PRIVATE SCHOOL ACT,
B.E. 2550 (2007)¹

BHUIMIBOL ADULYADEJ, REX.
Given on the 30th Day of December B.E. 2550;
Being the 62nd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to revise the law on private school;
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 33, section
41 and section 43 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 Legislative Assembly, as follows:

Section 1. This Act is called the “Private School Act, B.E. 2550 (2007)”.

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


Section 4. In this Act:
“School” means a private establishment of education which provides
education, whether it be a formal school or a non-formal school, and is not a private
institution of higher education under the law on private institution of higher education.

¹ Translated by Mr. Tanongsak Mahakusol under contract for the Office of the Council of
State of Thailand’s Law for ASEAN project. Initial version pending review and approval.
² Published in the Government Gazette, Vol. 25, Part 7a, Page 29, dated 11th January B.E. 2551.

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AUTHORITY HAVING LEGAL FORCE.
“Formal school” means a school which provides education by determining an objective, a method of providing education, a curriculum, a period of study, measurement and evaluation as a certain condition of graduation.

“Non-formal school” means a school which provides education by having flexibility in determining an objective, a method of providing education, a period of study, and measurement and evaluation as a significant condition for graduation, and shall include the Islamic Educational Centres of the Mosques (Tadika) and Ponoh Educational Institution.

“Student” means a person receiving an education in a school.
“Licensee” means a person granted a licence to establish a school.
“Manager” means a manager of a formal school.
“Director” means a director of a formal school.
“Administrator” means an administrator of a non-formal school.
“Teacher” means a professional personnel performing main duty on studying and teaching, and promoting learning through various means in a school.
“Instructor” means a person performing duty on studying and teaching, and promoting learning through various means in a non-formal school.

“Educational personnel” means an educational supporter who performs duty of providing service or works relating to an arrangement of studying and teaching procedure, supervision, and education administration in a school. For example, a person performing a duty of librarian, a person performing a duty on counselling, a person performing a duty on educational technology, a person performing a duty on registration and evaluation, a person performing duty on general administration, or a person performing other duties as prescribed by the Commission.

“Licensor” means

(1) the Secretary-General of the Private Education Commission;
(2) the Director of the Educational Service Area Office whom the Secretary-General of the Private Education Commission assigns; or

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3 Section 4 Definition of “Non-formal School” was amended by the Private School Act (No. 2) B.E.2554 (2011).
4 Section 4 Definition of “Educational Personnel” was amended by the Private School Act (No. 2) B.E.2554 (2011).
5 Section 4 Definition of “Licensor” was amended by the Private School Act (No. 2) B.E.2554 (2011).
(3) the changwat governor whom the Secretary-General of the Private Education Commission assigns.

“Commission” means the Private Education Commission.

“Charter” means a charter establishing a juristic person of a formal school.

“Fund” means the formal school promotion fund.

“Competent official” means a government official appointed by the Minister for the execution of this Act.

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

Section 5. This Act shall not apply to:

1. an establishment of education with a total students not exceeding seven persons;
2. an establishment of education founded by the Sangha with an objective of providing education and teaching Dharma Vinaya;
3. other establishment of educations prescribed in the Ministerial Regulation according to the proposal of the Commission.

Section 6. In case of necessity, the Minister, with an advice of the Commission, may notify that any school be exempted from complying with this Act in any matter.

Section 7. The Minister of Education shall have charge and control of the execution of this Act and shall have the power to appoint a competent official and to issue the Ministerial Regulation prescribing a rate of fee not exceeding the rate attached hereto this Act and prescribing other businesses under this Act.

Such Ministerial Regulation shall come into force upon its publication in the Government Gazette.

CHAPTER I
Private Education Commission
Section 8. There shall be the Private Education Commission, consisting of:

1. the Ministry of Education as a chairperson;
2. the Permanent Secretary of the Ministry of Education, the Secretary-General of the Basic Education Commission, the Secretary-General of the Vocational Education Commission, the Secretary-General of the Education Council, the Director of the Bureau of the Budget, the Director-general of the Comptroller General’s Department, and the Director-general of the Department of Skill Development as ex officio members;
3. two members appointed by the Minister from representatives of associations relating to private school;
4. members appointed by the Minister by electing one member per groups of licensees, directors, administrators, teachers, and educational personnel;
5. four members appointed by the Minister from qualified persons, one of whom shall be an expert in special education for the disabled.

The Secretary-General of the Private Education Commission shall be a member and a secretary.

The criteria and procedure for selecting persons to appoint as the member under (3), (4), and (5) shall be in accordance with the rules prescribed by the Minister.

Section 9. A member under section 8 (3), (4), and (5) shall hold office for a term of three years and may be reappointed, but may not be appointed for more than two consecutive terms.

In case where the member under paragraph one vacates office upon an expiration of term but a new member has not yet been appointed, the member who vacates office shall perform duty in the interim until a new member has been appointed.

Section 10. Apart from vacating office on an expiration of term under section 9, a member under section 8 (3), (4), and (5) shall vacate office upon:

1. death;
2. resignation;
3. being dismissed by the Minister due to a disgraceful behaviour;
4. being disqualified as a member in that category;
5. being bankrupt, incompetent, or quasi-incompetent;
6. being imprisoned by a final judgment.

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In case where there is a vacancy of member and a replacement of member has not yet been executed, the Commission shall consist of the remaining members.

Section 11. In case where a member under section 8 (3), (4), or (5) vacates office before the expiration of the term, a new member shall be appointed without promptly. Except where the remaining term is less than ninety days, an appointment to replace may not be executed. The new member appointed shall remain in office for the remaining term of the member so replaced.

Section 12. The law on administrative procedure shall apply to a meeting and a decision-making of the Commission *mutatis mutandis*.

Section 13. The Commission shall have the following powers and duties:

1. to propose a policy relating to a private education, development and support of schools, teachers, instructors and educational personnel to the Cabinet for consideration and approval;
2. to monitor the compliance under this Act;
3. to determine a standard and curriculum development plan of private education;
4. to determine a measure for assisting, promoting, and supporting schools, teachers, instructors, and educational personnel to be in conformity with the policy approved by the Cabinet under (1);
5. to issue a rule regarding a maintaining of document and evidence of a school;
6. to propose an opinion to the Minister for an issuance of the Ministerial Regulation, rule, and Notification for the execution of this Act;
7. to issue a rule regarding a consideration of a complaint and working protection;
8. to issue a rule regarding a submitting of appeal, receiving of appeal, consideration procedure of appeal and consideration period of appeal;
9. to appoint a sub-committee for considering or operating as assigned by the Commission;
10. to execute other acts in accordance with as prescribe by this Act or other laws, or as assigned by the Cabinet.

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Section 14. There shall be the Office of the Private Education Commission within the Office of the Permanent Secretary of the Ministry of Education. The Secretary-General of the Private Education Commission shall have a status of director-general and commander of a government official, staff and employee, and shall be responsible for an operation of the Office of the Private Education Commission.

The Office of the Private Education Commission shall have the following powers and duties:

1. to be responsible for an administrative work and support an operation of the Commission;
2. to recommend a strategic policy and a private education development plan to the Commission;
3. to promote and support in academics, quality assurance, research and development, in order to assure the quality of private education;
4. to be responsible for an operation relating to the fund;
5. to allocate a subsidy for private education in accordance with a measure prescribed by the Commission under section 13 (4);
6. to be a central centre to promote and support private education data and registration, as well as to monitor and evaluate a provision of private education;
7. to execute other acts as assigned by the Commission.

Section 15. For the benefit of promoting a provision of private education, in one changwat apart from Bangkok and its perimeter, there shall be a group promoting a private establishment of education being an official agency in any of the Office of the Education Service Area, having the powers and duties relating to the provision of private education within such changwat.

Which Office of the Education Service Area should have the group promoting a private establishment of education, and which changwat is deemed as Bangkok perimeter under paragraph one, shall be prescribed by the Commission.

In case where any changwat has necessity to have the group promoting a private establishment of education in more than one education service area, it shall be

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*Section 14 paragraph one was amended by the Private School Act (No. 2) B.E.2554 (2011).*
done with an approval from the Commission by considering the convenience, frugality and unity of a private education policy.

Section 16. For an Office of the Education Service Area which has a group promoting a private establishment of education under section 15, the Education Service Area Committee shall have two more members of which one person is a representative of licensees and another person is representative of teachers.

The criteria and procedure for electing a representative of licensees and of teachers under paragraph one shall be in accordance with the rule prescribed by the Commission.

CHAPTER II
Formal School

Part I
Establishment and Commencement of Operation

Section 17. A type and level of a formal school shall be in accordance as prescribed by the Commission published in the Government Gazette.

Section 18. An establishment of a formal school shall require a licence from a licensor.

