

Federal Decree-Law No. (18) Of 2020

On Private Education

We, Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates,

Having reviewed:

- The Constitution;
- Federal Law No. (1) of 1972 Concerning the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (11) of 1972 Concerning Compulsory Education;
- Federal Law No. (8) of 1980 Regulating Labor Relations, as amended;
- Federal Law No. (7) of 1999 Promulgating the Pension and Social Security Law, as amended;
- Federal Law No. (29) of 2006 Concerning the Rights of People with Special Needs, as amended;
- Federal Decree-Law No. (3) of 2007 on Private Education;
- Federal Law No. (2) of 2015 on Commercial Companies, as amended;
- Federal Law No. (3) of 2016 Concerning Child Rights (**Wadeema**); and
- Based on the proposal of the Minister of Education and the approval of the Cabinet,

Hereby enact the following Decree-Law:

Article (1)

Definitions

For the purpose of applying the provisions of the present Decree-Law, the following words

and expressions shall bear the meanings assigned thereto respectively, unless the context requires otherwise:

The State : The United Arab Emirates.

(UAE)

The Ministry : The Ministry of Education.

The Minister : The Minister of Education.

The Education Authority : The local government authority in the State which is in charge of private education, within its respective competence.

Private Education : Education in private schools.

Education

The Private School : Any non-government education facility in the State which provides educational services from preschool to pre-university stages. It may be for-profit or not-for-profit.

The Non-profit Private School : A private school in the State which is not intended to distribute profit to its owners. All financial returns shall be invested to operate and develop the school.

School Fees : The money paid to a private school by each student enrolled therein for all the educational services and activities provided thereby.

The License : The document issued by the ministry or the education authority for the private school whereby it is authorized to practice the educational activity.

The Competent Authorities : The official authorities in charge of any affair related to the private school, each within its respective area of competence.

The Teacher : A member of the teaching staff in the private school.

The Private School Principal	: A person who is appointed by the holder of the private school license holder and who is responsible for the academic, administrative, financial and operational aspects related to the leadership and management of the school in accordance with the approved procedures and regulations.
The Curriculum	: The educational system provided by the private school in accordance with the license granted.
Educational Series	: An integrated package of the printed support curricula, carriers and sources of education which meet the approved learning standards and outcomes.
The Educational Activity	: The educational services provided by the private school to its students from preschool to pre-university stages according to the curriculum.
Field Visit	: The visits or trips organized by the private school for all or some of its students inside or outside the State.
People with Special Needs "People of Determination"	: Persons who suffer from a temporary or permanent, total or partial deficiency or infirmity in their physical, sensory, mental, communication, educational or psychological abilities to an extent that limits their possibility of performing the ordinary requirements as their peers who do not have special needs.
The Public School	: A Government-owned school which applies the curriculum of the Ministry.

Article (2)

Objectives of the Decree-Law

The present Decree-Law aims at:

1. Regulating the educational process in private schools;
2. Raising the quality of education in private schools and improving the educational environment therein;
3. Attracting the best investments in private education;
4. Ensuring the application of the best global educational practices in private education and linking its outcomes to the social, economic and technical variables in the State;
5. Regulating education, following up on the application of the quality standards and improving performance and outcomes in private schools; and
6. Stimulating competitiveness between private schools with regard to providing distinguished educational services of global quality.

Article (3)

Applicability of the Decree-Law

The provisions of the present decree-Law shall apply to private schools in the State.

Article (4)

Authority in Charge of Applying the Decree-Law

The Ministry shall apply the provisions of the present Decree-Law and the Education Authority shall apply the same within the area of its competence.

Article (5)

License

1. No natural or legal person shall operate any private school without obtaining a license.
2. The Education Authority shall notify the Ministry of the licenses issued thereby.
3. The Cabinet may entrust the education authorities with implementing any operational or regulatory matters stipulated in the present Decree-Law.

Article (6)

Name of the Private School

Any private school shall have a distinguished name in accordance with the conditions and controls set by the Executive Regulations of the present Decree-Law.

