

# State of Palestine

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ديوان الفتوى والتشريع

## Draft Decree-Law No ( ) of 2017 on General Education

President of the State of Palestine

Chairman of the Executive Committee of the Palestine Liberation Organization

Based on the provisions of the Palestine Amended Basic Law of 2003, namely the provisions of Article (43) thereof;

Having reviewed the Education Law No (1) of 1933 and further Amendments thereof, enforced in Southern Governorates;

And the Education Law No (16) of 1964 and further Amendments thereof, enforced in Northern Governorates;

And Civil Service Law No (4) of 1998 and further Amendments thereof;

And upon nomination by the Council of Ministers during its session, held on 7\3 \ 2017;

And based upon the powers vested in us;

And for the public interest;

And in the name of the Arab Palestinian People,

We hereby issue the following Decree Law

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## Article (1) Definitions

The following words and phrases stated in the decree shall have the meanings assigned below unless stated otherwise:

**Ministry:** Ministry of Education and Higher Education

**Minister:** Minister of Education and Higher Education

**Directorate:** Directorate of Education in educational district.

**Educational Institution:** All governmental and non-governmental kindergartens, schools and cultural centers which provide educational services.

**Kindergartens:** Every educational institution, which provides education service for children prior to primary education stage.

**School:** Every educational institution that includes one part or more of primary and secondary education stages where one teacher or more provide formal education services for children.

**Cultural center:** Every education institution that provides students with training on any type or types of knowledge or skills, without age or time limitations.

**Vocational education school:** Every education institution that teaches one type or more of educational materials and professional skills. It is administered by the Ministry or by another governmental institution under the supervision of the Ministry.

**Governmental education institution:** Every educational institution administered by the ministry or any other governmental institution under the supervision of the Ministry.

**Private educational institution:** Every licensed non-governmental education institution that teaches students according to the Palestinian curricula.

**Foreign educational institution:** Every licensed non-governmental education institution that does not teach students the Palestinian curriculum or most of its curriculum are non-Palestinian.

**Student:** A person who studies at an educational institution or receiving educational service from it.

**Dropout:** A student who withdraws from school and doesn't return without having a transfer certificate according to the instructions of the Ministry, before completing all formal education stages.

**Teacher:** A person who provides specialized educational service in any educational institution.

**General Secondary Education Certificate:** The certificate granted by the Ministry to the student who passes the general secondary examination.

**Educational curricula:** The sum of the Educational experiences provided within or beyond the educational institution to enhance comprehensive and sound development of the personality of the

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learner according to the approved curricula. **Textbooks:** Each book of instruction in the educational institutions, including the origins of the book and its trials of print.

**Inclusive Education:** the education system that leaves no student behind regardless of any difficulty, disability, sex, or color provided that it takes into account individual differences and shall meet all needs, even if radical changes are made to educational system and shall be in line with the international standards.

**Special education:** The education aimed to support students with low education attainment or slow learners.

**School health:** The strategy or activity aimed to promote child's physical, emotional, social and educational health.

**Council:** Educational Advisory Council established in accordance with the provisions of this law.

## Article (2)

### Scope of Application

The provisions of this Decree-Law shall apply to:

1. Educational institutions operating in Palestine.
2. Palestinian educational institutions abroad, licensed by the Ministry, without contradictions to the laws and regulations of the host States.

## Article (3)

### Education System Goals

The education system aims to achieve the following:

1. Upgrading teachers' scientific and social status for their distinct role in building people and society.
2. Developing student's personality, talents, cognitive and physical abilities as well as staying abreast to the informational technology.
3. Preparing students to become active members in building their society, developing their ability of objective critical analysis, adopting a scientific approach of learning, researching and problem solving and enabling them to be scientifically and professionally well-prepared.

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4. Developing religious and behavioral values and conduct, respect of human rights and principles enshrined by international conventions and the national legislations on human rights.
5. Providing a safe environment that promotes education and school health.

