

LAW OF THE REPUBLIC OF KAZAKHSTAN

On the Status of “Nazarbayev University”, “Nazarbayev Intellectual schools” and “Nazarbayev Fund”

(with changes as of 26.12.2012)

Chapter 1. General Provision (Article 1-3)

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This Law shall define a legal statue and special legal regime of establishment and activities of “Nazarbayev University” (hereinafter - University), “Nazarbayev Intellectual school” (hereinafter- Intellectual school) and “Nazarbayev Fund” (hereinafter-Fund), established at the initiative of the First President of the Republic of Kazakhstan – Leader of the Nation.

Chapter 1. General Provisions

Article 1. The main principles of this law

In this law shall used following the main principles:

1. The autonomy organization of education - non-commercial organization do not having membership, established by the Government of the Republic of Kazakhstan, a legal status and special legal regime activity which define this law;
2. The organization of Intellectual schools – non-commercial schools, established by the Intellectual schools and other legal bodies, fifty and more percent of voting shares (share in authorized capital) which are belong to Intellectual schools on the property right or confidential management, and also their branch organization;
3. The University organizations – non-commercial organizations established by University, other legal bodies, fifty and more percent of voting shares (share in authorized capital) which are belong to University on the property rights or confidential rights, and also their branch organizations.

Article 2. Legislation of the Republic of Kazakhstan on the University, Intellectual school and Fund

1. The legislation of the Republic of Kazakhstan on the University, Intellectual schools and Fund is based on the Constitution of the Republic of Kazakhstan and composed of this law and other regulatory legal acts of the Republic of Kazakhstan.
2. Legislation of the Republic of Kazakhstan that regulates the educational, scientific, research and technology activities shall be applied to the University, Intellectual school and Fund and their activities to the extent not regulated by this Law.
3. In the event that an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

Article 3 Principles of Activities of the University, Intellectual school and Fund

The activities of the University, Intellectual school and fund shall be based on the following principles:

1. The principle of academic freedom independence of the University, Intellectual schools in the development and selection of educational programs, forms and methods of educational activities, fields of scientific research;
2. Principle of integration of education, science and production – an indissoluble linkage between the educational process and the scientific and practical activities in the University and Intellectual Schools, ensuring a strategic partnership with scientific and entrepreneurial organizations;
3. The principle of autonomy and self-management, i.e. independence of the University, Intellectual schools and fund in the financial, economic, and administrative management in making decision;
4. The principle of collegiality in making decision. i.e. making decision, concerning with activity of the University, Intellectual school and Fund, their border of trustees, Highest border of trustees;
5. The principle of social responsibility and transparency, i.e. development and involvement of the University, Intellectual school and Fund in the social significant projects aimed at enhancing the comminuting welfare, ensuring information transparency in all areas of their activities.

Chapter 2. Legal statues of the University, Intellectual School and Fund

Article 4. Legal statue of the University, Intellectual School and Fund

1. The University is an autonomous organization of education established to perform in the sphere of post-secondary, higher, post-graduated and extended education, scientific activities, create an up-to-date educational and scientific infrastructure and other activities in accordance with its charter.

The University is a testing platform that performs the development, monitoring, research, analysis, testing introduction and implementation of innovative programs in the field of education and science.

*Clauses 2 is stated in edition of the **Law** of the Republic of Kazakhstan as of 26.12.12 N16-V*

2. The Intellectual Schools are an autonomous organization of education established to perform activities in the following level of education :

- 1) Primary school including pre-school education and training;
- 2) Secondary school;
- 3) Senior high school;
- 4) Postsecondary education;
- 5) Higher education;
- 6) Postgraduate education;
- 7) Extended education.

The Intellectual schools are in the right to carry out any activities according to its charter.

The Intellectual Schools are testing platforms that perform the development monitoring research, analysis, testing, introduction and implementation of innovative programs in the field of education and science.

3. The University and Intellectual school founder is the Government of the Republic of Kazakhstan.

4. The Fund is non-commercial organization, established in **procedure and institutional form of the fund** only for ensuring financing activities of the University and Intellectual School and organizations.

