A Formal education shall have two levels namely basic education and higher education.

The basic education shall be consisted of an education providing for not less than twelve years prior to the higher education. A division of level and type of the basic education shall be as prescribed in the Ministerial Regulation.

The higher education shall be categorised into two levels namely under degree level and degree level.

The categorisation of level or comparison of the non-formal education level or informal education shall be as prescribed in the Ministerial Regulation.

**Section 17.** There shall be a compulsory education of nine years for a child about to be aged seven to study in a basic establishment of education until about to be aged sixteen except passing an examination of ninth year of the compulsory education. The criteria and procedure of calculating age shall be as prescribed in the Ministerial Regulation.

**Section 18.** The provision of early childhood and basic education shall be provided in an establishment of education, as follows:

(1) early childhood development establishment namely child care centre, child development centre, child development centre in preparation for religious institution, initial service and assistance centre for disabled child and child with special need, or other early childhood development establishment under other names;

(2) school namely public school, private school, and school affiliated with Buddhism institution or other religious;

(3) learning centre namely a place to study provided by organisation providing education outside school, person, family, community, community organisation, local administration, private organisation, professional organisation, religious institution, establishment, hospital, medical institution, foster home, and other social institutions.



**Section 19.** The provision of higher education shall be provided in the university, institution, college, or other organisation under other names in accordance with the law on establishment of education in higher education level, the law on a founding of such establishment of education and relating laws.

**Section 20.** The provision of vocational education, and professional training shall be provided in public establishment of education, private establishment of education, establishment, or by a cooperation between establishment of education and establishment in accordance with the law on vocational education and relating laws.

**Section 21.** The Ministry, bureau, department, state enterprise, and other organisation of the State may provide specialised education on the demand and expertise of such organisation by taking into account the policy and national education standard in accordance with the criteria, procedure and condition prescribed in the Ministerial Regulation.

#### Chapter IV

#### Guideline for Providing Education

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**Section 22.** The provision of education shall be based on the principle that all learners are capable of learning and self-developing and shall deem that the learners have utmost importance. The process of providing education shall promote the learners to be capable of developing naturally and to the full potential.

**Section 23.** The provision of education in formal education, non-formal education, and informal education shall emphasize on the importance of knowledge, virtue, learning process, and integration according to the suitability of each educational level in the following matters:

(1) a knowledge of oneself, and a relationship of oneself and a society namely a family, community, nation, and world society including the knowledge relating to history and background of Thai society and a system of politics and administration of a democratic form of government with the King as Head of State;

(2) a knowledge and skill in science and technology including knowledge, understanding, and experience in managing, maintaining, and the utilising of natural resources and environment with balance and sustainability;

(3) a knowledge relating to religious, art, culture, sport, Thai wisdom, and the application of wisdom;

(4) a knowledge and skill in mathematics and language, and the emphasis on a correct usage of Thai language;

(5) a knowledge and skill to make a living and to live happily.

**Section 24.** For the provision of learning process, an establishment of education and relating organisation shall proceed, as follows:

(1) to provide content and activity to be in conformity with an interest and aptitude of a learner by taking into account the difference between person;

(2) to train a skill, thinking process, management, simulation, and application of knowledge to prevent and solve problem;

(3) to organise an activity for a learner to learn from real experience, to practice in order to be capable of thinking and performing, to love reading, and therefore to be thirst for knowledge on a continuous basis;

(4) to provide teaching and studying by an integration of various content and knowledge with proportional balance as well as instilling virtue, value, and desired characteristic in all subjects;

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(5) to promote and support the instructor to be capable of setting an atmosphere, environment, instructional media, and to facilitate for the learner to learn and to be omniscient as well as to be capable of using research as part of the learning process. The instructor and learner may learn concurrently from the various types of teaching and studying media, and sources of knowledge.

(6) to provide learning to happen at all times and places, to have cooperation among father, mother, parent, and a person in community of all parties in order to jointly develop the learner with potential.

