



The Royal Decree

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The Royal Decree
For the Establishment of the Mahidol Wittayanusorn School
B.E. 2543 (2000)

BHUMIBOL ADULYADEJ, REX.
Given on the 15th August B.E. 2543 (2000) ;
Being the 55th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that :

Whereas it is expedient to establish the Mahidol Wittayanusorn School being a public organization under the law on Public Organization.

By virtue of Section 221 of the Constitution of the Kingdom of Thailand and Section 5 of the Public Organization Act B.E. 2542, be it, therefore, enacted by the King as follows:

Section 1 This royal decree is called "the Royal Decree for the Establishment of the Mahidol Wittayanusorn School, B.E. 2543"

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

Section 3 In this royal decree:

"School" means the Mahidol Wittayanusorn School;

"Board" means the Executive Board of the Mahidol Wittayanusorn School ;

"Director" means the Director of the Mahidol Wittayanusorn School ;

"Staff" means the staff of the Mahidol Wittayanusorn School;

“Minister” means the Minister having charge of this royal decree.

Section 4 The Minister of Education shall be in charge of this royal decree.

Chapter 1

Establishment, Objective and Powers and Duties

Section 5 A public organization called the Mahidol Wittayanusorn School shall be established and named in English “the Mahidol Wittayanusorn School”.

Section 6 The school shall have its office in Nakorn Pathom Province.

Section 7 The objective of the school is to administer, manage and carry out teaching-learning activities at the secondary level placing emphasis on the excellence of science and mathematics of the students with a high potential in these disciplines.

Section 8 In order to achieve the objective as stated in Section 7, the school shall have the main powers and duties as follows:

(1) To facilitate teaching and learning placing emphasis on concentrated science and mathematics for students demonstrating high potential for science and mathematics;

(2) To formulate curricula, teaching-learning methods, and teaching-learning media and materials for use in the school;

(3) To manage and promote the involvement of the relevant governmental agencies and the private sector in developing the educational standards of the school;

(4) To provide special services related to the teaching and learning of science and mathematics.

Section 9 Apart from the powers and duties stated in Section 8, the school shall have powers to manage the following matters:

(1) To hold ownership, to have right of possession or any real rights ;

(2) To create rights or enter into any juristic acts related to the properties ;

(3) To enter into agreements and to cooperate with domestic and foreign organizations or agencies or local authorities in regard to matters concerning the learning and teaching of science and mathematics in the school ;

(4) To provide and give grants to support the education of students and the operation of the school ;

(5) To enter into joint ventures with any juristic persons in matters related to the objective of the school ;

(6) To lend money for the benefit of the school in regard to matters concerning the learning and teaching of science and mathematics ;

(7) To provide loans, with a surety or a property security, as grants for the education of the school's students who lack funds ;

(8) To collect fees, subscriptions, considerations or service charges related to the operation ;

(9) To award diplomas, certificates, and accreditation in the activities corresponding to the objectives, powers and duties of the school;

(10) To take any other action as necessary or continually in order to attain the objectives of the learning and teaching of science and mathematics in the school.

The joint venture with other juristic persons under the Sub- section (5) and the loan under the Sub-section (6) will be in compliance with the rules established by the Cabinet.

Chapter 2

Capital, Income and Property

Section 10 The capital and property for operating the school consists of :

- (1) Money or property acquired by means of transfer under Sections 43 and 46 paragraph 6;

- (2) Money provided by the government as initial capital;
- (3) General financial support annually allocated by the government as deemed appropriate;
- (4) Financial support from the private sector and local authorities or other organizations including funds from foreign countries or international organizations as well as money or property donated by individuals;
- (5) Fees, subscriptions, considerations, service charges or earnings from the operation;
- (6) The interest on money or earnings from the school's property.

Section 11 The earnings of the school shall not be remitted to the Ministry of Finance as stipulated in the laws on reserves and the laws on budgetary procedures.

Section 12 The ownership of immovable properties that the school has acquired either through donation or purchase with the school's own income is to be vested in the school.

The school shall have the authority to take charge of, take care of, maintain, use, distribute and provide benefit from the school's properties.

