



On the Status of "Nazarbayev University", "Nazarbayev Intellectual Schools" and "Nazarbayev Fund"

Unofficial translation

Law of the Republic of Kazakhstan dated January 19, 2011 № 394-IV.

Unofficial translation

This Law defines the legal status and special legal regime for establishment and operation of "Nazarbayev University" (hereinafter referred to as the University), "Nazarbayev Intellectual Schools" (hereinafter referred to as Intellectual Schools) and "Nazarbayev Foundation" (hereinafter referred to as the Foundation).

Footnote. The preamble is as amended by the Law of the Republic of Kazakhstan dated 04.07.2023 № 15-VIII (shall be enforced ten calendar days after the date of its first official publication).

Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions used in this Law

The following basic definitions shall be used in this Law:

1) Autonomous Educational Organization – non-profit organization without membership established by the Government of the Republic of Kazakhstan, the legal status and special legal regime of activity of which shall be determined by this Law;

2) Intellectual Schools Organizations - non-profit organizations established by the Intellectual schools, other legal entities, fifty and more percent of voting shares (participations in share capital) of which belong to Intellectual schools on the right of ownership or trust management, as well as their subsidiaries;

3) The Nazarbayev University educational grant - a dedicated amount of money provided to the enrolled students under the state educational order to pay for education at the University at the appropriate level of education or at the preparatory department under the conditions established by this Law;

4) The Nazarbayev University scholarship - an amount of money provided to the enrolled student under the Nazarbayev University educational grant;

5) Extracurricular activity - the activity of the participants in educational process of the University and Intellectual Schools aimed at comprehensive development and implementation of individual abilities of students, carried out in the form of learning activities, the list of which is approved by the decision of the relevant school board;

6) University Innovation Cluster (hereinafter - the Innovation Cluster) - the association of research and innovation activity subjects located in the territory of the University, and suppliers of other goods (works, services) interrelated with them, complementary and

strengthening each other's competitive advantages due to a high degree of cooperation in framework of research and development, technology transfer, commercialization of projects, the creation and introduction of new or improved technologies and goods (works, services);

7) University Organizations - non-profit organizations established by the University, other legal entities, fifty and more percent of voting shares (participations in share capital) of which belong to the University on right of ownership or trust management, as well as their subsidiaries.

Footnote. Article 1 is in the wording of the Law of RK № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication).

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

1. The legislation of the Republic of Kazakhstan on the University, the Intellectual Schools and the Fund shall be based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. The legislation of the Republic of Kazakhstan regulating educational, scientific and (or) scientific and technical activity shall be applied to the University, the Intellectual Schools, their Organizations and the Fund in the part not regulated by this Law.

2-1. Public control at the University and Intellectual Schools is carried out in accordance with the Law of the Republic of Kazakhstan "On Public Control".

3. If an international treaty ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the Rules of the International Treaty shall apply.

Footnote. Article 2 as amended by the Laws of the RK № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 02.10.2023 № 31-VIII (shall be enforced six months after the date of its first official publication).

Article 3. The principles of activity of the University, Intellectual Schools and the Fund

The activity of the University, the Intellectual Schools and the Fund shall be based on the following principles:

1) the principle of academic freedom - the independence of the University and the Intellectual Schools in the development and selection of educational programs, forms and methods for the implementation of educational activity, directions of research;

2) the principle of integration of education, science and production - the inseparability of the educational process from scientific and practical activity at the University and the Intellectual Schools, ensuring strategic partnership with organizations of science and entrepreneurship;

3) the principle of autonomy and self-government - the apartness and independence of the University, the Intellectual schools and the Fund in financial and economic, administrative management, decision-making;

4) the principle of collegial decision-making - making decisions related to the activity of the University, the Intellectual Schools and the Fund, their Boards of Trustees, the Supreme Board of Trustees;

5) the principle of social responsibility and transparency - the development and participation of the University, the Intellectual Schools and the Fund in socially important projects in order to improve the welfare of society, ensuring information transparency in all areas of its activity.

Chapter 2. LEGAL STATUS OF THE UNIVERSITY

THE INTELLECTUAL SCHOOLS AND THE FUND Article 4. Legal Status of the University, the Intellectual Schools and the Fund

1. The University shall be an Autonomous Organization of Education created for the purpose of carrying out educational activity, including extended education, scientific and (or) scientific and technical activity, the creation of a modern educational, scientific infrastructure and other activities in accordance with its Charter.

The educational activity of the University shall be carried out according to the following levels of education:

- 1) post-secondary education;
- 2) higher education;
- 3) postgraduate education.