Article (7)

License Conditions

The following requirements shall be met in order to obtain a license:

1. A license application containing the academic and financial study shall be submitted to the Ministry or the Education Authority.
2. Its work shall be limited to the practice of educational activities.
3. The necessary approvals shall be obtained from the Competent Authorities.
4. The location and building of the private school shall be in accordance with the standards and requirements set by the Executive Regulations of the present Decree-Law.
5. Any private school shall have a principal.
6. Any other requirements set by the Executive Regulations of the present Decree-Law shall be met.

Article (8)

Requirements for the Natural Applicant for a License

Any license applicant, if a natural person, shall meet the following requirements:

1. He shall not be under 25 years of age.
2. He shall enjoy full civil capacity.
3. He has not been given a custodial sentence for a felony or misdemeanor involving breach of honor or trust, unless he has been rehabilitated.
4. He shall obtain the necessary official approvals.
5. He shall be able to meet the financial obligations of the private school as determined in the Executive Regulations of the present Decree-Law.
6. He shall meet any other requirements set by the Executive Regulations of the present Decree-Law.

Article (9)

Requirements for the Legal Applicant for a License

Any license applicant, if a legal person, shall meet the following requirements:

1. It shall be licensed by the Competent Authorities and its incorporation purposes shall include the establishment and foundation of private schools.
2. It shall be able to meet the financial obligations of the private school as determined in the Executive Regulations of the present Decree-Law.
3. All partners shall meet the requirements set forth in Clauses (1), (2), (3) and (4) of Article (8) of the present Decree-Law.
4. It shall have a natural representative who shall meet the requirements set forth in Clauses (1), (2), (3) and (4) of Article (8) of the present Decree-Law.

5. It shall meet any other requirements set by the Executive Regulations of the present Decree-Law.

Article (10)

Assignment of the License

The license may not be assigned explicitly or implicitly, except after obtaining the approval of the Ministry or the Education Authority. The Executive Regulations of the present Decree-Law shall set the procedures and conditions for assignment of the license.

Article (11)

Obligations of the Private School

Private schools shall:

1. Provide all the educational, administrative, health and environmental requirements and the security and safety requirements inside its campus;
2. Appoint teachers and qualified administrative and technical cadres in accordance with the standards and controls set by the Executive Regulations of the present Decree-Law;
3. Manage the private school and its facilities in accordance with the instructions and guidelines set by the Executive Regulations of the present Decree-Law;
4. Maintain the academic quality in accordance with the standards and controls set by the Executive Regulations of the present Decree-Law;
5. Apply the requirements and conditions related to public schools to private schools applying the curriculum of the Ministry as determined by the Ministry in this regard;
6. Submit an annual report to the Ministry or the education Authority on the academic, financial and administrative status of the school;
7. Provide all the information and data required by the Ministry or the Education Authority;

8. Facilitate the tasks of the employees delegated by the Ministry or the Education Authority to undertake audits, assessment and control of its business, documents, papers and facilities;
9. Create records and files for its students and employees as determined by the Executive Regulations of the present Decree-Law;
10. Teachers and principals of private schools shall obtain a professional license from the Ministry in accordance with the controls set by the Executive Regulations of the present Decree-Law;
11. Maintain the Islamic and Arab principles and values, public morals and values, traditions and systems of the State;
12. Respect identity and national sovereignty;
13. All employees shall be of good reputation and have not been convicted of a felony or misdemeanor involving breach of honor or honest, unless they have been rehabilitated;
14. Not change its name, address, partners in the license, building, facilities or curriculum provided thereby or make any substantial modification of its activities before obtaining a prior approval of the Ministry or the Education Authority;
15. Perform the national anthem and fly the flag of the State only;
16. Not place any pictures or portraits of figures or symbols for other than the leaders of the State;
17. Not use the private school and its facilities for purposes other than those licensed therefor and not carry out any other additional activities or training courses before obtaining the approval of the Ministry or the Education Authority;
18. Not hold meetings or seminars not related to the educational activity before obtaining the approval of the Ministry or the Education Authority;
19. Obtain the prior approval of the Ministry or the Education Authority before making any

- field visits or official visits to the school or inviting external speakers to it; and
20. Carry out any other obligations determined by the Ministry or the Education Authority under the resolutions issued thereby.

