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Canada and South Asia

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Several studies conducted over the past decade have clearly emphasized the negative impact of corruption on the economic, social and political development of countries, due to the increased transaction costs, the reduction in the efficiency of public services, the distortion of the decision-making process, and the undermining of social values. They have also shown a strong correlation between corruption and poverty: statistical regressions suggest that an increase in the per capita income of a country by US$4,400 will improve its ranking on the index of corruption (international scale) by two points.[1] Moreover, it has been observed that corruption tends to contribute to the reinforcement of inequities, by placing a disproportionate economic burden on the poor, and limiting their access to public services.

As a consequence, fighting corruption has become a major concern for policy makers and actors involved in development. In view of the decrease in the international flow of aid and the more stringent conditions for the provision of aid – due to growing tensions on public resources within donor countries, and the pressure exerted by tax payers on governments to increase transparency and accountability in resource management – it is regarded today as a major priority on the agenda of countries and of international agencies of development co-operation. The Drafting Committee of the World Education Forum has expressed this concern in the following terms: "Corruption is a major drain on the effective use of resources for education and should be drastically curbed".[2]

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1. Mauro, P. 1995. "Corruption and growth". In: *Quarterly Journal of Economics, 110*(3), 681-712.
2. UNESCO. 2000. *Dakar Framework for Action. Education for All: meeting our collective commitments.* Adopted by the World Education Forum, Dakar, Senegal, 26-28 April 2000. Extended commentary on the Dakar Action Plan (par. 46).

A rapid review of the literature shows that a number of attempts have already been made to tackle the issue of corruption both globally and sectorally. In the social sector, for example, several studies have been conducted on corruption in the provision of health care services. However, it appears that the education sector has not been given proper attention by national education authorities and donors, despite the many grounds for attaching a particular priority to the challenge of combating corruption in education:

No public sector reform aiming at improving governance and limiting corruption phenomena can obtain significant results as long as the case of education has not been properly addressed – given the importance of the education sector, which in most countries, is the first or the second largest public sector both in human and financial terms.

Any attempts to improve the functioning of the education sector in order to increase access to quality education for all, cannot prove successful if problems of corruption, which have severe implications for both efficiency in the use of resources and for quality of education and school performance, are not being properly dealt with.

Lack of integrity and unethical behaviour within the education sector is inconsistent with one of the main purposes of education; that is, to produce 'good citizens', respectful of the law, of human rights and fairness (it is also incompatible with any strategy that considers education as one of the principle means of fighting corruption).

In this context, the IIEP launched a new research project within the framework of its Medium-Term Plan for 2002-2007, which deals with 'Ethics and corruption in education'. Corruption is defined as "the systematic use of public office for private benefit that results in a reduction in the quality or availability of public goods and services". The main objective of this project is to improve decision-making and the management of educational systems by integrating governance and corruption concerns in methodologies of

planning and administration of education. More specifically, it seeks to develop methodological approaches for studying and addressing the issue of corruption in education, and collect and share information on the best approaches for promoting transparency, accountability and integrity in the management of educational systems, both in developing and industrialized countries.

The project includes works on topics of relevance such as teacher behaviour, school financing, textbook production and distribution, and academic fraud. It also includes monographs on success stories in improving management and governance, as well as case studies which facilitate the development of methodologies for analyzing transparency and integrity in education management.[3]

The IIEP undertook a number of initiatives to study and document challenges in designing and implementing teacher codes of conduct. This required the inclusion of a wide variety of experiences from both developing and industrialized countries. B.P. Khandelwal was asked to co-ordinate a comparative study on the perception of the impact of the codes of conduct on the quality and efficiency of education in South Asia. S. Van Nuland was invited to produce a study on standards for the teaching profession in Ontario. A selected number of experiences from a sample of countries are also included for reference.

The IIEP is very grateful to all the contributors of this book for their valuable insights and would like to thank them accordingly.

Jacques Hallak and Muriel Poisson

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3. An information platform, called ETICO, has also been created within the framework of the project. It is available on the IIEP's web site, at the following address: http: www.unesco.org/iiep/eng/focus/etico/etico1.html.

