



EQUITABLE EDUCATION FUND ACT

B.E. 2561 (2018)

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HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN, REX.

Given on the 10th day of May B.E. 2561;
Being the 3rd Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to have a law on equitable education fund.

This Act contains certain provisions related to limits imposed on the rights and freedoms of persons, permitted based on Section 26 and Section 32 of the Constitution of the Kingdom of Thailand and the authority vested in the provisions of law.

Causes and necessity of limiting the rights and freedoms of persons under this Act: To operate the Equitable Education Fund and attain its objectives, it is necessary to use certain personal data for the purpose of assisting those who are financially deprived so as to alleviate educational inequality and enhance the quality and efficiency of teachers. The enactment of this Act thus complies with the provisions under Section 26 of the Constitution of the Kingdom of Thailand.

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 shall be called “Equitable Education Fund Act, B.E. 2561”

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

Section 3 In this act:

“Equitable education” means all the people are equally entitled to receive and access education and development; assistance is given to financially deprived persons to alleviate educational inequality and enhance the quality and efficiency of teachers.

“Educational inequality” means unequal distribution of academic resources due to the quality or standard of educational institutions, quality or efficiency of teachers or economic or social status.

“Teacher” means the person who teaches at any level.

“Education personnel” means educational personnel pursuant to National Education Act.

“Tuition fee” means the tuition fee, maintenance cost and other charge collected by educational institutions from students at any level.

“Educational institution” means educational institution pursuant to National Education Act; it also means early child development center.

“Training” means provision of or undergoing training for improvement of teachers, education personnel or students at any level.

“Education related cost” means any non-tuition sum collected by educational institution from student according to the regulation, notification or order related to education issued by such educational institution.

“Cost of living” means the living cost during the time of studies.

“Early age child” means a person aged below six years; it also means an infant.

“Fund” means Equitable Education Fund.

“Office” means Fund Office.

“Board” means Fund Management Board.

“Assessment Commission” means Fund Performance Assessment Commission.

“Managing Director” means Managing Director of Equitable Education Fund.

“Staff” means staff of Fund Office.

“Employee” means employee of Fund Office.

Section 4 The Prime Minister shall be the incumbent officer pursuant hereto.

Chapter 1
Establishment of Fund

Section 5 There shall be established a fund which shall be called “Equitable Education Fund”, for the purpose of promoting equitable education with the following objectives:

(1) To promote, support and assist the agencies concerned in government, private or civil society sector, for physical, mental, disciplinary, emotional, social and intellectual development of children, especially early age children, commensurate with their age.

(2) To assist, promote, develop and offer financial support and provide expenses for financially deprived and/or opportunity denied children and youth until they complete their basic education.

(3) To enhance and improve the quality and efficiency of teachers so that they are capable of managing teaching and learning and developing children and youth of different backgrounds and potentials.

(4) To promote, support and assist financially deprived and opportunity denied persons so that they receive education or undergo development to acquire knowledge and competence to carry out a profession commensurate with their skills that they can depend on themselves in leading their lives.

(5) To promote, support and assist educational institutions so that they can provide teaching and learning from which their students acquire knowledge and undergo development commensurate with their skills and potentials.

(6) To conduct research and studies for development of teachers with spirituality, morality, ethics, knowledge and competence to manage teaching and learning for development of students and alleviation of educational inequality in consideration of appropriate incentives; to encourage establishment of pilot institutions for producing and developing teachers.

(7) To conduct research, studies and development of body of knowledge for improvement of human resources and encouragement of application of such body of knowledge for alleviation of educational inequality, satisfying demand for workforces and raising competence of Thai people.

The financial deprivation or opportunity denial under (2) and (4) shall be as set forth in the regulations adopted by the Board. In decision making, the Board shall consider the views of the persons concerned.

To attain its objectives under the first paragraph, the Fund may operate by itself or jointly with state agencies or private organizations.

