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# 中华人民共和国义务教育法（2018修正）

# Compulsory Education Law of the People's Republic of China (2018 Revision)

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（1986年4月12日第六届全国人民代表大会第四次会议通过 2006年6月29日第十届全国人民代表大会常务委员会第二十二次会议修订 根据2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议《关于修改〈中华人民共和国义务教育法〉等五部法律的决定》第一次修正 根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国产品质量法〉等五部法律的决定》第二次修正）

(Adopted at the 4th Session of the 6th National People 's Congress on April 12, 1986; revised at the 22nd Session of the Standing Committee of the 10th National People's Congress on June 29, 2006; amended for the first time according to the Decision on Revising Five Laws including the Compulsory Education Law of the People's Republic of China passed at the 14th Session of the Standing Committee of the 12th National People's Congress on April 24, 2015; and amended for the second time according to the Decision on Revising Five Laws including the Product Quality Law of the People's Republic of China passed at the 7th Session of the Standing Committee of the 13th National People's Congress on December 29, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为了保障适龄儿童、少年接受义务教育的权利，保证义务教育的实施，提高全民族素质，根据宪法和教育法，制定本法。

Article 1 This Law is enacted in accordance with the Constitution and the Education Law, for the purpose of ensuring the right of school-age children and adolescents to compulsory education, guaranteeing provision of compulsory education and improving the qualities of the entire nation.

第二条   国家实行九年义务教育制度。

Article 2 The State applies a system of nine-year compulsory education.

义务教育是国家统一实施的所有适龄儿童、少年必须接受的教育，是国家必须予以保障的公益性事业。

Compulsory education means education which is uniformly provided by the State and which all the school-age children and adolescents must receive, and constitutes a public welfare undertaking which must be guaranteed by the State.

实施义务教育，不收学费、杂费。

No tuition or miscellaneous fees shall be charged for provision of compulsory education.

国家建立义务教育经费保障机制，保证义务教育制度实施。

The State establishes a mechanism for guaranteeing funds for compulsory education, to ensure implementation of the system of compulsory education.

第三条   义务教育必须贯彻国家的教育方针，实施素质教育，提高教育质量，使适龄儿童、少年在品德、智力、体质等方面全面发展，为培养有理想、有道德、有文化、有纪律的社会主义建设者和接班人奠定基础。

Article 3 In compulsory education, the State policy on education shall be implemented by providing qualities-oriented education, to improve the quality of instruction, with a view to enabling school-age children and adolescents to achieve all-round development -- morally, intellectually and physically, so as to lay the foundation for bringing up well-educated and self-disciplined builders and successors of socialism imbued with lofty ideals and moral integrity.

第四条   凡具有中华人民共和国国籍的适龄儿童、少年，不分性别、民族、种族、家庭财产状况、宗教信仰等，依法享有平等接受义务教育的权利，并履行接受义务教育的义务。

Article 4 All school-age children and adolescents of the nationality of the People's Republic of China shall, in accordance with law, enjoy the equal right, and fulfill the obligation, to receive compulsory education, regardless of sex, ethnic status or race, family financial conditions, religious belief, etc.

第五条   各级人民政府及其有关部门应当履行本法规定的各项职责，保障适龄儿童、少年接受义务教育的权利。

Article 5 People's governments at various levels and their departments concerned shall perform the duties provided for in this Law, to ensure the right of school-age children and adolescents to compulsory education.

适龄儿童、少年的父母或者其他法定监护人应当依法保证其按时入学接受并完成义务教育。

The parents of school-age children and adolescents or other statutory guardians shall, in accordance with law, guarantee that they start school at the specified age and receive and complete compulsory education.

依法实施义务教育的学校应当按照规定标准完成教育教学任务，保证教育教学质量。

Schools providing compulsory education according to law shall accomplish the tasks of instruction and teaching in compliance with the prescribed standards and guarantee the quality of instruction and teaching.

社会组织和个人应当为适龄儿童、少年接受义务教育创造良好的环境。

Public organizations and individuals shall create a good environment for school-age children and adolescents to receive compulsory education.

第六条   国务院和县级以上地方人民政府应当合理配置教育资源，促进义务教育均衡发展，改善薄弱学校的办学条件，并采取措施，保障农村地区、民族地区实施义务教育，保障家庭经济困难的和残疾的适龄儿童、少年接受义务教育。

Article 6 The State Council and the local people's governments at or above the county level shall rationally allocate educational resources, promote balanced development of compulsory education, help the schools started on weak foundations to improve the conditions for school running, and adopt measures to ensure that compulsory education is provided in rural areas and in areas inhabited by ethnic groups and that the school-age children and adolescents who are from families with financial difficulties or who are disabled receive compulsory education.