**Section 25.** The State shall sufficiently and efficiently promote an operation and establishment of lifetime learning of all types namely public library, museum, art gallery, zoo, public park, botanical garden, science and technology park, sport and recreation centre, data source, and other source of learning.

**Section 26.** An establishment of education shall evaluate a learner by considering from a development of the learner, behaviour, observation of learning habit, activity participation, and examination simultaneously with the studying and teaching process as appropriate to the level and type of education.

The establishment of education shall use various procedures in allocating an opportunity of further study and shall take into consideration an evaluation result of the learner under paragraph one.

**Section 27.** The Basic Education Commission shall determine a centre curriculum of basic education for preserving Thai identity, upholding good citizenship of nation, living, and making a living as well as for further education.

The basic establishment of education shall have a duty to provide curriculum content in accordance with the objective under paragraph one in a part relating to problem in community and society, folk wisdom, desired characteristic to be a good member of family, community, society, and country.

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**Section 28.** The educational curriculum in various levels including the educational curriculum for a person under section 10 paragraph two, paragraph three, and paragraph four shall have a variety of characteristic. It shall be provided as appropriate to each level for the purpose of developing quality of life of person to be suitable to the age and potential.

A content of the curriculum both academically and professionally shall aim at developing people to have a balance in knowledge, thinking, capacity, merit, and social responsibility.

For a curriculum of a higher education level, apart from a characteristic in paragraph one and paragraph two, it shall exclusively aim at developing academic, advanced profession, and conducting research for a development of body of knowledge and society.

**Section 29.** An establishment of education shall cooperate with person, family, community, community organisation, local administration, private sector, private organisation, professional organisation, religious institution, establishment, and other social institution to promote a strengthening of community by providing learning process inside community so as to provide community with education and training, seeking for knowledge, data, news, and being selective of various wisdom and technology in order to develop a community to be in conformity with the problem and demand as well as looking for a procedure to support an exchange of experience in developing among communities.

**Section 30.** An establishment of education shall develop an efficient studying and teaching process as well as shall promote an instructor to be capable of conducting a research for a development of learning suitably for the learner in each level of education.

## Chapter V

### Administration and Provision of Education

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**Part I****Administration and Provision of Education by State**

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**Section 31.**<sup>5</sup> The Ministry shall have the powers and duties relating to a promotion and supervision of education of all levels and types, a determination of policy, plan and educational standard, a support of resources for education, a promotion and cooperation of religious, art, culture, and sport for education as well as monitoring, examining, and evaluating of providing education, and other official service in accordance with the law prescribed to be under the power and duty of the Ministry or a government sector affiliated with the Ministry.

**Section 32.**<sup>6</sup> In regulating a government administration in the Ministry, there shall be four main organisations being a group of persons in a form of council or commission namely education council, basic education commission, vocational education commission, and higher education commission for considering and giving opinion or recommendation to the Minister or the Cabinet and shall have other powers and duties as prescribed by law.

**Section 33.**<sup>7</sup> The education council shall have duties:

- (1) to consider a proposal of national education plan with an integration of religious, art, culture, and sport to all levels of education;
- (2) to consider a proposal of policy, plan, and educational standard for an operation according to the plan under (1);

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<sup>5</sup> Section 31 was added by the National Education Act (No.2) B.E. 2545 (2002)

<sup>6</sup> Section 32 was amended by the National Education Act (No.2) B.E.2545 (2002).

<sup>7</sup> Section 33 was amended by the National Education Act (No.2) B.E.2545 (2002).

(3) to consider a proposal of policy and plan to support resource for education;

(4) to arrange for an evaluation of providing education under (1)

(5) to give opinion or recommendation relating law and Ministerial Regulation issued under this Act.

A proposal of policy, national education plan, and educational standard shall be proposed to the Cabinet.

The commission of the education council shall be consisted of the Minister as a chairperson, *ex officio* member from an organisation concerned, representative from a private organisation, representative from a local administration, representative from a professional organisation, monk as a representative of clergy, representative of the Central Islamic Council of Thailand, representative from other religious organisation, and qualified members for a number not less than a total number of other types of members.

