



## Royal Decree

Establishment of National Institute of Educational Testing Service (Public Organization)

2005 (B.E. 2548)

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Bhumiphol Adulyadej, Rex

Given on the 11th Day of August, 2005 (B.E. 2548):

Being the 60th Year of the Present Reign

By Royal Command of HIS MAJESTY KING BHUMIBOL ADULYADEJ, it is hereby proclaimed that:-

Whereas it is expedient to have a law for the establishment of National Institute of Educational Testing Service as a Public Organization in compliance with the Public Organization Act,

According to Section 221 of Constitution of the Kingdom of Thailand and Section 5 of the Public Organization Act 1999 (B.E. 2542), this Royal Decree is therefore enacted by the king as follow:

Section 1 This Royal Decree shall be called “Royal Decree the Establishment of National Institute of Educational Testing Service (Public Organization) 2005 (B.E. 2548)”

Section 2 This Royal Decree shall come into force on and from the day following the date of its promulgation in the Royal Thai Government Gazette.

Section 3 In this Royal Decree,

“Test”	means educational testing processes consisting of examination implementation, test administration, test assessment, result interpretation, and test report
“Institute”	means National Institute of Educational Testing Service (Public Organization)
“Board ”	means the Executive Board of the Institute
“Director ”	means Director of the Institute
“Staff”	means any staff of the Institute
“Employee”	means any employee of the Institute
“Minister”	means the Minister in charge of the enforcement of this Royal Decree.
Section 4 Minister of Education shall be in charge of the enforcement of this Royal Decree.	

## CHAPTER 1

### ESTABLISHMENT, OBJECTIVES, AND AUTHORITY

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Section 5 Establish a public organization in Thai called “สถาบันทดสอบทางการศึกษาแห่งชาติ (องค์การมหาชน)” abbreviated as “สทศ.”, and in English called “National Institute of Educational Testing Service (Public Organization)” abbreviated as “NIETS”.

Section 6 The Institute shall be located in Bangkok Metropolis or in adjacent provinces.

Section 7 The Institute has the objectives to administer and operate about education, do research on and provide educational testing services, as well as become the center of cooperation on educational testing service in national and international levels.

Section 8 To achieve objectives as of Section 7, the Institute has the following authority:

- (1) Operate regarding the implementation of test methodological system, develop examination tools, and evaluate as of educational standards
- (2) Operate regarding the evaluation of educational administration and educational test at national level, as well as cooperate and support testing services at both educational region and academic institute levels

(3) Operate regarding educational tests, proficiency examination services, and academic and vocational standard examination so that the results can be a part of standardized certification and credit transfer from education at the same levels or different educational systems

(4) Operate regarding research and distribution of innovation in educational testing, as well as distribution of techniques for educational examination and evaluation

(5) Become the center of educational test database as well as support and provide test result services to several agencies both inside and outside the country

(6) Develop and promote academic research regarding educational test and evaluation as well as development and promotion of academic study in educational testing and evaluation. Additionally, develop personnel in testing and evaluation, follow-up and evaluation of quality of the graduates, as well as provide standard certification of systems, methods, and examination tools of educational evaluation and testing agencies.

(7) Become the center of cooperation regarding educational testing services at both national and international levels

Section 9 Beside the authority as of Section 8, the Institute has the responsibilities for the following activities:

(1) Entitle to the rights and possession of various properties

(2) Establish rights or perform juristic acts regarding the assets

(3) Make agreements and cooperate with both domestic or foreign organizations or agencies, or local administrative organizations regarding any operations according to objectives of the Institute

(4) Prepare and provide scholarship to support development of educational testing

(5) Perform business venture with juristic persons in activities relevant to the objectives of the Institute

(6) Acquire loans for the benefits in the operations relevant to the objectives of the Institute

(7) Request for fees, payments, service charges for the operations

(8) Assign organizations or persons to perform activities under the authority of the Institute

(9) Provide certifications, credentials, and accreditation logo for activities relevant to the objectives and authority of the Institute

(10) Take any other necessary or continuous actions in order to achieve the objectives of the Institute or as assigned by the Board

Business venture in connection with juristic persons as of (5) and loans as of (6) shall comply with the criteria specified by the Cabinet.

