

# TEACHERS LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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Chapter I General Provisions

Article 1 This Law is formulated for the purpose of safeguarding teachers' legitimate rights and interests, building up a contingent of teachers who are sound in moral character and good in professional competence, and promoting the development of socialist education.

Article 2 This Law shall apply to teachers specifically engaged in education and teaching at schools of various levels and categories or other institutions of education.

Article 3 Teachers are professionals who exercise the functions of education and teaching and are charged with the duty of imparting knowledge and educating people, training builders and successors for the socialist cause and enhancing the quality of the nation. Teachers shall devote themselves to the educational cause of the people.

Article 4 People's governments at various levels shall adopt measures to strengthen ideological and political education and professional training of teachers, improve their working and living conditions, safeguard their legitimate rights and interests and raise their social status.

Teachers shall be respected in the whole society.

Article 5 The administrative department of education under the State Council shall be in charge of the work concerning teachers in the whole country.

The departments concerned under the State Council shall, within the scope of their functions and powers, be responsible for the relevant work concerning teachers.

Schools and other institutions of education shall administer the affairs of teachers on their own according to the relevant provisions of the State.

Article 6 September 10 of each year is designated as Teachers' Day.

## Chapter II Rights and Obligations

Article 7 Teachers shall enjoy the following rights:

- (1) to conduct educational and teaching activities and carry out reform and experiment in education and teaching;
- (2) to engage in scientific research and academic exchanges, join professional academic societies and fully express their views in academic activities;
- (3) to give guidance to students in their studies and development and evaluate students' conduct and academic achievements;
- (4) to obtain salaries and remunerations on schedule and enjoy the welfare benefits prescribed by the State and the leave with pay in winter and summer vacations;
- (5) to put forward opinions and suggestions regarding education, teaching, management of schools and the work of the administrative departments of education; and to participate in the democratic management of schools through congresses of teachers, staff, and workers, or through other forms; and
- (6) to take refresher courses or other forms of training.

Article 8 Teachers shall perform the following obligations:

- (1) to abide by the Constitution, laws and professional ethics, and be paragons of virtue and learning;
- (2) to implement the educational policies of the State, observe relevant rules and regulations, carry out schools' teaching plans, fulfil teaching contracts and accomplish educational and teaching tasks;
- (3) to conduct education among students in the basic principles defined in the Constitution, education in patriotism, national unity and the legal system, and education in ideology, morality, culture, science and technology, and to organize and lead students to engage in beneficial social activities;
- (4) to concern themselves with all students, love them, respect their dignity and promote their all-round development in such aspects as morality, intelligence and physique;
- (5) to stop acts that are harmful to students and other acts that encroach upon students' legitimate rights and interests, criticize and combat the phenomena that impair the sound growth of students; and
- (6) to continuously raise their ideological level and political consciousness and improve their professional competence in education and teaching.

Article 9 To guarantee that teachers complete their educational and teaching tasks, people's governments at various levels, administrative departments of education, relevant departments, schools and other institutions of education shall perform the following functions and duties;

(1) to provide educational and teaching facilities and equipment that are up to the safety standards set by the State;

(2) to provide necessary books, reference materials and other articles for education and teaching;

(3) to encourage and help teachers in their creative work in education, teaching and scientific research; and

(4) to back up teachers in their efforts to stop acts that are harmful to students and other acts that encroach upon students' legitimate rights and interests.

### Chapter III Qualifications and Employment

Article 10 The State shall institute a system of qualifications for teachers.

All Chinese citizens, who abide by the Constitution and laws, take a keen interest in education, have sound ideological and moral character, possess a record of formal schooling as stipulated in this Law or have passed the national teachers' qualification examinations, have educational and teaching ability may, after being valued as qualified, obtain qualifications for teachers.

Article 11 To obtain qualifications for teachers, corresponding records of formal schooling are required as follows:

(1) to obtain qualifications for a teacher in a kindergarten, one shall be a graduate of an infant normal school or upwards;

(2) to obtain qualifications for a teacher in a primary school, one shall be a graduate of a secondary normal school or upwards;

(3) to obtain qualifications for a teacher in a junior middle school, or a teacher for general knowledge courses and specialized courses in a primary vocational school, one shall be a graduate of a specialized higher normal school, or other colleges or universities with two or three years' schooling or upwards;

(4) to obtain qualifications for a teacher in a senior middle school, or a teacher for general knowledge courses and specialized courses in a secondary vocational school, technical school or a vocational high school, one shall be a graduate of a normal college or other colleges or universities with four years' schooling, or upwards; the corresponding record of formal schooling for the qualifications of instructors who give guidance to students' fieldwork at secondary vocational schools, technical schools or vocational high schools shall be prescribed by the administrative department of education under the State Council;

(5) to obtain qualifications for a teacher in an institution of higher learning, one shall be a postgraduate or university graduate; and

(6) to obtain qualifications for a teacher for adult education, one shall be a graduate respectively of an institution of higher learning, a secondary school or upwards depending on the level and category of the adult education.