The Office of Education Council shall be a juristic person and the secretary-general of the council shall be a member and secretary.

The number of member, qualification, criteria, searching procedure, electing member, term in office, and vacation of office shall be as prescribed by law.

**Section 34.**<sup>8</sup> The Basic Education Commission shall have a duty to consider a proposal of policy, standard of development plan, and a centre curriculum of basic education to in conformity with the National Economic and Social Development Plan and national education plan, a support of resource, monitoring, examining, and evaluating of providing basic education.

The vocational education commission shall have a duty to consider a proposal of policy, development plan, standard, and curriculum of vocational education of all level in conformity with the demand of the National Economic and Social Development Plan, a support and coordination of providing public and private vocational education, a support of resource, monitoring, examining, and evaluating of providing vocational education by taking into account a quality and excellence of profession.

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<sup>8</sup> Section 34 was amended by the National Education Act (No.2) B.E.2545 (2002)

The higher education commission shall have a duty to consider a proposal of policy, development plan, and higher educational standard in conformity with the National Economic and Social Development Plan, a support of resource, monitoring, examining, and evaluating of providing higher education by taking into account an academic freedom and excellence of an establishment of education in degree level under the law on a founding of each establishment of education and relating laws.

**Section 35.** The component of the commission under section 34 shall be consisted of *ex officio* member from the relating organisation, representative from the private organisation, representative from the local administration, representative from the professional organisation, and qualified person for a number not less than a total number of other types of members.

The number of member, qualification, criteria, searching procedure, electing of chairperson and member, term in office, and vacation of office for each group of commission shall be as prescribed by law by taking into account a distinction of business under the responsibility of each group of commission.

The office of commission under section 34 shall be a juristic person and a secretary-general of each office shall be a member and secretary of the commission.

**Section 36.** The public establishment of education providing education in degree level shall a juristic person and may be categorized as government sector or agency under the control of the State except for the specialised establishment of education under section 21.

Such establishment of education shall operate with freedom, be capable of developing its own administration system and management, have flexibility, academic freedom, and under the control of the education council under the law on the founding of such establishment of education.

**Section 37.**<sup>9</sup> An administration and management of basic education shall be based on the educational service area by taking into account the level of basic education, number of establishment of education, the number of population, culture and other suitability in other aspects except for the provision of basic education under the law on vocational education.

The Minister with the advice of the education council shall have a power to publish in the Government Gazette a determination of educational service area for an administration and provision of basic education by dividing into a primary education service area and elementary education service area.

In case where any establishment of education provides both primary and elementary basic education, a determination of education service area of such establishment of education shall be significantly based on a level of education of the establishment of education as prescribed by the Notification of the Minister with the advice of the Basic Education Commission.

In case where the education service area is unable to be administered or managed under paragraph one, the Ministry may provide basic education for supporting an administration and management of the education service area as follows:

- (1) a provision of basic education to a person with physical, mental, intelligence, emotional, societal, communicational and learning deficiency or with disability or infirmity;
- (2) a provision of basic education in a type of non-formal education or informal education;
- (3) a provision of basic education for a talented person;
- (4) a provision of remote education and a provision of education which provides service in several educational service areas.

**Section 38.**<sup>10</sup> In each of an education service area, there shall be a commission and education service area office having powers and duties to supervise,

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<sup>9</sup> Section 37 was amended by the National Education Act (No.3) B.E.2553 (2010).

<sup>10</sup> Section 38 was amended by the National Education Act (No.2) B.E.2545 (2002)



establish, dissolve, merge, or cease a basic establishment of education in the education service area, coordinate, promote and support private establish of education in the education service area, coordinate and promote local administration to be capable of providing education in conformity with the policy and educational standard, promote and support the provision of education of person, family, community organisation, private organisation, professional organisation, religious institution, establishment, and other social institution which provides education in various types in the education service area.

