

PUBLIC EDUCATION LAW

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Saudi Arabia has adopted a new Public Education Law establishing a comprehensive statutory framework governing public education from nursery through grade 12. It replaces fragmented frameworks of public education related laws, policies and regulations with a unified law, addressing governance, educational standards, government and private educational institutions, student rights, teacher development and duties, investment, licensing and enforcement.

The development of this regulatory framework, which AS&H Clifford Chance advised on, is designed to strengthen the governance of public education, provide the necessary enablers to achieve its objectives, flexibility to delegate some mandates to regional education departments and regulate the role of the private and non-profit sectors in a manner aligned with the objectives of Saudi Vision 2030.

Key Developments

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| 01 Governance Structure – Public Education Affairs Council | 08 Expanded and Formalized Licensing Framework |
| 02 Modernization of the Public Education Framework | 09 Defined Licensing Timetable and Procedural Protections |
| 03 Recognition of Licensed Virtual Educational Institutions | 10 Regulation of Tuition Fees for Private Educational Institutions |
| 04 Diversified Educational Pathways and Inclusive Learning Framework | 11 Student Welfare and Teacher Development Framework |
| 05 National Curriculum and Educational Standards Framework | 12 School Facilities and Educational Support Framework |
| 06 Mandatory School Accreditation | 13 Investment and Development of Educational Assets |
| 07 Enhanced Framework for Private Educational Institutions | 14 Compliance and Enforcement Framework |

01 New Governance Structure – Public Education Affairs Council

The Law establishes a new Public Education Affairs Council chaired by the Minister of Education and comprising representatives of key government entities together with private and non-profit sector representatives. The Council is empowered to approve policies, strategies, plans and regulations related to public education, among many other competencies, while the Ministry of Education will retain responsibility for licensing, supervision and implementation.

02 Modernization of the Public Education Framework

The Law establishes the foundational framework for public education by defining key educational concepts, stages and institutions, setting the objectives of public education, reconfirming public education as a right for all and providing it free of charge in government educational institutions, establishing compulsory education from ages six to fifteen and prescribing core rules concerning the language of instruction and the separation of girls' and boys' schools after the early-childhood stage, subject to potential exemptions for private educational institutions under approved controls.

The Law also requires the Ministry of Education, in coordination with the Ministry of Foreign Affairs, to regulate the provision of public education outside the Kingdom for Saudi students, the children of secondees and employees and scholarship students.

03 Recognition of Licensed Virtual Educational Institutions

The Law expressly recognizes licensed virtual educational institutions as a distinct category within public education and empowers the Public Education Affairs Council to approve the regulations governing them.

04 Diversified Educational Pathways and Inclusive Learning Framework

The Law sets out a more diversified and inclusive statutory framework by providing for multiple educational pathways, specialised support and programmes for students with disabilities and gifted students and opportunities for individuals to continue their education and pursue learning throughout different stages of life. It also confirms that public education is delivered in person at all stages, while allowing the Ministry, in accordance with approved e-learning controls, to integrate educational technologies into in-person education.

05 National Curriculum and Educational Standards Framework

The Law establishes a coordinated framework for preparing the national framework for the public education curricula, approving international programmes in private educational institutions and implementing national and international assessments.

06 Mandatory School Accreditation

The Law expressly requires private educational institutions to obtain school accreditation from the Education and Training Evaluation Commission or from one of the international bodies accredited by the Commission.

07 Enhanced Framework for Private Educational Institutions

The Law expressly encourages the participation of the private sector, including through foreign investment, and the participation of the non-profit sector in providing and expanding public education services and establishing private educational institutions, in accordance with the applicable laws. The Law also authorizes the Ministry of Education to provide financial, in-kind, developmental support and human-resources support to private educational institutions, in agreement with the Ministry of Finance and the National Incentives Committee.

08 Expanded and Formalized Licensing Framework

Private educational institutions providing public education, care, or educational and pedagogical services must obtain a license from the Ministry of Education. The Law also permits a private educational institution to be licensed to provide an educational model that differs from that prescribed under the Law in terms of content, method or management approach, subject to procedures, controls and requirements specified in the relevant regulation. The Law expands the matters requiring prior approval from the Ministry of Education to expressly include the opening of a private educational institution, its assignment and changes in ownership, name, location or licensed educational stage, or the transfer of its license to another eligible person.

09 Defined Licensing Timetable and Procedural Protections

The Law introduces a decision-making process for applications to licenses private educational institutions. The Ministry must notify the applicant in writing of its decision within 30 days from the date the application is submitted. Any refusal must be reasoned and the applicant may file a grievance against the refusal in accordance with the applicable legal provisions.

10 Regulation of Tuition Fees for Private Educational Institutions

The Law requires the Ministry of Education to develop criteria governing the adjustment of tuition fees for students enrolled in private educational institutions, subject to approval by the Public Education Affairs Council. Private educational institutions may set and amend their tuition fees in accordance with the approved criteria.

11 Student Welfare and Teacher Development Framework

The Law sets out the students' rights and responsibilities, strengthens student welfare and educational continuity measures, promotes teachers' professional development and defines their key duties and reinforces collaboration between educational institutions and families. The Law also authorizes the Ministry of Education to award financial and non-financial incentives to distinguished students and teachers in accordance with controls approved by the Public Education Affairs Council.

The Law also mandates the Ministry to promote volunteerism among students, teachers and parents and to develop the relevant regulatory controls.

12 School Facilities and Educational Support Framework

The Law establishes a framework governing educational facilities and related support services.

13 Investment and Development of Educational Assets

The Law authorizes the Ministry of Education to invest in and develop assets and properties allocated to public education in a manner that benefits public education.

14 Compliance and Enforcement Framework

The Law establishes an enforcement framework covering administrative staff and teachers, with different provisions applying to government and private educational institutions and separate sanctions for private educational institutions. It also provides for the establishment of one or more committees to consider and investigate violations by administrative staff and teachers in government educational institutions. A person subject to a sanction may challenge the decision before the competent judicial authority within 60 days of the date on which the person becomes aware of the decision.

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