国家组织和鼓励经济发达地区支援经济欠发达地区实施义务教育。

The State makes arrangements for and encourages the economically developed areas to support the underdeveloped areas in providing compulsory education.

第七条   义务教育实行国务院领导，省、自治区、直辖市人民政府统筹规划实施，县级人民政府为主管理的体制。

Article 7 In compulsory education, the system shall be practiced under which the State Council shall provide guidance, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall make overall plans for its provision and the people's governments at the county level shall play the main role in administration.

县级以上人民政府教育行政部门具体负责义务教育实施工作；县级以上人民政府其他有关部门在各自的职责范围内负责义务教育实施工作。

The administrative departments for education of the people's governments at or above the county level shall be responsible specifically for the provision compulsory education, and the other administrative departments concerned of the said people's governments shall be responsible for the provision of such education within the scope of their respective duties.

第八条   人民政府教育督导机构对义务教育工作执行法律法规情况、教育教学质量以及义务教育均衡发展状况等进行督导，督导报告向社会公布。

Article 8 The authorities of the people's governments for educational supervision shall oversee the observation of laws and regulations in compulsory education, the quality of instruction and teaching and the balanced development of compulsory education, and announce their reports on supervision.

第九条   任何社会组织或者个人有权对违反本法的行为向有关国家机关提出检举或者控告。

Article 9 All public organizations and individuals shall have the right to inform the State organs concerned of violations of this Law or lodge complaints against such violations with the said organs.

发生违反本法的重大事件，妨碍义务教育实施，造成重大社会影响的，负有领导责任的人民政府或者人民政府教育行政部门负责人应当引咎辞职。

Where a major event in violation of this Law occurs, which impedes provision of compulsory education, thus exerting a great impact on the society, the leading person of the people's government concerned or of the administrative department for education of the people's government shall admit his mistake and resign.

第十条   对在义务教育实施工作中做出突出贡献的社会组织和个人，各级人民政府及其有关部门按照有关规定给予表彰、奖励。

Article 10 Public organizations and individuals that make outstanding contribution to provision of compulsory education shall be commended and rewarded by the people's governments at different levels and the related departments in accordance with relevant regulations.

第二章 学 生

Chapter Two Students

第十一条   凡年满六周岁的儿童，其父母或者其他法定监护人应当送其入学接受并完成义务教育；条件不具备的地区的儿童，可以推迟到七周岁。

Article 11 When children have reached the age of six, their parents or other statutory guardians shall send them to school to receive and complete compulsory education. For children in areas where conditions do not exist for children to do so, the beginning of their schooling may be postponed to the age of seven.

适龄儿童、少年因身体状况需要延缓入学或者休学的，其父母或者其他法定监护人应当提出申请，由当地乡镇人民政府或者县级人民政府教育行政部门批准。

If, on account of physical conditions, school-age children or adolescents need to postpone schooling or be suspended from school, their parents or other statutory guardians shall submit an application to such an effect for approval to the local people's governments of the towns or townships or to the administrative departments for education of the people's governments at the county level.

第十二条   适龄儿童、少年免试入学。地方各级人民政府应当保障适龄儿童、少年在户籍所在地学校就近入学。

Article 12 School-age children and adolescents shall be exempted from the entrance examinations. The local people's governments at various levels shall ensure that school-age children and adolescents enroll in schools near the places where their residence is registered.

父母或者其他法定监护人在非户籍所在地工作或者居住的适龄儿童、少年，在其父母或者其他法定监护人工作或者居住地接受义务教育的，当地人民政府应当为其提供平等接受义务教育的条件。具体办法由省、自治区、直辖市规定。

For school-age children and adolescents whose parents or other statutory guardians work or reside in places other than the places of their registered residence and who have to receive compulsory education in the places where their parents or other statutory guardians work or reside, the local people's governments shall provide equal conditions for them to receive compulsory education. The specific measures shall be formulated by provinces, autonomous regions and municipalities directly under the Central Government.

县级人民政府教育行政部门对本行政区域内的军人子女接受义务教育予以保障。

The administrative department for education of the people's government at the county level shall ensure that the children of servicemen within its administrative area receive compulsory education.

第十三条   县级人民政府教育行政部门和乡镇人民政府组织和督促适龄儿童、少年入学，帮助解决适龄儿童、少年接受义务教育的困难，采取措施防止适龄儿童、少年辍学。

Article 13 The administrative departments for education of the people's governments at or above the county level and the people's governments of towns or townships shall arrange for and urge school-age children and adolescents to enroll in school, help solve their difficulties in receiving compulsory education, and adopt measures to prevent them from dropping out of school.