Article 5. Property of the University and Intellectual schools

1. The property of the University, Intellectual schools shall be formed by means of:

*There is some changes in sub-clauses 1 to compliance **with the Law** of the Republic of Kazakhstan as of 16.02.12 N557-IV*

- 1) Target contribution of the founder;
- 2) State –owned property transferred by decision of the Government of the Republic of Kazakhstan;
- 3) Voluntary asset contributions and donations;
- 4) Finance provided by the Fund;
- 5) Receipts from the sale of goods, works, services in accordance with the legislation of the Republic of Kazakhstan;
- 6) Dividends (revenue, interest obtained form shares bonds and deposits);
- 7) Other receipt not prohibited by Republic of Kazakhstan. The property of the University and Intellectual schools formed in accordance herewith shall belong to them on the basis of ownership.

The University and Intellectual School used is property only for achievement of the purpose to their creation.

2. The University, Intellectual School, University organizations shall be entitled to receive a government assignment, government educational order and government order for the provision of a guaranteed volume of free medical assistance in accordance with the legislation of the Republic of Kazakhstan.

3. The founder shall not have any property rights for the property of autonomous organization of education.

Neither the founder shall be liable for the obligations of the autonomous organizations of education established by the founder, not shall this organization be liable for the founder's obligations.

Article 6. Bodies of the University, Intellectual School and Fund

1. The highest management body of the University, Intellectual school and Fund shall be High board of trustees.

The first Chairman of the High board of trustees is the leader of nation, Nursultan Abishevich Nazarbayev.

The property about High Board of Trustees approved by first Chairman of the High board of trustees.

2. The structure, jurisdiction, procedure of formation and term of authorities of the members of the High board of trustees, as well as the procedure of decision making shall be set forth by the Law, as well as the Regulations on the High board of trustees.

3. The jurisdiction of the High board of trustees shall include as follows:

1) Approval of long –term development strategies of the University, Intellectual Schools and Fund.

2) Approval of the procedures of property assets.

3) Amending and supplementing the charters of the University, Intellectual Schools and Fund, as well as approving the new revision thereof.

4) Forming of the Board of Trustees of the University, Intellectual School and Fund, purpose and termination of authorities of the members of Board of Trustees.

5) Making decision on reorganization liquidation of the University, Intellectual School and Fund.

6) Other authorized in accordance with property about high Board of Trustees.

4. The management bodies of the University, Intellectual schools and Fund that perform an overall management of their activities shall be permanent board of trustees.

The structure, jurisdiction, procedure of formation and term of authorities of the members of the board of trustees of the University, Intellectual school and Fund, as well as the procedure of taking decision shall be set by the Law and its charters.

5. The jurisdiction of the board of trustees of the University, Intellectual school and Fund shall include as follows:

1) Approval of annual and medium-term budgets;

- 2) Determination of the quantitative composition of the executive body of the University, Intellectual school and Fund, election of the heads and members thereof (a person that solely performs the functions of the executive body), as well as an early termination of their authorities;
- 3) Approval of the rules of procurement of goods, works and services;
- 4) Other authorities in accordance with charters of the University, Intellectual school and Fund.

6. The compositions of the management bodies of the University and Intellectual school shall include the representatives of the founder, scientific and pedagogical workers, representatives of public associations and other persons. The government employee participate in management of University, Intellectual school and Fund appointment them management bodies of the specified legal entities.

7. The daily operations management of the University, Intellectual school and Fund shall be performed by the executive bodies thereof. The executive bodies may be either collegial or sole.

The executive bodies of the University, Intellectual school and Fund shall act on the basis and for the purpose of fulfillment of the decision taken by the Highest board of trustees and board of trustees of the University, Intellectual School and Fund.

8. In the University, Intellectual School and Fund could be established other bodies in accordance with their charter.

Article 7. Reorganization, Liquidation of the University, Intellectual schools and Fund

1. University, Intellectual schools and Fund shall be subject to reorganization, liquidation in accordance with this Law, Legislation of the Republic of Kazakhstan and charters thereof.
2. A liquidation of the University, Intellectual school and Fund remained after satisfaction of requirements of creditors the property goes on the specified purpose in their founder's documents.