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List of abbreviations

AEFO	*Association des enseignantes et enseignants franco-ontariens*
BA	Bachelor of Arts
BANBEIS	Bangladesh Bureau of Educational Information and Statistics
CERID	Research Centre for Educational Innovation and Development
CNO	College of Nurses of Ontario
CODE	Council of Directors of Education
CPI	Corruption Perception Index
CTEVT	Council for Technical Education and Vocational Training
DD	Deputy Director
DDO	Drawing and Disbursing Officer
DEO	District Education Office
DG	Director-General
DIA	Directorate of Inspection and Audit
DSHE	Directorate of Secondary and Higher Education
EIC	Education Improvement Commission
FWTAO	Federation of Women Teachers Association of Ontario
GTC	General Teaching Council
IA	Intermediate of Arts
MEB	Madrasa Education Board
MoE	Ministry of Education
MoES	Ministry of Education and Sports
MOPME	Ministry of Primary and Mass Education
NAEM	National Academy for Educational Management
NAPE	National Academy for Primary Education

NBPTS	National Board for Professional Teaching Standards
NCTB	National Curriculum and Textbook Board
NER	Net Enrolment Rate
NESP	National Education System Plan
NIEPA	National Institute for Educational Planning and Administration
OECTA	Ontario English Language Teachers Association
OPSTF	Ontario Public School Teachers Federation
OSSTF	Ontario Secondary School Teachers Association
OTF	Ontario Teachers' Federation
RC	Resource Centre
SEDU	Secondary Education Development Unit
SLC	School Leaving Certificate
SMC	School Management Committee
TC	Transfer Certificate
UP	Uttar Pradesh

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Preface
Teacher codes of conduct: a foregone topic for educational planners?

Plans for increasing access and improving the quality of education – such as Education for All – generally focus on the use of quantitative data (for example, the number of teachers by age/grade/status/level of qualification and pupil/teacher ratios) to document and advise policy-makers in addition to establishing strategies for the implementation of reforms, plans and projects. Similarly, studies that assess and evaluate educational achievement often use input, output, process and outcome data linked to the status, level of education and experience of teachers, teacher/classroom interactions and so forth, thus addressing key policy issues concerning the use of education personnel. Evaluators, planners and policy analysts, however, often simply ignore what can be dubbed 'intangible inputs': the professional and ethical commitments of teachers and staff, transparent systems for collecting and disseminating information, effective systems of accountability and monitoring, reliable judiciary, etc. These 'intangible inputs' are, however, crucial to the delivery of quality education.

Indeed, misbehaviour in many forms can disturb the implementation of planned interventions and, in particular, the correct functioning of the teaching/learning process. It can include: demands for unauthorized school admission or examination fees, absence of teachers from schools, leakage of examination papers, abuse of the teacher-student relationship for private gain, embezzlement of school funds, etc. The cost of unethical behaviour can be very high, as the issue of teacher absenteeism illustrates (for example, the *World development report 2004* found that one third of all teachers in Uttar Pradesh, India, were absent). Moreover, teachers who indulge in unethical

practices are arguably unfit for teaching universal values such as civic education, moral values, honesty and integrity.

To curb malpractice, various countries have developed professional codes of conduct in the education sector. Their main objectives are: to enhance commitment, dedication and efficiency of service among members of the profession by formulating a set of recognized *Ethical Standards* to which all members of the profession must adhere to; to provide self-disciplinary guidelines for members of the profession by creating norms of professional conduct; and to obtain the community's confidence in and support for the profession by emphasizing the social responsibilities of the profession towards the community. By building better teaching and learning environments, these codes contribute significantly to the quality of learning.

The model used for the codes varies greatly from country to country. In some cases, they deal with the overall education profession, while others deal only with teachers. In some places, they were developed by authorities in charge of the public sector, such as the Ministry of Education (Bangladesh, India, Nepal); in others, they are designed by an autonomous body (Hong Kong) or by teacher organizations themselves (the Province of Ontario in Canada). They usually cover a number of issues, such as: admission to schools; management of teachers; service conditions of teachers and staff, including codes of conduct applicable to them; examinations; evaluation and certification procedures; and mobilization and disbursement of financial and other resources.