居民委员会和村民委员会协助政府做好工作，督促适龄儿童、少年入学。

The residents' committees and villagers' committees shall assist the governments in successfully urging school-age children and adolescents to enroll in school.

第十四条   禁止用人单位招用应当接受义务教育的适龄儿童、少年。

Article 14 No employing units shall employ school-age children or adolescents who are expected to receive compulsory education.

根据国家有关规定经批准招收适龄儿童、少年进行文艺、体育等专业训练的社会组织，应当保证所招收的适龄儿童、少年接受义务教育；自行实施义务教育的，应当经县级人民政府教育行政部门批准。

The public organizations which have obtained approval according to relevant State regulations to recruit school-age children and adolescents for special training in literature and art or sports shall guarantee that the recruited school-age children or adolescents receive compulsory education; where a public organization intends to provide compulsory education itself, the matter shall be subject to approval by the administrative department for education of the people's government at or above the county level.

第三章 学 校

Chapter 3 Schools

第十五条   县级以上地方人民政府根据本行政区域内居住的适龄儿童、少年的数量和分布状况等因素，按照国家有关规定，制定、调整学校设置规划。新建居民区需要设置学校的，应当与居民区的建设同步进行。

Article 15 The local people's government at or above the county level shall, on the basis of such factors as the number of the school-age children and adolescents and the places of their residence within its administrative area and according to relevant State regulations, formulate and adjust the plans for the establishment of schools. Where schools need to be established in new residential areas, schools shall be established simultaneously with the construction of the residential areas.

第十六条   学校建设，应当符合国家规定的办学标准，适应教育教学需要；应当符合国家规定的选址要求和建设标准，确保学生和教职工安全。

Article 16 Establishment of schools shall be in compliance with the standards for running schools prescribed by the State and meet the need of instruction and teaching, and shall meet the requirements for location and the standard for construction, as are prescribed by the State, in order to ensure safety of the students and the teaching and administrative staff.

第十七条   县级人民政府根据需要设置寄宿制学校，保障居住分散的适龄儿童、少年入学接受义务教育。

Article 17 People's governments at or above the county level may, in light of need, establish boarding schools to ensure that the school-age children and adolescents who live far from school receive compulsory education.

第十八条   国务院教育行政部门和省、自治区、直辖市人民政府根据需要，在经济发达地区设置接收少数民族适龄儿童、少年的学校(班)。

Article 18 The administrative department for education under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in light of need, establish schools (classes) in economically developed areas to enroll school-age children and adolescents of ethnic groups.

第十九条   县级以上地方人民政府根据需要设置相应的实施特殊教育的学校（班），对视力残疾、听力语言残疾和智力残疾的适龄儿童、少年实施义务教育。特殊教育学校（班）应当具备适应残疾儿童、少年学习、康复、生活特点的场所和设施。

Article 19 People's governments at or above the county level shall, in light of need, establish schools (classes) to provide special education that is appropriate for school-age children and adolescents who are blind, deaf-mute or mentally retarded to receive compulsory education. Such schools (classes) shall have places and facilities tailored to the special characteristics of the said children and adolescents for the benefit of their study, rehabilitation and daily life.

普通学校应当接收具有接受普通教育能力的残疾适龄儿童、少年随班就读，并为其学习、康复提供帮助。

Regular schools shall admit to the classes corresponding to the levels of the disabled school-age children and adolescents who are capable of receiving regular education and provide them with aid in study and rehabilitation.

第二十条   县级以上地方人民政府根据需要，为具有预防未成年人犯罪法规定的严重不良行为的适龄少年设置专门的学校实施义务教育。

Article 20 The local people's governments at or above the county level shall, in light of need, establish special schools to provide compulsory education to the school-age adolescents who are prone to such serious juvenile misbehaviors as are specified in the law on prevention of juvenile delinquency.

第二十一条   对未完成义务教育的未成年犯和被采取强制性教育措施的未成年人应当进行义务教育，所需经费由人民政府予以保障。

Article 21 The juvenile delinquents and the minors against whom compulsory educational measures are taken, who have not completed compulsory education, shall be provided with such education, and the funds needed in this respect shall be guaranteed by the people's governments.

第二十二条   县级以上人民政府及其教育行政部门应当促进学校均衡发展，缩小学校之间办学条件的差距，不得将学校分为重点学校和非重点学校。学校不得分设重点班和非重点班。

Article 22 People's governments at or above the county level and the administrative departments for education shall promote balanced development among schools by narrowing the differences in the conditions for school running, and they shall not divide the schools into key and non-key schools. The school shall not divide the classes into key and non-key classes.