Section 6 The Fund shall be made up of the money and properties as follows:

- (1) money and properties transferred and received under Section 47 and Section 48;
- (2) one billion baht granted by the government as initial fund;
- (3) subsidies obtained annually under the Disbursement Plan approved by the Board and the Cabinet;
- (4) incomes received from The Government Lottery Office as provided by the Cabinet;
- (5) proceeds from operation of and investment by the Fund;
- (6) donated money and properties;
- (7) other incomes or fruits of the Fund from any sources;
- (8) interests derived from the money and properties of the Fund.

The subsidies under Section (3) shall sufficiently be granted by the Government according to the Disbursement Plan under (3) in compliance with National Strategy and Country Reform Plan.

Section 7 The person who donates money to the Fund shall be entitled to deduct the sum so donated as an expense or a tax allowance in the same manner as donation to education pursuant to the Revenue Code. In dealing with such expense or tax allowance, the Revenue Department shall also take into consideration the views of the Board.

Section 8 The Fund shall be a state agency having the status of a juristic entity; it shall not be a government division under the Organization of State Administration Act, nor shall it be a state enterprise under the Budgetary Procedure Act or any other laws.

The money and properties of the Fund need not be remitted as public revenue to the State treasury.

Section 9 The affairs of the Fund shall not be subject to Labor Protection Act, Labor Relations Act, Social Security Act and Workmen's Compensation Act.

Section 10 The Fund shall be empowered to engage in the affairs conforming to its objectives under Section 5, including:

- (1) holding ownership, possessory titles and property rights;
- (2) establishing rights or performing any legal acts within the Kingdom and abroad;
- (3) investing its money and properties to earn interests;

(4) performing other acts relating or incidental to Fund management for attainment of its objectives according to the regulations issued by the Board.

Investment under (3) shall be made according to the rules, procedures and conditions laid down by the Board and approved by the Cabinet.

Section 11 The money in the Fund shall be disbursed for:

- (1) operation costs under Section 5 and Section 10;
- (2) Fund operation costs;
- (3) other costs and expenses related to or for attainment of its objectives as set forth by the Board.

Section 12 In its operation for attainment of its objectives, the Fund may offer financial assistance for free, by way of lending or extension of loans to financially deprived or opportunity denied persons according to the rules, procedures and conditions set forth by the Board.

Section 13 For the purpose of alleviating educational inequality, the Fund may operate by itself or jointly with Ministry of Education, local administration organization, educational institution or any other agency. In this regard, the Fund shall be empowered to assist such agencies in the costs thereof according to the rules, procedures and conditions set forth by the Board.

Section 14 The Fund may conduct research and studies for development of teachers by itself or jointly with or assign other persons or higher education institutions to do so. If it is appropriate to establish a pilot institution for producing and developing teachers, the Fund shall promote or support it or jointly operate with other government agencies or private organizations already producing and developing teachers.

The establishment and operation of the pilot institution under the first paragraph shall not be subject to Private School Act or Private Institution of Higher Education Act. In this regard, the persons who graduate from such pilot institution according to the rules and conditions jointly set forth by the Board and The Teachers' Council of Thailand may practice controlled professions under Teachers and Educational Personnel Council Act.

Section 15 The money received from the Fund for payment of tuition fees, education-associated costs, living expenses and training allowances shall be regarded as financial rewards for education or academic research pursuant to Revenue Code.

Section 16 Disbursement from the Fund shall comply with good governance principles to derive maximum benefits from operation, ensure equitable education and combat against corruption in an appropriate manner.

Subject to the provisions set forth by the Board in the notification published in the Government Gazette, the Fund shall, at certain intervals, disclose to the public in general its targets, key performance index, operations, fund management, incomes, expenditures, products, results and worthwhile disbursement from the Fund. The public shall have access to such information. Publication shall at least be made on the Fund's IT system.

Section 17 The properties of the Fund used or acquired in operation for attainment of its objectives hereunder shall not be liable to legal or administrative execution. No persons shall put up statue of limitations or quantity of estate against the Fund or its properties.