Chapter 3. Peculiarities of Activities Performed by the University, Intellectual schools and Fund

Article 8. Licensing Certification and Accreditation of Educational Activities of the University and Intellectual schools

1. The University and Intellectual schools, as well as foreign legal entities that introduce implement educational programs at the University and Intellectual schools shall be entitled to perform educational activities without a license.
2. The University and Intellectual schools shall not be subject to the government certification (attestation) performed in accordance with the legislation of the Republic of Kazakhstan on education.
3. Accreditation of the University and Intellectual school is performed by independent accreditation organizations, including foreign ones.

Article 9. Peculiarities of Educational Activities performed by the University

1. The University shall perform its educational activities on the basis of the independently developed education programs or foreign partner's educational programs.
2. The procedure of student enrollment, ongoing control of academic progress interim and final student certification shall independently be identified by the University in accordance with the charter thereof. The students of the University shall not be subject to an interim government control.
3. The University shall independently approve the format of an agreement for providing educational services.
4. The amount and procedure of awarding government grants and other disbursements to the students of the University shall be determined by the Government of the Republic of Kazakhstan.
5. The person who have completed a course of studies under the certificates by the University evidencing their level of education and qualification. A single format of education certificates and the filling –out procedure shall be approved by the board of trustees of the University.
6. The certificates evidencing the level of education and qualification issued by the University shall grant their holders the right similar to those granted to the holders of state- recognized certificates evidencing the level of education and qualification.

Article 10. Peculiarities of Educational Activities performed by the Intellectual schools

Amended clause 1 in accordance with the Law of the Republic of Kazakhstan as of 26.12.12 N61-V

1. The Intellectual Schools implemented independently developed educational programs and educational programs of the foreign partners.
The educational programs are implemental at the Intellectual schools shall include the following level of education, established this Law.
2. The procedure of student enrollment, ongoing control of academic progress, interim and final student certification shall independently be identified by the Intellectual Schools. The student of the Intellectual schools shall be not an interim government controls.
3. The persons who have completed a course of studies at the Intellectual Schools shall not be subject to a single national testing.
4. The persons who have completed a course of studies under the educational programs provided and passed their final certifying examinations shall be issued the certificates by the Intellectual Schools evidencing their level of education. A single

format of education certificates and the filling-out procedure shall be approved by the board of trustees of the Intellectual schools.

5. Based on the decision taken by the commission of an authorized body in the field of education, the holders of the education certificates issued, by the Intellectual schools shall be entitled to receive a certificate that allows taking part in the competition for education grants award. The certificate score shall be calculated by converting the final grades (points, on a scale approved by an authorized body in the field of education).

Article 11. Scientific Activities Performed by the University

1. The University shall perform scientific, research and technological activities, undertake scientific research through grant, and target program financing and other financing sources not forbidden by the Law.

2. The University shall have the right to create sectorial scientific centers.

3. The University and sectorial scientific centers worked off accreditation and scientific and technological activities, provided for by legislation of the Republic of Kazakhstan.

4. The University shall have the right to participate in the practical application (commercialization) of the outcomes of the scientific research and technological activities.

The revenues of the University and sectorial scientific centers thereof obtained due to the practical application (commercialization) of the outcomes of the scientific research and technological activities shall solely be used for their development.

Article 12. Peculiarities of Attracting Foreign Labor by the University, Intellectual schools and Fund

1. Foreign employees shall be attracted by the University, Intellectual schools, Fund, as well as the University organizations to the positions of managers and specialists with higher education evidenced with documents, in accordance with the procedure set forth by the legislation of the Republic of Kazakhstan, without obtaining permits for attracting foreign labor.

2. A document that allows clinical medical activities to be performed or certifies a qualification category, received by specialists abroad invited to perform professional medical activities at the University or medical organizations thereof shall be equal to a specialist's certificate without a category assigned valid on the territory of the Republic of Kazakhstan.

Article 13. Final Provisions

1. This Law becomes effective on the expiration of ten calendar days after its first official publication.

2. Within six months from the effective date of this Law, the Founder shall make a decision to establish the University and Intellectual schools, including by means of

reorganization of the relevant for profit –profit and non-profit legal entities with government participation in their authorized capitals.

3. Before the charters of the University, Intellectual Schools, and Endowment Fund are approved by the High Board of Trustees, the above organizations shall act on the basis of the charters approved by the founders thereof.

**President
Of the Republic of Kazakhstan**

N.NAZARBAYEV

Astana, Akorda, 19th of January 2011
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