县级以上人民政府及其教育行政部门不得以任何名义改变或者变相改变公办学校的性质。

People's governments at or above the county level and their administrative departments for education shall not change the nature of government-run schools in any name or in a disguised form.

第二十三条   各级人民政府及其有关部门依法维护学校周边秩序，保护学生、教师、学校的合法权益，为学校提供安全保障。

Article 23 People's governments at or above the county level and their departments concerned shall, in accordance with law, maintain order in the areas surrounding the schools, protect the legitimate rights and interests of the students, teachers and schools and ensure security of the schools.

第二十四条   学校应当建立、健全安全制度和应急机制，对学生进行安全教育，加强管理，及时消除隐患，预防发生事故。

Article 24 Schools shall set up a sound security system and a mechanism in response to emergencies, conduct education among students in the importance of security, tighten administration, eliminate hidden hazards in time and prevent accidents.

县级以上地方人民政府定期对学校校舍安全进行检查；对需要维修、改造的，及时予以维修、改造。

People's governments at or above the county level shall regularly inspect school buildings with respect to their safety and have them maintained or renovated in time, where necessary.

学校不得聘用曾经因故意犯罪被依法剥夺政治权利或者其他不适合从事义务教育工作的人担任工作人员。

Schools shall not employ persons who have been deprived of their political rights for intentional crimes or persons who are not suited to compulsory education.

第二十五条   学校不得违反国家规定收取费用，不得以向学生推销或者变相推销商品、服务等方式谋取利益。

Article 25 Schools shall not collect any fees in violation of State regulations, nor shall they seek profits by selling commodities, services, etc. to students or doing so in disguised form.

第二十六条   学校实行校长负责制。校长应当符合国家规定的任职条件。校长由县级人民政府教育行政部门依法聘任。

Article 26 The system under which the principal assumes full responsibility shall be practiced in schools. Principals shall meet the qualification requirements for the post as prescribed by the State. Principals shall be appointed according to law by the administrative departments for education of the people's governments at the county level.

第二十七条   对违反学校管理制度的学生，学校应当予以批评教育，不得开除。

Article 27 Where a student violates the administrative rules of the school, the school shall criticize him by way of education, but shall not expel him.

第四章 教 师

Chapter 4 Instructor

第二十八条   教师享有法律规定的权利，履行法律规定的义务，应当为人师表，忠诚于人民的教育事业。

Article 28 Teachers shall enjoy the rights, and fulfill the duties, as provided for by law, and they shall play an exemplary role for other persons and be devoted to the educational undertaking of the people.

全社会应当尊重教师。

The entire society shall respect teachers.

第二十九条   教师在教育教学中应当平等对待学生，关注学生的个体差异，因材施教，促进学生的充分发展。

Article 29 Teachers shall treat students equally in instruction and teaching, pay attention to the individual differences of students, teach students in accordance with their aptitude, and promote their full development.

教师应当尊重学生的人格，不得歧视学生，不得对学生实施体罚、变相体罚或者其他侮辱人格尊严的行为，不得侵犯学生合法权益。

Teachers shall respect the personality of students, and they shall not discriminate against students, punish them physically or in disguised form, or humiliate them or strip them of their dignity, nor shall they infringe on the students' legitimate rights and interests.

第三十条   教师应当取得国家规定的教师资格。

Article 30 Teachers shall obtain the qualifications for teachers as prescribed by the State.

国家建立统一的义务教育教师职务制度。教师职务分为初级职务、中级职务和高级职务。

The State shall establish a unified system for the posts of teachers engaged in compulsory education. The posts of teachers are divided into primary, intermediate and senior posts.

第三十一条   各级人民政府保障教师工资福利和社会保险待遇，改善教师工作和生活条件；完善农村教师工资经费保障机制。

Article 31 People's governments at various levels shall guarantee the salaries, welfare benefits and social insurance premiums of the teachers and improve their working and living conditions, and improve the mechanism for guaranteeing the funds for the salaries of teachers in rural areas.

教师的平均工资水平应当不低于当地公务员的平均工资水平。

The average salary of teachers shall not be lower than that of local public servants.

特殊教育教师享有特殊岗位补助津贴。在民族地区和边远贫困地区工作的教师享有艰苦贫困地区补助津贴。

Teachers in special education enjoy special position allowance. Teachers working in areas inhabited by ethnic groups or in outlying or poverty-stricken areas shall enjoy subsidies for working under tough conditions or in poverty-stricken areas.

第三十二条   县级以上人民政府应当加强教师培养工作，采取措施发展教师教育。

Article 32 People's governments at or above the county level shall put more efforts in the training of teachers and adopt measures for developing education among teachers.