Section 13 The school's expenditure shall be specifically spent on the school's business.

The keeping and disbursement of funds shall conform to the regulations stipulated by the Board.

Chapter 3 Administration and Operation

Section 14 The cabinet shall appoint a board to be called “the Executive Board of Mahidol Wittayanusorn School”. The Board shall comprise of :

(1) A chairman who is appointed by the Cabinet and is knowledgeable, has expertise and a wealth of experience in the field of science, mathematics and technology.

(2) Ex-officio members comprising of the president of Mahidol University, the Director of the Bureau of Budget, the Director-General of the General Education Department, the Director of the Office of National Science and Technology Development and the Director of the Institute for the Promotion of Teaching Science and Technology;

(3) Not more than four distinguished members who are to be appointed by the Cabinet and have evident knowledge, expertise and experience in science, mathematics, or other related disciplines and who will be beneficial to the operation of the school. Two of them shall belong to science and technology disciplines and one of them must not be a government official or a member of any state-enterprise.

The above-mentioned distinguished members shall be appointed from both the name list prepared by the school’s staff and from the name list prepared by students’ guardians in accordance with the regulation stipulated by the Board under Section 19.

The Director shall be a member and *ex-officio* secretary, and the Director shall appoint a member of staff to serve as assistant secretary.

Section 15 The chairman and distinguished members of the Board must fulfil the following requirements:

- (1) Be of Thai nationality;
- (2) Be at least 35 years old but not older than 70 years of age;
- (3) Not have been declared bankrupt, incompetent or quasi-incompetent;
- (4) Never to have received, by the final judgement, the punishment of imprisonment, except the punishment for an offence committed by negligence or a petty offence;
- (5) Must not hold a political position, or be a member of the local council or a local administrator. Not to be a member or holder of a position responsible for the administration of a political party, nor an advisor to a political party, nor a member of staff of a political party;
- (6) Not be a member of staff or an employee of the school, or an advisor or expert having entered into an agreement with the school.

The provision (1) above shall not be applicable to foreign members of the Board who must be appointed by the school under a commitment or possess a distinguished qualification suitable to the school.

Section 16 The chairman and members of the Board shall not conduct any business which is, by nature, in competition with that of the school's, nor have any interest in any business dealing with the school, either directly or indirectly, unless they are

assigned by the Board to be a chairman or member of the board of a company limited or a public company limited of which the school is its shareholder.

Section 17 The chairman and distinguished members of the Board shall be in office for a term of four years.

In the case where the chairman or any distinguished members of the Board leave their office before the end of the term or in the case where the Cabinet appoints additional members during a term of office of the others, the new member appointed as substitute or in addition shall be in office for the remainder of the term of office of the appointed members.

At the end of a term of office as stated in paragraph 1 above, if a new chairman or new distinguished members of the Board have not yet been appointed, the chairman or the members whose term of office has expired shall remain in office to perform their functions until a newly-appointed chairman and members of the Board assume their offices.

The chairman or distinguished members whose term of offices have terminated may be re-appointed. In no case shall they serve two consecutive terms of office.

Section 18 Apart from the termination of their office at the end of their term, the chairman or a distinguished member shall leave office in the following circumstances:

- (1) Death;
- (2) Resignation;
- (3) Dismissal by the Cabinet on the ground of defective performance of duties, defamatory behaviour or inefficiency;

(4) Lack of qualifications or having any prohibited characteristics as stated in Section 15 or performing any prohibited activities as stated in Section 16.

Section 19 The Board shall have the power and duty to control and supervise the school so that it takes actions in order to realize the established objectives. Such power and duties shall include :

(1) Formulation of administrative policy and approval of the school's action plan;

(2) Approval of the school's investment and financial plans;

(3) Control and supervision of the school's operation and general administration, including issuance of rules, regulations, announcements or stipulations regarding the following matters:

(a) General administration of the school, structuring the school's divisions and the scope of duties;

(b) Setting-up positions, position descriptions, salaries, remuneration and other financial matters of the school's staff and employees;

(c) Selecting, placing, appointing, work evaluating, disciplinary removal and disciplinary punishment, termination of office, lodging complaints and appeals against the punishment of the school's staff and employees including the procedure and condition of employment of employees;

(d) Financial administration and management, inventories and properties of the school including accounting and disposing of properties in order to delete them out of the balance sheet;

(e) Provision of welfare and beneficial rights for the school's staff and employees;

(f) Scope of authorities, rules and procedure concerning the performance of internal auditors' duties;

(g) Procedure and rules in preparing name lists of the school's staff and students' guardians for selection of the distinguished members of the Board under Section 14(3). In case of the school's staff, the Board may determine the level of staff who are eligible to propose the list;

(4) Other activities which are necessary or continual to reach the objectives of the school.