## CHAPTER 2

### FUNDS, INCOMES, AND ASSETS

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Section 10 Funds and assets in the operations of the Institute consist of

- (1) Money or properties to which are transferred according to Section 44
- (2) Money for which the government pays as the first installment
- (3) General subsidy allocated by the government as deemed appropriate on annual basis
- (4) Financial support from private sectors and local administrative organization, or other organizations from foreign countries, international organizations, and donated money or properties
- (5) Fees, payments, compensation, service charges, or incomes from the operations
- (6) Profits from money or incomes from the properties of the Institute

Section 11 Incomes of the Institute are not revenue to be forwarded to Ministry of Finance as of the Treasury Reserves Act and Budgetary Procedure Act.

Section 12 Real estates, which the Institute obtains by receiving or buying with the incomes of the Institute shall be rightfully own by the Institute.

The Institute has the authority to govern, administer, maintain, utilize, trade, and acquire benefits from properties of the Institute.

Section 13 Money of the Institute shall be spent specifically for activities of the Institute

Deposit and withdrawal of money of the Institute shall comply with the regulations specified by the Board.

## CHAPTER 3

ADMINISTRATION AND OPERATIONS

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Section 14 Appoint a board called “Executive Board of National Institute of Educational Testing Service” consisting of

(1) President whom the Cabinet appointed from nominated specialists that are highly knowledgeable with expertise and experiences in education, science and technology, management, humanities, or sociology. Additionally, he/she shall not be a government official with a position or regular salary, or an operator in a government agency

(2) Four committees by ranks that are Secretariat of Office of Basic Education Commission, Secretariat of Office of Higher Education Commission, Secretariat of Office of Vocational Education Commission, and Director of Office for National Education Standards and Quality Assessment

(3) Not more than five specialist committees whom the Cabinet shall appoint from nomination of persons with obvious knowledge, expertise, and experiences in education, science and technology, management, humanities, sociology, or other fields relevant and beneficial to the activities of the Institute. The committees shall include persons, who are not government officials by positions, with regular salary, or operators in government agencies, for no less than 3 persons.

Director shall be a committee and the Secretary by ranks. Additionally, the Director shall appoint a staff as Assistant to the Secretary.

Criteria and methods to nominate persons to be appointed by the Cabinet as President and specialist committees as well as nomination for President and committees of the Specialist Board to replace committees, who are discharged before the end of their term as of Section 19, shall follow the procedure specified by the Minister due to the recommendation by the Board.

Section 15 President and committees of the Specialist Board shall have the properties but without prohibited qualities as follow:

- (1) Thai nationality
- (2) Age not less than completely 35 years old and not older than completely 70 years old
- (3) Not declared a bankrupt, an incompetent, or quasi-incompetent persons
- (4) Never have been sentenced by final judgment to imprisonment, except as a punishment for an offense committed through negligence or misdemeanors
- (5) Not an incumbent of a political rank, local councilor, or local organization administrator, or a member or an incumbent responsible for administration of a political party, a consultant or staff of a political party
- (6) Not a staffs or an employee of the Institute, or a consultant or an expert working under a contract with the Institute

The statement in (1) shall not be enforced on a foreign committee, whom it is necessary for the Institute to appoint as of obligations or with excellent qualifications suitable for the Institute.

Section 16 President and committees of the board of the Institute shall not involve in business, which is competitive with the operations of the Institute, or become stakeholders in the activities affecting the Institute, whether directly or indirectly, except assigned by the Board as the President, committees, or representatives of the Institute to join business venture with other persons.

Section 17 President and committees of the Specialist Board shall hold the positions for a term of 4 years.

When the term is completed as of the first paragraph, if there is no new appointment of President or specialist committees, the President or specialist committees, whose positions are expired by terms, shall hold the positions for continuous operations until the new President or specialist committees, who have been newly appointed, have taken charge of the responsibilities.

President or specialist committees, whose positions have been expired by terms, may be re-appointed, but the positions shall not be held for more than 2 consecutive terms.