An application for licence and an issuance of licence in each type and level shall be in accordance with the criteria, procedure and condition prescribed in the Ministerial Regulation. The applicant for licence shall attach a charter and details relating to a formal school business together with the application.

Section 19. A charter under section 18 paragraph two shall consist at least of the following items:

(1) objective;

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(2) name, type, and level of a formal school;
(3) detail relating to land, location, and layout demonstrating a formal school’s area and buildings;
(4) funds and assets used in an establishment;
(5) other items as prescribed in this Act and the Ministerial Regulation.

A licensor shall complete a consideration of an application within thirty days from the application date.

A licensee shall not alter any detail under paragraph one, unless otherwise given permission from the licensor. An application for permission and a grant of permission shall be in accordance with the criteria, procedure and condition prescribed in the Ministerial Regulation.

Section 20. Details relating to formal school business under section 18 paragraph two shall consist at least of the following items:
(1) project and operating plan;
(2) curriculum, educational method, and measurement and evaluation of education;
(3) tuition fees and other fees;
(4) qualification, salary rate, teaching fees, compensation, remuneration, criteria of employment and termination of employment, and welfare of teacher and educational personnel.

An alteration of item under paragraph one (2) shall be made upon given permission from a licensor.

For an alteration of item under paragraph one (1), (3), and (4), a licensee shall notify a licensor in advance for acknowledgment for not less than fifteen days.

Section 21. A natural person who applies for a formal school establishment licence shall have qualifications and not be under prohibitions as follows:
(1) being of Thai nationality;
(2) being not less than twenty years of age;
(3) having graduated with no lower than a bachelor’s degree;
(4) being of well behaviour and not lacking good morals;
(5) having faith in a democratic form of government with the King as Head of State;

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(6) not being bankrupt;
(7) not having been discharged from an official service with an offence, except being discharged from the official service not less than two years prior to an application date for a formal school establishment licence;
(8) not having been revoked a formal school establishment licence, except having a licence revoked not less than two years prior to an application date for a formal school establishment licence;
(9) not being an incompetent or a quasi-incompetent;
(10) not having been imprisoned by a final judgment and having been discharged from punishment for a period of less than five years prior to an application date for a formal school establishment licence, except for an offence committed through negligence or a petty offence.

Section 22. A juristic person who applies for a formal school establishment licence shall have qualifications and not be under prohibitions as follows:

(1) having an objective for education, except a juristic person who applies for an establishment is a government organisation or a state enterprise;
(2) a juristic person which is a public company limited, a limited company, or a partnership shall have not less than half of the total shares or capitals owned by shareholders or partners being of Thai nationality, and shall have not less than half of the total shareholders or partners being of Thai nationality;
(3) a juristic person which is a foundation shall have not less than half of the total directors being of Thai nationality;
(4) a juristic person which is an association or a co-operative shall have not less than half of the total directors being of Thai nationality, and have not less than half of the total members of association or co-operative being of Thai Nationality;
(5) a manager or a representative of a juristic person shall have qualifications and not be under prohibitions under section 21.

Section 23. An applicant for a formal school establishment licence shall have evidence demonstrating that upon being granted a licence to establish a formal school, a school shall be assigned an ownership or possessory right of land, or superficies or usufruct for a period of not less than ten years, or right to lease in lease agreement of not less than ten years.
In case where the land which shall be used to establish a formal school belongs to a government agency or a state agency, the Bureau of the Crown Property, a temple under the law on Sangha or other religious organisations, an applicant for a licence may provide evidence of a land use permission apart from a lease agreement or a lease agreement with less than ten years period.

The land under paragraph one shall have an area as prescribed in the Ministerial Regulation.

Section 24. Upon being licenced to establish a formal school, a formal school shall be a juristic person from the date receiving a licence, and a licensee shall be a representative of a juristic person.

Section 25. Upon a formal school becomes a juristic person under section 24, a licensee shall proceed as follows:

1. to assign the ownership, possessory right of land and immovable property which is land component part, right of superficies, usufruct, or right in lease agreement without any encumbrance as stated in an application for a licence to a formal school within one hundred and twenty days from the date receiving a licence;

2. to comply with the criteria and condition as prescribed in the Ministerial Regulation under section 18 paragraph two and as prescribed in a licence only in the part which shall be proceeded prior to a commencement of formal school business within a period determined by a licensor;

3. to assign money and other properties which are capital apart from land to a formal school within a period determined by a licensor;

4. to set up the executive committee under section 30 within a period determined by a licensor.

In case where a licensee fails to comply with (1), (2), (3), or (4), a licensor shall have the power to revoke a formal school establishment licence.

In case where the land to be assigned or the land belonging to a formal school has been mortgaged as security for debts deriving from an operation to establish a formal school or debts of a formal school, such land shall not be deemed having an encumbrance under (1).

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\(^7\) Section 25 (1) was amended by the Private School Act (No. 2) B.E.2554 (2011).

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Section 26. Upon a licensee has proceeded under section 25 and is ready to commence a formal school operation, a licensor shall be notified in advance for not less than thirty days prior to the date of operation commencement.

Upon a licensor has examined and deemed a licensee has properly proceeded under section 25, a licensee shall be notified for acknowledgement in order to be capable of commencing a business operation. But in case where a licensor deems a licensee has not yet properly proceeded under section 25, a formal school may be ordered to delay a commencement of business operation until having properly proceeded, provided that a licensor shall notify for not less than seven days prior to the commencement date of business operation.

In case where a licensee has not been notified an examination result from a licensor within a time period under paragraph two, a formal school shall commence its business operation in a notified time period.

Section 27. In an assignment of ownership, possessory right of land and immovable property which is a component part of land under section 25 (1), as well as any property which shall be used in an operation of school to a formal school for the benefit of providing education, an assigner and assignee shall be exempted from a right and juristic act relating to immovable property registration fee and shall be exempted from taxation provided an enactment of the Royall Decree as prescribed under the Revenue Code.

The exemption of fees and taxation under paragraph one shall include an assignment of the ownership, possessory right of land and immovable property which is a component part of land, as well as any property used in a school business to a licensee, a previous owner, or a successor of such person when a formal school discontinues to use the land or dissolves its business.

The provision in paragraph one and two shall apply to an assignment of ownership, possessory right of land and immovable property which is a component part of land, as well as any property used in a school business of a formal school established prior to an enforcement of the Private School Act B.E. 2550 (2007) mutatis mutandis.

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8 Section 27 paragraph one was amended by the Private School Act (No. 2) B.E.2554 (2011).
9 Section 27 paragraph two was amended by the Private School Act (No. 2) B.E.2554 (2011).
10 Section 27 paragraph three was amended by the Private School Act (No. 2) B.E.2554 (2011).

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Section 27/1. In contributing land and immovable property which is a component part of land to a formal school, a contributor shall be exempted from a right and juristic act relating to immovable property registration fee and shall be exempted from taxation provided an enactment of the Royall Decree as prescribed under the Revenue Code.

The land and immovable property which is a component part of land contributed to a formal school shall be managed according to an objective of a formal school and a condition specified by the contributor. However, if there is a necessity to alter such condition, a formal school shall obtain consent from a contributor or a successor of such person. If there is no successor or a successor does not appear, it shall be approved by the executive committee.

The exemption of fees and taxation under paragraph one shall include an assignment of the ownership, possessory right of land and immovable property which is a component part of land to a contributor or a successor when a formal school discontinues to use the land or dissolves its business.

Section 28. The name of a formal school shall use reasonably large size of Thai alphabet placing in a formal school area at an easily seen location, and contain the word “school” in the name. In case where there is foreign alphabet attached, such foreign alphabet shall not be larger than Thai alphabet. In addition, a formal school which provides education in the category of vocation, both vocational certificate level and advance vocational certificate level may use the word “vocational college” or “technology college” to accompany a name in place of the word “school”.

Section 29. A formal school may establish its branch. An establishment, an application for a permission, and a permission shall be in accordance with the rule prescribed by the Commission.

No formal school shall act in any manner to mislead another person into understanding that it is a representative, a network, or a branch of other formal schools,

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11 Section 27/1 paragraph one was added by the Private School Act (No. 2) B.E.2554 (2011).
12 Section 27/1 paragraph two was added by the Private School Act (No. 2) B.E.2554 (2011).
13 Section 27/1 paragraph three was added by the Private School Act (No. 2) B.E.2554 (2011).
14 Section 28 was amended by the Private School Act (No. 2) B.E.2554 (2011).

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institutes, or establishments of education in foreign countries, unless otherwise given a permission from a licensor.

Section 30. A formal school shall have the executive committee consisting of a licensee, a manager, a director, a teacher representative, a parent representative, and a qualified person as committee members. In case where a licensee is the same person as a manager or a director, or the same person holds all three positions, one or two qualified persons shall be additionally appointed as committee members. The number and qualifications of the committee member shall correspond to the size and type of a formal school in accordance with the criteria and condition prescribed by the Commission.