In a few countries, specific mechanisms or bodies have been established to ensure enforcement of the codes. For example, in Hong Kong the Council of Professional Conduct in Education is responsible for ensuring that teachers comply with professional codes of practice. Most of the bodies created, including the Hong Kong Council, have an advisory role. Likewise, the Ontario Teachers' Federation does not have the power to revoke the registration of a teacher for misconduct; this is the prerogative of

the Ministry of Education. A few exceptions do however exist: the General Teaching Council (GTC) in Scotland, for example, which functions as a self-regulatory body, is allowed to cancel teachers' registration.

Given the importance of this issue, the IIEP has decided to devote a special publication to codes of conduct. This book includes three separate, though interrelated and complementary, parts:

Section One of the report deals mainly with a case study on the Province of Ontario in Canada. In many respects, this experience is unique and to some extent it can be regarded as a 'success story'. Often, governments develop codes of conduct for teachers and impose them on the teaching body; in Ontario it is a self-regulating body – of the type common to the medical, legal and engineering professions – that determines the applicable code of conduct. An important distinction is made between '*Standards of Practice*' and '*Ethical Standards*'. This section of the book describes the process followed in establishing and approving the standards as well as the approach taken by the special body charged with communicating and implementing the standards; and examines how both the *Standards of Practice* and *Ethical Standards* are actually being used by the teaching profession, leading towards a self-governing profession and an integral disciplinary process that provides a mechanism for controlling inappropriate professional conduct. This means that teachers feel they are recognized as genuine professionals and become more demanding in applying and improving codes of conduct. When *Standards of Practice* and *Ethical Standards* are authentic, current and applicable, they may be viewed as true systems of accountability.

Section Two reports on the findings of a comparative study undertaken by the IIEP on perceptions of the role of codes of conduct in Bangladesh, India and Nepal. The study reveals that codes are seen as useful instruments by all actors – teachers, administrators and supervisors – in the educational sector. The general feeling is that codes have a positive and significant impact in improving the commitment, professional behaviour and performance of teachers and staff, and do contribute to reducing

teacher absenteeism. For example, in the State of Uttar Pradesh in India, improvement in the quality of education is partly attributed to the effective implementation of codes in some of the provinces. However, the study also shows that the impact of codes is sometimes questionable due to limited access to them, difficulties in understanding them, absence of training for teachers, a dearth of knowledge about procedures for lodging complaints, lack of capacity for their enforcement and pressure exerted by teacher unions. Suggestions aimed at planners and policy-makers on strengthening and improving the credibility of the codes and their impact on the coverage, quality, and efficiency of schooling are proposed. They include: simplifying and making the codes more relevant; building ownership by involving the teaching profession in their design and implementation; ensuring their wide dissemination; strengthening mechanisms for dealing with complaints; and integrating issues on teachers' professional conduct into various pre-service and in-service teacher training courses.

Section Three includes a number of useful brief presentations of experiences of a selected number of countries, such as Hong Kong, that have successfully developed and implemented codes of conduct in the teaching profession. These references provide a diversity of coverage on the codes as well as approaches and modalities for implementation. They are meant to serve as additional sources of information for countries involved in the process of introducing and/or improving on existing codes of conduct.

The various experiences included in this book demonstrate that adherence to codes of conduct can greatly contribute to the establishment of a more favourable educational environment, thereby directly influencing the quality of education. Moreover, codes can assist in achieving the aims of the education system in general by promoting ethics and thus facilitating the teaching and learning of universal values.

The IIEP would like to thank the various contributors to this book and in particular the team of authors who carried out the comparative study on South Asia (H.R. Bajracharya, K. Biswal, E.A. Dewan) led by

B.P. Khandelwal, and S. Van Nuland who produced the study on Ontario and contributed greatly to the production of the third section dealing with examples of codes of conduct developed in various countries.

<div align="right">Jacques Hallak and Muriel Poisson</div>

Section One
Standards for the teaching profession: the Ontario experience*

by Shirley Van Nuland
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Executive summary

In establishing codes of conduct for teachers, it is often governments through their specific education act or regulation that develop the codes and impose them on the teaching body. For other professions (such as doctors, lawyers and engineers), it is generally the self-regulatory body that determines the code of conduct. The Government of Ontario, Canada chose to follow the second route by establishing the Ontario College of Teachers, charged with developing the standards for teachers.