Chapter 2

Fund Management

Section 18 The Equitable Education Fund Management Board shall comprise:

- (1) a qualified person appointed as Board Chairman by the Cabinet;
- (2) a qualified person appointed by the Cabinet by recommendations of the Commission made up of representatives from Thai Chamber of Commerce, Federation of Thai Industries and Thai Bankers Association.
- (3) six qualified members, two each from academic, private and civil society sector to be appointed as board members by the Cabinet -- one of them must be an expert in law--
- (4) eight incumbent members namely two representatives from Ministry of Education, one representative from Ministry of Public Health, one representative from Budget Bureau, one representative from Department of Children and Youth, one representative from the Comptroller General's Department, one representative from Department of Local Administration, one representative from Department of Empowerment of Persons with Disabilities.

The Managing Director shall be a members cum Secretary, and he or she shall appoint not more than two employees as Assistant Secretaries.

Section 19 The Board Chairman and qualified members must be Thai nationals, having knowledge or experiences in law, educational development, human resource development,

treasury management or other skills beneficial to Fund operation, having made achievements that are clearly evident, and not having any of the following prohibited qualities:

(1) being bankrupt now or in the past through fraud;

(2) being incompetent or quasi incompetent;

(3) being now or in the past a political office holder, a local council member, a local administrator, a director or manager of a political party, an advisor or an officer in a political party, unless otherwise he or she has vacated such office for no less than five years on the day of appointment;

(4) having been dismissed, discharged or removed from government agency, state enterprise or private organization on the grounds of dishonest act or unlawful conduct;

(5) by final judgment or court order having his or her assets confiscated on the grounds of unusual wealth or by final judgment or court order being imprisoned for committing an offence against the Anti-Corruption Act;

(6) by final judgment having committed an offence while holding official or justice position or having committed an offence under the law on offences committed by state agency or organization employees or an offence against property by dishonesty act under Criminal Code, an offence against Emergency Decree on Loans of Money Amounting to Public Cheating and Fraud, an offence against the law on narcotics on the grounds of producing, importing, exporting or selling narcotics, an offence against Gambling Act on the grounds of acting as a gambling banker or a manager or owner of gambling den or casino or an offence against Anti-Money Laundering Act on the grounds of money laundering.

(7) by final judgment being guilty of election fraud.

Section 20 The Board Chairman and qualified members under Section 18 (2) and (3) shall remain in their office for four years at a time. They may be reelected, but their office term may not be renewed more than twice consecutively.

After having completed the first two years of their first office term, each of the members from each sector appointed under Section 18 (3) shall vacate his or her office by a draw, and the office term of such qualified members shall be deemed as expired.

Within thirty days before the office term of the Board Chairman or qualified members comes to an end, a new Board Chairman and qualified members shall be appointed. If a new Board Chairman and

qualified members have not been appointed, the Board Chairman and qualified members whose office terms have ended shall continue to perform their duties until they are replaced by a newly appointed Board Chairman and qualified members.

Section 21 Other than vacating office at the end of their term, the office terms of the Board Chairman and qualified members shall end on any of the following grounds:

- (1) death;
- (2) resignation;
- (3) lack of qualifications or having prohibited qualities under Section 19;
- (4) being removed from office on the grounds of infamous conduct by no less than two thirds of all the votes of existing directors;
- (5) being removed from office by the Board on the grounds of having vested interests in the affairs of the Fund under Section 37;
- (6) being absent from a Board Meeting three times consecutively without good reasons as specified in the rules and conditions set forth by the Board.
- (7) being removed by the Cabinet on the grounds of neglect of duty.

Section 22 Within sixty days from the day when the Board Chairman or a qualified member vacates his or her office before the end of his or her office term, a new Board Chairman or a new qualified member shall be appointed. While such office is still vacant, the Board shall continue to perform their duties with the remaining members.

The newly appointed Board Chairman or qualified members shall be in office for the remaining term of the person so replaced by him or her.