The regulations concerning the disposal of properties in order to delete them from the balance sheet under (3) (d) shall be correspondent to the rules stipulated by the Cabinet.

Section 20 At least half the number of members of the Board shall constitute a quorum for the meeting of the Board.

In the event that the chairman is not present at a meeting or is unable to perform his/her duties, the meeting shall select one of the members to preside over the meeting.

In performing their duties, the chairman or any member who has direct or indirect interest in the matter pending consideration of the Board shall inform the other members convened and the Board shall decide, under the regulation stated by the Board, whether such a member be present in the meeting and/or shall give a vote in that matter.

The decisions of the meeting shall be resolved by a majority vote. Each member shall have one vote. In case of a tie, the chairman of the meeting shall have a casting vote.

Section 21 The Board shall have the power to appoint a distinguished adviser to the Board, as well as to appoint a sub-committee to consider or take certain actions as assigned by the Board.

The meeting of the sub-committee shall be governed by Section 20 *mutatis mutandi*.

Section 22 The chairman of the board, a member, an adviser and a member of the sub-committee shall be entitled to a meeting allowance and other considerations under the rule stipulated by the Cabinet.

Section 23 There shall be a school director.

The Board is authorized to recruit, appoint, and discharge the school director.

The criteria and process to recruit a school director shall be stipulated by the Board.

Section 24 The director must be able to devote full time to his work in the interest of the school. He must fulfil the following requirements:

- (1) Be of Thai nationality;
- (2) Be not older than 65 years of age on the day of appointment;
- (3) Have the knowledge, ability and experience suitable to the business of the school as stipulated in the objectives, powers and duties under Sections 7, 8 and 9;
- (4) Have no prohibited characteristics as stated in Section 15 (3), (4), (5), or (6);
- (5) Have no interest in any business dealing with the school.

Section 25 The Director shall be in office for a term of four years and can be re-appointed, but shall not hold two consecutive terms of office.

Section 26 Apart from the termination of his/her office on the end of his/her term, the director shall leave the office in the following circumstances:

- (1) Death;
- (2) Resignation;
- (3) Discharge in accordance with the agreement between the Board and the Director;
- (4) Be dismissed by the Board on the ground of defective performance of duties, defamatory behaviour or inefficiency;
- (5) Having any prohibited characteristics as stated in Section 24.

The resolution of the Board to dismiss the Director as in (4) must be supported by at least two-thirds of the votes of the existing members regardless of the Director's.

Section 27 The Director is under the obligation to administer the business of the school in compliance with the laws, objectives of the school, regulation, rules, stipulations, policies, resolutions and announcements of the Board. He is superior to staff and employees in all positions except for the internal auditor under Section 35 paragraph 2. He shall, additionally, perform the following duties:

- (1) Propose goals, action plans and projects to the Board so that the operation of the school will reach the objectives;
- (2) Present annual reports on the school's achievements including financial and accounting reports as well as proposing the financial plan and budget of the following year for the Board's consideration;

(3) Propose to the Board an opinion concerning the future improvement of the operation and management of the school in order to achieve efficiency and comply with the objectives.

The Director shall be responsible and accountable to the Board in administering the business of the school.

Section 28 The Director is empowered to:

(1) Place, appoint, promote, reduce or deduct salaries or wages, take disciplinary action with the school's staff and employees, as well as to dismiss the staff and employees from office in accordance with the regulations established by the Board;

(2) Formulate rules concerning the school's operation without contradicting the regulations, rules, stipulations, policies, resolutions or announcements of the Board.