The criteria and procedure for recruiting committee members, electing a chairperson, a period of holding office, and a vacation of office shall be as prescribed in a charter.

In case where a formal school is necessary to have a counselor or a subcommittee to perform duty of assisting the executive committee, it can be done by prescribing in a charter.

In an initial term of establishing a formal school and there is no representative of parents, the executive committee under paragraph one shall consist of the other existing committee members.

Section 31. The executive committee of a formal school shall have the following powers and duties:

1. to issue the rule and regulation of a formal school;
2. to approve a policy and an education development plan of a formal school;
3. to counsel on administration and management of a formal school regarding personnel, work plan, budget, academic, student activity, building and place, and community relations;
4. to supervise that there is a quality assurance system within a formal school;
5. to follow, examine and evaluate the performance of a director;

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15 Section 30 paragraph one was amended by the Private School Act (No. 2) B.E.2554 (2011).
16 Section 30 paragraph two was amended by the Private School Act (No. 2) B.E.2554 (2011).
17 Section 30 paragraph three was amended by the Private School Act (No. 2) B.E.2554 (2011).

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(6) to approve one or several loans with the collectively total amount not exceeding twenty five percentages of the value of formal school current properties.

In case where the executive committee disapproves a loan, the Commission shall provide practical alternatives for a formal school, except the Commission deems such loan is not for the benefit of a formal school business operation;

(7) to approve a determination of tuition fees and other fees of a formal school;

(8) to approve an annual report, an annual financial statement, and an appointment of an auditor;

(9) to consider a complaint of teacher, parent and student;

(10) to execute other acts as the law states as the powers and duties of the executive committee.

Section 32. A determination of tuition fees and other fees of a formal school shall take into consideration of education management expenses, remuneration for teachers with good knowledge and competence, and other expenses including a cost of business expansion and a return.

(Repealed) 18

Tuition fees and other fees under paragraph one shall be announced in an open area within a formal school, and a formal school shall not collect any other fees from parents and students apart from those prescribed in paragraph one.

Section 33. In case where the Commission deems a determination of tuition fees and other fees under section 32 of a formal school is in a manner of seeking of exorbitant profits, and such formal school is unable to demonstrate that it is not a seeking of exorbitant profits, the Commission shall have the power to order a reduction of such tuition fees and other fees as deems appropriate.

Section 34. In case where the Ministry of Education deems tuition fees and other fees which a formal school determines under section 32 has an excess burden on the people, the Ministry of Education may order a formal school to reduce such fees as deemed appropriate.

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18 Section 32 paragraph two was repealed by the Private School Act (No. 2) B.E.2554 (2011).
Section 35. Any formal school which does not collect tuition fees or collect tuition fees less than a rate it should collect as calculated under section 32, because it is a charity school or in order to provide education to an impoverished person, the Ministry of Education shall financially subsidize and provide other assistances to facilitate such system of school to be capable of continuing its operation, in accordance with the criteria prescribed by the Commission.

Section 36. The executive committee shall hold at least one meeting in each normal semester.

The provision under section 12 shall apply to a meeting of the executive committee mutatis mutandis.

Section 37. A licensee shall appoint one director as a person supervising and having responsibility of formal school management, and notify a licensor for acknowledgment together with submitting evidence of a director appointment within one month from the date of appointment.

A director shall have Thai nationality, have qualifications and not be under prohibitions for an education establishment administrator under the law on council of teachers and educational personnel, as well as be capable of working full time for a formal school.

A licensee may perform duty of a director without appointing a director under paragraph one.

Section 38. Subject to section 37 paragraph three, a licensee may appoint one or several deputy directors to perform duty as assigned by a director.

A deputy director shall have qualifications and not be under prohibitions similar to those of director’s.

Section 39. A director shall have the following duties and responsibilities:

(1) to supervise and have responsibility for an academic work of a formal school;

(2) to appoint and remove teacher, educational personnel and officer of a formal school in accordance with the rule prescribed by the executive committee;
(3) to control and administer teacher, educational personnel and student of a formal school;
(4) to prepare a registration of teacher, educational personnel, officer and student, and other documents relating to provision of education in accordance with the rule prescribed by the Commission;
(5) to prepare an evidence regarding measurement and evaluation of study in accordance with the rule prescribed by the Commission;
(6) to perform other duties regarding academic in accordance with the official rule and regulation, as well as a charter, a policy, the rule and regulation of a formal school, and other duties as prescribed in this Act.

Section 40. A licensee shall appoint one manager, who shall have the following duties and responsibilities:
(1) to supervise and be responsible for a budget work of a formal school;
(2) to supervise and be responsible for general administration of a formal school;
(3) to perform other duties regarding administration in accordance with a charter, a policy, the rule and regulation of a formal school, and other duties as prescribed in this Act.

A licensee may perform duty of a manager without appointing a manager under paragraph one.

The qualification, criteria and procedure for appointing a manager shall be in accordance with the rule prescribed by the Commission.

Section 41. In case where a licensee is a natural person and unable to perform duty in any case, a licensee shall appoint a person who has qualifications and is not under prohibitions under section 21 to perform duty on behalf. If a licensee does not appoint a person performing a duty on behalf, a director shall be a person performing a duty on behalf.

Section 42. A formal school shall prepare teachers and educational personnel of a formal school to be adequate for providing education and have the number which is appropriate for students in accordance with the rule prescribed by the Commission.
A teacher and educational personnel shall be a person having qualifications and not being under prohibitions for a professional practitioner of a teacher or educational personnel in accordance with the law on council of teachers and educational personnel, as the case may be.

Section 43. Documents which a formal school shall prepare in accordance with this Act shall be made in Thai language.

Teaching in a formal school, apart from teaching foreign language subject, shall use Thai language, unless otherwise it is an international school or a school which is granted a permission to educate in foreign language, such school may teach in a language specified in a licence. However, it must teach students to be capable of reading, writing and speaking Thai language.

For the benefit of expanding a study opportunity, the Commission may give general permission for a formal school to teach some subjects in foreign language, with or without a condition.

Part II

Property and Account

Section 44. ¹⁹ (Repealed)

Section 45. ²⁰ (Repealed)

Section 46. ²¹ A manager shall be a person responsible for arranging system of and preparing the financial account and other accounts of a formal school in accordance with the form and rule prescribed by the Commission.

A formal school shall maintain accounts and supporting documents for recording accounts in accordance with the law on accounts.

¹⁹ Section 44 was repealed by the Private School Act (No. 2) B.E.2554 (2011).
²⁰ Section 45 was repealed by the Private School Act (No. 2) B.E.2554 (2011).
²¹ Section 46 paragraph one was amended by the Private School Act (No. 2) B.E.2554 (2011).
Section 47. The executive committee shall proceed to audit an account of a formal school in order to examine and give an opinion regarding a financial statement of a formal school within one hundred and fifty days from the expiration date of an accounting year, in accordance with the criteria and procedure prescribed by the Commission.

The starting and expiration date of an accounting year of a formal school shall be in accordance with the Notification of a formal school.

The executive committee shall allocate remuneration from a formal school operation to a licensee as deemed appropriate, except for the remuneration from an operation of a charity school, which the executive committee shall allocate in accordance as prescribed by the Commission.

Part III
Subsidization and Promotion

Section 48. The State shall subsidize and promote a formal school apart from a subsidy under section 35 as recommended by the Commission, particularly on the following matters:

1. providing educational personnel as well as remuneration for such personnel in case of shortage or emphasizing any academic part;
2. providing teachers as well as remuneration for teachers, including arranging for educational equipments, facilities, medias, services and other educational assistances for handicapped students, underprivileged persons and talented persons;
3. decreasing or exempting import duties on durable goods and equipment used in education as prescribed in the law on customs tariff;
4. decreasing or exempting income tax of the licensee as prescribed in the Revenue Code
5. Decreasing or exempting building and land tax or other tax in a similar manner as prescribed by law.

22 Section 47 paragraph one was amended by the Private School Act (No. 2) B.E.2554 (2011).
23 Section 47 paragraph two was amended by the Private School Act (No. 2) B.E.2554 (2011).
24 Section 47 paragraph three was added by the Private School Act (No. 2) B.E.2554 (2011).
25 Section 48 (4) was amended by the Private School Act (No. 2) B.E.2554 (2011).
Part IV
Fund

Section 49. There shall be the formal school promotion fund within the Ministry of Education with the objective of being a circulating fund for granting loan to a formal school.