Citizens who, without the records of formal schooling for teachers' qualifications as stipulated in this Law, apply for teacher's qualifications must pass the national teachers' qualification examinations. The national teachers' qualifications examination system shall be prescribed by the State Council.

Article 12 The administrative department of education under the State Council shall work out transition measures on qualifications for teachers who, before the enforcement of this Law, have been teaching at schools or other institutions of education, but do not have the record of formal schooling as stipulated in this Law.

Article 13 The qualifications for teachers in primary and middle schools shall be evaluated and approved by the administrative departments of education under the local people's governments at or above the county level. The qualifications for teachers in secondary vocational schools and technical schools shall be evaluated and approved by the relevant competent departments, under the auspices of the administrative departments of education under the local people's governments at or above the county level. The qualifications for teachers of regular institutions of higher education shall be evaluated and approved by the administrative departments of education under the State Council, or of provinces, autonomous regions, or municipalities directly under the Central Government, or by schools authorized by such departments. If a citizen who possesses a record of formal schooling as stipulated in this Law, or who has passed the national teachers' qualification examinations, requests the departments concerned to evaluate and approve his qualifications for teachers, the departments concerned shall give evaluation and approval in accordance with the requirements provided for in this Law.

Those with qualifications for teachers who are for the first time appointed as teachers shall undergo a probation period.

Article 14 Those who have been deprived of political rights or subjected to fixed-term imprisonment or even more severe punishment for intentional crime shall not be allowed to obtain qualifications for teachers; and those who have already obtained qualifications for teachers shall forfeit such qualifications.

Article 15 Graduates of normal schools at various levels shall be engaged in education and teaching in accordance with the relevant provisions of the State.

The State shall encourage graduates of non-normal schools of higher learning to teach at primary and secondary schools or vocational schools.

Article 16 The State shall institute a system of professional titles for teachers. The specific measures shall be worked out by the State Council.

Article 17 Schools and other institutions of education shall gradually institute a system of appointment for teachers. Appointment of teachers shall be based on the principle of equality between both parties. The school and the teacher shall sign an appointment contract defining each other's rights, obligations and responsibilities.

Steps and measures for implementing the appointment system for teachers shall be formulated by the administrative department of education under the State Council.

#### Chapter IV Cultivation and Training

Article 18 People's governments at various levels and the departments concerned shall make a success of normal school education and adopt measures to encourage outstanding youth to study at normal schools at various levels. Schools for teachers' advanced studies at different levels shall undertake the task of training teachers for primary and secondary schools.

Non-normal schools shall undertake the task of cultivating and training primary and secondary school teachers.

Students of normal schools at various levels shall enjoy professional scholarships.

Article 19 The administrative departments of education under the people's governments at various levels, the departments in charge of school affairs and the schools shall work out teachers' training programmes and conduct various forms of ideological, political and professional training among teachers.

Article 20 State organs, enterprises, institutions and other social organizations shall provide convenience and assistance to teachers in their social investigation and social practice.

Article 21 People's governments at various levels shall adopt measures to cultivate and train teachers for regions inhabited by national minorities and for outlying and poverty-stricken areas.

#### Chapter V Assessment

Article 22 Schools or other institutions of education shall conduct assessment of teachers' political awareness and ideological level, professional qualifications, attitude towards work and their performances.

The administrative departments of education shall guide and supervise the assessment work for teachers.

Article 23 Assessment shall be conducted in an objective, fair and accurate manner and in the process of assessment, opinions from teachers themselves, their colleagues and students shall be taken into full consideration.

Article 24 The assessment results shall be the basis for teachers' appointment and pay rise as well as rewards and punishments.

#### Chapter VI Material Benefits

Article 25 Teachers' average salary shall not be lower or shall be higher than that of State public servants and shall be gradually raised. A regular system for promotion and pay rise shall be established, and the specific measures therefor shall be formulated by the State Council.

Article 26 Teachers of primary and secondary schools and vocational schools shall enjoy allowances commensurate with the length of their teaching and other allowances, and the

specific measures therefor shall be formulated by the administrative department of education under the State Council in conjunction with the departments concerned.

Article 27 Local people's governments at various levels shall grant subsidies to teachers and graduates from secondary vocational schools or from schools at higher levels who engage themselves in education and teaching in regions inhabited by national minorities or in outlying and poverty-stricken areas.

Article 28 Local people's governments at various levels and the departments concerned under the State Council shall give priority and preferential treatment to the construction, renting and sale of houses for teachers in urban areas.

People's governments at the county and township levels shall provide conveniences for primary and secondary school teachers in rural areas in solving the housing problems.

Article 29 Teachers shall enjoy equal treatment in medical care as the State public servants in the localities. They shall be given regular health check-ups and shall enjoy rest and recuperation holidays arranged in the light of local conditions.