Section 29 In dealing the matters with outsiders, the Director shall be the representative of the school. For this purpose, the Director is permitted to empower an individual to act on his/her behalf, but this must be in conformity with the regulations stipulated by the Board.

Section 30 The Board shall determine the rate of a salary and other considerations of the Director under the rule stipulated by the Cabinet.

Chapter 4
Personnel of the School

Section 31 There shall be 3 kinds of personnel in the school:

- (1) Staff or employees, these are those who work and are paid salaries or remuneration from the school's budget,
- (2) Advisors or experts, these are those who are employed to work as advisors or experts under agreements for employment,
- (3) State Officials who temporarily assist the school in the organization under Section 36 of the Public Organization Act, B.E. 2542 (1999).

Section 32 Staff must fulfil the following requirements:

- (1) Be of Thai nationality;
- (2) Be not less than 18 years of age but not older than 60 years of age;
- (3) Be able to devote full time to the school;
- (4) Possess suitable academic qualifications or experience for the objectives and the powers and duties of the school;
- (5) Not be a civil servant or an employee of a governmental department, or a member of staff or employee of a governmental state-enterprise or other state-offices or local governmental offices;
- (6) Have no prohibited characteristics as stated in Section 15 (3), (4), or (5);
- (7) Have no interest in any business dealing with the school.

The provision (1) above shall not be applicable to foreign members of the Board who must be appointed by the school under a commitment or possess a distinguished qualification suitable to the school.

Section 33 Staff shall leave the office in the following circumstances:

- (1) Death;
- (2) Resignation;
- (3) Lack of qualifications or having any prohibited characteristics as stated in Section 32;
- (4) Dismissed on the grounds of not passing performance evaluation under the rules and procedure as stated in the regulation by the Board;
- (5) Being fired or dismissed from the post because of committing disciplinary offence under the rules and procedure as stated in the regulation by the Board.

Section 34 In the case where the government officials, state enterprise officials, officers, or other personnel in the ministries, departments, regional administrations, local administrations, state enterprises, or other agencies, are requested by the Minister to become staff or workers with the approval of their employers or superiors and having agreements made between them, they are entitled to have the same rights under Sections 36 and 37 of the Public Organizations Act, B.E. 2542 (1999).

Chapter 5

Accounting, Auditing and the School's Performance Evaluation

Section 35 The school's accounting shall conform to the international procedure as stipulated by the Board. There shall be annual internal auditing on finance and accounts and inventory. Audit reports shall be submitted to the Board at least once in each year.

For the internal audit, the school personnel shall act as specific internal auditors and they shall be accountable directly to the Board in accordance with the rules stipulated by the Board.

Section 36 The school shall provide a balance sheet, financial balances and operating accounts and submit them to the auditor within 90 days from the last day of each financial year.

In every fiscal year, the Office of the Auditor-General of Thailand or an external individual who may be appointed by the Board with the approval of the Office of the Auditor-General of Thailand shall audit the accounts and appraise the school's expenditures and assets. The auditor shall provide analytical comments as to how much such expenditure correspond to the objectives of the school, and how economically and how effectively. A report on the audit shall be submitted to the Board.

For this purpose, the auditor shall be empowered to inspect and audit all accounts and documents of the school, make inquiries of the Director, staff and employees of the school and shall be given access to additional accounts and documents as necessary.

Section 37 The school shall prepare an annual report to be submitted to the Minister. This report shall include a section on the school's achievements during the year that has just ended, working lists, the auditor's report as well as the statements on the policy of the Board, projects and action plan for the future.

Section 38 In order to promote efficiency and to evaluate the school's management in compliance with the prepared objectives, projects and plans, the school shall operate the

evaluation of the school's performance within the time frame stated by the Board lasting not longer than 3 years.

The evaluation under paragraph 1 shall be operated by a neutral institute or organization and has the expertise in evaluating a school's business. A selection of an evaluator shall be proceeded in accordance with the procedure specified by the Board.

The evaluation of the school's management shall evidently show various facts as follows: As to efficiency, they are the level of students' successfulness, quality of the curriculum of teaching and learning and learning activities. As to effectiveness, they are the readiness of the school's management, the administration on finance, personnel and assets. As to organizational development, they are quality of the plans, planning operation and quality of services. Other details shall additionally be specified by the Board.