The fund shall consist of the following money and properties:

1. money assigned from a circulating fund for school buildings of a southern region private school educating Islam, which is in the Office of the Permanent Secretary of the Ministry of Education, in accordance with the rule of the Ministry of Education on a Circulating Fund for School Buildings of a Southern Region Private School Educating Islam B.E. 2532 (1989);

2. money assigned from a circulating fund for private school development, which is in the Office of the Permanent Secretary of the Ministry of Education, in accordance with the Ministry of Education Rule on a Circulating Fund for Private School Development B.E. 2545 (2002);

3. a financial subsidy which the government allocates on a yearly basis;

4. **repealed**

5. fees, service charges, and fines due to default on loan repayment;

6. money and other properties contributed to the fund;

7. fruits and benefits arising from the fund;

8. money and other properties which become the property of the fund.

Money of the fund shall not be remitted to the Ministry of Finance under the law on treasury reserves and the law on budget procedure.

Section 50. Money of the fund received under section 49 paragraph two (1) shall be separated in accounting particularly for the benefit of providing aid to a southern region private school educating Islam in accordance with the rule prescribed by the Commission.

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26 Section 49 (4) was repealed by the Private School Act (No. 2) B.E.2554 (2011).

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Section 51. Money of the fund received under section 49 paragraph two (4) shall be returned to a formal school upon its dissolvent of business after deducting unsettled debts of such formal school from the fund.

Section 52. In case where there is necessity for the benefit of providing education, a formal school shall have the right to apply for a loan from the fund in accordance with the criteria, procedure and condition prescribed by the Commission.

In approving the formal school’s loan application, the Commission may approve without paying the interest and giving guarantee for the portion of loan not exceeding the amount remitted to the Fund by the Formal School.

Section 53. Receipt of money, disbursement of money, retention of money and administration of the fund shall be in accordance with the rule prescribed by the Commission.

The Office of the Permanent Secretary of the Ministry of Education shall retain and disburse the fund money in accordance with this Act.

Part V
Aid

Section 54. There shall be the aid fund as a juristic person with an objective of providing aid to directors, teachers and educational personnel, including:

1. to pay money as an allowance to directors, teachers and educational personnel;
2. to provide welfare and benefits to directors, teachers and educational personnel;
3. to promote savings of directors, teachers and educational personnel;
4. to pay the aid fund welfare money.

The aid fund shall not be a government agency or a state enterprise under the law on budget procedure, and an income of the aid fund shall not be remitted as a State income.

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Section 55. The aid fund shall be composed of the following money and properties:

1. money assigned from the aid fund under the Private School Act B.E. 2525 (1982);
2. money which directors, teachers and educational personnel remit to the aid fund under section 73 (1);
3. money which a formal schools remit to the aid fund under section 73 (2);
4. contributions from the Ministry of Education under section 73 (3);
5. contributed properties;
6. additional money under section 74 and other incomes;
7. fruits from money and properties of the aid fund.

Section 56. Fruits from money and properties of the aid fund under section 55 shall be separately calculated in proportion to the aid fund money as follows:

1. fruit from the aid fund money under section 55 (2);
2. fruit from the aid fund money under section 55 (1), (3), (4), (5), (6), and (7).

Section 57. The aid fund shall have its headquarters at a place prescribed by the Minister’s Notification as published in the Government Gazette.

Section 58. A business of the aid fund shall not be subject to the law on labour protection and the law on labour relations.

Section 59. The aid fund shall have the power to execute various operations within a scope of objectives under section 54.

Granting a loan to directors, teachers and educational personnel from the aid fund shall require a given guarantee which may be money a borrower has the right to receive from the aid fund at the time of applying for a loan in accordance with the criteria, procedure and condition prescribed by the aid fund committee.

Using the aid fund money to invest or seek for benefits shall receive prior approval from the Ministry of Finance.

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Section 60. The expenses in the aid fund operation shall be paid from the fruit of the aid fund under section 56 (2), which shall not exceed three percentages of such fruit of the aid fund, in accordance with the criteria and procedure prescribed by the aid fund committee.

In case where the fruit of the aid fund under paragraph one is insufficient for operation expense, the Ministry of Education shall establish subsidy budget as necessary.

Section 61. There shall be the aid fund committee consisting of:
(1) the Permanent Secretary of the Ministry of Education as a chairperson;
(2) the Secretary of the Private Education Commission and a representative of the Ministry of Finance as members;
(3) a representative of associations relating to private school, a representative of directors, a representative of teachers and a representative of educational personnel, each selected in accordance with the rule prescribed by the Minister, as members;
(4) three qualified persons who has knowledge in finance, treasury, fund administration or law elected by a joint meeting between a chairperson and members under (2) and (3), as members.

A director of the aid fund shall be a member and a secretary.

Section 62. A qualified member shall not be under the prohibitions as follows:
(1) not being a person who a government agency, a state enterprise or other national organisations expel, discharge or dismiss on the ground of dishonest performance of duties;
(2) not being a person holding a political position, or a director or an counselor, and an official of a political party.

Section 63. A qualified member shall hold office for a term of three years, and may be reappointed but not more than two consecutive terms.

Section 64. Apart from vacating office on an expiration of term under section 63, a qualified member shall vacate office upon:

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(1) death;
(2) resignation;
(3) being bankrupt;
(4) being an incompetent or quasi-incompetent;
(5) being imprisoned due to a final judgment;
(6) being under prohibitions under section 62.

In case where there is a vacancy of member and an appointment of member to replace has not yet been executed, the committee shall consist of the remaining members.

Section 65. In case where a qualified member vacates office on an expiration of term, the member whose term of office has expired shall be in office to continue to perform his or her duties until a new member has been appointed.

In case where a qualified member vacates office before term, a qualified member shall be appointed promptly. Except where the remaining term is less than ninety days, an appointment to replace may not be executed. In addition, a person appointed to replace shall remain in office for the remaining term of a qualified member so replaced.

Section 66. The aid fund committee shall have the following powers and duties:

(1) to determine a policy, issue rules and regulations in administrating a business of the aid fund as prescribed in this Act;
(2) to determine a policy, a criteria and a condition for an investment of the aid fund, as well as allowing a financial institution to invest the fund money or use the fund money to seek for benefits by other means, as approved by the Ministry of Finance;
(3) to monitor management of the aid fund;
(4) to determine a criteria and procedure of disbursement of the aid fund welfare money;
(5) to approve expenses budget of the aid fund;
(6) to determine a criteria and a procedure for receiving, retaining, and disbursement of the aid fund money;
(7) to determine rules and regulations regarding personnel administration of staffs and employees, as well as to determine a salary and other monies, including aid and welfare;

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(8) to appoint a sub-committee for execution as assigned by the aid fund committee;
(9) to execute other acts in accordance with an objective of the aid fund.

Section 67. A meeting of the aid fund committee and a sub-committee shall be in accordance with the rule of the aid fund committee.

No aid fund committee member shall participate in considering a matter which such committee has a conflict of interest.

Section 68. A member of the aid fund committee and a sub-committee shall receive remuneration in accordance with the rule prescribed by the aid fund committee with an approval of the Ministry of Finance.

Section 69. There shall be one director of the aid fund who the aid fund committee appoints from a person having qualifications and not being under prohibitions as follows:

(1) being of Thai nationality;
(2) being not more than sixty-five years of age;
(3) capable of working full time for the aid fund;
(4) not being imprisoned by a final judgment, unless an imprisonment is for an offence committed through negligence or a petty offence;
(5) not being or having been a bankrupt;
(6) not being a government official, a staff or an employee of a State organisation;
(7) not being a political official, a person holding a political position, or an advisory member or an official of a political party;
(8) not being a managing director, a manager or holding any position which has a similar work nature in a partnership or a company, except in case where the aid fund committee assigns to be a director in a company that the aid fund is a shareholder;
(9) not being a person having direct or indirect interest in an agreement with the aid fund, or in a business conducting for the aid fund.

Section 70. Holding office, vacating office, stipulating a condition in a probation, and performing duty of a director of the aid fund shall be in accordance with an
employment agreement determined by the aid fund committee. A term of employment shall not exceed four years, and upon an expiration of such term, the aid fund committee may renew an employment agreement.

A chairperson of the aid fund shall be a person having the power to enter into an agreement to employ a director of the aid fund on behalf of the aid fund.

A director of the aid fund shall receive wage, remuneration and other monies in accordance as prescribed by the aid fund committee.

Section 71. A director of the aid fund shall be a superior officer of staffs and employees, and shall have responsibility for administrating a business of the aid fund to be in compliance with an objective of the aid fund and the law, rule, regulation and policy prescribed by the aid fund committee.

Section 72. Regarding a business of the aid fund relating to a third party, a director of the aid fund shall be a representative of the aid fund.

A director of the aid fund may authorize others to perform on behalf in accordance with the regulation prescribed by the aid fund committee. Such regulation shall be published in the Government Gazette.

A juristic act which is executed by violating the regulation under paragraph two shall not bind the aid fund unless otherwise ratified by the aid fund committee.