## Article (4)

### Ministry's Responsibilities

The Ministry shall have the following responsibilities:

1. Providing general policies and plans to develop educational work in conformance with the national development plan.
2. Providing policies that would activate the relationship between the educational institution and its local communities, establishing guardians and teachers councils and community education councils, revitalizing the activities which serve the society and consolidate the role of the education institution with the community.
3. Establishing or supporting planning, development, creativity and research centers to stay abreast of scientific and educational developments.
4. Using ITC to ensure education environment where modern scientific and educational methodology is used.
5. Establishing and developing governmental education institutions of all types and levels.
6. Providing educational opportunities for all students regardless of their individual differences, tendencies and performance levels, including students with disabilities , juveniles, abused children, dropouts or social cases and preparing creativity-conducive environment.
7. Providing appropriate pedagogic and educational methods for all students, including the gifted, high achievers and those with disabilities.
8. Providing buildings according to the specifications and standards appropriate for the use of educational institutions and respond to age categories, disabilities, students' individual differences and the objectives of the curricula and educational process.
9. Providing a staff with academic and professional competences that enable them to operate and administer the governmental educational institution.
10. Supervising non-governmental educational institutions.
11. Holding public exams, and assessment and evaluation examinations to develop the educational system.
12. Ensuring equal opportunities for the teachers working at the educational institutions to develop their scientific and pedagogical skills in coordination with the competent authorities.

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13. Encouraging students' participation in activities and competitions held on the national, Arab and international levels.
14. Providing counseling services, health awareness and professional orientation for all students in cooperation with the Ministry of Health and other relevant institutions.
15. Prohibiting violence as a disciplinary method and ensuring protection for all students.

## Article (5) Compulsory Education

1. Education shall be compulsory up to the end of the 10<sup>th</sup> grade (primary education stage).
2. Education shall be free in all governmental education institutions.

## Article (6) Education Stages

The general education system consists of the following stages:

1. Kindergartens (not more than 2 years before primary education).
2. Primary education (9 years).
3. Secondary education (3 years).

## Article (7) Preschool Education (Kindergartens)

1. The Ministry shall establish kindergartens in accordance with certain standards and training and rehabilitation centers for the educators of this stage upon a decision by the Minister.
2. Kindergartens shall commit themselves to obtaining licensing from the ministry.  
The Minister shall issue necessary instructions to license kindergarten and organize them administratively and technically.
3. The Ministry shall work to expand its preschool services to make this education stage compulsory in accordance with a standardized systemic framework approved by the ministry.

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## Article (8) Pre-school Stage Goals

Pre-school stage aims to achieve the following:

1. Providing an environment that contributes to developing the physical, mental, emotional and social aspects of the child and preparing them for joining primary stage.
2. Providing children with basic life skills and good health habits.
3. Familiarizing children with the surrounding environment and presenting them with adequate opportunities for developing their capacities.

## Article (9) Primary Education

1. Primary education covers grade (1) to grade (9).
2. The parents or guardians shall be obligated to enroll children under their guardianship or custodianship in primary schools.
3. The Ministry shall integrate technical and vocational education into the schooling program from grade 6 to grade 9 in a manner that would ensure students acquisition of the necessary technical experiences and skills.

## Article (10) School Admission Age

1. The child who is admitted to the first primary grade must be (5) years and (7) months of age or before 31<sup>st</sup> August of that school year.
2. The admission age for students with disabilities shall be determined according to instructions issued by the minister in conformance with the relevant international standards and conventions, following coordination with the relevant authorities.
3. The Ministry shall request from the Ministry of the Interior to provide it with the newborns data to follow up the situation of the students who meet entry requirements with the relevant authorities.

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## Article (11)

### Secondary Education

1. The secondary stage includes the tenth, eleventh and twelfth grades, including different streams thereof.
2. Secondary education is divided into:
  - a. Academic stream;
  - b. Vocational and technical stream.
3. The Minister shall issue the necessary instructions to determine the majors and the admission conditions to the different streams of secondary education.

## Article (12)

### General Examinations

1. The ministry holds the following examinations:
  - a. General Secondary Certificate Examination (Al-Injaz) at the end of the secondary stage.
  - b. General examinations to improve educational quality.
2. The results of the general secondary examination are final and can't be challenged in courts.
3. Dates for general secondary examinations (Al-Injaz), employees' awards and employment tests are determined according to the instructions of the minister.

## Article (13)

### Education Acceleration

1. The Ministry shall follow up, in cooperation with the educational institutions, gifted and talented students and determine the appropriate education programs to sponsor and teach them.
2. The education process shall be accelerated and schooling years shall be advanced for the students who demonstrate creative abilities beyond their age and qualify them to skip one grade to a higher one or to a whole stage upon a decision by the Minister.

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3. The Minister shall issue the necessary instructions to determine the standards and criteria to advance the educational process.

## Article (14) Inclusive Education

The Ministry shall exercise the policy of inclusive education and allied education which meet all students' needs by ensuring:

1. Quality education for vulnerable students, including those with disabilities.
2. Accommodated school buildings, education resources and specialized qualified teaching staffs.
3. Appropriate education curricula and resilient assessment mechanisms which respond to students' individual needs and guarantee them quality education.