In case where there are any other special circumstances, the evaluation can, occasionally, be conducted under this section.

Chapter 6 Control and Supervision

Section 39 The Minister shall be authorized to control and supervise the operation of the school in order to comply with the law and the school's establishment objectives, the government's policy, and the resolutions of the Cabinet concerning the school. For this purpose, the Minister shall have the authority to instruct the school to submit

explanations and reports as well as to desist from any action by the school that contradicts the establishment objectives, the government policy or the Cabinet's resolutions concerning the school. The Minister shall also have the authority to order investigation into the school's operation.

Chapter 7

Certification and Accreditation

Section 40 The school may issue regulations requiring the the issuance of diplomas and certificates in the activities corresponding to the objectives and the scope of the powers and duties of the school as stipulated in this Royal Decree.

Section 41 The school may determine accreditation insignia.

The feature, kind, type, and elements of such insignia shall be announced by the school in the Government Gazette.

The events and terms of condition for the use of the accreditation insignia shall conform to the regulations of the school.

Section 42 The school may determine logos, emblems or symbols for the school or for any units of the school by means of announcement and to be published in the Government Gazette.

Transitory Provision

Section 43 On the day this royal decree comes into force, the Mahidol Wittayanusorn School under the General Education Department, Ministry of Education, shall cease to exist. The Minister shall propose to the Cabinet the process under Section 9 of the Public Organization Act, B.E. 2542 (1999) for granting approval to transfer to the school under this Royal Decree, any properties, rights, obligations and budgets of the Mahidol Wittayanusorn School under the General Education Department, Ministry of Education, existing on the day this royal decree comes into force, except for the budget under the Salary and Wage Part for any occupied posts.

Section 44 In the initial period, the Executive Committee of the Mahidol Wittayanusorn School shall be set up, consisting of the General Education Director-General as chairman, the Director of the Institute for the Promotion of Teaching Science and Technology, a representative of the Office of the Civil Service Commission, a representative of the Director of the Bureau of Budget, the President of Mahidol University, the Dean of the Faculty of Science, Mahidol University, one of the distinguished members of the Board of the Institute for the Promotion of Teaching Science and Technology who is assigned by the chairman of the Board of the Institute for the Promotion of Teaching Science and Technology, and no more than three other distinguished members who are to be appointed by the Minister, as members, and the then acting Director of the Mahidol Wittayanusorn School as a member and secretary. This Executive Committee shall be in charge until the Board under this Royal Decree is set up, but no longer than 180 days from the day this Royal Decree comes into force.

Section 45 Subject to Sections 46 and 47, government officials and employees of the Mahidol Wittayanusorn School under the General Education Department, Ministry of Education, who are in office on the day this Royal Decree comes into force shall still be government officials and employees of the General Education Department, Ministry of Education, whose performance of duties shall be deemed to be the performance of duties of those who are in the position of employees of the General Education Department, Ministry of Education.

Section 46 Government officials and employees who are voluntarily transferred to become the staff and employees of the school shall exercise their right to be transferred in writing to the superior in accordance with the Regulation stipulated by the Executive Committee of the Mahidol Wittayanusorn School within 180 days from the day this Royal Decree comes into force.

The placing and appointment of the staff and employees of the school to any positions shall be in compliance with personnel classification, qualification, rate of salary and position remuneration or wage specified by the Executive Committee of the Mahidol Wittayanusorn School. In order that this be done, it is necessary that they be selected and evaluated under the rules and procedures stipulated by the Executive Committee of the Mahidol Wittayanusorn School, which is not opposed to nor inconsistent with the rules specified by the Cabinet under Section 10 of the Public Organization Act, B.E. 2542 (1999).

In the selection and evaluation under paragraph 2, there shall be a committee of not more than 7 members, consisting of a representative of the Office of the Civil Service Commission, a representative of the General Education Department, a representative of the Institute for the Promotion of Teaching Science and Technology

and no more than four other distinguished members who are to be appointed by the Executive Committee of the Mahidol Wittayanusorn School. The chairman and secretary shall be appointed by the Executive Committee of the Mahidol Wittayanusorn School.