Two sets of standards were developed by the Ontario College of Teachers. The *Standards of Practice for the Teaching Profession* were the first set of standards to be constructed. Literature review, focus group interviews, formal discussion groups, telephone interviews, summary reports and the further collection of qualitative data from members of the education community and public were used in developing these standards. Over a six-month period, approximately 600 people were involved in the process. The final document was approved by the College's Governing Council in November 1999. It consisted of five interdependent standards: *Commitment to Students and Student Learning*; *Professional Knowledge*; *Teaching practice*; *Leadership and the Community*; *Ongoing Professional Learning*; and development of the *Ethical Standards for the Teaching Profession*.

The development of this second set of standards, the *Ethical Standards for the Teaching Profession*, in practice parallels that of the *Standards of Practice*. The purposes of the *Ethical Standards*, approved in June 2000, are: to clarify the ethics of the profession; to inspire a quality of behaviour that reflects the honour and dignity of the profession; to encourage and emphasize those positive attributes of professional conduct that characterize strong and effective teaching; and to enable the profession to declare itself publicly accountable. These standards apply to educators and their

professional relationships with students in the areas of confidentiality, respect, professional environment, co-operation with other professionals, and professional responsibilities.

In order to ensure the enforcement of the standards, the College developed a formal plan outlining a phased-in implementation, albeit 2 years after the *Standards of Practice* were introduced. The implementation and communication plan, practical in both content and process for the *Standards of Practice*, was introduced.

Several College committees are involved in ensuring that the public teaching body provides safe and appropriate instruction for students. The Discipline Committee determines an allegation of incompetence or professional misconduct of a College member based on the Professional Misconduct Regulation. When professional misconduct is proven, a college member can face a range of disciplinary actions, from a reprimand to revocation of teaching certification. The role of the Investigation Committee is to investigate complaints against members of the College involving professional misconduct, incompetence or incapacity. Since the institution of the College in October 2003, it has disciplined 142 members: Eighty have had their certification revoked and 62 have received some form of disciplinary action.

This paper reviews the development of standards that relate directly to teacher practice. It summarizes the context for change and development, and outlines the process of development and the implementation and use of the standards. It concludes by suggesting recommendations based on practice in the development of the standards, such as the need: to involve teachers in the initial determination of standards and include, during the implementation phase, active discussion with teachers involved in their development; to develop appropriate resources (a resource package of print material such as case studies, videos and posters) to explain the standards to all educators; to involve teachers in the development of and operation of a valid assessment system determining whether teachers have attained

the standards; and to develop a mechanism for full-time continuous review of professional decision-making bodies to guard against the self-serving interests of the profession.

Introduction

Teacher conduct has the greatest impact in the classroom when it is credible, ethical and has at its heart the care and well-being of children. In a case heard before the Supreme Court of Canada, it was ruled that "teachers are very properly expected to maintain a higher standard of conduct than other employees because they occupy such an extremely important position in society".[4] Teachers are expected to be positive role models inside and outside the classroom. This paper reviews the development of both the *Standards of Practice* and *Ethical Standards* for the teaching profession in Ontario schools. It provides the context for change and development, the process of development and the implementation and use of the standards, and suggests recommendations based on Ontario's experience in the development of standards. The *Standards of Practice* and *Ethical Standards* are used by the Ontario College of Teachers to accredit teacher education programmes at faculties of education in Ontario universities. The accreditation process of the pre-service programme at Nipissing University in 2003 as it applies to the standards is outlined. Since the initial work resulting in standards was completed, a review process has begun and its current progress is described. The impact of these standards can be far-reaching, as this research shows.

4.   Toronto (City) Board of Education v. O.S.S.T.F., District 15 [1997] 1 S.C.R. 487.

Chapter 1
Design and development of the standards

1.   Background and context

In the 1990s, Ontario society was characterized by a turbulence that caused apprehension and anxiety (Anisef and Johnson, 1993; Royal Commission on Learning, 1994). From the mid-1980s to the mid-1990s, the province, together with the rest of Canada and other industrialized countries, experienced a severe and unexpectedly long recession. Everywhere some form of 'doing more with less' was being touted as the way of the future in Ontario (Harris, 1995). There were criticisms that school systems were ineffective and did not adequately prepare students for their future (Lewington and Orpwood, 1993; Radwanski, 1989). For the first time in provincial history, a social democratic government gained power in 1990 and this government mandated that a Royal Commission on Learning be established, the first in 30 years.