The education service area commission shall be consisted of representative from the community organisation, representative from the private organisation, representative from the local administration, representative from a teacher profession practitioner, representative from an association of professional practitioner in educational administration, representative from an association of parent and teacher, and qualified persons in education, religious, art, and culture.

The number of member, qualification, criteria, searching procedure, electing a chairperson and member, term in office, and vacation of office shall be as prescribed in the Ministerial Regulation.

The director of the education service area shall be a member and secretary of the education service area commission.

The process under paragraph one in part relating to the private establishment of education and local administration whether to be under the power and duty of which education service area shall be as prescribed by the Notification of the Minister with the advice of the Basic Education Commission.<sup>11</sup>

**Section 39.**<sup>12</sup> The Ministry shall directly decentralise the power in an administration and provision of education in aspects of academic, budget, personnel administration, and general administration to the commission and education service area office, and establishment of education in the education service area.

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<sup>11</sup> Section 38 paragraph five was added by the National Education Act (No.3) B.E.2553 (2010).

<sup>12</sup> Section 39 was amended by the National Education Act (No.2) B.E.2545 (2002)

The criteria and procedure of such decentralisation shall be in accordance with as prescribed in the Ministerial Regulation.

**Section 40.**<sup>13</sup> There shall be a commission of basic establishment of education in an establishment of education in higher education lower than degree level and an establishment of education in vocational education for each establishment of education having a duty of supervising, promoting and supporting a business of the establishment of education consisting of representative from the parent, representative from the teacher, representative from the community organisation, representative from the local administration, representative from the establishment of education alumni, representative from monk, and/or representative from other religious organisation in the area, and qualified person.

The establishment of education lower than degree level and the establishment of education in vocational education may have additional member as prescribed by law.

The number of member, qualification, criteria, searching procedure, electing chairperson and member, term in office, and vacation of office shall be in accordance with as prescribed in the Ministerial Regulation.

An administrator of establishment of education shall be a member and secretary of the establishment of education commission.

The provision in this section shall not apply to the establishment of education under section 18 (1) and (3).

## Part II

### Administration and Provision of Education by Local Administration

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<sup>13</sup> Section 40 was amended by the National Education Act (No.2) B.E.2545.

**Section 41.** A local administration shall have a right to provide education at any or all levels in accordance with an availability, suitability, and demand inside the local area.

**Section 42.** The Ministry shall prescribe the criteria and procedure for evaluating an availability to provide education of a local administration and shall have a duty to coordinate and promote the local administration to be capable of providing education in conformity with the policy and educational standard as well as recommending an allocation of budget to support a provision of education by the local administration.

### Part III

#### Administration and Provision of Education by Private sector

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**Section 43.** An administration and provision of education by private sector shall have freedom with a supervision, monitoring, and quality and educational standard evaluation from the State, and shall perform in accordance with the criteria on quality and educational standard evaluation similar to that of a public establishment of education.

**Section 44.** A private establishment of education under section 18 (2) shall be a juristic person and shall have an administration commission consisting of an administrator of the private establishment of education, licensee, representative from the parent, representative from the community organisation, representative from the teacher, representative from the alumni, and qualified person.

The number of members, qualification, criteria, searching procedure, electing a chairperson and member, term in office, and vacation of office shall be as prescribed in the Ministerial Regulation.

**Section 45.** A private establishment of education shall provide all level and types of education as prescribed by law. The state shall clearly determine a policy and measure regarding a participation of private sector in education.

The determination of policy and provision of education plan by the State, by education service area, or by local administration shall take into account an effect of the provision of education by private sector. The Minister, the education service area commission, or the local administration shall listen to the opinion of private sector and people and therefore taking into consideration.<sup>14</sup>

The private establishment of education providing education in degree level shall operate its business with freedom, be capable of developing its own administration and management system, be flexible, have academic freedom and be under the supervision of the establishment of education council in accordance with the law on private institution of higher education.

**Section 46.** The State shall support a subsidy, a deduction and exemption of tax, and other privileges which are beneficial to the education of private establishment of education as appropriate as well as promote and support in academic aspect so that the private establishment of education shall achieve a standard and be capable of self-reliance.