## Article (15) Licensing Private and Foreign Educational Institutions

1. Private and foreign educational institutions shall obtain a license from the Ministry prior to their establishment.
2. Private and foreign education institutions and their licensing procedures shall be determined according to a regulation issued by the Council of Ministers.
3. Private and foreign educational institutions shall have independent premises. They can neither add new facilities nor establish housing units within the institution, nor transfer the institution from its location without a decision by the Minister.

## Article (16) Licensing Procedures

1. The Minister shall issue a decision licensing private and foreign educational institutions. The license shall be issued in the name of the institution's owner.
2. Private or foreign educational institution shall submit the establishment and license application to the education district directorate within a period of six months before the start of the schooling year.



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3. The ministry shall respond to the application in writing within a period of (30) days from the date of submission. The refusal of the application should have probable cause.
4. Refusing the application of establishing a private educational institution can be appealed before the Supreme Court of Justice.

## Article (17)

### Private and Foreign Educational Institutions Obligations

1. Private and foreign educational institution shall abide by:
  - a. Primary school admission age stated under this Decree Law.
  - b. Educational, health and occupational safety conditions and standards determined by the Ministry.
  - c. Provision of quality education for all its students, taking account of their capacities and needs.
2. Private educational institutions must abide by the school curricula, textbooks and examinations determined by the ministry and taught at governmental educational institutions.

## Article (18)

### Abidance by Curricula

1. Private and foreign educational institutions can teach more than one foreign language and increase school syllabi and textbooks as well as examinations at all schooling stages on proviso that they obtain an agreement in writing from the ministry.
2. Private and foreign education institutions may not abide by Article (10\ 1) of this Decree Law on primary school students admission age upon a decision by the minister provided that the difference between the admission age herein and the age that they approve of isn't more than (3) months.
3. Private educational institutions may prepare the students, who wish so, for foreign certificates examinations that are equivalent to the general secondary education certificate on the proviso that they obtain an agreement in writing from the ministry.

## Article (19)

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## Attendance at Educational Institutions

1. The actual school year at private and foreign educational institutions consists of (180) days, taking account of the privacy of each of them. They shall abide by the holidays determined by the ministry.
2. The minister shall issue directives concerning the details of the study day in private and foreign educational institutions.

### Article (20)

#### Supervision of the Ministry

The ministry supervises and monitors private and foreign educational institutions through:

1. Monitoring the implementation of the provisions of this Decree Law and the regulations issued thereof.
2. Monitoring these institutions' compliance with the educational policy and directives of the ministry.
3. Ratification of educational certificates and degrees issued by these institutions.

### Article 21

#### Organizational Structure of the Ministry

1. The ministry shall establish Administrative Units and General Directorates according to the need and in line with the legal provisions in force.
2. These Administrative Units and Directorates assist the minister in administering the Ministry.
3. The Ministry may delegate some powers to the deputy minister or any other officer of the senior management in the ministry in accordance with the relevant regulations.

### Article (22)

#### Specialized Committees Contributing to Educational Development

1. Specialized committees shall be established in the Ministry to develop education and achieve the education objectives. Forming these committees and setting up their responsibilities shall be determined by the Minister or the person he//she authorizes.
2. These committees submit their recommendations to the Minister for approval.

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## Article (23)

### Establishment of the Directorate

The Ministry shall establish a directorate in each educational district in accordance with its need and the approved organizational structure. This directorate shall be headed by the Education Director, assisted by administrative and technical staff.

## Article (24)

### School's Organizational Structure

The Ministry shall consider the school as an administrative unit with an organizational structure. Each unit shall be administered by a principal assisted by competent staff selected according to the organizational structure of the school and professional standards.

## Article (25)

### Teacher Recruitment

1. University graduates who have educational qualification and direct connection with students and curricula shall be appointed. Holders of diploma certificate can also be appointed depending on the needs of the Ministry.
2. School principal, deputy principal and educational supervisor shall be selected from among those who have education experiences and necessary qualifications in accordance with the instructions of the Minister.
3. The Ministry shall determine the conditions and experiences which the teachers should meet. It shall also determine the standards which administrative staffers should meet.

## Article (26)

### Probationary Period

1. The first year of employment of novice teachers entering the employment of teaching shall be deemed a period of probation (first preparation year). During this period, if the teacher's

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performance is rated less than (good), his/her service shall be terminated. If his \ her performance is rated (good and more), he \ she shall be transitioned to the second preparation year.

2. The novice teacher shall be ranked as a teacher if his \her performance is rated (good) by the end of the second year. If he \ she gets less than (good), he \ she shall be given an additional year. If he \ she gets less than (good) for the third year, the Minister shall be entitled to terminate his \ her service.