Section 23 The Board shall have the following powers and duties:

- (1) To adopt policies, set targets and lay down guidelines on operation to ensure that the Fund attains its objectives, subject to the law on national education and in compliance with National Strategy and Reform Plan.
- (2) To recommend to the Cabinet the research and study findings and measures useful for alleviating educational inequality for adoption and implementation by Ministry of Education and the agencies concerned.

(3) To consider and approve operation plan, innovation development plan, risk management plan and the Fund's annual budget.

(4) To monitor and assess the operation of the Fund in compliance with the objectives, policies, targets and guidelines under (1) and the plan and budget under (3), subject to good governance principles.

(5) To issue regulations on personnel management, finance, purchase, supplies, accounting, internal audit, risk management, monitoring, performance assessment and disclosure of performance and other regulations essential to Fund operation.

(6) To issue regulations on check-up of information and assistance to financially deprived and opportunity denied early age children, youth, people and their families, including their teachers.

(7) To issue regulations on criteria, terms and priority in allocation of money from Fund and disbursement for attainment of the objectives under Section 5.

(8) To issue regulations on criteria, procedures and terms of recruiting Managing Director.

(9) To issue regulations and notifications on operation pursuant hereto.

(10) To form a Subcommittee or a Working Group for performance of tasks assigned by the Board.

(11) To perform other duties and exercise its other powers as set forth by this Act or other laws.

In the adoption of policies, setting targets and laying down guidelines on operation under (1), the Board shall consider the views of the persons concerned.

The policies, targets and guidelines on operation under (1), plans and budgets approved under (3) shall in general be disclosed to the public.

The regulations under (5), (6), (7) and (8) shall come into force after their publication in the Government Gazette. At least every five years from the day that such regulations are in force, the Board shall review such regulations to ensure that they are appropriate, taking into account the views of the persons concerned.

The provision under paragraph four shall *mutatis mutandis* apply to the issuance of regulations and notifications under (9) which apply to individuals in general.

The Subcommittee or Working Group under (10) shall be formed only on a necessary basis, taking into account operation efficiency and worthwhile disbursement of Fund, and the operation timeframe of such Subcommittee or Working Group shall be clearly set forth.

Section 24 Subject to the criteria, methods, and conditions set forth by the Board, the Board shall, for the purpose of operation for attainment of the objectives of the Fund, be empowered to acquire from other government agencies or sections the personal information essential to Fund operation, provided that such personal information is not data on national security or government secret.

The disclosure of information to the Board under the first paragraph shall be regarded disclosure for the purpose of execution of the operation as provided by law.

Disclosure of personal information held by the Fund shall comply with the criteria, methods, and conditions set forth by the Board provided that it does not affect privacy rights and that such personal information are disclosed on a necessary basis for operation of the Fund and attainment of its objectives.

Section 25 At a Board Meeting, no less than one half of all the members is required to be present to constitute a quorum.

At a Board Meeting, if the Board Chairman is absent or unable perform his duties, the meeting shall appoint one of their members as the Meeting Chairman.

Unless otherwise provided herein, the meeting shall make decision by majority vote. Each Member shall cast one vote. In case of a tie, the Meeting Chairman shall cast another vote as a ruling vote.

Section 26 In consideration of any matter, the resolution of the meeting shall be binding upon any agency whose representative is a member of the Board even if such representative does not consider such matter. In case of different views, the views of all members on such matter shall evidently be recorded.

Section 27 The Board Chairman and Members shall receive remunerations and enjoy the rights and benefits as provided by the Cabinet.

Section 28 The Subcommittee and Working Group shall receive remunerations as provided by the Board.

Section 29 There shall be an Office which shall have the following powers and duties:

(1) To perform the tasks of the Fund and liaise with the agencies and organizations concerned.

(2) To perform administrative duties and facilitate the operation of the Board.

(3) To conduct research and studies and develop body of knowledge conforming to the objectives of the Fund.

(4) To support the research and studies and development of body of knowledge under (3), publish and apply the findings thereof and assess the achievements therefrom.