Section 18 Unless expiration by terms, President and committees of the Specialist Board shall be removed from the positions when:

(1) Dead

(2) Resign

(3) Dismissed by the Cabinet because he/she neglects his/her duties, behave in defamatory manners, or perform incompetently

(4) Disqualified or with one of the prohibited qualities as of Section 15, or take any prohibited action as of Section 16

Section 19 In case that President or specialist committees have been renounced before the terms end, organize nomination and propose to the Cabinet to appoint other persons to hold the positions instead. Except that the terms have less than 90 days left, there may not be an appointment of President or specialist committees. Additionally, the replacements shall hold the vacant positions for the amount of time equal to the remaining time for the terms of the President or specialist committees, who have been appointed.

In case that President or specialist committees have been renounced before the terms end, the Board shall consist of all existing committees until the appointment of President or specialist committees as of the first paragraph has been announced. Additionally, in case that the President has been renounced before the term ends, the remaining committees shall choose someone to temporarily act as the President.

Section 20 The board has the authority to administer the Institute so it shall operate according to the specified objectives. Such authority shall include:

(1) Specify the administrative policies and approve operational plan of the Institute

(2) Approve investment plans, financial plans, and annual budgets of the Institute

(3) Certify the operations to develop teachers and educational personnel regarding educational examination and evaluation of other agencies in order to provide training corresponding to the standards specified by the Institute.

(4) Evaluate the operations of Director and operators of the Institute according to the criteria and methods specified by the Board

(5) Administer the operations and general management as well as implement procedures, regulations, announcement, or restrictions regarding the Institute in the following issues:

(a) General administration of the Institute; allocation of tasks of the Institute and scopes of the

duties of the division

(b) Specify positions, specific qualifications of the positions, salary rates, wages, and other money of staffs and employees

(c) Selection, placement, appointment, performance evaluation, dismissal, disciplines, and disciplinary actions, renunciation, complaints, and appeal for the disciplinary actions of staffs and employees

(d) Administration and management of money, inventory, and assets of the Institute as well as accounting and sales of assets from the accounts to be nullified.

(e) Allocation of welfare and other benefits for staffs and employees

(f) Scopes of the authority and procedures about operations of internal auditors.

(g) Selection of Director, operations of Director and assignment for the representatives

(6) Propose an annual report and recommendations to the Minister in order to operate in compliance with this Royal Decree.

(7) Operate as deemed necessary or continuously in order to achieve the objectives of the Institute

Procedures regarding sales of assets from the account to be nullified as of (5) (d) shall follow the criteria specified by the Cabinet.

Section 21 The Board Meeting shall consist of attending committees not less than half of the total number of the committees as it is deemed a quorum.

During the Board Meeting, if the President does not attend the meeting or is unable to perform his/her duties, the meeting shall select one of the committees to preside over the meeting.

Functioning as President or committees whether they are direct or indirect stakeholders regarding issues considered by the Board, President or the committees shall report it to the meeting and the meeting shall consider whether the committees shall be in the meeting and vote in the meeting for the issues provided that it is as of procedures specified by the Board.



Decision of the meeting by majority is deemed final. Any committee shall have one vote for the resolution. If there are equal numbers of votes, chairperson of the meeting shall apply an additional vote as the decisive vote.

Section 22 The Board has the authority to appoint specialists as consultants of the Board, and subcommittees to consider or perform any operation as assigned by the Board.

Meeting of the subcommittee shall adaptively apply Section 21.

Section 23 President, committees, consultants, and subcommittees shall receive meeting allowances or other compensating benefits according to the criteria specified by the Cabinet.

Section 24 The Institute shall appoint one director.

The Board has the authority to appoint and discharge the Director

Criteria and methods for the nomination of the Director shall be as of the specifications of the board

Section 25 Director shall be a person who can work full-time for the Institute, and have the properties but without the prohibited qualities as follow:

- (1) Thai Nationality
- (2) Age not less than completely 30 years old and not older than completely 65 years old on the appointment date
- (3) With knowledge, capabilities, and experiences appropriate for the operations of the Institute
- (4) Without one of the prohibited quality as of Section 15 (3), (4), (5), or (6)
- (5) Not a stakeholder in any business operation with the Institute

Section 26 The Director has an appointment term of 4 years, and may be reappointed but not more than 2 consecutive terms.