Section 73. The formal schools, directors, teachers, educational personnel and the Ministry of Education shall remit savings or counterpart fund, as the case may be, to the aid fund according to the following criteria:

(1) directors, teachers and educational personnel shall remit savings for themselves at a rate determined by the aid fund committee, which shall not exceed three percentages of monthly salary each receives and not exceed the amount prescribed in the Ministerial Regulation;

(2) a formal school shall remit counterpart fund in the amount equal to savings remitted by each director, teacher and educational personnel under (1);

(3) the Ministry of Education shall remit counterpart fund in the amount double to savings remitted by each director, teacher and educational personnel under (1).
Section 74. A formal school shall deduct and collect savings of a director, teacher and educational personnel which shall be remitted under section 73 (1) once a salary is paid. Such savings together with the counterpart fund which a formal school shall remit under section 73 (2) shall be remitted into the aid fund in accordance with the procedure prescribed by the aid fund committee within the tenth day for each of the following month.

In case where a formal school does not remit the counterpart fund within a period of time prescribed in paragraph one or incompletely remits, a formal school shall pay additional money of two percentages per month until having remitted or completely remitted.

Section 75. Directors, teachers and educational personnel who remit savings under section 73 (1) for two consecutive months shall have the right to receive the aid fund welfare money.

The aid fund welfare money under paragraph one shall be paid from the fruit of the aid fund under section 56 (2) in accordance with the rule prescribed by the aid fund committee under section 66.

Section 76. Directors, teachers and educational personnel shall have the right to receive an allowance upon retirement as follows:

(1) an allowance in category 1 equal to the amount which a director, a teacher or educational personnel, as the case may be, has remitted as savings under section 73 (1) including the fruits calculated under section 56 (1);

(2) an allowance in category 2 equal to the amount which a formal school and the Ministry of Education has remitted as counterpart funds under section 73 (2) and (3) excluding the fruit calculated under section 56 (2).

Directors, teachers and educational personnel shall not have the right to receive an allowance in category 2 in case of a dismissal with fault or prior to reaching ten years of working period, unless otherwise it is a resignation due to death, injury or disability which a doctor certified by a government agency has examined and is of an opinion that such person can no longer carry out a profession or it is due to a dissolution of formal school business.

In case where directors, teachers or educational personnel have a working period of more than twenty years, the aid fund may pay remuneration apart from an
allowance in category 2 in accordance with the criteria prescribed by the aid fund committee.

In calculating a working period, it shall start from the first day of the month in which a director, a teacher or educational personnel has remitted savings under section 73 (1).

Section 77. Directors, teachers and educational personnel who resigns without fault and have a working period not less than five years but not reach ten years may receive an allowance in category 2 under the following conditions:

1. has not yet received an allowance in category 1 and has remitted savings under section 73 (1) equal to the amount remitted in the last month prior to a resignation until completion of ten years;

2. in calculating an allowance in category 2, the amount shall be calculated only from counterpart fund remitted by a formal school and the Ministry of Education under section 73 (2) and (3) until the resignation date of a director, a teacher or educational personnel;

3. to comply with other criteria and conditions as prescribed by the aid fund committee.

Section 78. Upon a director, a teacher or educational personnel dies or disappears due to performing duty or working for a formal school, the aid fund shall pay compensation to his or her spouse and legal heirs of such director, teacher or educational personnel or a person determined by such director, teacher or educational personnel, in accordance with the criteria and condition prescribed by the Commission.

Section 79. When a director, a teacher or educational personnel encounters injury due to a performance of duty or working for a formal school, the aid fund welfare money shall be paid as follows:

1. in case where encountering physically or mentally injury to the extent of infirmity, the money shall be paid as compensation;

2. in case where encountering injury to the extent of losing physical or mental ability, the money shall be paid as an ability rehabilitation expense after a treatment by a medical approach has been finished in order to enable such person to carry out a suitable profession.
The payment of money under paragraph one shall be remitted from fruit of the aid fund under section 56 (2) in accordance with the rule prescribed by the aid fund committee.

**Section 80.** The right to receive money from the aid fund under this Act shall be an exclusive right which is not transferrable and not subject to a scope of legal execution, unless otherwise it is a debt payment which directors, teachers and educational personnel owed to the aid fund under this Act.

**Section 81.** The aid fund shall prepare the financial account of the aid fund in accordance with the accounting standard under the law on accounts.

The aid fund shall store accounts and supporting documents for recording accounts according to the law on accounts.

**Section 82.** The aid fund shall prepare and submit a financial statement to an auditor to be examined within ninety days from the expiration date of an accounting year.

The starting and closing date of an accounting year of the aid fund shall be in accordance with the rule prescribed by the aid fund committee.

**Section 83.** The aid fund committee shall annually appoint a third party who is a licenced auditor to be an auditor of the aid fund for each accounting year period.

**Section 84.** An auditor shall have a duty to examine all account books, documents, and evidences relating to the aid fund. In doing so, the auditor shall have the power to inquire a licensee, a director, a manager, a teacher and educational personnel, the aid fund committee member and a person authorized to operate regarding the aid fund, and to summon an additional submission of all account books and documents, and evidences relating to the aid fund as necessary.

**Section 85.** An auditor shall prepare an audit report demonstrating an opinion regarding a financial statement to the aid fund committee for certifying within one hundred and fifty days. The aid fund committee shall submit such to the Minister within one hundred and eighty days from the expiration date of an accounting year.
The aid fund shall publicise an annual report demonstrating details of a financial statement which the auditor has already provided an opinion.

Part VI
Working Protection

Section 86. A business of a formal school particularly in the part of a director, a teacher and educational personnel shall not subject to the law on labour protection, the law on labour relations, the law on social security and the law on compensation. However, a director, a teacher and educational personnel shall receive return benefits not less than those prescribed in the law on labour protection.

Working protection, an arrangement for the working protection committee and minimum benefits of a director, a teacher and educational personnel shall be in accordance with the rule prescribed by the Commission.

Part VII
Supervision

Section 87. No licensee, director, manager, teacher and educational personnel shall use or allow others to use a building, a place and an area of a formal school for an illegal act or an act against public order and good morals, or an act inappropriate to a business of a formal school.

27 Section 86 paragraph one was amended by the Private School Act (No. 2) B.E.2554 (2011).
28 Section 86 paragraph two was amended by the Private School Act (No. 2) B.E.2554 (2011).
Section 88. No formal school shall perform or allow others to perform an act which may be a risk to a national security, national safety, national culture or good morals.

Section 89. No formal school shall cease teaching more than seven consecutive days which are not regular holidays, unless otherwise there is an unavoidable necessity. In such case, a licensor shall be notified in writing together with a reason for a cessation of teaching.

Section 90. In case where there is a danger or an incident affecting the safety of students or providing education to students, a licensor may order any formal school concerned to cease teaching for the determined time period.

Section 91. In case where it appears that a building, a place or an area of a formal school has a condition against hygienic practice or sanitation, has instability or has other causes which may be a danger to students, a licensor shall have the power to issue an order in writing to a licensee to completely rectify within a determined time period.

While a formal school has not yet rectified under paragraph one, a licensor may order the formal school to cease teaching and may additionally order to execute any necessary acts for the benefit of providing education to students.

Section 92. In case where a building, a location or an area of a formal school has been destroyed or damaged or there are other necessities causing it to be incapable of operating as a formal school, a director shall notify in writing to a licensor and rectify promptly.

During a resolving period under paragraph one, if it is a time when the school semester opens and it takes more than thirty days to be rectified, a director shall prepare other places for temporarily operating a formal school and shall notify a licensor within thirty days from the date of preparation.

In case where a licensor deems that a temporary place is inappropriate or unsafe for students, a licensor shall notify a director to prepare a new place within the determined time.

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**Section 93.** When it appears to a competent official or there is a person filing a complaint that a formal school causes trouble or damage to the people, is in a manner which poses a danger to public order or good morals, or violates this Act, the competent official shall have a duty to conduct an investigation of fact promptly and shall report an investigation result to a licensor for further consideration and issuance of order pursuant the powers and duties.

**Section 94.** An advertisement of a formal school shall not be false, exaggerate, against public order or good morals.

In case where a licensor deems the advertisement of a formal school violates paragraph one, a licensor shall have the power to issue an order for a formal school to perform one or several acts as follows:

1. to cease an advertisement;
2. to correct an advertisement;
3. to advertise for correcting a misunderstanding of the people which may have occurred, according to the procedure determined by a licensor.

In case where a formal school fails to perform in accordance with an order of a licensor, or violates or fails to comply with the criteria and procedure determined by the licensor under paragraph two, the licensor shall have the power to revoke a formal school establishment licence by taking into consideration a gravity of wrongful act.

**Section 95.** Any formal school which violates or fails to comply with the provisions in this Act, the Ministerial Regulation, rule, or Notifications issued under this Act, fails to not operate its business as permitted or provides education lower than a standard prescribed, a licensor shall have the power to issue an order to rectify within a determined time period.