县级人民政府教育行政部门应当均衡配置本行政区域内学校师资力量，组织校长、教师的培训和流动，加强对薄弱学校的建设。

The administrative departments for education of the people's governments at the county level shall distribute the resources of teachers within their own administrative areas in a balanced manner, arrange training for principals and teachers and arrange for their transfer from school to school, and enhance the development of schools started on weak foundations.

第三十三条   国务院和地方各级人民政府鼓励和支持城市学校教师和高等学校毕业生到农村地区、民族地区从事义务教育工作。

Article 33 The State Council and the local people's governments at various levels shall encourage and support teachers in urban schools and graduates of schools of higher education to go to rural areas and areas inhabited by ethnic groups to engage in compulsory education.

国家鼓励高等学校毕业生以志愿者的方式到农村地区、民族地区缺乏教师的学校任教。县级人民政府教育行政部门依法认定其教师资格，其任教时间计入工龄。

The State encourages graduates of institutions of higher education to teach as volunteers in schools in rural areas and in areas inhabited by ethnic groups where teachers are lacking. The administrative departments for education of the people's governments at the county level shall vouch for their qualifications as teachers according to law, and the length of time of their teaching shall be counted in their length of service.

第五章 教育教学

Chapter 5 Education and Teaching

第三十四条   教育教学工作应当符合教育规律和学生身心发展特点，面向全体学生，教书育人，将德育、智育、体育、美育等有机统一在教育教学活动中，注重培养学生独立思考能力、创新能力和实践能力，促进学生全面发展。

Article 34 Instruction and teaching shall be carried out in conformity with the pattern of education and the characteristics of students' physical and mental development, be oriented to the need of all students and designed to impart knowledge to them by organically integrating moral, intellectual, physical and aesthetic education in instruction and teaching, with special attention paid to developing their ability of independent thinking, creativity and practice, in order to enable them to develop in an all-round way.

第三十五条   国务院教育行政部门根据适龄儿童、少年身心发展的状况和实际情况，确定教学制度、教育教学内容和课程设置，改革考试制度，并改进高级中等学校招生办法，推进实施素质教育。

Article 35 The administrative department for education under the State Council shall, on the basis of the physical and mental development of school-age children and adolescents and the actual conditions, determine the teaching system, the contents of instruction and teaching and curriculums, reform the examination system and improve the method of student enrollment by senior secondary schools, in order to promote qualities-oriented education.

学校和教师按照确定的教育教学内容和课程设置开展教育教学活动，保证达到国家规定的基本质量要求。

Schools and teachers shall conduct instruction and teaching in accordance with the determined contents of instruction and teaching and curriculums and ensure that the requirements specified by the State in respect of the essential qualities are met.

国家鼓励学校和教师采用启发式教育等教育教学方法，提高教育教学质量。

The State encourages schools and teachers to adopt such methods of education and teaching as heuristic education in order to improve the quality of education and teaching.

第三十六条   学校应当把德育放在首位，寓德育于教育教学之中，开展与学生年龄相适应的社会实践活动，形成学校、家庭、社会相互配合的思想道德教育体系，促进学生养成良好的思想品德和行为习惯。

Article 36 Schools shall put moral education in the first place and embodying moral education in instruction and teaching, carry out social practices that are suited to the ages of the students, thus to form a system for ideological and moral education in which the school, family and society cooperate with each other and help students cultivate good ideology and moral character and a good habit of conduct.

第三十七条   学校应当保证学生的课外活动时间，组织开展文化娱乐等课外活动。社会公共文化体育设施应当为学校开展课外活动提供便利。

Article 37 Schools shall guarantee the students time for extracurricular activities and organize extracurricular cultural and recreation activities, etc. Public cultural and sports facilities shall be made convenient for schools to carry out extracurricular activities.

第三十八条   教科书根据国家教育方针和课程标准编写，内容力求精简，精选必备的基础知识、基本技能，经济实用，保证质量。

Article 38 Textbooks shall be compiled in compliance with the educational policy and curricular standards of the State, and their contents shall be simplified by selecting the essential, basic knowledge and skills, the textbooks shall be affordable and of practical use, and their quality shall be guaranteed.

国家机关工作人员和教科书审查人员，不得参与或者变相参与教科书的编写工作。

Staff members of government departments and the persons responsible for examining textbooks shall not participate in compiling textbooks or do so in disguised form.

第三十九条   国家实行教科书审定制度。教科书的审定办法由国务院教育行政部门规定。

Article 39 The State practices an examination and approval system for textbooks. The measures for examination and approval of textbooks shall be formulated by the administrative department for education under the State Council.