The University shall be an experimental platform developing, monitoring, studying, analyzing, approbating, implementing and realizing innovative programs in education and science.

2. The Intellectual Schools shall be an Autonomous Organization of Education created for the purpose of carrying out educational activity, including extended education.

The Intellectual Schools shall carry out educational activity at the following levels of education:

- 1) Primary school, including Pre-school education and training;
- 2) Lower secondary school;
- 3) Upper secondary school.

The Intellectual Schools shall have the right to carry out other activities in accordance with its Charter.

The Intellectual Schools shall be an experimental platform, developing, monitoring, studying, analyzing, approbating, implementing and realizing modern models of educational programs and technologies.

3. The founder of the University and the Intellectual Schools shall be the Government of the Republic of Kazakhstan.

4. The Fund shall be a non-profit organization established in the organizational and legal form of the Fund solely to provide funding for the activity of the University and the Intellectual Schools, as well as their Organizations.

Footnote. Article 4 as amended by the Laws of the RK № 61-V dated 26.12.2012 (shall be enforced from 01.01.2013); № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 5. Property of the University and the Intellectual Schools

1. The property of the University and the Intellectual Schools shall be formed by:

1) target contributions of the founder;

2) state property transferred by the decision of the Government of the Republic of Kazakhstan;

3) voluntary property contributions and donations;

4) financing provided by the Fund;

5) receipts (incomes) from the sale of goods, works, services in cases established by the legislation of the Republic of Kazakhstan;

6) dividends (incomes, remuneration (interest) received on shares, bonds and deposits);

7) other receipts not prohibited by the Laws of the Republic of Kazakhstan.

The property of the University and the Intellectual Schools, formed in accordance with this paragraph, belongs to them by right of ownership.

The University and the Intellectual Schools shall use their property exclusively to achieve the purposes of their creation.

2. The University and the Intellectual Schools, as well as their Organizations, shall be entitled to receive a State assignment, a State educational order and a State order for the provision of a guaranteed volume of free medical care in accordance with the legislation of the Republic of Kazakhstan.

2-1. Autonomous Educational Organization shall have the right to:

1) reallocate the funds of the target contribution in accordance with the instructions of its supreme governing body or the Chairman of the Supreme Board of Trustees;

2) redistribute the target contribution funds resulting from savings on expenditures allocated for capital investments, as well as on expenditures not related to capital expenditures, between organizations of Autonomous Educational Organization and (or) areas of expenditures in accordance with the statutory goals for their development.

The funds of the target contribution that have not been used (under-used) during the financial year can be transferred to subsequent financial years by the decision of the Board of Trustees of the Autonomous Educational Organization.

2-2. The transfer of the State property to the ownership of Autonomous Educational Organizations on the basis of subparagraph 2) of paragraph 1 of this Article shall be carried out free of charge in the manner established by the legislation of the Republic of Kazakhstan. State-owned land plot shall be provided to the University free of charge in the manner established by the Land Code of the Republic of Kazakhstan.

3. The founder shall not have property rights to the property of Autonomous Educational Organizations.

The founder shall not be responsible for the obligations of the Autonomous Educational Organizations created by him, and they shall not be responsible for the obligations of the founder.

Footnote. Article 5 as amended by the Laws of the RK No 557-IV dated 16.02.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. The governing bodies of the University, the Intellectual Schools and the Fund

1. The Supreme governing body of the University, the Intellectual Schools and the Fund shall be the Supreme Board of Trustees.

The Chairman of the Supreme Board of Trustees is the President of the Republic of Kazakhstan or a person appointed by the President of the Republic of Kazakhstan.

The regulations on the Supreme Board of Trustees are approved by the Chairman of the Supreme Board of Trustees.

2. The structure, competence, order of formation, terms of powers of members of the Supreme Board of Trustees, the procedure for making decisions by it shall be determined by this Law, as well as by the provision on the Supreme Board of Trustees.

3. The competence of the Supreme Board of Trustees shall include:

1) approval of the long-term development strategies of the University, the Intellectual Schools and the Fund;

2) approval of the procedure for disposal of property;

3) introduction of amendments and additions to the Charter of the University, the Intellectual Schools and the Fund, their adoption in a new edition;

4) formation of the Board of Trustees of the University, the Intellectual Schools and the Fund, the appointment and termination of powers of members of the Board of Trustees;

5) making decisions on reorganization, liquidation of the University, the Intellectual Schools and the Fund;

6) other powers in accordance with the provision on the Supreme Board of Trustees.

4. The governing bodies of the University, the Intellectual Schools and the Fund, which carry out the general management of their activity shall be permanently operating Boards of Trustees.