Section 27 Beside renunciation of the position at the end of the term, the Director shall be removed from the position when:

- (1) Dead
- (2) Resign
- (3) Discharged due to the conditions as specified in the agreements between the board and the Director

(4) Dismissed by the board because he/she neglect his/her duties, behave with misconduct or incompetently

(5) Disqualified or with one of the prohibited qualities as of Section 25

Resolution of the Board in order to remove the Director from the position as of (4) shall consist of number of votes less than two-third of existing number of committees, excluding the Director.

Section 28 Director has the responsibilities to manage the operations of the Institute in compliance with the laws, objectives of the Institute, procedures, regulations, requirements, policies, resolutions, and announcement of the Board. Additionally, he/she shall be the commander of all staffs and employees, except the internal auditor according to Section 36 in the second paragraph, as well as the following duties:

(1) Propose goals, plans, and projects to the Board in order that the operations of the Institute shall achieve the objectives.

(2) Propose annual reports regarding the operating performances in various aspects of the Institute, including financial reports and accounting, as well as propose investment plans, financial plans, and the budget for the following year for the consideration of the Board.

(3) Propose opinions about modification of the business and operations of the Institute to be efficient and corresponding to the objectives to the Board. Director shall be under the supervision of the Board regarding the administration of the Institute.

Section 29 Director has the authority to:

(1) Place, appoint, promote, demote, decrease salary or wages, apply disciplinary actions to staffs and employees, as well as dismiss staffs and employees provided that it is specified by the Board

(2) Implement procedures about the operations of the Institute without any conflict with procedures, regulations, requirements, policies, resolutions, or announcement specified by the Board.

Section 30 In operations related to outside parties, the Director shall be the representative of the Institute. Regarding this, the Director may authorize personnel to perform any specific operation in his/her place according to the regulations specified by the Board.

Section 31 The Board shall have the authority to specify the salary rate and benefits of the Director according to the criteria specified by the Cabinet.

## CHAPTER 4

OPERATORS OF THE INSTITUTE

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Section 32 Operators of the Institute can be classified into three types as:

- (1) Staffs or employees are operators who receive monthly salaries or wages from the budget of the Institute
- (2) Consultants or specialists are persons hired by the Institute to perform duties as consultants or specialists under employment contracts
- (3) Government staff, who temporarily work for the Institute as of Section 35

Section 33 Staffs shall have the properties but without the prohibited qualities as follow:

- (1) Thai nationality
- (2) Age not less than completely 18 years old and not older than completely 60 years old
- (3) Able to work full-time for the Institute
- (4) With qualifications or experiences appropriate for the objectives and authority of the Institute
- (5) Not a government official or an employee of a government office, a staff or an employee of a state enterprise or any other government agencies, or an employee of a local administrative organization
- (6) Without a prohibited quality as of Section 15 (3), (4), or (5)
- (7) Not a stakeholder in any business operation with the Institute

The statement in (1) shall not be enforced on a foreign staff, which it is necessary for the Institute to appoint as of obligations or activities of the Institute.

Section 34 Staff shall be renounced of his/her position when:

- (1) Dead
- (2) Resign
- (3) Disqualified or with one of the prohibited qualities as of Section 33
- (4) Discharged because he/she does not pass the performance evaluation according to the criteria and methods that the board has specified in the regulations

(5) Expelled or dismissed because he/she violates the disciplines as of criteria and methods specified in the regulations

Section 35 For the sake of the administration of the Institute, the Minister may order government officials, employees, staffs, or other operators in any ministry, bureau, department, regional government office, local government office, state enterprise, or any other government agencies to work temporarily in the Institute, provided that they have received approval from the superiors or employers along with the conditions agreed upon the approval.