未经审定的教科书，不得出版、选用。

Textbooks which have not been examined and for which no approval has been obtained shall not be published or used.

第四十条   教科书价格由省、自治区、直辖市人民政府价格行政部门会同同级出版主管部门按照微利原则确定。

Article 40 The prices for textbooks shall be fixed under the principle of minimum profits by the administrative departments for pricing under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, together with the administrative departments for publication at the same level.

第四十一条   国家鼓励教科书循环使用。

Article 41 The State encourages cyclical use of textbooks.

第六章 经费保障

Chapter 6 Guarantee of Funds

第四十二条   国家将义务教育全面纳入财政保障范围，义务教育经费由国务院和地方各级人民政府依照本法规定予以保障。

Article 42 The State places compulsory education completely within the scope of financial guarantee, and the funds for compulsory education shall be guaranteed by the State Council and the local people's governments at various levels according to the provisions of this Law.

国务院和地方各级人民政府将义务教育经费纳入财政预算，按照教职工编制标准、工资标准和学校建设标准、学生人均公用经费标准等，及时足额拨付义务教育经费，确保学校的正常运转和校舍安全，确保教职工工资按照规定发放。

The State Council and the local people's governments at various levels shall incorporate the funds for compulsory education into their budgets and allot such funds in full and in a timely manner in conformity with the standards for the size of the teaching staff and their salaries and the standards for the development of schools and for the average amount of funds per student for public use, in order to ensure the normal running of schools, the safety of the school buildings and the payment of the salaries of the teaching staff according to regulations.

国务院和地方各级人民政府用于实施义务教育财政拨款的增长比例应当高于财政经常性收入的增长比例，保证按照在校学生人数平均的义务教育费用逐步增长，保证教职工工资和学生人均公用经费逐步增长。

The percentage of increase in government funds allotted for compulsory education by the State Council and the local people's governments at various levels shall be higher than the percentage of increase in regular government revenues, in order to ensure the gradual increase in the average amount of funds for compulsory education per student in school, in the salaries of the teaching staff and in the average amount of funds per student for public use.

第四十三条   学校的学生人均公用经费基本标准由国务院财政部门会同教育行政部门制定，并根据经济和社会发展状况适时调整。制定、调整学生人均公用经费基本标准，应当满足教育教学基本需要。

Article 43 The basic standard for the average amount of funds per school student for public use shall be formulated by the administrative department for finance under the State Council together with the administrative department for education and be adjusted in time on the basis of economic and social development. When the standard for the average amount of funds per student for public use is formulated or adjusted, attention shall be paid to meeting the basic need of instruction and teaching.

省、自治区、直辖市人民政府可以根据本行政区域的实际情况，制定不低于国家标准的学校学生人均公用经费标准。

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in light of the realities within their own administrative areas, formulate the standard for the average amount of funds per school student for public use which shall not be lower than the standard formulated by the State.

特殊教育学校（班）学生人均公用经费标准应当高于普通学校学生人均公用经费标准。

The standard for the average amount of funds per student for public use of schools (classes) providing special education shall be higher than that for students of regular schools.

第四十四条   义务教育经费投入实行国务院和地方各级人民政府根据职责共同负担，省、自治区、直辖市人民政府负责统筹落实的体制。农村义务教育所需经费，由各级人民政府根据国务院的规定分项目、按比例分担。

Article 44 Input of funds for compulsory education shall be provided jointly by the State Council and the local people's governments at various levels on the basis of their respective duties, and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for establishing a system for overall planning for bringing such provision into effect. The funds needed for compulsory education in rural areas shall be shared by the people's governments at various levels on the basis of the items and proportions as prescribed by the State Council.

各级人民政府对家庭经济困难的适龄儿童、少年免费提供教科书并补助寄宿生生活费。

People's governments at various levels shall gratuitously provide textbooks for the school-age children and adolescents whose families are in financial difficulties, and subsidize resident students in living expenses.

义务教育经费保障的具体办法由国务院规定。

The specific measures for guaranteeing funds for compulsory education shall be formulated by the State Council.

第四十五条   地方各级人民政府在财政预算中将义务教育经费单列。

Article 45 The local people's governments at various levels shall separately list the funds for compulsory education in their financial budgets.

县级人民政府编制预算，除向农村地区学校和薄弱学校倾斜外，应当均衡安排义务教育经费。

When drawing up their budgets, people's governments at the county level shall arrange the funds for compulsory education in a balanced manner, apart from giving preferential consideration to schools in rural areas and schools started on weak foundations.