The structure, competence, order of formation, terms of powers of members of the Boards of Trustees of the University, the Intellectual Schools and the Fund, the order of their decisions shall be determined by this Law, as well as their Charters.

5. The competence of the University Board of Trustees, the Intellectual Schools and the Fund shall include:

- 1) approval of annual and medium-term budgets;
- 2) determining the number of members of the executive bodies of the University, the Intellectual Schools and the Fund, the election of their leaders and members or persons solely performing the functions of the executive body, as well as the early termination of their powers;
- 3) approval of the rules for the procurement of goods, works, services;
- 4) other powers in accordance with this Law, the legislation of the Republic of Kazakhstan, the Charters of the University, the Intellectual Schools and the Fund.

6. The Board of Trustees of the University and the Intellectual schools includes representatives of the founder, teachers and scientists, representatives of public associations and other persons. Civil servants participate in the management of the University, the Intellectual schools and the Foundation when they are appointed to the governing bodies of these legal entities.

7. The management of the current activity of the University, the Intellectual Schools and the Fund shall be carried out by their executive bodies. The executive bodies can be collegial or sole.

The executive bodies of the University, the Intellectual Schools and the Fund act on the basis of and pursuant to the decisions of the Supreme Board of Trustees, the Board of Trustees of the University, the Intellectual Schools, the Fund and reported to them.

The structure, competence, order of formation and terms of powers of the executive bodies of the University, the Intellectual Schools and the Fund shall be determined by their Charters.

8. The University, the Intellectual Schools and the Fund may create other bodies in accordance with their Charters.

Footnote. Article 6 as amended by the Laws of the RK № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication); № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 27.12.2019 № 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 04.07.2023 № 15-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 7. Reorganization, liquidation of the University, the Intellectual Schools and the Fund

1. The University, the Intellectual Schools and the Fund shall be subject to reorganization, liquidation in accordance with this Law, the legislation of the Republic of Kazakhstan and their Charters.

2. In case of liquidation of the University, the Intellectual Schools, the Fund, the property remaining after satisfaction of the claims of creditors shall be directed to the goals specified in their constituent documents.

Chapter 3. SPECIAL LEGAL MODE OF THE ACTIVITY

OF THE UNIVERSITY, THE INTELLECTUAL SCHOOLS AND THE FUND Article 8.

Licensing, certification and accreditation of educational activities of the University and the Intellectual Schools

1. The University, the Intellectual Schools, their Organizations, as well as foreign legal entities introducing and (or) implementing educational programs at the University and (or) the Intellectual Schools shall carry out educational activity without a license.

2. The State attestation, provided by the legislation of the Republic of Kazakhstan on education, in respect of the University and the Intellectual Schools shall not be carried out.

3. Accreditation of the University and the Intellectual Schools, their Organizations shall be carried out by an accreditation body, including foreign ones, by a specific decision of the relevant Board of Trustees.

Footnote. Article 8 as amended by the Laws of the RK № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. Features of implementation the educational activity by the University and its Organizations

Footnote. The headline of the Article 9 is in the wording of the Law of RK № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication).

1. The University and its Organizations carry out educational activity on the basis of independently developed educational programs, as well as educational programs of foreign partners.

The University independently determines the directions and approves the list of extracurricular activities.

Pastoral work shall be carried out by the University in accordance with the concept of pastoral work and the formation of Kazakhstan patriotism, approved by the University Board of Trustees.

2. The order of organization of educational activity, quality management of education and implementation of educational monitoring, admission to training, monitoring of progress, intermediate and final attestation of students shall be determined by the University and its Organizations independently in accordance with their Charters.

3. The University and its Organizations independently approve the form of the contract for the provision of educational services.

4. Organizations of the University that carry out educational activity shall issue documents on the appropriate level of education and (or) qualification to persons who have completed training in the educational programs implemented in them and have passed the final attestation. The form of education certificates and the procedure for filling them out shall be approved by the organizations themselves.

5. The University issues documents on the appropriate level of education and (or) qualifications to persons who have completed training in the educational programs implemented in it and have passed the final attestation. The uniform form of education certificates and the procedure for filling them out shall be approved by the Board of Trustees of the University.

6. The documents on the appropriate level of education and (or) qualifications issued by the University and its Organizations shall give their holders the rights provided for holders of educational certificates of the State standard.

Footnote. Article 9 as amended by the Laws of the RK №337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10. Features of implementation the educational activity by the Intellectual Schools

1. The Intellectual Schools shall implement independently developed educational programs, as well as educational programs of foreign partners.

Educational programs shall be implemented in the Intellectual Schools according to the levels of education established by this Law.