(5) To encourage all sectors to make donations or support the operation of educational institutions or the Fund.

(6) To submit Fund operation annual report for publication to the public.

(7) To undertake other tasks assigned by the Board.

Section 30 The Board shall appoint a Thai national aged thirty five to sixty five as a Managing Director to work full time for the Fund. The Managing Director so appointed shall not have the following prohibited qualities:

(1) prohibited qualities under Section 19;

(2) a government official, an employee, or staff of government agency, state division or enterprise; or any other type of state official;

(3) a managing director or an employee of any person, except the business of the Fund;

(4) a person having direct or indirect interests in a contract with the Fund or in the affairs undertaken for the Fund, unless such person is appointed by the Board as a members in a company whose shares are held by the Fund or is a party to a contract with the Fund.

Section 31 The qualifications, knowledge, abilities, experiences, recruitment, holding office, removal from office, salary, remunerations, rights, benefits, welfare, probation and duties of the Managing Director shall be as set forth in the regulations issued by the Board.

Employment of the Managing Director shall be made in a contract which specifies that the Managing Director shall be bound by and comply with the regulations under paragraph one. The term of the contract shall not be longer than four years. The Board may renew the contract no more than two times consecutively.

The Board Chairman shall be authorised to enter into the contract for employment of the Manager for and on behalf of the Fund.

Section 32 Other than end of contract, the Managing Director shall vacate his or her office on any of the following grounds:

(1) death;

(2) resignation;

(3) lack of qualifications or having prohibited qualities under Section 30;

(3) removal on the grounds of neglect of duty, infamous conduct, or lack of ability by resolution of the Board passed by no less than two thirds of the votes of all the members – not counting the Managing Director's vote;

(5) having failed performance assessment two years consecutively.

Section 33 The Managing Director shall be the head of staff and employees and manage the affairs according to the Fund's objectives, the laws, regulations, notifications, policies and resolutions of the Board.

Section 34 The appointment of Subcommittee or Working Group and employment of staff and employees shall comply with good governance principles, taking into account working efficiency and worthwhile Fund disbursement.

Section 35 In the performance of his duties, the Managing Director shall report to the Board.

In dealing with the affairs related to third parties, the Managing Director shall act for and on behalf of the Fund. In this regard, the Managing Director may appoint an attorney to perform any specific tasks for and on his behalf. Any legal transaction with a third party by the Managing Director or his attorney which requires prior report to or approval of the Board shall be subject to the regulations issued by the Board.

Unless otherwise ratified by the Board, any legal transactions made in contravention with the provision under the second paragraph shall not be binding upon the Fund.

Section 36 Acting in place of or for the Managing Director shall be subject to the regulations issued by the Board.

The person acting for the Managing Director shall have the powers and duties of the Managing Director.

If the person acting for the Managing Director has assigned or authorised a person in another position to act on his behalf, the person so assigned or authorised shall have the powers and duties of the person who assigns or authorises.

If, under any other law, the Managing Director is appointed as a board member or granted any powers or assigned any duties, the person acting for the Managing Director or the board member shall also have the powers and duties of the Managing Director or the board member, whichever the case may be.

Section 37 The Board Chairman, board member, Managing Director, staff and employees shall have the powers and duties to manage the affairs in the Office as required by the Board. They shall not have any direct or indirect interests in the affairs of the Fund.

The Board shall be empowered to determine whether or not any persons performing any acts under the first paragraph are the persons with vested interests in the affairs of the Fund.

The provision under paragraph one shall not apply to members of the families of the persons under the first paragraph who receive support or scholarship from the Fund according to the regulations and criteria imposed on individuals in general.

The Board Chairman, board member, Managing Director, staff and employees under the first paragraph shall be the officials under the Criminal Code.

Chapter 3

Accounting and Auditing

Section 38 The Fund shall have a proper accounting system for correct recording of entries and reporting of performance and financial position of the Fund.

The entries, books and accounts under the first paragraph shall meet the generally accepted accounting principles.