## Article (27)

### Teaching Profession Licensure

1. Teachers should get teaching profession license from the Ministry and take oath before the competent authorities in the Ministry. They should also abide by the rules and ethics of the profession.
2. Teachers shall be ranked in governmental educational institutions and supporting staffs according to profession practice system which shall be issued by the Council of Ministers.

## Article (28)

### Teacher Responsibilities

Teachers of the governmental educational institution shall be responsible for:

1. Educating, teaching and evaluating according to the objectives determined by the official programs of the Ministry.
2. Contributing to the development of the continuing education and rehabilitation programs.
3. Producing educational methods and tools to be used in school activities.

## Article (29)

### Rehabilitating Educational Institutions' Staffs

The Ministry shall, within the sphere of its resources, prepare methods and tools for governmental educational institutions staffs to develop their scientific and educational skills to match the required level.

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## Article (30) Job Nature Allowance

1. Teachers of governmental schools shall have a job nature allowance commensurate with the rank they have.
2. The ministry shall prepare in coordination with the competent authorities a list of professional categories for the employees of the Ministry. It shall be issued by the Council of Ministers.

## Article (31) Certification of Non-Conviction

The educational institution shall not appoint any person who has been convicted in a competent court of a felony or a misdemeanor that constitutes a breach of honor or trust unless he \ she was acquitted.

## Article (32) Code of Conduct

The employees of the Ministry shall commit to the ethics of the profession of education issued by the Ministry and the code of conduct issued by the Council of Ministers.

## Article (33) Advisory Council

1. An advisory council for General education shall be established in accordance with the provisions of this Decree Law.
2. The council shall consist of (18) members from different governmental and relevant educational, social and economic institutions. They shall be appointed by the Council of Ministers upon nomination by the minister.
3. The council shall be chaired by the minister.

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## Article (34) Advisory Council Responsibilities

1. The council shall provide the Minister with the recommendations and advice needed to upgrade the educational process.
2. The Council of Ministers shall issue a regulation determining the responsibilities and mechanisms of the Advisory Council.

## Article (35) Education Curricula

The ministry shall develop the educational curricula for all education stages, based on the following:

1. The national legislations and international conventions on human rights.
2. Community philosophy and national, religious, moral and humane values which promote citizenship and democracy.
3. Keeping abreast of the scientific, technical, economic and cultural developments.
4. being responsive and flexible to the individual needs of the gifted students and high achievers as well as those with disabilities.
5. Promoting healthy habits and behaviors as well as everyday life skills.

## Article (36) School Textbooks

1. The Ministry shall provide duty-free textbooks for the students of the governmental education institutions at the beginning of each semester, including books for students with vision impairment (Braille System) and large print books, except for foreign languages textbooks.
2. The Ministry shall set the prices of the English Language or any other foreign language textbooks taught as part of the Palestinian curricula throughout the various educational stages.
3. The Ministry may distribute Palestinian curricula books for free - for the educational institutions in accordance with the standards it puts thereat.

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## Article (37) Activities

The activities included in school text books shall be organized in accordance with the educational objectives which match students' educational capacities with the ministry setting forth the necessary programs and plans in its annual plan.

## Article (38) Students Performance Appraisal

1. Students' performance and achievement shall be evaluated according to the modern trends of the educational appraisal system and in light of the practical teaching and learning objectives which focus on producing knowledge and genuine learning. It includes all educational levels according to the directives issued by the Minister.
2. The Minister shall issue instructions specific to students' discipline in schools.

## Article (39) Use of Educational Institutions Buildings

Governmental educational institutions premises and facilities may be used after official working hours for social, cultural and entertainment purposes after the Ministry's approval.

## Article (40) Cultural Center

1. With no prejudice to the mandate of the Ministry of Culture or any other entity, the cultural center shall commit itself to obtaining licensure from the Ministry to train students and provide them with knowledge and skills. The Ministry shall ratify the certificates it issues.
2. The work and licensure conditions of this center shall be organized based on instructions issued by the Minister.

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## Article (41) Community Organizations

Education is considered to be a joint responsibility for all CBOs, so the Ministry shall:

1. Establish students' guardians' councils whose roles shall be determined according to instructions issued by the Minister.
2. Cooperate with all national and international organizations working in Palestine to promote the teaching and learning process within an effective participatory framework.

## Article (42) Programs and Plans

1. The Ministry shall set forth necessary programs, according to the needs of dropouts or the students with absences due to compelling conditions determined by the Ministry, to be re-enrolled in the school system in coordination with the relevant authorities.
2. The school sets the programs and plans aimed at improving students' achievement and performance in cooperation with relevant experts and educators on the level of the community and civil society organizations and in accordance with instructions issued by the minister.