The Intellectual Schools independently determine the directions and approve the list of extracurricular activities.

Pastoral work shall be carried out by the Intellectual Schools in accordance with the concept of pastoral work and the formation of Kazakhstan patriotism, approved by the Board of Trustees of the Intellectual Schools.

2. The Intellectual Schools independently approve the rules of:

- 1) admission to study;
- 2) educational activity, including extracurricular activities;
- 3) experimental activity;
- 4) ongoing monitoring of progress, intermediate and final attestation of students;
- 5) external evaluation of the educational achievements of students;
- 6) educational monitoring and evaluation of the quality of education;
- 7) professional development of teachers;
- 8) certification of teachers and frequency of its conduct.

The quality management of education in the Intellectual Schools shall be carried out in the manner determined by the Intellectual Schools independently.

3. Is excluded by the Law of RK № 501-V dated 09.04.2016 (shall be enforced from 01.01.2017).

4. The Intellectual Schools shall issue to persons who have completed training in implemented educational programs and have passed the final attestation, documents on the appropriate level of education, which shall be equal to the State education certificates. The uniform form of education certificates and the procedure for filling them out shall be approved by the Board of Trustees of the Intellectual Schools.

5. Is excluded by the Law of RK № 501-V dated 09.04.2016 (shall be enforced from 01.01.2017).

6. Intellectual schools annually publish an annual report on educational activities on official Internet resources.

Footnote. Article 10 as amended by the Laws of the RK № 61-V dated 26.12.2012 (shall be enforced from 01.01.2013); № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication); № 501-V dated 09.04.2016 (shall be enforced from 01.01.2017); dated 27.12.2019 № 294-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication); dated 23.02.2024 № 64-VIII (shall be enforced upon expiration of sixty calendar days after the day of its first official publication).

Article 11. Implementation of scientific and (or) scientific and technical activity by the University

1. The University carries out scientific and (or) scientific and technical activity, conducts scientific research at the expense of grant, program-targeted funding and other sources of funding not prohibited by the legislation of the Republic of Kazakhstan.

2. The university shall has the right to create branch scientific centers.

3. The University and its branch scientific centers shall be exempted from the accreditation of their scientific and (or) scientific and technical activity provided by the legislation of the Republic of Kazakhstan on Science.

4. The university shall has the right to participate in the practical application (commercialization) of the results of scientific and (or) scientific and technical activity.

The incomes of the University and its branch scientific centers, obtained as a result of the practical application (commercialization) of the results of scientific and (or) scientific and technical activity, shall be aimed exclusively to their development.

Article 12. Features of recruitment of foreign employees by the University, the Intellectual Schools and the Fund

1. The University, the Intellectual Schools, their Organizations, as well as the Fund shall recruit the foreign employees to the positions of managers and specialists with higher education without obtaining permission for recruitment of foreign employees.

2. A document giving the right to engage in medical activity or certifying to a qualification category received by specialists abroad invited to carry out professional medical activity at the University or its medical organizations shall be equated to a specialist certificate without assigning a category valid in the territory of the Republic of Kazakhstan.

Article 12-1. Grant and scholarship support for the educational process at the University and the Intellectual Schools

1. Training at the University is carried out on the basis of the educational grant "Nazarbayev University", other grants and scholarships, as well as on a fee basis.

The Nazarbayev University educational grant can be awarded to the citizens of the Republic of Kazakhstan, stateless persons permanently residing in the territory of the Republic of Kazakhstan admitted for training at the University, as well as foreigners in accordance with international treaties of the Republic of Kazakhstan.

2. The quota for admission of foreigners and stateless persons who shall have the right to study at the University at the expense of the Nazarbayev University educational grant shall be annually determined by the Government of the Republic of Kazakhstan within the approved the State educational order. The proposal on the size of the admission quota shall be made by the University to the authorized body in the field of education.

3. The award of the Nazarbayev University educational grant to the students shall be made by the University independently in accordance with the Charters and internal documents of the University.

4. The University independently shall manage the funds of the Nazarbayev University educational grant, ensuring its targeted use by award, deprivation or redistribution among students.

5. When forming the cost of the Nazarbayev University educational grant, the expenses associated with the organization of the educational process of the University shall be taken into account. The item of expenses that accounted for the cost of the Nazarbayev University educational grant shall be approved by the University Board of Trustees.

The norms of expenses considered in the cost of the Nazarbayev University educational grant shall be approved in accordance with the internal documents of the University. The procedure for the appointment and payment of Nazarbayev University scholarships shall be determined in accordance with the internal documents of the University.