In case that government officials, staffs, or other operators as of the first paragraph have been approved to function as staffs of the Institute, it shall be deemed approval to resign from the government agencies or leave of absence for any other operations. Additionally, the time working for the Institute shall be accounted for the calculation of gratuity and pension, or any other benefits similarly to the operation for government agencies or full-time work depending on cases.

When the periods working in the Institute ends, the persons as of the first paragraph shall be placed or appointed to hold positions and receive salary in government agencies or original agencies at the positions not lower than the original positions as agreed.

## CHAPTER 5

### ACCOUNTING, AUDITING, AND EVALUATION OF THE INSTITUTE

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Section 36 Accounting of the Institute shall be prepared in compliance with international formats and criteria specified by the Board. Additionally, there shall be an internal audit regarding accounting and inventory of the Institute, as well as audit report submission to the Board at least once a year.

For an internal audit, there shall be an operator of the Institute functioning specifically as an auditor. Additionally, his/her responsibilities shall be under the direct supervision of the Board according to the procedures specified by the Board.

Section 37 The Institute shall prepare balance sheets, financial budget, and account books to submit to an internal auditor within 90 days from the end of each fiscal year.

During each fiscal year, Office of the Auditor General of Thailand or outside personnel, as appointed by the Board with the approval of Office of the Auditor General of Thailand, shall be an auditor and assess the expenditure of money and assets of the Institute with some opinions as the analysis how the expenditures are in compliance with the objectives, economical, and effective, and prepare the audit reports to be submitted to the Board.

Regarding this, the auditor shall have the authority to audit account books and other documentary evidence of the Institute, query the Director, an internal auditor, staffs, and employee, and additionally order submission of account books and other documentary evidence of the Institute as deemed necessary.

Section 38 The Institute shall prepare annual reports to be submitted to the Minister. These reports shall state performances of the Institute in the past year, active accounts, along with audit reports as well as explanation about policies of the Board, projects, and operational plans in the future.

Section 39 For benefits in enhancing efficiency and operational inspection of the Institute in compliance with the objectives, projects, and prepared plans, the Institute shall organize evaluation of the operations of the Institute within the period specified by the Board but it shall not be longer than 3 years.

Evaluation as of the first paragraph shall be prepared by an institute or organization, which is independent and capable of operational inspection of the Institute, as it shall be chosen by the methods specified by the Board.

Operational inspection of the Institute shall obviously state fact regarding effectiveness, efficiency, and organizational development, as well as in other details additionally specified by the Board.

In case that there is a provisionally necessary reason, it shall be able to organize occasional inspection as of this Section as well.

## CHAPTER 6

GOVERNANCE

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Section 40 The Minister shall have the authority to govern the operations of the Institute in compliance with laws and in correspondence with the objectives of the establishment of the Institute, government policies, and resolutions of the Cabinet relevant to the Institute. Regarding this, the Minister has the authority to order the Institute to render opinions or prepare reports, or inhibit any actions of the Institute in conflict with the objectives of the establishment of the Institute, government policies, or resolutions of the Cabinet relevant to the Institute, including to command investigation of fact regarding any operation.

## CHAPTER 7

CERTIFICATION AND ACCREDITATION LOGO

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Section 41 The Institute may implement regulations specifying certification or credentials in activities relevant to the objectives and scopes of the authority of the Institute.

Section 42 The Institute may register for an accreditation logo.

Specification of quality, types, categories, and components of the accreditation logo shall be declared by an announcement of the Institute and published in the Royal Thai Government Gazette.

The accreditation logo shall be used in any situation under the conditions according to the regulations of the Institute

Section 43 The Institute may implement a logo, mark, or symbol of the Institute or any part in the Institute as this shall be specified and announced in a Royal Thai Government Gazette.

PROVISIONAL CLAUSES

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Section 44 When this Royal Decree is enacted, the Minister proposes to the Cabinet to proceed as of Section 9 of the Public Organization Act 1999 (B.E. 2542) to approve the transfer of existing assets, rights, liability, and budgets of Bureau of Educational Testing, Office of the Higher Education

Commission, Ministry of Education on the date that this Royal Decree is enacted, except for the withheld budgets regarding regular salary and wages, to become the assets of the Institute according to this Royal Decree.