## Chapter VI

### Standard and Quality Assurance of Education

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**Section 47.** There shall be an education quality assurance system to develop a quality and educational standard of all levels consisting of internal quality assurance system and external quality assurance system.

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<sup>14</sup> Section 45 paragraph 2 was amended by the National Education Act (No.2) B.E.2545 (2002).

The system, criteria, and procedure for education quality assurance shall be as prescribed in the Ministerial Regulation.

**Section 48.** The original affiliation organisation and establishment of education shall provide a quality assurance system inside the establishment of education. It shall be deemed that an internal quality assurance is part of the educational administration process which shall be committed on a continuous basis. The annual report shall be made and submitted to the original affiliation organisation, relating organisation, and be published to the public in order to bring about a development of educational quality and standard and to support an external quality assurance.

**Section 49.** There shall be an Office for National Education Standards and Quality Assessment having a status of public agency and having duties to develop the criteria, procedure for external quality evaluation, and to evaluate a provision of education so as to examine a quality of an establishment of education. The objective, principle, and a guideline for providing an education in each level shall be taken into account as prescribed in this Act.

There shall be an external quality evaluation of all establishments of education at least once in every five years from the previous time of evaluation and the evaluation result shall be submitted to the relating agencies and public.

**Section 50.** An establishment of education shall cooperate in preparing documents containing a data relating to the establishment of education, allow its personnel and commission of the establishment of education, the parent and person concerned with the establishment of education to provide additional data in part relating to a performance of duty by the the establishment of education as requested by the Office for National Education Standards and Quality Assessment, outsider, or external agency certified by such office which conducts external quality evaluation of such establishment of education.

**Section 51.**<sup>15</sup> In case where a result of external evaluation of an establishment of education fails to reach the determined standard, the Office for National Education Standards and Quality Assessment shall prepare a recommendation of rectification to the original affiliation in order to render an establishment of education to rectify within a determined time period. If it fails to operate accordingly, the Office for National Education Standards and Quality Assessment shall report to the Basic Education Commission, Vocational Education Commission, or Higher Education Commission in order to render a rectification.

## Chapter VII

### Teacher, Faculty Member, and Educational Personnel

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**Section 52.** The Ministry shall promote to have a system, creating process, and development of teacher, faculty member, and educational personnel to be equipped with an appropriate quality and standard of advanced profession by supervising and coordinating with the institution having a duty to create and develop teacher, faculty member as well as educational personnel to be ready and to have a strength in a preparation of new personnel and to develop a fulltime personnel on a continuous basis.

The State shall sufficiently allocate the budget and establish a fund for the development of teacher, faculty member, educational personnel.

**Section 53.** There shall be a teacher profession organisation, administrator of establishment of education, and administrator of education having a status of independent entity subjecting to an administration of council of profession under the supervision of the Ministry. They shall have the power and duty to determine a professional standard, grant and revoke a professional practice licence, supervise a compliance of professional standard

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<sup>15</sup> Section 51 was amended by the National Education Act (No.2) B.E.2545 (2002).

and ethics as well as develop teacher profession, administrator of establishment of education, and administrator of education.

The teacher, administrator of establishment of education, administrator of education, and other educational personnel including both the public and private shall have a licence to practice the profession as prescribed by law.

The provision of teacher profession organisation, administrator of establishment of education, administrator of education, and other educational personnels, qualification, criteria, and procedure for granting and revoking the licence to practice the profession shall be as prescribed by law.

The provision under paragraph two shall not apply to the educational personnel providing informal education of establishment of education under section 18 (3), an administrator ranked above an education service area, and specialized educational personnel.

The provision in this section shall not apply to the faculty member, administrator of establishment of education, and administrator of higher education in degree level.

**Section 54.** There shall be a centre organisation to administer a personnel of teacher civil service. The teacher and educational personnel of the educational agency in public establishment of education level and in an education service area level shall be a government official under the centre organisation to administer a personnel of teacher civil service. It shall be based on a principle of decentralisation of personnel administration to an education service area and establishment of education as prescribed by law.