Any formal school which fails to comply with an order under paragraph one, a licensor shall have the power to issue an order to such formal school to refrain from admitting new students or to temporarily cease all or part of business operation under a licence, or to issuer other order as appropriate to the case by taking into consideration a gravity of wrongful act.

The order issued under paragraph one shall not have any impact on any legal proceedings against the offender who commits any act which is an offence punishable by such law.

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Section 96. A licensor shall have the power to issue an order to a formal school to be under control of the Office of the Private Education Commission or the Office of the Educational Service Area having jurisdiction, upon any of the following events:

1. A formal school does not have sufficient fund to continue its business operation;
2. A formal school violates or fails to comply with the provisions in this Act, the Ministerial Regulation, rule or Notification issued under this Act, and may cause grave damage to a business operation of a formal school;
3. A formal school violates or fails to comply with an order of a licensor or a competent official issued under this Act, and may cause grave damage to a business operation of a formal school;
4. A formal school fails to comply with a charter, and may cause grave damage to an operation of a formal school;
5. The executive committee, an executive committee member, a director, a manager, a teacher, educational personnel or a student of a formal school performs an action which poses a grave danger to the national security, national safety, public order, national culture or good morals.
6. In case under section 107, section 108, section 109, section 110 or section 111;
7. Other cases as prescribed in the Ministerial Regulation.

A control order of a formal school shall be notified to the executive committee of a formal school and posted at an entrance of such formal school.

Section 97. Upon a control order of a formal school under section 96, a licensor shall appoint one formal school control committee consisting of a chairperson and not exceeding six qualified committee members who have knowledge, competence and experience in education and other relating fields in order to perform duty in place of the executive committee and temporarily operate a formal school business during the formal school is under control.

Upon appointing the formal school control committee, a licensor shall report to the Commission for acknowledgement.
Section 98. Upon a control order of a formal school under section 96, a licensee, a director, a manager, a teacher, educational personnel, a staff and other workers of a formal school shall perform duty as assigned by the formal school control committee and shall manage as appropriate for maintaining the public order and taking care of formal school’s properties.

A licensee, a director and a manager shall deliver properties together with all account books, documents, and other things relating to properties and debts of a formal school, as well as evidence regarding all students of a formal school to the formal school control committee within seven days from the date of issuing a control order of a formal school under section 96.

Section 99. A licensor may order the government official of the Ministry of Education to work in a formal school during the under control period of the formal school control committee as necessary. Such performance of work shall be deemed a normal performance of official duties.

Section 100. Upon the formal school control committee deems a cause for issuing a control order of a formal school has been passed, rectified, or corrected, the formal school control committee shall submit an opinion to a licensor.

In case where a licensor deems appropriate to revoke a control order of a formal school, a licensor shall issue a revocation order and notify the executive committee, as well as post such order at an entrance of a formal school and shall then report the Commission. In addition, the formal school control committee shall deliver properties, documents, and evidences received under section 98 paragraph two to a formal school within seven days from the date of issuing a revocation of formal school control order.

Section 101. The expenses in business operation of the Formal school during under the control period, as well as remuneration for a performance of duty of the formal school control committee shall be paid from the formal school money in accordance with the criteria prescribed by the Commission.

In case where a formal school has insufficient money to pay for the expenses under paragraph one, a formal school shall have the right to loan from the fund under section 49 to be a part of payment.

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Section 102. Upon the formal school control committee deems that a formal school under the control is not suitable to continue its business operation due to any cause, a licensor shall be reported for further consideration and issuance of order.

Section 103. Upon a licensor is reported under section 102, a licensor shall have the power to order the formal school control committee to continue its control during the time determined or to issue a revocation order of a formal school establishment licence.

Section 104. In a performance of duty, the formal school control committee shall be a official under the Criminal Code and shall have the powers identical to those of a competent official under section 128.

Part VIII
Ethics, Manner, Discipline and Duty

Section 105. A licensee, a director, an administrator, a manager, a teacher and educational personnel who is not subject to the law on the council of teachers and educational personnel shall have ethics, manner, discipline and duty in accordance with the rule prescribed by the Commission.

Part IX
Assignment of the Formal School Establishment Licence

Section 106. A licensee who intends to assign a formal school establishment licence to others shall submit an application to a licensor in accordance with the criteria and procedure prescribed by the Commission.

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Upon a licensor deems an assignee has qualifications and is not under prohibitions under section 21 or section 22, as the case may be, the permission shall be granted promptly.

**Section 107.** In case where a licensee dies or disappears and an heir has an intention to continue an operation of a formal school business, an heir who has qualifications and is not under prohibitions under section 21, or in case where there are several heirs, those heirs shall jointly appoint one heir who has qualifications and is not under prohibitions under section 21 who, shall submit an application to receive a assignment to a licensor within ninety days from the date a licensee dies or disappears, or within the time extended by a licensor as necessary. If an heir does not submit such application within the time prescribed, a licensor shall issue a control order of a formal school under section 96.

In case where a licensee departs from his or her domicile or place of residence, and no person receives the news relating to a licensee for more than thirty days, an heir of a licensee under paragraph one shall have the right to submit an application to perform duty in place of a licensee until the Court renders a judicial order that such licensee is a disappeared person, or a licensee dies or reappears.

Upon an application of assignment under paragraph one or two, an applicant shall have the powers and duties identical to those of a licensee in a meantime until a licensor does not grant a permission to assign a licence.

**Section 108.** In case where an event under section 107 paragraph one occurs or a licensee has departed his or her domicile or place of residence under section 107 paragraph two for a period of one year, if an heir does not intend to continue an operation of a formal school business, an heir shall submit an application to dissolve the formal school business under section 114 or assign a formal school establishment licence to others under section 106 within ninety days from the date a licensee dies, disappears, or the date of completion of one year from a departure of a licensee from his or her domicile or place of residence. If an heir does not submit such application within the time determined, a licensor shall issue a control order of a formal school under section 96.

**Section 109.** In the case as stated in section 107, if there is no heir having qualification and not being under prohibitions under section 21, or in the case where there

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are several heirs but they are unable to reach an agreement and the heirs still intend to continue to operate a formal school business, the heirs or an administrators of an estate shall proceed to establish a juristic person having qualifications and not being under prohibitions under section 22 to submit an application to receive an assignment of a licence to a licensor within ninety days from the date of a juristic person establishment, and the provisions in section 107 paragraph 3 shall apply mutatis mutandis. If an application is not submitted within the time determined, a licensor shall issue a control order of a formal school under section 96.

**Section 110.** In case where a licensee is a natural person and disqualifies or is under prohibitions under section 21, a licensee shall assign a formal school establishment licence to a person having qualifications and not being under prohibitions under section 21 or section 22, as the case may be, within ninety days from the date of becoming disqualified or being under prohibitions.

In case where a licensee is a juristic person and disqualifies or is under prohibitions under section 22, such juristic person shall rectify within ninety days from the date of becoming disqualified or being under prohibitions.

If a licensee is unable to proceed within the time determined under paragraph one or paragraph two, as the case may be, a licensor shall issue a control order of a formal school under section 96.

**Section 111.** In case where a licensee is a juristic person and ceases a juristic person status or becomes bankrupt, a licensor shall issue a control order of a formal school under section 96.

**Section 112.** While there is no person performing duty as a licensee under this Part, a director shall have the power and responsibility identical to a licensee.

**Part X**

**Business Dissolution and Liquidation**

**Section 113.** A formal school shall dissolve its business upon:
(1) a licensee or an heir, as the case may be, receives a permission to dissolve the formal school business; or
(2) a licensee has a formal school establishment licence revoked.

**Section 114.** In case where a licensee or an heir, as the case may be, does not intend to continue an operation of a formal school business, such person shall submit an application to dissolve the formal school business with a reason to a licensor in advance for not less than one hundred and twenty days prior to the end of an academic year.

In case there is a force majeure for a formal school to further continue its business operation, a licensee or an heir, as the case may be, may request for a permission to dissolve the formal school business by submitting an application in advance for less than the time period determined in paragraph one.

In granting a permission for an application under paragraph one or paragraph two, a licensor may specify a measure or a condition for a formal school to comply in order to protect or for the benefit of providing education to students in such formal school prior to granting a permission to dissolve the formal school business as a licensor deems appropriate.

**Section 115.** Upon a formal school dissolves its business under section 113, the executive committee or the formal school control committee, as the case may be, shall appoint a liquidator for conducting a liquidation of a formal school, and the provisions in the Civil and Commercial Code on a liquidation of a registered partnership, a limited partnership and a limited company shall apply *mutatis mutandis*.

During a period of liquidation, a formal school shall be deemed existing in the time necessary for such liquidation.

Upon a completion of liquidation, if the property is still remained, it shall be returned to a licensee.