Section 45 In the initial stage, the Board preparing for the establishment of National Institute of Educational Testing Service under the command of Ministry of Education, referring to No. MUA 41/2547 with the subject of appointment of the Board for the preparation for the establishment of National Institute of Educational Testing Service dated on January 26, 2004, shall perform the duties of the Board according to this Royal Decree until the Board according to this Royal Decree takes the responsibilities, which shall not exceed 120 days since the date that this Royal Decree is enacted.

While there is no Director according to this Royal Decree, committees and the secretary under the command of Ministry of Education as of the first paragraph shall temporarily perform duties of the Director of National Institute of Educational Testing Service until there is an appointed Director according to this Royal Decree, which shall not be longer than 180 days from the date that this Royal Decree is enacted.

Section 46 Under the enforcement of Section 47 and Section 48, government officials and employees of Bureau of Educational Testing, Office of the Higher Education Commission, Ministry of Education, who hold the positions on the date that this Royal Decree is enacted, shall still be government officials and employees of Bureau of Educational Testing, Office of the Higher Education Commission, Ministry of Education, and perform their duties in the Institute according to this Royal Decree. Such actions shall be deemed as the operations by employees of Bureau of Educational Testing, Office of the Higher Education Commission, Ministry of Education.

Section 47 Government officials and employees of Bureau of Educational Testing, Office of the Higher Education Commission, Ministry of Education, who hold the positions on the date that this Royal Decree is enacted and voluntarily agree to become staffs or employees of the Institute, shall submit their written consent to their superiors according to the procedures specified by the Board in Section 45 within 60 days from the date that this Royal Decree is enacted. Additionally, they shall pass the selection process and evaluation according to the criteria and methods specified by the Board in Section 45, provided that such criteria and methods shall not contradict the criteria specified by the Cabinet according to Section 10 in Public Organization Act 1999 (B.E. 2542).

Placement and appointment through selection and evaluation as of the first paragraph shall be effective on the date that the Cabinet has passed a resolution to operate as of Section 44.

Section 48 Those who have been placed and appointed as staffs and employees as of Section 47 shall receive salary wages or payments according to positions, salary rates and wages as specified in Section 45 by the Board, and obtain other welfare and benefits so that the total amount shall not be less than the salaries, wages, payments, or welfare, and any other benefits, which government officials or employees have received from government agencies.

Transfer from government officials to become staffs of the Institute is deemed discharged from government agencies because the government has renounced or terminated the positions according to Gratuity and Pension for Official Act or Gratuity and Pension Fund for Official Act

Transfer from employees of government agencies to become employees of the Institute is deemed discharged from government agencies because the government has renounced the position or terminated the employment without any wrongdoing. Additionally, they shall receive gratuity according to the procedure of Ministry of Finance regarding gratuity of employees.

Section 49 Government agencies in the Bureau of Educational Testing, Office of the Higher Education Commission, Ministry of Education, which have been established before the date that this Royal Decree is enacted, are parts of the Institute until the procedures for the establishment of new agencies in the Institute have been implemented.

Section 50 While procedures, regulations, or restrictions of the National Institute of Educational Testing Services have not been implemented, the procedures, regulations, or restrictions of Bureau of Educational Testing, Office of the Higher Education Commission, Ministry of Education, shall be correspondingly applied in the parts related to the operations according to the scopes of the objectives or the authority of the Institute as of this Royal Decree effective before the date that this Royal Decree is enacted.

Countersigned by

Police Lieutenant Colonel Thaksin Shinawatra

Prime Minister



Note :- The reason to enact this Royal Decree is that it is necessary to establish an institute for educational testing service as the central organization in order to study, research, develop, and provide services regarding educational evaluation and educational examination. Additionally, it shall become the center for cooperation in educational testing services both in national and international levels. Moreover, the established institute shall be independent, flexible, and efficient in its administration and management. As it is deemed appropriate to establish the National Institute of Educational Testing Service as a public organization in compliance with the Public Organization Act, this Royal Decree shall therefore be enacted.