## Article (43) Services and Productive Activities

The educational institution may provide paid productive services and activities for individuals, institutions and community for the purpose of developing its facilities and rewarding its students and employees. Spending shall be conducted in accordance with instructions issued by the Minister.

## Article (44) Government's Obligations

The government shall fund the programs and plans of the general education based on the proposals of the ministry to enforce the obligations set forth in this Decree Law.



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## Article (45) Fundraising

Governmental educational institutions may raise funds at the start of the school year with a view to develop and improve the quality of education in line with a regulation issued by the Council of Ministers.

## Article (46) Grants and Aid

1. The Ministry shall accept unconditional financial and in-kind grants, aid and donations provided by states and international and local organizations or persons to implement projects and programs that help achieve the educational objectives in accordance with the provisions of this Decree Law and the financial regulations in effect.
2. The Ministry can't receive any grants or assistances from unreliable sources or for the purpose of causing commotion among the students or the employees or the community. It can't either cooperate with entities in conflict with the national interest and goals of the Palestinian society which seeks to attain its freedom from the occupation.

## Article (47) Refraining from Promoting or Encouraging Any Activity with an Enemy Entity

The educational institution shall not promote or encourage any activity with any entity the objectives of which are directed against the interest of the Palestinian society in any mean.

## Article (48) Education Tax

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1. Tax is imposed by rate of net lease which is determined according to Land and Buildings Tax Law applying to municipalities, village councils, and populated areas and Bedouin communities. This rate which is called (education tax) is collected from the user of the real estate whether an owner or a tenant.
2. Levying, administration and spending of education tax are regulated through a special regulation issued by the Council of Ministers.

## Article (49) Infractions

All private and foreign education institutions must commit to the provisions of this Decree Law and the regulations thereof. In case of infraction, the Ministry shall take the following measures:

1. Notifying the educational institution of its need to correct its condition within a period of one month from the date of being notified.
2. If the education institution doesn't act accordingly or commits an infraction, the Minister shall have the right to cancel its license by a justifiable decision.

## Article (50) Punishment

A punishment of not more than one year imprisonment or a financial fine of (JD 1000) or its equivalence of the currency in use shall be imposed on:

1. A guardian who refrains from enrolling or withdraws his/her child (male or female) while under the age of 16 years from school.
2. Any person who prohibits enrollment of an under the age of 16 years child or negatively affects that at any educational institution.

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## Article (51) Education in Emergencies

The Ministry shall provide education in emergencies and maintain the minimum standards of the quality of the education services under such conditions. It shall also cooperate with local, regional and international organizations which the State doesn't ban or their activities don't conflict with the national interest of the people of Palestine.

## Article (52) Instructions Validity Period

The instructions issued by the Ministry pursuant to the previous applicable laws shall remain in force unless they are revoked, amended or substituted.

## Article (53) Ratification of Legal Status

The licensure decision enforced before issuance of this Decree Law shall continue to be valid as if it were issued in accordance with this Decree Law. All education institutions should rectify their status within period of (2) years as maximum.

## Article (54) Evaluating the Implications of the Legislations

The Ministry shall assess the implications of the regulations, instructions, policies and decisions by conducting specialized educational studies and researches. It shall also set forth the instructions related to encouraging and motivating achievement and excellence as well as accountability for any error in the teaching learning process.

## Article (55) Issuance of Regulations and Instruction

1. The Council of Ministers issues the necessary regulations to enforce the provisions of this Decree Law within a period of (6) months from the date it takes effect.

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2. The Minister issues the necessary instructions and decisions to enforce the provisions of this Decree Law.

## Article (56) Revocation

The following laws and legislations shall be revoked:

1. Education Law No (1) of 1933 and the amendments thereof, enforced in southern governorates.
2. Education Law No (16) of 1964 and the amendments thereof, enforced in northern governorates.
3. Whatever conflicts with the provisions of this Decree Law shall be revoked.

## Article (57)

### Submission of this Decree Law to the PLC

This Decree Law shall be presented to the PLC at the first session it holds for approval

## Article (58) Entry-into-Force & Validity

All the competent authorities, each within the sphere of its jurisdiction, shall enter this Decree Law into force within a period of (30) days from the date of its publication in the Official Gazette.

Issued in Ramallah on \ \ 2017 AD.

**Mahmoud Abbas**  
President of the State of Palestine  
Chairman of the Executive Committee of  
the PLO.