**Section 116.** Prior to receiving a permission to dissolve the formal school business, a licensee, a director and a manager shall have a duty to deliver document and evidence under section 39 (4) and (5) and other documents determined by the Commission to a licensor.

In case where a licensor deems document and evidence delivered under paragraph one are incomplete, the licensor shall have the power to order such person...
under paragraph one to additionally deliver documents until completion within the determined time period. For this purpose, it shall be deemed that such person still has a duty under paragraph one until completely deliver document and evidence.

When a formal school has dissolved and has necessity to issue a certified transcript of student, a licensor shall have the power to issue on behalf of a formal school. A licensor shall assist students of a formal school which dissolves its business as appropriate to the case.

Part XI
Appeal

Section 117. In Bangkok, there shall be the appeal committee consisting of the Permanent Secretary of the Ministry of Education as a chairperson, a representative of the Office of the Attorney General, the Secretary-General of the Private Education Commission, and a chairperson of the Education Service Area Committee in Bangkok whom appointed by the Commission as members. In addition, the Permanent Secretary of the Ministry of Education shall appoint three representatives from an association concerning with a private education as members and appoint directors of an education establishment of the State in Bangkok as one secretary and one assistant secretary.

In other changwats apart from Bangkok, there shall be the appeal committee consisting of a changwat governor or a vice-governor as assigned by a changwat governor as a chairperson, a representative of the Office of the Changwat Public Prosecution, a chairperson of the Education Service Area Committee in such changwat whom appointed by a changwat governor, as members. A changwat governor shall appoint three representatives of the Committee of Provincial Private Education Coordination and Promotion as members and appoint directors of an education establishment of the State in such changwat as one secretary and one assistant secretary. Except for a changwat where a changwat governor whom the Secretary-General of Private Education Commission has authorized to be a licensor, such changwat shall have the Permanent Secretary of the Ministry of Education or the Deputy Permanent Secretary of the Ministry of Education whom the Permanent

29 Section 117 paragraph one was amended by the Private School Act (No. 2) B.E.2554 (2011).

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Secretary of the Ministry of Education assigned as a chairperson, and the Permanent Secretary of the Ministry of Education shall appoint a chairperson of the Education Service Area Committee, a director of the Changwat Office of Private Education and three representatives of the Changwat Association of Private Schools as members, and appoint a directors of an education establishment of State in such changwat as one secretary and one assistant secretary.\textsuperscript{30}

The provisions of section 12 shall apply to a meeting of the appeal committee mutatis mutandis.\textsuperscript{31}

\textbf{Section 118.} Any person who must comply with an order or has been affected by an order of a licensor and is dissatisfied with such order shall have the right to submit an appeal in writing to the appeal committee within thirty days from the date of receiving a notification order in writing from a licensor or the date of knowing such order, as the case may be.

A decision of the appeal committee shall be final.

\textbf{Section 119.} An application of appeal, a receipt of appeal, consideration procedure of appeal and a consideration of appeal period shall be in accordance with the rule prescribed by the Commission.

An appeal shall not be deemed as a suspension of complying with an order of a licensor, unless otherwise a chairperson of the appeal committee has an order to suspend a compliance of an order with the purpose of awaiting an appeal decision in accordance with the criteria, procedure and condition prescribed by the Commission.

\textbf{CHAPTER III}

\textbf{Non-formal School}

\textbf{Section 120.} An establishment of a non-formal school shall require a licence from a licensor.

\textsuperscript{30} Section 117 paragraph two was amended by the Private School Act (No. 2) B.E.2554 (2011).

\textsuperscript{31} Section 117 paragraph three was amended by the Private School Act (No. 2) B.E.2554 (2011).

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Types and character of a non-formal school, including a provision of studying and teaching, and curricula of a non-formal school shall be in accordance with as prescribed by the Commission published in the Government Gazette.

Section 121. An application for a licence and an issuance of a non-formal school establishment licence shall be in accordance with the criteria, procedure and condition prescribed in the Ministerial Regulation. The applicant shall enclose details relating to a non-formal school business together with an application which shall consist at least of the following items:

1. name, type and character of a non-formal school;
2. location and layout demonstrating a non-formal school area and buildings;
3. curriculum, educational method, and measurement and evaluation of study;
4. criteria for calculating tuition fees and other fees, as well as criteria for increasing such fees;
5. other items as prescribed in the Ministerial Regulation.

Upon granting a licence, a licensee shall not alter it unless otherwise receiving a permission from a licensor.

A licensor shall complete its consideration of an application within ninety days from the date of receiving an application.

Section 122. A licensee shall arrange to have one administrator as a person supervising and having responsibility of non-formal school management in order to be in accordance with the law, rule, official regulation and items under section 121 paragraph one. A licensee who has qualifications and is not under prohibitions under paragraph two may be an administrator himself or herself. A licensor shall be submitted with evidence of an appointment or on becoming an administrator, as the case may be, within thirty days from the date of appointment or undertaking the administration.

The qualification and prohibition of an administrator shall be as prescribed in the Ministerial Regulation.
Section 123. A non-formal school shall prepare teachers or instructors who have qualifications appropriate to curricula and have the number appropriate to students, in accordance with the rule prescribed by the Commission.

Section 124. The Commission may prescribe some types or sizes of a non-formal school where an administrator shall have to prepare a report demonstrating business and a financial statement of a non-formal school and submit to a licensor every year in accordance with the rule prescribed by the Commission.

Section 125. A collection of tuition fees and other fees in a non-formal school shall not be in a manner of seeking exorbitant profits when taking into consideration a quality, an educational standard and benefits obtained by students.

Section 126. In case where a non-formal school intends to dissolve its business, a licensee shall notify in writing to a licensor not less than thirty days prior to the date intending to dissolve business, and a licence shall be invalid upon a dissolution date.

When a licensor detects that any non-formal school has ceased its business operation more than ninety days without notifying a business dissolution under paragraph one, a licensor shall have the power to issue a revocation order of a non-formal school licence.

Section 127. The following provisions as well as the relating penalty provisions shall apply to a non-formal school *mutatis mutandis*:

1. section 21, section 22, section 28, section 29, section 33 and section 43 paragraph one and paragraph three, and section 48 (3), (4), and (5);
2. section 73, section 74, section 75, section 76, section 77, section 78, section 79, and section 80 for an administrator, a teacher and educational personnel;

CHAPTER IV

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32 Section 127 (3) was amended by the Private School Act (No. 2) B.E.2554 (2011).

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Competent Official

Section 128. In a performance of duty under this Act, a competent official shall have the power to enter into a school during the office hours and issue a summon in writing to a person concerned to testify, deliver documents or relating objects for supporting the consideration.

Upon entering into a school under paragraph one, a competent official shall display an identification card to a person concerned and a person concerned shall reasonably facilitate the competent official.

An identification card of a competent official shall be as prescribed in the Ministerial Regulation.

Section 129. In performing duty under this Act, a competent official and the appeal committee members under section 117 shall be an official under the Criminal Code.

CHAPTER V
Penalty

Section 130. Any person who establishes a formal school without receiving a licence under section 18 shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding twenty thousand baht, or to both.

Section 131. Any person who fails to comply with section 19 paragraph three, section 26 paragraph one or section 28 shall be liable to a fine not exceeding ten thousand baht.

Section 132. Any formal school which provides studying and teaching different from the detail identified under section 20 (2) or collects fees different from a rate identified under section 20 (3), or fails to comply with section 20 paragraph two shall be liable to a fine not exceeding ten thousand baht.
Section 133. Any formal school which fails to comply with section 29 shall be liable to a fine not exceeding twenty thousand baht.

Section 134. Any licensee who does not appoint a director or notify under section 37 paragraph one shall be liable to a fine not exceeding twenty thousand baht.

Section 135. Any formal school establishment licensee who appoints a person not having qualifications under section 37 paragraph two as a director, or appoints a person not having qualifications under section 38 paragraph two as a deputy director, or allow a person not having been appointed as a director or a deputy director to perform duty of a director or a deputy director, as the case may be, shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding twenty thousand baht, or to both.

Section 136. Any director who fails to comply with section 39 (4) or (5) shall be liable to a fine not exceeding twenty thousand baht.

Section 137. Any person who forges all or part of a document or evidence under section 39 (4) or (5), inserts or removes the statement, or alters by any means in such document or evidence, or forges a seal or a signature in document or evidence, or falsely prepares or certifies such document or evidence in a manner likely to cause damage to others or to the people, if it is committed in order to make a person into believing that it is a genuine document or evidence, shall be liable to imprisonment for a term of six months to five years or to a fine of ten thousand baht to one hundred thousand baht, or to both.

In case where a person committed an offence under paragraph one is a director, such person shall be liable to twice the penalty prescribed under paragraph one.

Any person who uses or refers to the document or evidence by knowing that it is caused by an offence under paragraph one shall be liable to the penalty prescribed under paragraph one.