It was in this climate in 1995 that discussions about a self-regulatory agency for teachers were held and the climate was stormy. Ontario was in the midst of extensive educational restructuring in all areas – administrative, curricular, financial – that dramatically altered and reformed education. The desire for a more relevant and an affordable, efficient system of education was part of the accountability theme that pervaded all aspects of the newly elected conservative government's position in 1995.

Restructuring and reduction of the number of school boards (from 129 to 72) took place. There was decreased funding for classrooms and downsizing of the senior school board administrators and trustees, with limitations on administrative costs and trustee honoraria. These actions were intended to reduce administrative costs, create structures that were more

cost effective and efficient, and provide uniformity in services and facilities for all school boards.

The areas of curriculum and testing were radically reformed. A province-wide curriculum with performance standards was developed for all grades and in all areas of study. This new curriculum detailed expectations (such as "particular knowledge, and skills that students are expected to demonstrate at the end of each course"; Ministry of Education, 2000: 3) and outlined descriptors of achievement levels with the intent of assisting teachers as they assess and evaluate student work. A new independent agency, the Education Quality and Accountability Office (EQAO), was established to oversee annual tests in reading, writing and mathematics in grades 3, 6, 9 and 10, with test results being made public. A standard report card for all schools was developed. Mandatory school councils to advise schools and school boards were established with the intent of providing for greater parental involvement at the local school level. Even with the newly elected liberal government in 2003, elements of these reforms were still occurring in Ontario. These changes did not occur because of one incident or one report; rather there were many factors (politics, economics, social unrest) contributing to these shifts.

In January 1995, the Royal Commission on Learning released its five-volume report *For the love of learning*. In it, the commissioners discussed professional issues, teacher education, performance evaluation and leadership. They argued that given the complexity of Ontario's education system, it was in "the best professional interests of educators" (The Educators, 1994: 9) to shift governance issues to a self-governing body. They noted that this would give "teaching full professional status" (The Educators, 1994: 9) and was a logical step in view of educational trends. The Royal Commission on Learning report cited the various pieces of legislation (such as the Education Act, R.S.O. 1990 and the Teaching Profession Act) that regulated admission, certification and practice for teaching in Ontario. At that time, governance was exercised by the universities (through control

of teacher education) and the Minister of Education and Training (through control of the certification process). The commissioners argued that "as long as these crucial areas of governance in teaching remained outside the control of teachers, the profession of teaching would remain in a state of limited development" (The Educators, 1994: 9).

Moreover, they noted that:

"In proposing a College of Teachers as a professional body of teachers at arm's length from the federation, the commission seeks to complete the development of teaching as a mature self-governing profession. We believe that practitioners in the profession are most qualified to establish what is required for a teacher to function effectively and decide which programmes constitute appropriate professional preparation and in-service. Finally, *we believe that teachers themselves, in partnership with the broader community, should define professional conduct and practice* [emphasis added] ... In order to set up the college, the 1944 Teaching Profession Act and the Education Act would have to be amended to allow establishment of an Ontario College of Teachers." (The Educators, 1994: 10-11).

At the time of the Royal Commission, teachers in Ontario belonged to the Ontario Teachers' Federation (OTF) as the umbrella group and to one of its five affiliates – *Association des enseignantes et enseignants franco-ontariens* (AEFO), the Federation of Women Teachers Association of Ontario (FWTAO), the Ontario English Language Teachers Association (OECTA), the Ontario Public School Teachers Federation (OPSTF) and the Ontario Secondary School Teachers Association (OSSTF). While called 'federations', they have often assumed both the functions normally accorded to professional associations (responding to continuous professional learning) and to unions (responding to collective bargaining and economic issues). Teachers were relatively comfortable with this dual purpose of the federations.