**Section 55.** There shall be a law on salary, remuneration, welfare, and other benefits for teacher civil service and educational personnel so as to have sufficient income and be suitable for social status and profession.

There shall be a teacher, faculty member, educational personnel promotion fund. It shall be allocated as a subsidy for a creative and innovative work, outstanding work,

and a reward to honour a teacher, faculty member, and educational personnel as prescribed in the Ministerial Regulation.

**Section 56.** The creation and development of faculty member and educational personnel, a development of professional standard and ethics, and administration of government official or government employee in an establishment of education in degree level having a status of juristic person shall be in accordance with the law on the founding of each establishment of education and relating law.

**Section 57.** The agency in education shall assemble human resources in the community to have a participation in a provision of education by applying an experience, knowledge, expertise, folk wisdom of such person for the benefit of providing education and praising the person who support and promote a providing of education.

## Chapter VIII

### Resource and Investment for Education

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**Section 58.** There shall be an assembly of resource and investment of budget, finance, and property from the State, local administration, person, family, community, community organisation, private organisation, professional organisation, religious institution, establishment, other social institution, and foreign country in order to provide education, as follows:

(1) the State and local administration shall assemble resource for education by collecting tax for education as appropriate as prescribed by law;

(2) the person, family, community, community organisation, local administration, private organisation, professional organisation, religious institution, establishment, and other social institution shall assemble resource for education. They shall organise and participate in providing education, contribute property and other resource to

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the establishment of education, and share a burden of expense as appropriate and necessary.

The State and local administration shall promote and motivate the assembly of such resource by supporting, aiding, and implementing tax deduction or exemption measure as appropriate and necessary as prescribed by law.

**Section 59.** The establishment of education of the State which is a juristic person shall have a power to govern, look after, maintain, utilize, and provide benefit from the property of the establishment of education including *ratchaphatsadu* land under the law on *ratchaphatsadu* land and other properties as well as shall provide an income from the service of the establishment of education and collect tuition fee which is not contrary or inconsistent with the policy, objective, and main mission of the establishment of education.

All the immovable properties of the establishment of education of the State which is a juristic person obtained by donating, purchasing, or exchanging from the establishment of education's income shall not be deemed a *ratchaphatsadu* land and shall be owned by the establishment of education.

All the incomes and benefits of the establishment of education of the State which is a juristic person including the benefit incurring from the *ratchaphatsadu* land, a fine arising from a breach of education leave agreement, and a fine arising from a breach of a purchase of property or hiring of work agreement operated by the budget shall not be an income to be remitted to the Ministry of Finance under the law on treasury reserve and the law on budget procedure.

For all incomes and benefits of the establishment of education of the State which is not a juristic person including the benefit arising from the *ratchaphatsadu* land, a fine arising from a breach of education leave agreement, and a fine arising from a breach of a purchase of property or hiring of work agreement operated by the budget, the establishment of education may allocate to be an expenditure of such establishment of education as prescribed by the rule of the Ministry of Finance.

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**Section 60.** The State shall allocate government budget to an education due to the utmost importance for a sustainable development of the country by allocating the budget for education as follows;

(1) to allocate general subsidy to be a personal expense as appropriate to the learner of compulsory education and basic education held by public and private equally;

(2) to allocate scholarship in type of loan fund to the learner coming from a low income family according to the suitability and necessity;

(3) to allocate the budget and other educational resources extraordinarily to be suitable and in conformity with the necessity in providing education for the learner with special need in each group under section 10 paragraph two, paragraph three, and paragraph four by taking into account an equality in an opportunity of education and fairness in accordance with the criteria and procedure prescribed in the Ministerial Regulation;

(4) to allocate the budget as an operational expense and investment budget for public establishment of education according to the policy of national education development plan and the mission of the establishment of education with a freedom in an administration of budget and educational resource. A quality and equality in an opportunity for education shall be taken into account;

(5) to allocate the budget in a manner of general subsidy to the establishment of education in higher education level of the State which is a juristic person and is an establishment of education under the supervision of the State or public agency;

(6) to allocate loan fund with low interest to the private establishment of education so as to be self-reliance;

(7) to establish a fund for public and private educational development.