Section 39 The Fund shall submit a financial report showing its performance and financial position to the auditor within one hundred and twenty days after the end of the accounting year.

The Fund's accounting year shall be as set forth by the Board.

Section 40 The Fund's cash receipt, payment and retention shall comply with the regulations issued by the Board.

Section 41 State Audit Office of the Kingdom of Thailand or its approved auditor shall audit the Fund's account.

The Auditor shall submit a report on audit of Fund's account to the Board within one hundred and eighty days after the end of the accounting year. The Board shall publish the audited financial report in the Government Gazette.

Section 42 There shall be an Internal Audit Committee which conducts internal audit and submits an internal audit report to the Board directly.

The Internal Audit Committee shall comprise a Chairman which is a representative from Ministry of Finance, a member which is a representative from State Audit Office of the Kingdom of Thailand and a member which is a resource person appointed by the Board.

The Office shall arrange for someone to provide reasonable assistance to Internal Audit Committee in its internal audit, subject to the regulations issued by the Board.

The costs of internal audit and remuneration of Internal Audit Committee shall be subject to the regulations issued by the Board.

Section 43 The Fund shall submit an annual report to the Cabinet, House of Representatives and Senate within sixty days of receiving an audit report from the Auditor and make such annual report available to the public through publication on the Fund's IT system.

Chapter 4

Fund Performance Assessment

Section 44 Fund performance shall be assessed every three years. At least six months before the end of such three years, Ministry of Finance shall propose to the Cabinet appointment of the Fund Performance Assessment Committee consisting of at least three persons but not more than five persons who have knowledge, abilities and experiences in finance, education and assessment for formation of Fund Performance Assessment Committee which will perform the following tasks:

- (1) to assess attainment of Fund's objectives and targets;
- (2) to report limitation or obstacle of the Fund;
- (3) to audit and assess the Fund performance;
- (4) to submit performance assessment report and recommendations to the Board after every assessment.

Within one hundred and eighty days from the end of assessment period, the Fund Performance Assessment Committee shall submit an assessment report to the Cabinet. Upon resolving to endorse such assessment report, the Cabinet shall inform the Fund of the facts, and the Fund shall make such assessment report available to the public through publication on its IT system.

After completing the assessment under the second paragraph, the Fund Performance Assessment Committee's commission shall expire.

Section 45 In the capacity of Fund Performance Assessment Committee hereunder, they shall have the following powers and duties:

- (1) to make plan and determine the costs of performance assessment and the remuneration therefor;

(2) to authorise a person or a group of persons to perform any tasks on its behalf;

(3) to form a Subcommittee for consideration of any matters, express its views thereof or performing any tasks as it deems appropriate.

The plan and estimation of costs under (1) shall be approved by Minister of Finance. Budget shall be allocated from the Fund.

Chapter 5

Corporate Governance

Section 46 For the purpose of operation hereunder, the Prime Minister shall be empowered to issue orders for the Fund to provide explanations, express views, issue reports or debar acts not conforming to the objectives under Section 5, the authority and function of the state as provided under the Constitution of the Kingdom of Thailand, National Strategy, Country Reform Plan, Government Policies and Cabinet Resolutions relating to the Fund. The Prime Minister may also issue order for investigation of Fund operation.

In case the Fund is required to propose a matter to the Cabinet, the Fund shall do so through the Prime Minister.

Transitional Provisions

Section 47 The affairs, assets, rights, obligations, debts, encumbrances, staff and employees, Thai Health Promotion Foundation budget which are specifically related to Quality Learning Foundation pursuant to Thai Health Promotion Foundation Regulations provisions on Establishment of Quality Learning Foundation B.E. 2553, existing before this Act comes into force, shall be transferred to the Equitable Education Fund pursuant hereto.