The entry of a college of teachers would upset this balance. The literature suggests that professional associations and unions each play specific roles and undertake certain functions. Sykes (1989) and to a lesser extent Smith (1995) are adamant that the union is not the vehicle for pursuing professionalism. The Royal Commission on Learning (1994) also supports this principle. The Commissioners held that given the dual nature of Ontario's federations (as unions and as professional bodies), competing priorities and concerns existed as "union contractual imperatives may sometimes undermine professional interests and educational reform" (The Educators, 1994: 9). The federations, the Commission believed, could not protect the interests of their members while protecting the interests of the public at the same time.

Concerning self-regulation, the Commissioners in Recommendation 58 specifically stated:

"We recommend that a professional self-regulatory body for teaching, the Ontario College of Teachers, be established, with the powers, duties, and membership of the College set out in legislation. The College should be responsible for *determining professional standards*, [emphasis added] certification, and accreditation of teacher education programs. Professional educators should form a majority of the membership of the College, with substantial representation of non-educators from the community at large". (The Educators 1994: 11).

Early professional associations, described by Moore (1970: 58), behaved as a vanguard "for establishing performance criteria concerning specific services". The self-selected professional practitioners who were their members tried to "standardize performance by example", but performance by example is not necessarily the best way to ensure compliance and eventually these associations turned to licensing statutes to ensure compliance. The Ontario government followed suit and, in February 1995, announced the establishment of a college of teachers, an independent body to regulate the teaching profession by developing *Standards of Practice* for the teaching

profession, procedures for certification and a provincial framework for professional development.

The College's role included promoting "continual improvement to raise the already high level of commitment and expertise within the profession" (Ministry of Education and Training, 1995). Object 7 of the Ontario College of Teachers Act 1996 states that it is "to establish and enforce professional standards and *Ethical Standards* applicable to members of the College". Acting on this object, the Governing Council of the College began its work through the Professional Affairs Department and the *Standards of Practice* and Education Committee to develop and refine both *Standards of Practice* and *Ethical Standards*. The *Standards of Practice for the Teaching Profession* would identify what teachers should know and be able to do throughout their careers and would apply to all educators certified to teach in the province. These standards would be further used to accredit pre-service and certain forms of in-service programmes.

This is not to say that there were no standards for Ontario teachers prior to the establishment of the College of Teachers. While not defined as standards, duties of teachers were described in the various acts and regulations that governed teaching. The Education Act R.S.O. 1990 s. 264 outlines the duties of teachers regarding teaching, learning, religion and morals, co-operation, discipline, language of instruction, timetable, professional activity days, absence from schools, school property, textbooks and duties assigned. Regulation 298 R.R.O. 1990 (*Operation of Schools – General*) in section 20 further defines teachers' duties under the areas of teaching and learning, co-operation, supervision, discipline and safety, and reporting. The regulation made under the Teaching Profession Act of 1944 provides for both *Standards of Practice* and *Ethical Standards*, as it speaks to relationships that teachers, as members of the profession, have with pupils, educational authorities, the public, the Ontario Teachers' Federation and fellow members. Further to these, other legislative elements at the federal level (such as the Criminal Code of Canada) and at the provincial level (such

as the Municipal Freedom of Information and Protection of Privacy Act) outline requirements of teachers. These above-stated duties and acts (and attendant regulations) have not been replaced by the *Standards of Practice* and *Ethical Standards* developed by the College of Teachers. Teachers are still expected to uphold these duties.

2. Establishing self-governance

Self-governance is well explained by Aucoin (1978). He determines that a self-governing profession is "an example of a general characteristic of the distribution of authority; delegation of authority allows for some measure of independence from government" (Aucoin, 1978: 4). The power to establish and administer regulations and procedures that would have status of law is delegated. Aucoin claims that there are two main reasons for the state to surrender some of its authority to an organization. The first he describes "as the desire to structure state intervention in a sphere of public affairs in a manner that restricts the capacity of government to exercise discretion in rule-making and adjudication" (1978: 5). This is not a very satisfactory explanation as it relates to Ontario in 1995. It may describe what the delegation of authority involves but it does not thoroughly explain why the state finds the surrender of its power desirable or, at a minimum, acceptable. This second reason is more plausible: Administratively, self-governance of a profession is useful. The state does not want to accept the costs of directly exercising control over professionals and their work. Neither the economical/financial nor the political costs would equal the benefits of the state's direct power. In the cost-cutting environment, the Ontario government in 1995 sought to 'off-load' everything that was not the government's core business. Certification of teachers is not the core business of government; therefore, returning those costs directly to those (such as the educators) who benefit directly is in the interest of the government. 'Off-loading' was never discussed openly. Rather, altruistic statements were made by John Snobelen, Minister of Education and Training, when introducing Bill 31, An Act to

establish the Ontario College of Teachers and to make related amendments to certain statutes to create the College. He stated:

> "The concept of an *independent self-funding* [emphasis in the original] and professional college of teachers for both English and French-language teachers was one of the fundamental recommendations of the Hall-Dennis report two decades earlier and the Royal Commission on Learning earlier this year". (Snobelen, 1995: 2)

While these two commissions (and other reports) had recommended a college of teachers as a professional association, Snoblen emphasized the independent and self-funding aspects. The key to self-governing status is that public policy is served by giving the profession a significant measure of autonomy and independence from government. The assumption is that self-government represents the most desirable method of regulating professional practice.

Intervention to regulate the activities and perhaps style the interests of powerful articulate groups in society is not without political risk in a democracy. The self-governing profession can organize effective political counter-challenges. Moreover, effective intervention in the work and governance of groups whose practice is based on complex and highly specialized knowledge and techniques cannot easily be carried out through standard civil service cadres. Where government enacts legislation and creates policy that impinges upon the work and interests of professional groups, it usually (wisely) co-opts some of the profession's leading members to act on advisory councils and committees. With self-governance delegated by the provincial legislature, members control the destiny of their profession and are expected and required to act in the public interest in all regulatory areas, including registration of new members, setting professional standards and disciplining the membership (Casey, 1997).

In effect, the Ontario government transferred its power to certify teachers from the Ministry of Education and Training to an organization

largely run by teachers. However, the government still has influence on the College in several ways. These include:

- Any regulation that the College approves must also have the approval of the Lieutenant-Governor-in-Council (Cabinet);
- Fourteen public appointees (appointed by the government of the day) sit on the College's Governing Council and are able to influence College decisions;
- The Minister of Education meets regularly with the Registrar of the College;
- While the College is purported to be at arms-length and independent of the government, the College is influenced by government decisions and laws.

Once established, the Ontario College of Teachers began the task of registering members, who mainly were those educators holding an Ontario Teaching Certificate. Registration information on members included type of teaching certification and credentials, educational attainment and teaching specialization. The College held its first election for Governing Council members and 32 members were elected or appointed to the Council in 1996.

Ensuring compliance and adherence to both the *Standards of Practice* and *Ethical Standards* is the responsibility of the profession and the College. Humes (1986: 21), outlining one aspect of professionalism, states that "both the expert knowledge which the professionals possess and their sense of obligation to their clients make it desirable that they should be organised on a self-regulating basis and be responsible for their own registration and disciplinary procedures".

Humes argues that professionalism has become a controlling mechanism operating as much against members themselves as against those lacking the requisite qualifications and training. By regulating admission to the profession, the profession preserves standards but, Moore suggests, it can

also "enhance occupational prestige, control the number of authenticated practitioners in order to reduce competition and increase income, and, not uncommonly, to protect a particular orthodoxy against reasonable and even superior alternatives" (Moore, 1970: 111). On the other hand, having no restriction of admission to professional work can also cause harm to an unwary public. This form of self-discipline – the setting of admission standards – can engender abuses: For example, qualified persons could be prohibited from entry to the profession by reason of race, ethnicity or sex. In addition, the desire for expansion might lead to a permissive interpretation of criteria for entry or a limited interpretation that stresses irrelevant qualifications for entry.

Nevertheless, in spite of the admitted drawbacks Moore contends that in a self-regulating community, peers are the most competent judges of technical qualifications and performance, and the existence of a professional association virtually guarantees that some portion of the adherents to or practitioners of a specialty will be attentive to the good reputation of the collectivity. If a conspicuous miscreant is affiliated with the proper and relevant association, his or her conduct may be brought under review by colleagues; the reputation of the collectivity may require the imposition of sanctions, ranging from reprimand to dismissal (Moore, 1970: 116).