Article (12)

Non-profit Private School

Under the present Decree-Law, non-profit private schools may be established as determined by the Executive Regulations of the present Decree-Law.

Article (13)

Educational Fees

1. The Ministry or the educational authority shall approve the educational fees when granting the private school a license in accordance with the conditions and controls specified in the executive regulations of this Decree Law.
2. It is prohibited for a private school to increase and change tuition fees or impose any additional fees on its activities without obtaining the approval of the Ministry or the educational authority.

Article (14)

School Fees

1. The private school is authorized, upon licensing, to apply only one curriculum and may, after obtaining the approval of the Ministry or the Education Authority, add another curriculum.
2. The Ministry or the Education Authority shall approve the curriculum authorized to be

taught in private schools.

3. Private schools shall not teach any curriculum outside the scope of its license without obtaining the necessary approval from the Ministry or the Education Authority.
4. Private schools which apply the curriculum of the Ministry shall comply with the regulations and standards applicable to public schools.
5. Private schools which apply a curriculum other than the curriculum of the Ministry shall include in its curricula the following subjects: Islamic education, Arabic, social studies, national education and moral education prepared by the Ministry. In all cases, all curricula shall not include any violation of the laws of the State, the culture of the society, the Islamic and social values and national principles or include anything encouraging violence or racism or causing dissension and sedition among the members of the society.
6. Private schools shall not teach any of the subjects mentioned in Clause (5) of this Article outside the curricula approved by the Ministry.
7. Private schools shall follow the policy of educational series as determined by the Executive Regulations of the present Decree-Law.
8. Private schools shall obtain the approvals of the international specialized councils as determined by the Executive Regulations of the present Decree-Law.

Article (15)

School Calendar and Official Holidays

1. All private schools shall apply the academic calendar approved by the Cabinet upon the recommendation of the Minister and in coordination with the Education Authority.
2. The academic year in private schools, for a single morning shift, except in the cases which require otherwise shall be regulated under a resolution to be issued by the

Ministry or the Education Authority.

3. All private schools shall comply with the official holidays declared by the State.

Article (16)

Examinations

1. Private schools which apply the curriculum of the Ministry shall comply with the assessment and examination regulations applicable to public schools.
2. Private schools which adopt a curriculum other than the curriculum of the Ministry shall obtain a prior approval of the Ministry or the Education Authority of the application of the assessment and examination procedures and systems.
3. Private schools shall apply the standardized and diagnostic tests as well as the national and international tests imposed by the Ministry or the Education Authority.

Article (17)

Certificate Equivalency

1. School certificates issued by private schools which apply the curriculum of the Ministry shall be equivalent to school certificates issued by public schools and shall be certified in accordance with the procedures set by the Ministry in this regard.
2. Equivalency and certification of the school certificates issued by private schools which apply a curriculum other than that of the Ministry shall be made in accordance with the procedures set out in the Executive Regulations of the present Decree-Law and under the legislation in force in the State.

Article (18)

Student Affairs

Private schools shall have a clear and declared student affairs policy. The following shall be taken into account in this policy:

1. Equality and non-discrimination between students on grounds of race, sex, belief or social level and other matters causing discrimination;
2. Dealing with students and their parents in a highly professional manner and without bias;
3. Compliance with the conditions and procedures set by the Executive Regulations of the present Decree-Law with regard to the enrollment, admission and transfer of students between different private schools as well as the procedures and standards for follow-up and provision of services;
4. Provision of an enabling environment and supportive programs for the special educational needs for admission of students with special needs "students of determination" in accordance with the conditions and controls set by the Executive Regulations of the present Decree-Law and the rules set by the Competent Authorities; and
5. Any other provisions and controls for regulating student affairs as set out in the Executive Regulations of the present Decree-Law.