The amount of the Nazarbayev University educational grant shall be considered by the authorized body in the field of education on the basis of the application of the University and approved by the Government of the Republic of Kazakhstan.

6. Payment for training of gifted children in Intellectual schools is carried out by awarding them an educational grant of the President of the Republic of Kazakhstan "Orken" on a competitive basis.

The rules for awarding and the size of the educational grant of the President of the Republic of Kazakhstan "Orken" are approved by the authorized body in the field of education.

7. The University and the Intellectual Schools shall have the right to establish other educational grants, scholarships and payments to the students at their own expense or other sources not prohibited by the legislation of the Republic of Kazakhstan. The amount and procedure for the provision of other educational grants, scholarships and payments shall be determined by the University and the Intellectual Schools independently.

Footnote. Chapter 3 is supplemented by Article 12-1 in accordance with the Laws of the RK № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Laws of the RK № 91-VI dated 11.07.2017 (shall be enforced upon expiry of ten calendar days after its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 04.07.2023 № 15-VIII (shall be enforced ten calendar days after the date of its first official publication).

Article 12-2. Innovative cluster

1. The elements of the infrastructure of the innovative cluster shall be:

- 1) University;
- 2) Schools and University research centers;
- 3) central office for science;
- 4) commercialization office;
- 5) experimental workshop;
- 6) contract research center;
- 7) business incubator;
- 8) science park;
- 9) technology park.

2. The participants of the innovative cluster shall be assigned one of the following categories:

- 1) innovator;
- 2) innovative company;
- 3) high-tech company;
- 4) research center.

3. The category "innovator" shall be assigned to an applicant who meets the following conditions:

- 1) the applicant shall be an individual;
- 2) the applicant carries out scientific, scientific and technical activity and (or) developmental works and shall be a participant in the process of commercialization of the

obtained results of scientific research, scientific, scientific and technical activity and developmental works on the basis of the commercialization office, experimental workshop;

3) the activity of the applicant shall be aimed at technology transfer, the creation and (or) promotion of new or improved industries, technologies, goods (works, services) that are the result of research and development.

4. The category "innovative company" shall be assigned to an applicant that meets the following conditions:

1) the applicant shall be a legal entity or a branch, a representative office of a legal entity, including a foreign one;

2) the applicant shall be a participant in the process of commercialization of the results of scientific research and development work based on a business incubator, technology park, science park, contract research center;

3) the activity of the applicant shall be aimed at technology transfer, the creation and (or) promotion of new or improved industries, technologies, goods (works, services) that are the result of research and development.

5. The category "high-tech company" shall be assigned to the applicant that meets the following conditions:

1) the applicant shall be a legal entity;

2) the applicant shall be a participant in the science park and his activity shall be focused on the production of products included in the list of activities for the production of high-tech products, approved by the Government of the Republic of Kazakhstan.

6. The category "research center" shall be assigned to an applicant that meets the following conditions:

1) the applicant shall be a legal entity or a branch, a representative office of a legal entity, including a foreign one;

2) the applicant shall be a participant in the science park and carries out research and development activity.

7. The rules for selection, assignment and deprivation of the status of a participant of an innovative cluster, as well as the procedure for the activity of an innovative cluster, shall be approved by the University Board of Trustees.

8. The University and its Organizations shall provide the participants of the innovative cluster with support measures in the manner determined by the University Board of Trustees.

The support measures provided by the University and its Organizations to the participants of the innovative cluster shall include:

1) financing, including co-financing, leasing financing and grant financing of projects of participants of the innovative cluster;

2) making investments in the authorized capital of participants of the innovative cluster;

3) providing participants of the innovative cluster with qualified human resources;

4) placing orders for research projects to the participants of the innovative cluster;

- 5) providing participants of the innovative cluster with necessary premises;
- 6) providing participants of the innovative cluster with access to the laboratory equipment of the University and its Organizations, as well as the library funds of the University;
- 7) other support measures determined by the University Board of Trustees.

Footnote. Chapter 3 is supplemented by Article 12-2 in accordance with the Laws of the RK № 337-V dated 21.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 13. Final provisions

1. This Law shall be enforced upon expiry of ten calendar days after its first official publication.

2. Within six months from the enforcement of this Law, the founder shall make the decision on establish of the University and the Intellectual Schools, including by reorganizing the relevant legal entities with the State participation in the authorized capital.

3. Prior to the adoption by the Supreme Board of Trustees of the Charters of the University, the Intellectual Schools and the Fund, the specified organizations shall act on the basis of the Charters approved by their founders.

*The President
of the Republic of Kazakhstan*

N. Nazarbayev