**Section 61.** The State shall allocate a subsidy for education held by person, family, community organisation, private organisation, professional organisation, religious institution, establishment, and other social institutions as appropriate and necessary.

**Section 62.** There shall be a system of examination, monitoring, and evaluation of efficiency and effectiveness of the budget expenditure in a provision of education to be in conformity with the principle of education, guideline for providing education, and educational standard and quality by the internal agency and government agency having duties for external examination.

**Part IX**  
**Technology for Education**

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**Section 63.** The State shall allocate the radio frequency, transmission device, and other infrastructure necessary for a radio broadcasting, television broadcasting, telecommunication broadcasting, and other means of communication for the benefit of formal education, non-formal education, informal education, preserving religious, art, and culture as necessary.

**Section 64.** The State shall promote and support a production and development of coursebook, textbook, academic book, other publications, equipment, and technology for other education. In doing so, it shall speed up a development of production competency, provide a subsidy for production, and motivate a producer, and develop the technology for education so as to have a free and fair competition.

**Section 65.** There shall be a personnel development of producer and user of technology for education, for acquiring knowledge, capability, and skill in production as well as using a technology with an appropriate manner, quality, and efficiency.

**Section 66.** The learner shall have a right to receive a competency development in using technology for education in the very first instance available so as to have a knowledge and skill sufficient to use technology for education by seeking for knowledge by oneself on a continuous lifetime basis.

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**Section 67.** The State shall promote to have a research and development, production, and development of technology for education including monitoring, examining, and evaluating a result of a usage of technology for education in order to ensure the worthiness and suitability of usage in Thai learning process.

**Section 68.** There shall be an assembly of capital to establish an educational technology development fund from government subsidy, concession fee, and profit accrued from a business operation of mass communication, information technology, and telecommunication of all parties concerned including public sector, private sector, and people organisation. In addition, there shall be a special discount of service charge rate in a usage of technology to develop people and society.

The criteria and procedure in allocating fund for production, research, and development of technology for education shall be as prescribed in the Ministerial Regulation.

**Section 69.** The State shall provide a centre agency performing a duty of considering a proposal of policy, promotion and coordination research plan, development and usage, as well as evaluation of quality and efficiency in production and the usage of technology for education.

#### Transitory Provision

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**Section 70.** All statutes, laws, regulations, rules, notifications, and orders relating to education, religious, art, and culture which applies on the date this Act comes into force shall continue to be enforced until a revision under the provision of this Act is executed which shall not exceed five years from the date this Act comes into force.

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**Section 71.** The Ministry, bureau, department, educational agency, and establishment of education which exist on the date this Act comes into force shall continue to have the same status, power, and duty until an administration is systemised and education is provided under the provision of this Act which shall not exceed three years from the date this Act comes into force.

**Section 72.** In the initial term, the provision of section 10 paragraph one and section 17 shall not apply until the execution to be in compliance with such provisions is completed which shall not exceed five years from the date the Constitution of the Kingdom of Thailand has come into force.

Within one year from the date this Act comes into force, the Ministerial Regulation under section 16 paragraph two and paragraph four shall be completely issued.

Within six years from the date this Act comes into force, the Ministry shall provide an external evaluation for the first time of all establishments of education.

**Section 73.** In the initial term, the provision in chapter 5 of an administration and provision of education and chapter 7 of teacher, faculty member, and educational personnel shall not apply until an execution to be in compliance with the provisions in such chapter, a revision of the Teacher Act B.E.2488 (1945) and the Government Teacher Act B.E.2523 (1980) are completed which shall not exceed three years from the date this Act comes into force.