The debts under the first paragraph shall not include the debts of Thai Health Promotion Foundation under Agreement on Loan for Supporting the Missions of Quality Learning Foundation between Ministry of Finance and Thai Health Promotion Foundation No. 1/2554, dated 4 April 2011 and Agreement on Loan for Supporting the Missions of Quality Learning Foundation between Ministry of Finance and Thai Health Promotion Foundation No. 2/2554, dated 23 June 2011. Such debts are the encumbrances on Thai Health Promotion Foundation. Thai Health Promotion Foundation shall submit this matter to the Cabinet for consideration, and the Cabinet shall be empowered to resolve that the debts are written off.

Section 48 Subject to Section 47, the entire budget of the year 2018 set under Project and Operation Plan of Quality Learning Foundation and approved by Thai Health Promotion Foundation Board shall be transferred by Thai Health Promotion Foundation to Equitable Education Fund.

Section 49 For the purpose of Equitable Education Fund operation, the staff and employees transferred under Section 47 shall receive the salaries or wages and enjoy the rights and benefits at existing rates during the transitional period; they shall be paid by Thai Health Promotion Foundation until they are engaged and appointed to new positions within Equitable Education Fund, after which Equitable Education Fund shall reimburse such sums to Thai Health Promotion Foundation.

The staff and employees engaged to new positions within Equitable Education Fund under the first paragraph shall receive the salaries or wages and enjoy the rights and benefits at the rates not below the previous ones.

Section 50 In the interest of Equitable Education Fund Office management, the Prime Minister may issue orders for government employees or state officials to work in Equitable Education Fund Office temporarily for up to four years at a time.

For the purpose of calculation of pension or other benefits, the time that such government employees or state officials work for Equitable Education Fund Office by the order of the Prime Minister under the first paragraph shall be regarded as the time which they work for their original affiliations.

During the time of work for Equitable Education Fund Office, the government employees or state officials under the first paragraph shall be entitled to the rights and benefits provided by Equitable Education Fund Management Board.

Section 51 Initially, the Equitable Education Fund Board shall be formed hereunder within sixty days of from the day when this Act comes into force. In the appointment of Board Chairman and qualified members under Section 18 (2) and (3), the Cabinet shall hear the recommendations of Independent Educational Reform Commission pursuant to Prime Minister Office's Notification on

Formation of Independent Educational Reform Commission, dated 2 June 2017. Pending formation of such Commission, Quality Learning Foundation Board under Prime Minister Office's Regulations on Quality Learning Promotion B.E. 2553 shall act as Equitable Education Fund Board temporarily hereunder. When the Equitable Education Fund Board is formed, such Prime Minister Office's Regulations on Quality Learning Promotion B.E. 2553 shall no longer be in force.

Section 52 Initially, the Managing Director of Quality Learning Foundation of Thai Health Promotion Foundation under Thai Health Promotion Foundation Regulations on Establishment of Quality Learning Foundation B.E. 2553 who is in office before this Act comes into force shall be the Managing Director hereunder until the Managing Director of Equitable Education Fund is appointed hereunder.

Section 53 Within ninety days of being formed under Section 51, the Equitable Education Fund Board shall lay down rules according to Section 16 paragraph two and issue regulations pursuant to Section 23 (6) and (7) and Section 35 paragraph two.

Section 54 For the purpose of Equitable Education Fund performance assessment, the assessment under Section 44 shall begin from the year after the first year in which this Act comes into force.

Section 55 Pending issuance of regulations or notifications on payments and personnel management hereunder, the rules, regulations or notifications on payments and personnel management issued pursuant to the law on Thai Health Promotion Foundation shall mutatis mutandis apply to payments and management of the personnel of Equitable Education Fund hereunder.

Countersigned by:

Prayuth Chan-ocha

Prime Minister

Note:- Reasons for issuing this Act: Section 54 paragraph six of the Constitution of the Kingdom of Thailand provides that a fund shall be set up for assistance of financially deprived persons to alleviate educational inequality and enhance the quality and efficiency of teachers. The state shall allocate a budget for the fund or adopt taxation measures or mechanism and offer tax deduction to the persons who make donations to the fund. The fund shall be independently managed. It is therefore expedient to issue this Act.