Medical institutions shall provide conveniences in medical care for teachers in the localities. Article 30 After retirement or quitting work, teachers shall enjoy the material benefits as prescribed by the State.

Local people's governments at or above the county level may appropriately raise the ratio of pensions for the retired primary and secondary school teachers who have long been engaged in education and teaching.

Article 31 People's governments at various levels shall adopt measures to improve the material benefits of teachers who are paid, with subsidies from the State, by the collectives, gradually making sure that such teachers receive equal pay for equal work with teachers who are paid by the State. The specific measures therefor shall be formulated by the local people's governments at various levels in the light of their actual local conditions.

Article 32 The material benefits of teachers at schools run by different sectors of the society shall be determined and guaranteed by the sponsors themselves.

## Chapter VII Rewards

Article 33 Teachers who have achieved excellent results in education and teaching, in the training of personnel, and in scientific research, educational reform, school development, social services and work-study programmes shall be commended and awarded by the schools which they belong to.

Teachers who have made outstanding contributions shall be commended and awarded by the State Council, the local people's governments at various levels and the relevant departments under them.

Teachers who have made major contributions shall be conferred honorary titles in accordance with relevant provisions of the State.

Article 34 The State shall encourage and support social organizations and individuals to donate money to foundations established according to law for awarding teachers.

## Chapter VIII Legal Liability

Article 35 Anyone who insults or assaults a teacher shall be given an administrative sanction or penalty depending on the different circumstances; those who have caused losses or injury shall be ordered to compensate for the losses; and if the circumstances are serious enough to constitute a crime, the offender shall be investigated for criminal responsibility according to law.

Article 36 Anyone who retaliates against the teachers who have made complaints, charges against or exposures of, any organization or individual in accordance with the law shall be ordered by his or her unit or by the authorities at a higher level to make a rectification; if the circumstances are serious, the offender may be given an administrative sanction in the light of the actual conditions.

State functionaries who retaliate against teachers, if the case constitutes a crime, shall be investigated for criminal responsibility in accordance with the provisions of Article 146 of the Criminal Law.

Article 37 Teachers involved in any of the following circumstances shall be given administrative sanctions or dismissed by their schools, other institutions of education or administrative departments of education:

- (1) intentionally not accomplishing educational and teaching tasks and thus causing losses to educational and teaching work;
- (2) imposing corporal punishments on students and refusing to mend their way after being criticized;
- (3) having improper conduct and insulting students, thus making very bad impressions.

Teachers who are involved in any of the circumstances specified in item (2) or (3) of the preceding paragraph, if the circumstances are serious enough to constitute a crime, shall be investigated for criminal responsibility according to law.

Article 38 The local people's governments shall order anyone who, in violation of the provisions of this Law, defaults on paying teachers' salaries or infringes upon other legitimate rights and interests of teachers, to make a rectification within a specified time limit.

Anyone who violates the State's financial and accounting rules and regulations, misappropriates the State's funds allocated for education, seriously hampers the work of education and teaching, defaults on paying teachers' salaries and impairs their legitimate rights and interests, shall be ordered by the authorities at a higher level to return the misappropriated funds within a specified time limit, and those who are held directly responsible shall be given administrative sanctions; and if the circumstances are serious enough to constitute a crime, the offenders shall be investigated for criminal responsibility according to law.

Article 39 Teachers whose legitimate rights and interests are infringed upon by schools or other institutions of education or who are not satisfied with the settlement made by schools or other institutions of education may appeal to the administrative departments of education.

The administrative departments of education shall deal with the matter within 30 days from receipt of the appeal.

Teachers who hold that the administrative departments concerned under the local people's governments have infringed upon the rights they shall enjoy under this Law may appeal to the people's governments at the corresponding levels or to the departments concerned under the people's governments at the next higher levels. The departments concerned under the people's governments at the corresponding levels or the departments concerned under the people's governments at the next higher levels shall deal with the appeals.

#### Chapter IX Supplementary Provisions

Article 40 The meanings of the following expressions as used in this Law are:

(1) "Schools of various levels and categories" refers to the schools that carry out pre-school education, regular primary education, regular secondary education, vocational education, regular higher education, special education or adult education.

(2) "Other institutions of education" refers to children's palaces, local teaching and research sections and institutions that conduct audio-visual education.

(3) "Primary and secondary school teachers" refers to teachers working in kindergartens, institutions of special education, regular primary and secondary schools, institutions of primary and secondary education for adults, secondary vocational schools and other institutions of education.

Article 41 The relevant provisions of this Law may be applied *mutatis mutandis* in the light of the actual conditions to the educational and teaching assistants of schools or other institutions of education, as well as teachers and the educational and teaching assistants of schools of other categories.

Relevant regulations governing the teachers and the educational and teaching assistants of colleges and schools of the Army shall be formulated by the Central Military Commission on the basis of this Law.

Article 42 The measures for the employment of foreign teachers shall be formulated by the administrative department of education under the State Council.

Article 43 This Law shall go into effect as of January 1, 1994.