Article (19)

School Activities and Programs

Private schools shall:

1. Prepare an integrated program of school activities, mentoring and health, social and psychological care in accordance with the controls and rules set by the Executive

Regulations of the present Decree-Law;

2. Comply with the activities and events determined by the Ministry or the Education Authority; and
3. Obtain the prior approvals of the Ministry or the Education Authority of events and festivals in accordance with the controls and rules set by the Executive Regulations of the present Decree-Law.

Article (20)

Safety and Protection of Students

1. Private schools shall comply with the security and safety policy set by the Ministry or the Education Authority.
2. Private schools shall comply with the requirements and conditions related to school transport in accordance with the legislation in force in this regard.
3. Private schools shall be responsible for the safety and protection of students enrolled therein during the school day inside the school and its facilities and buses or during any student activity outside it.

Article (21)

Code of Conduct

1. Private schools shall comply with the unified code of conduct issued by the Ministry and the education authorities.
2. Subject to the provision of Clause (1) of this Article, private schools may set additional internal controls and procedures on discipline, provided that they are approved by the Ministry or the Education Authority, without prejudice to the unified code of conduct issued by the Ministry and the education authorities.

Article (22)

Personnel Affairs

1. Private schools' employees shall be subject to the legislation in force in the State.
2. Private schools shall create a special file for each employee. Such file shall be accompanied by his academic qualifications, experience certificate, employment contract, a copy of his passport, his annual reports, including the performance assessment reports, the violations committed by him, the penalties imposed on him, his annual leaves and any other documents determined by the Executive Regulations of the present Decree-Law.
3. Private schools shall comply with the procedures, instructions, conditions and standards related to the appointment of their employees as set out in the Executive Regulations of the present Decree-Law.
4. The service of a principal of a private school or any of its employees may not be terminated during a semester without obtaining a prior approval of the Ministry or the Education Authority.
5. The Executive Regulations of the present Decree-Law shall establish any other provisions or controls regulating the personnel affairs.

Article (23)

License to Practice the Profession

1. In order to appoint a teacher or renew his employment contract with a private school, he shall have a valid teacher license issued by the Ministry as set out in the Executive Regulations of the present Decree-Law.
2. Private schools shall, upon appointing the teaching staff, comply with the conditions and

requirements set by the Executive Regulations of the present Decree-Law.

Article (24)

Professional Code of Ethics

The Ministry shall prepare a code of ethics of the teaching profession in private schools and whereby the controls, values and responsibilities of all employees in private schools, including teachers, shall be determined.

Article (25)

Educational Control

1. Private schools shall be subject to oversight and control by the Ministry and the Education Authority to determine the extent to which private schools comply with the conditions, provisions, regulations and standards set forth in the present Decree-Law, the Executive Regulations thereof and the resolutions and circulars issued thereunder.
2. Private schools' compliance with the oversight and control standards shall be deemed a prerequisite for continuation of its activity.

Article (26)

Assessment of the Quality of Private Schools' Performance

1. The Ministry or the Education Authority shall set unified standards for assessment of the quality of private schools' performance.
2. The Ministry or the Education Authority shall carry out assessments of private schools' performance.
3. The Ministry shall submit an annual report on its results of assessment of private schools

- to the Cabinet based on the assessment reports received from the Education Authorities.
4. The Executive Regulations of the present Decree-Law shall set the procedures to be taken by the Ministry or the Education Authority against private schools based on the assessment of the quality of their performance.

Article (27)

Gifts and Donations

1. Private schools shall not carry out any of the following actions, except after obtaining a written approval of the Ministry or the Education Authority:
 - a. Raising funds, receiving subsidies or gifts from natural or legal persons or disposing of any of them, whether inside or outside the State; and
 - b. Providing financial support to any entity, whether inside or outside the State.
2. In case of obtaining the approval of the Education Authority in accordance with Clause (1) of this Article, the private schools concerned shall coordinate with the official authorities accredited to raise funds in the State.