If a person who commits an offence under paragraph one is a person using or referring document or evidence which is also an offence under paragraph three, such person shall be liable to the penalty under paragraph three for one count only.

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Section 138. Any formal school which fails to comply with section 42 paragraph one or fails to prepare a document in Thai language under section 43 paragraph one, or fails to comply with section 43 paragraph two, or fails to comply with the condition as prescribed by the Commission under section 43 paragraph three, shall be liable to a fine not exceeding fifty thousand baht.

Section 139. Any manager who fails to comply with section 46 paragraph one shall be liable to a fine not exceeding twenty thousand baht.

Section 140. Any formal school which fails to comply with section 46 paragraph two shall be liable to a fine not exceeding twenty thousand baht.

Section 141. Any licensee, director, manager, teacher or educational personnel who violates section 87 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding ten thousand baht, or to both.

Section 142. Any formal school which violates section 88 shall be liable to a fine not exceeding one hundred thousand baht.

Section 143. Any formal school which violates section 89 or any director who fails to notify a licensor under section 92 paragraph one shall be liable to a fine not exceeding ten thousand baht.

Section 144. Any licensee who fails to comply with an order of a licensor under section 91 shall be liable to a fine not exceeding one hundred thousand baht.

Section 145. Any licensee, director, manager, teacher, educational personnel, staff and other worker of a formal school who fails to comply with section 98 paragraph one shall be liable to a fine not exceeding ten thousand baht.

Section 146. Any licensee, director or manager who fails to comply with section 98 paragraph two, section 116 paragraph one or paragraph two shall be liable to a fine not exceeding one hundred thousand baht and to additional fine at a daily rate of five thousand baht during the violation period.
Section 147. Any person who establishes a non-formal school without receiving a licence under section 120 shall be liable to imprisonment for a term of not exceeding one year or to a fine not exceeding twenty thousand baht, or to both.

Section 148. Any non-formal school which provides studying and teaching different from the detail identified under section 121 (3) or collects fees different from the criteria identified under section 121 (4), or fails to comply with section 121 paragraph two shall be liable to a fine not exceeding ten thousand baht.

Section 149. Any licensee who does not appoint an administrator under section 122 paragraph one or appoints a person not having qualifications or being under prohibitions under section 122 paragraph two, or allow a person having not been appointed as an administrator to perform duty of an administrator, as the case may be, shall be liable to a fine not exceeding ten thousand baht.

Section 150. Any non-formal which fails to comply with section 123 shall be liable to a fine not exceeding fifty thousand baht.

Section 151. Any administrator who fails to comply with section 124 shall be liable to a fine not exceeding twenty thousand baht.

Section 152. Any person who obstructs, fails to comply with an order, or fails to facilitate a competent official or a school control committee member performing duty under section 128 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding ten thousand baht, or to both.

Section 153. In case where a licensee is a juristic person committing an offence and being punished under this Act, a director or a manager or a person having responsibility in an operation of such juristic person shall be liable to imprisonment or to a fine, or to both, as prescribed by the law for such offence, unless proven that he or she has no involvement in a commission of offence of such juristic person.

Section 154. For all offences punishable merely with fine under this Act, a licensor shall have the power to settle.
When a licensor settles any case and an offender pays for a full amount settled within thirty days, such case is deemed to be settled.

Transitory Provision

Section 155. All businesses, properties, debts, rights, obligations, monies and incomes of a circulating fund for school buildings of a southern region private school educating Islam in the Office of the Permanent Secretary of the Ministry of Education, in accordance with the Ministry of Education Rules on a Circulating Fund for School Buildings of a Southern Region Private School Educating Islam B.E. 2532 (1989), and a circulating fund for education development of a private school in the Office of the Permanent Secretary of the Ministry of Education, in accordance with the Ministry of Education Rules on a Circulating Fund for Education Development of a Private School B.E. 2545 (2002) shall be assigned to the formal school promotion fund under this Act.

Section 156. All businesses, properties, debts, rights, obligations, monies and incomes of the aid fund for private school headmasters and teachers which is established in accordance with the Private School Act B.E. 2525 (1984) shall be assigned to the aid fund under this Act.

Section 157. Any person who holds a position in the Private Education Committee and the working protection committee under the Private School Act B.E. 2525 (1982) on the date this Act published in the Government Gazette shall further perform their duties until the Private Education Commission and the working protection Committee are appointed under this Act, provided that such appointment shall not exceed one hundred and eighty days from the date this Act has come into force.

Section 158. Any person who holds a position in the school control committee under the Private School Act B.E. 2525 (1982) on the date this Act published in the Government Gazette shall perform further duty until a licensor issues an order to revoke a licence or cancel a control.
Section 159.  A school established under the Private School Act B.E. 2525 (1984) which exists on the date this Act published in the Government Gazette shall be a formal school or a non-formal school, as the case may be, and a licensee shall be deemed as a representative of a juristic person and shall be exempted from assigning the ownership or possessory right of land to a formal school, however, a licensee shall proceed to prepare a charter and details relating to a formal school business under section 18 paragraph two and proceed to have the executive committee under section 30.

In case where a school establishment licensee being a juristic person prior to the date the Private School Act B.E. 2550 (2007) has come into force, which has not yet prepared a charter and details relating to formal school business under section 18 paragraph two, such licensee shall use juristic person incorporation documents having details relating to school business operation management as a charter and details relating to formal school business in the meantime until there is a preparation of a charter and details relating to formal school business under the Private School Act B.E. 2550 (2007).  

In case where an international school establishment licensee being a juristic person prior to the date the Private School Act B.E. 2550 (2007) has come into force, which has not yet prepared a charter and details relating to formal school business under section 18 paragraph two and has not proceeded to have the executive committee under section 30, such licensee shall use juristic person incorporation documents having details relating to school business operation management as a charter and details relating to formal school business in the meantime, and the executive committee of such juristic person shall be the executive committee under the Private School Act B.E. 2550 (2007) in the meantime until there is a preparation of a charter and details relating to formal school business and an appointment of the executive committee under this Act.  

The proceeding under this section shall not exceed two years from the date this Act has come into force and shall be in accordance with the criteria, procedure and condition prescribed by the Commission.  

Section 160. While there is no executive committee under section 30, a person holding a position in the administrative committee under the Private School Act B.E. 

33 Section 159 paragraph one was amended by the Private School Act (No. 2) B.E.2554 (2011).
34 Section 159 paragraph two was amended by the Private School Act (No. 2) B.E.2554 (2011).
35 Section 159 paragraph three was amended by the Private School Act (No. 2) B.E.2554 (2011).
36 Section 159 paragraph four was amended by the Private School Act (No. 2) B.E.2554 (2011).
2525 (1982) on the date this Act is publicized in the Government Gazette shall perform duty of the executive committee in the meantime until there is an appointment of the executive committee under this Act.

Section 161. While there is no aid fund committee under section 61, the Private Education Committee under section 157 shall perform duty of the aid fund committee until there is the aid fund committee under this Act, which shall not exceed one year from the date this Act has come into force.

The Private Education Committee under section 157 shall appoint one government official of the Ministry of Education to perform duty of a director of the aid fund in the meantime until there is an appointment of a director of the aid fund under this Act, which shall not exceed one hundred and eighty days from the date this Act has come into force.

Section 162. A person who performs duty as a manager, a headmaster and a teacher under the Private School Act B.E. 2525 (1982) on the date this Act published in the Government Gazette shall perform duty of a manager, a director, an administrator, a teacher, an instructor or educational personnel, as the case may be, under this Act, provided that a director and a teacher shall completely proceed to apply for a licence to conduct a controlled profession under the law on council of teachers and educational personnel within one hundred and eighty days from the date this Act has come into force.

Section 163. A headmaster and a teacher who have the right to receive an allowance in category 2 upon resignation under the Private School Act B.E. 2525 (1982) shall have the right to receive an allowance in category 2 and shall further enjoy the same benefits under this Act.

Section 164. A person who applies for a school establishment licence prior to the date this Act has come into force shall further proceed until complete, and it shall be deemed the proceedings under this Act, provided that such person shall complete the proceedings within one hundred and eighty days from the date this Act has come into force.

Section 165. All applications submitted prior to the date this Act has come into force shall be further proceeded under the Private School Act B.E. 2525 (1982) until
completion, provided that such applications shall be completely proceeded within one hundred and eighty days from the date this Act has come into force.

Section 166. While the Ministerial Regulation, rule and Notification for an execution of this Act has not yet been issued, the Ministerial Regulation, rule and Notification issued under the Private School Act B.E. 2525 (1982) shall apply mutatis mutandis to the extent that it is not contrary or inconsistent with this Act.

Countersigned by
General Surayud Chulanont
Prime Minister
### Schedule of Fees

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<tr>
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<th>Description</th>
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