**Section 74.** In the initial term where an establishment of the Ministry has not yet been completed, the Prime Minister, the Minister of Education, the Minister of University Affairs shall have charge and control of the execution of this Act and shall have the power to issue the Ministerial Regulation, rule, and notification for the execution of this Act in part related to their respective powers and duties.

For the execution of this Act in part which should be operated prior to a completion in a systemization of administration of education under chapter 5 of this Act, the

Ministry of Education, Ministry of University Affairs, and the National Education Commission shall execute their respective duties, as the case may be.<sup>16</sup>

**Section 75.** The office of the educational reform shall be established. It shall be an *ad hoc* public agency established by the Royal Decree issued under the provision of law on public agency to perform duties as follows:

(1) to propose an organising of structure, organisation, division of work as prescribed in chapter 5 of this Act;

(2) to propose an organising of teacher, faculty member, educational personnel system as prescribed in chapter 7 of this Act;

(3) to propose an organising of resource and investment for education system as prescribed in chapter 8 of this Act;

(4) to recommend regarding a draft of law to support an operation under (1), (2), and (3) to the Cabinet;

(5) to recommend regarding a revision of statute, law, prescription, rule, and order enforced in part relating to an operation under (1), (2), and (3) to be in conformity with this Act to the Cabinet;

(6) other powers and duties as prescribed in the law on public agency.

It shall take into account an opinion of the people.

**Section 76.** There shall be nine commission members of the office of the educational reform consisting of chairperson and members appointed by the Minister from a person with knowledge, capability, experience, and expertise in an education administration, public administration, personnel administration, budget, finance and public finance, public law, and law on education. There shall be qualified persons who are not a government official or a person working in government agency for not less than three persons.

The administration commission shall have a power to appoint the qualified person as a counselor and appoint the sub-committee for the execution as assigned by the administration commission.

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<sup>16</sup> Section 74 paragraph two was amended by the National Education Act (No.2) B.E.2545 (2002).

The secretary-general of the office of the educational reform shall be a member and secretary of the administration commission and shall administer a business of the office of the educational reform under the supervision of the administration commission.

The administration commission and secretary-general shall have one term in office for a period of three years. Upon an expiration of term, the position and the office of the educational reform shall be dissolved.

**Section 77.** There shall be one group of fifteen selection commission members seeking for the administration commission of the office of the educational reform having duties to elect person suitable to be nominated as administration commission for a number twice to a chairperson and administration members to be proposed to the Cabinet for consideration and appointment. It shall be consisted of:

(1) five representatives from the relating agency namely Permanent Secretary of the Ministry of Education, Permanent Secretary of the Ministry of University Affairs, Secretary-General of the Judicial Council, Secretary-General of the National Education Commission, and the Director of the Bureau of Budget;

(2) two rectors elected among the rectors themselves from the private and public institution of higher education which are juristic person, three deans elected among the deans themselves from public and private faculty of education, education science, or education which provide teaching in degree level in a field of science of education, education science, or education. At least one of them shall be a dean in a faculty of education, education science, or education of a public university;

(3) five representatives elected among the representatives themselves from the academic association, educational profession association which is a juristic person.

The selection commission shall elect one selection member to be a chairperson and one selection member to be a secretary of the selection commission.

**Section 78.** The Prime Minister shall have charge and control of the execution of the Royal Decree to establish the office of the educational reform and shall

have a duty to supervise the business of the office as prescribed in the law on public agency.

Apart from those enacted in this Act, the Royal Decree to establish the office of the educational reform shall have at least the contents as follows:

(1) a component, power and duty, and term in office of the administration commission under section 75 and section 76;

(2) a component, power and duty of the selection commission, criteria, selecting procedure, and a proposal to appoint administration commission under section 77;

(3) a qualification and prohibition as well as a vacation of office of the administration commission, secretary-general, and official;

(4) a capital, income, budget, and property;

(5) an administration of personnel, welfare, and other benefits;

(6) a supervision, examination, and evaluation of work;

(7) a dissolution;

(8) other regulations necessary for a smooth and efficient operation of business.

Countersigned by:

Chuang Leekpai

Prime Minister