第四十六条   国务院和省、自治区、直辖市人民政府规范财政转移支付制度，加大一般性转移支付规模和规范义务教育专项转移支付，支持和引导地方各级人民政府增加对义务教育的投入。地方各级人民政府确保将上级人民政府的义务教育转移支付资金按照规定用于义务教育。

Article 46 The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall standardize the financial system for transfer payment, increase the amount of such transfer of a general nature and standardize the transfer payment specially for compulsory education, in order to support and guide the local people's governments at various levels in increasing their input in compulsory education. The local people's governments at various levels shall make sure that the funds provided through transfer payment by the people's governments at the higher levels for compulsory education be used for compulsory education according to regulations.

第四十七条   国务院和县级以上地方人民政府根据实际需要，设立专项资金，扶持农村地区、民族地区实施义务教育。

Article 47 The State Council and the local people's governments at or above the county level shall, in light of actual need, set up special funds to assist the rural areas and the areas inhabited by ethnic groups in providing compulsory education.

第四十八条   国家鼓励社会组织和个人向义务教育捐赠，鼓励按照国家有关基金会管理的规定设立义务教育基金。

Article 48 The State encourages public organizations and individuals to make donations to compulsory education, and encourages the establishment of foundations for compulsory education in accordance with the State regulations governing the administration of foundations.

第四十九条   义务教育经费严格按照预算规定用于义务教育；任何组织和个人不得侵占、挪用义务教育经费，不得向学校非法收取或者摊派费用。

Article 49 The funds for compulsory education shall strictly be used in a way as specified in the budget. No organizations or individuals may take illegal possession of or misappropriate such funds, or illegally collect fees from schools or apportion fees among them.

第五十条   县级以上人民政府建立健全义务教育经费的审计监督和统计公告制度。

Article 50 People's governments at or above the county level shall establish a sound system of supervision through auditing and of announcement of statistics in respect of the funds for compulsory education.

第七章 法律责任

Chapter 7 Legal Liabilities

第五十一条   国务院有关部门和地方各级人民政府违反本法第六章的规定，未履行对义务教育经费保障职责的，由国务院或者上级地方人民政府责令限期改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分。

Article 51 Where the related department of the State Council or a local people's government, in violation of the provisions in Chapter VI of this Law, fails to perform the duty of guaranteeing the funds for compulsory education, it shall be ordered by the State Council or the people's government at a higher level to make rectification within a time limit; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law.

第五十二条   县级以上地方人民政府有下列情形之一的，由上级人民政府责令限期改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分：

Article 52 A local people's government at or above the county level shall, under one of the following circumstances, be ordered by the people's government at a higher level to make rectification within a time limit; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law:

(一)未按照国家有关规定制定、调整学校的设置规划的；

1. failing to formulate or adjust the plans for the establishment of schools according to relevant State regulations;

(二)学校建设不符合国家规定的办学标准、选址要求和建设标准的；

2. failing to establish schools in compliance with the standards for running schools, the requirements for location and the standard for construction as prescribed by the State;

(三)未定期对学校校舍安全进行检查，并及时维修、改造的；

3. Failing to regularly inspect school buildings with respect to their safety and to have them maintained or renovated in time; or

（四）未依照本法规定均衡安排义务教育经费的。

(IV) failing to arrange the funds for compulsory education in a balanced manner according to law.

第五十三条   县级以上人民政府或者其教育行政部门有下列情形之一的，由上级人民政府或者其教育行政部门责令限期改正、通报批评；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分：

Article 53 A people's government at or above the county level or its administrative department for education shall, under one of the following circumstances, be ordered to make rectification within a time limit and be criticized in a circular by the people's government at a higher level or its administrative department for education; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law:

（一)将学校分为重点学校和非重点学校的；

1. dividing schools into key and non-key schools; or

（二）改变或者变相改变公办学校性质的。

(II) changing, or changing in disguised form, the nature of government-run schools.

县级人民政府教育行政部门或者乡镇人民政府未采取措施组织适龄儿童、少年入学或者防止辍学的，依照前款规定追究法律责任。

Where the administrative department for education of the people's government at the county level or the people's government of a town or township fails to adopt measures to arrange for school-age children and adolescents to enroll in school or to prevent them from dropping out of school, they shall be pursued for legal responsibility according to the provisions in the preceding paragraph.

第五十四条   有下列情形之一的，由上级人民政府或者上级人民政府教育行政部门、财政部门、价格行政部门和审计机关根据职责分工责令限期改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分：

Article 54 Under one of the following circumstances, the organization or individual shall be ordered to make rectification within a time limit by the people's government at a higher level or its administrative department for education, finance or pricing or the auditing authority on the basis of the division of duties; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be punished according to law:

(一)侵占、挪用义务教育经费的；

1. taking illegal possession of or misappropriating the funds for compulsory education; or

(二)向学校非法收取或者摊派费用的。

2. illegally collecting fees from schools or apportioning fees among them.