It is the committee under paragraph 3 that will conduct the selection and evaluation process of the government officials and employees who want to be transferred to become the staff and employees of the school and the committee must submit the result to the Executive Committee of the Mahidol Wittayanusorn School for consideration and approval.

After the Executive Committee of the Mahidol Wittayanusorn School grants approval in accordance with the suggestions of the committee under paragraph 4, there shall be an announcement of the results of the placing and appointing of staff and employees; this must be completed within one year of the day this Royal Decree comes into force. However, before such an announcement, the Executive Committee of the Mahidol Wittayanusorn School must inform the staff and employees who are eligible to be placed and appointed at least 30 days before the date of the announcement. In cases where staff or employees do not want to be placed and appointed as being selected and evaluated, they may waive the rights to change their status by submitting a written request to a superior in pursuance with the regulation stipulated by the Executive Committee of the Mahidol Wittayanusorn School. This request shall be submitted 3 days before the date of the announcement.

The Minister shall propose to the Cabinet the process under Section 9 of the Public Organization Act, B.E. 2542 (1999) for granting approval to transfer to the school under this Royal Decree a budget under the Salary and Wage Part for the staff

and employees of the Mahidol Wittayanusorn School under the General Education Department, Ministry of Education, from the day the Executive Committee of the Mahidol Wittayanusorn School announces the result of the selection.

Section 47 Those who are to be placed and appointed as the staff and employees under Section 46 shall receive a salary, wage or remuneration, in accordance with the position, salary rate and wage specified by the Executive Committee of the Mahidol Wittayanusorn School. They shall also receive welfare and other benefits, the total amount of which shall not be less than the salary, wage, remuneration or welfare and other benefits which a government official or employee receives from a government organization.

The change from government official to member of staff deemed to have been removed from government service is because of the authority's abolition of the position under the law on pensions for government officials or the law on pension funds for government officials.

The change from employee of a government department to employee of a school deemed to have been removed from the system because of the authority's abolition of the position or the no-fault termination of employment under which the latter is entitled to receive pensions under the Regulation of the Ministry of Finance on pension of employees.

Section 48 The departments in the Mahidol Wittayanusorn School existing on the day before this Royal Decree comes into force shall be working units of the school until there shall be an issuance of the school's new regulation on an establishment of new working units.

Section 49 In managing the school, the curriculum of the Ministry of Education existing on the day before this Royal Decree comes into force shall still be effective for all teaching and learning until the students under the said curriculum graduate.

The curriculum established under this Royal Decree shall be effective from the academic year 2544 (2001) onwards.

Whereas there are still no regulations, rules, announcements or stipulations of the Mahidol Wittayanusorn School, the regulations, rules, announcements or stipulations of the Mahidol Wittayanusorn School existing on the day before this Royal Decree comes into force shall be applied *mutandis mutandi*.

Countersigned by

Chuan Leekpai
Prime Minister

Remarks :- The reasons for the promulgation of this Royal Decree are as follows: Thailand at present lacks development researchers and science and technology inventors, therefore the teaching and learning of science and mathematics in schools is being promoted together with the establishment of the Mahidol Wittayanusorn School and the Princess Chulabhorn Science School which are schools that teach only science subjects and not arts nor any other disciplines. There are 13 such schools of this kind set up to provide educational services to students whilst the curriculum and management of teaching and learning are conducted as in other schools in general. At present, the government has a policy to render children and juveniles who display special talents in science and mathematics to pursue their talents in full. Thus this requires special procedures and curricula which are different from the teaching and learning in other general schools. Therefore, it is appropriate to establish special science schools to provide only the teaching and learning of condensed science to students who have special talents in science and mathematics. This will serve as a basic preparation to persons who profess high potential to study at the university level in order to produce excellent technical experts for the country. For the school so established to have the teaching and learning management independently, expediently and effectively, it is appropriate that the school become a public organization under the law on public organization, therefore the Mahidol Wittayanusorn School is established as such in order to be a model school for the others of the same kind. It is therefore necessary to promulgate this Royal Decree.