Article (28)

Administrative Violations and Penalties Imposed on Private Schools

1. The Ministry or the Education Authority may impose any of the following penalties on any private school in case of violating the provisions of the present Decree-Law or the Executive Regulations thereof:
 - a. Notice;
 - b. Fine which shall not exceed (AED 1,000,000) One Million UAE Dirhams per case;
 - c. Temporary closure or suspension of the educational activity for a period not exceeding one academic year; or

- d. Permanent closure.
- 2. The Executive Regulations of the present Decree-Law shall determine the violations and penalties imposed on private schools as referred to in Clause (1) of this Article and the controls for imposing such penalties.
- 3. Without prejudice to the penalties set forth in this Article, the Ministry or the Education Authority may permanently and immediately close the private school in case of performing actions contrary to the public order or public morals or detrimental to the public security in the State or prejudicial to the security, health and safety requirements.
- 4. Complaints may be filed about the decisions issued on the penalties set forth in Clause (1) of this Article as determined in the Executive Regulations of the present Decree-Law.

Article (29)

Lack of the Licensing Requirements

- 1. If the private school or its owner lacks any of the conditions set forth in Articles (6), (7), (8) and (9) of the present Decree-Law, the Ministry or the Education Authority shall issue a decision closing such school or withdrawing its license.
- 2. Notwithstanding the provisions of Clause (1) of this Article, the Ministry or the Education Authority may grant the violating private school a grace period not exceeding one year from the date of being notified of the violation. Such grace period may be extended to another year to adjust its affairs.

Article (30)

Penalties

Without prejudice to any more severe penalty stipulated in any other law, any person who violates the provisions of Articles (1-5), (10), (13-2), (23) and (27) of the present Decree-Law

shall be punished by imprisonment for a term not exceeding one year and/or a fine of not less than (AED 10,000) Ten Thousand UAE Dirhams and not more than (AED 1,000,000) One Million UAE Dirhams. The penalty shall be doubled in case of a repeated violation.

Article (31)

Capacity of Judicial Officers

The employees who are identified by a resolution issued by the Minister of Justice upon the recommendation of the Minister or the Chairman of the Education Authority shall have the capacity of judicial officers with regard to detecting the violations of the provisions of the present Decree-Law, the Executive Regulations thereof and the resolutions issued in implementation hereof, each within his respective area of competence.

Article (32)

Adjustment of Affairs

The Minister or the Chairman of the Education Authority shall grant the private schools existing before the entry into force of the provisions of the present Decree-Law a grace period(s) to adjust their affairs to comply with some provisions of the present Decree-Law, provided that the total of such grace periods does not exceed two years from the date of entry into force of the present Decree-Law.

Article (33)

Fees

The Cabinet shall issue, based on the proposal of the Minister of Finance, a resolution determining the due fees for the services provided by the Ministry within its respective area

of competence to implement the provisions of the present Decree-Law and the Executive Regulations thereof.

Article (34)

Proceeds from Fines

Proceeds from fines imposed in implementation of the provisions of the present Decree-Law and the Executive Regulations thereof shall devolve to the Ministry or the Education Authority, each within its respective area of competence.

Article (35)

Executive Regulations

The Cabinet shall, based on the proposal of the Minister and after coordinating with the Education Authorities, issue the Executive Regulations of the present Decree-Law.

Article (36)

Repeals

1. Federal Decree-Law No. (3) of 2007 referred to above is hereby repealed. Moreover, any provision contradicting or contrary to the provisions of the present Decree-Law is hereby repealed.
2. The regulations and resolutions issued before the entry into force of the provisions of the present Decree-Law shall remain in force, without prejudice to the provisions of the present Decree-Law until the issuance of the Executive Regulations of the present Decree-Law and the resolutions which replace them.

Article (37)

Publishing and Entry into Force of the Decree-Law

The present Decree-Law shall be published in the Official Gazette and shall enter into force after six months from the date of publishing hereof.

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by Us in the Presidential Palace in Abu Dhabi

On: 10 Safar 1442 AH.

Corresponding to: 27 September 2020 AD.