第五十五条   学校或者教师在义务教育工作中违反教育法、教师法规定的，依照教育法、教师法的有关规定处罚。

Article 55 A school or teacher that, in the work of compulsory education, violates the provisions in the Education Law or Teachers Law shall be punished according to the provisions in either of the said laws.

第五十六条   学校违反国家规定收取费用的，由县级人民政府教育行政部门责令退还所收费用；对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 56 A school that collects fees in violation of State regulations shall be ordered by the administrative department for education of the people's government at the county level to return such fees; and the person directly in charge and the other persons directly responsible shall be punished according to law.

学校以向学生推销或者变相推销商品、服务等方式谋取利益的，由县级人民政府教育行政部门给予通报批评；有违法所得的，没收违法所得；对直接负责的主管人员和其他直接责任人员依法给予处分。

A school that seeks profits by selling commodities, services, etc. to students or doing so in disguised form shall be criticized in a circular by the administrative department for education of the people's government at the county level; the illegal gains, if any, shall be confiscated; and the person directly in charge and the other persons directly responsible shall be punished according to law.

国家机关工作人员和教科书审查人员参与或者变相参与教科书编写的，由县级以上人民政府或者其教育行政部门根据职责权限责令限期改正，依法给予行政处分；有违法所得的，没收违法所得。

A staff member of a State organ or a person responsible for examining textbooks who participates in compiling textbooks or does so in disguised form shall be ordered to make rectification within a time limit by the people's government at or above the county level or its administrative department for education on the basis of their respective duties and limits of power, and be given administrative sanctions according to law; and the illegal gains, if any, shall be confiscated.

第五十七条   学校有下列情形之一的，由县级人民政府教育行政部门责令限期改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分：

Article 57 Under one of the following circumstances, a school shall be ordered to make rectification within a time limit by the administrative department for education of the people's government at the county level; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be punished according to law:

（一）拒绝接收具有接受普通教育能力的残疾适龄儿童、少年随班就读的；

1. refusing to admit to the classes corresponding to the levels of the disabled school-age children and adolescents who are capable of receiving regular education;

（二）分设重点班和非重点班的；

(II) dividing classes into key and non-key ones;

（三）违反本法规定开除学生的；

3. expelling students in violation of the provisions in this Law; or

（四）选用未经审定的教科书的。

(IV) using textbooks which have not been examined and for which no approval has been obtained.

第五十八条   适龄儿童、少年的父母或者其他法定监护人无正当理由未依照本法规定送适龄儿童、少年入学接受义务教育的，由当地乡镇人民政府或者县级人民政府教育行政部门给予批评教育，责令限期改正。

Article 58 The parents or other statutory guardians of school-age children or adolescents who, without justifiable reasons, fail to send them to schools to receive compulsory education according to the provisions of this Law shall be criticized by the local people's government of the town or township or the administrative department for education of the people's government at the county level and be ordered by the said government or department to make rectification within a time limit.

第五十九条   有下列情形之一的，依照有关法律、行政法规的规定予以处罚：

Article 59 Under one of the following circumstances, an organization or individual shall be punished according to the provisions of relevant laws and administrative regulations:

(一)胁迫或者诱骗应当接受义务教育的适龄儿童、少年失学、辍学的；

1. coercing or cajoling school-age children or adolescents who should receive compulsory education into forfeiting schooling or dropping out of school;

(二)非法招用应当接受义务教育的适龄儿童、少年的；

2. illegally employing school-age children or adolescents who should receive compulsory education; or

(三)出版未经依法审定的教科书的。

(III) publishing textbooks which have not been examined and approved in accordance with the law.

第六十条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 60 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be imposed according to the law.

第八章 附 则

Chapter 8 Supplementary Provisions

第六十一条   对接受义务教育的适龄儿童、少年不收杂费的实施步骤，由国务院规定。

Article 61 The measures for implementing the provisions that school-age children and adolescents who receive compulsory education are exempted from miscellaneous fees shall be formulated by the State Council.

第六十二条   社会组织或者个人依法举办的民办学校实施义务教育的，依照民办教育促进法有关规定执行；民办教育促进法未作规定的，适用本法。

Article 62 For schools that are run by public organizations or individuals according to law to provide compulsory education, the relevant provisions in the Law on Promotion of Privately-run Schools shall be observed; for matters with regard to which no provisions are contained in the said law, this Law shall prevail.

第六十三条   本法自2006年9月1日起施行。

Article 63. This Law shall be effective 1 September 2006.