Professional codes of conduct are private law systems that differ from administrative regulations in that they emphasize appropriate relations with clients and others outside the organization; in addition, they are understood to be "not self-enforcing" (Moore, 1970: 116). However, Moore is less sanguine about professional self-regulation on the question of who judges competence and performance and of who decides upon jurisdiction:

"The age-and-prestige structure of long-established professions puts power where it may be less meritorious: among those who have been successful, and recognized, according to criteria that may or may not be currently relevant in view of the latest information and techniques. It may be a matter of common sensibility to human problems that has

built 'grandfather clauses' into all new, more stringent requirements of competence for admission to professional status. It is always easier to select, govern and control admission to an occupation than it is to keep current competence under surveillance" (1970: 129).

In view of the legislation (the Regulated Health Professions Act) implemented in Ontario in 1997 for the health professions, which requires its associations to ensure members' continuing competence, the responsibility for monitoring standards becomes a considerable burden for all involved.

Of particular interest in the discussion of self-governance and the development of standards are the works of Aucoin (1978), Bohnen (1975), Tuohy and Wolfson (1976) and Riera, Glow, Siddal and Clan (1976), who bring a Canadian focus to the discussion. Much of Aucoin's work, perhaps coincidentally, can be seen in the Ontario College of Teachers Act and the role that the College undertakes. The structure and functions of self-governance that he describes parallel the structure and functions as they are described in *The privilege of professionalism* (1995) report. In order to understand the inherent dangers in self-government, reading both *The report of the Royal Commission on Civil Liberties* (1968) and *The report on the Committee on the Healing Arts* (1970) is essential. For the Ontario College of Teachers not to fall into the traps described in these reports will require astuteness on its part.

3.   Response to the development of the College of Teachers

When the Act creating the College was promulgated, many teachers and teachers' federations had strong views about the College. Some teachers believed that it would have either no impact or very little impact on them; some looked on the College with mistrust. Others were concerned about the workload that the College could generate. Rumours that standards would force teachers to change and that investigations into teachers' lives could occur were common misconceptions. Public anticipation of the standards was high, with many (including teachers) believing that the College would

weed out 'incompetent' teachers. To change this mindset, a "development design was planned to establish the credibility of the College by using sound research methods and by involving members of the College and the public" (Marrin *et al.*, 1999: 7) as the College moved to construct the *Standards for the Teaching Profession* and the *Ethical Standards for the Teaching Profession*.

4. Development of the *Standards of Practice for the Teaching Profession* and the *Ethical Standards for the Teaching Profession*

To teach in publicly-funded schools in Ontario, membership in the Ontario Teachers' Federation (OTF) as well as membership in one of OTF's affiliates and membership in the Ontario College of Teachers is mandatory. The definition of a teacher also changed with the emergence of the College of Teachers; a 'teacher' is now defined as a "member of the Ontario College of Teachers" (Education Act, R.S.O., 1990, Chapter E.2: 11). Therefore, the standards have a bearing on teachers.

Standards, taken in their current usage in education, "usually refers to specific criteria for what students are expected to learn and be able to do" (Association for Supervision and Curriculum Development, 2004, http //www.ascd.org/cms/index.cfm?TgeViewID=1151). Using this definition as its base, a standard of practice is described as a specific criteria that a teacher, as a member of the Ontario College of Teachers, knows, practises and values. As explained by the College of Teachers, the question "What does it mean to be a teacher?" is answered in the standards.

Two sets of standards were developed by the Ontario College of Teachers. In *The foundations of professional practice* (Ontario College of Teachers, 2003*a*), the College contends that "[p]rofessional standards that guide and reflect exemplary teaching practice and continuous professional improvement are essential to effective teaching and learning" (2003: 2). The

Standards of Practice for the Teaching Profession were the first set to be constructed to serve a variety of purposes. They:

- focus on the responsibility of the teaching profession to enhance student learning;
- provide a common understanding of what makes being a teacher a unique professional experience;
- clarify the knowledge, skills and values implicit in the practice of teaching;
- provide the basis of ongoing personal and professional growth and the accreditation of professional learning programmes;
- represent the aspirations and goals of the teaching profession;
- enhance the dignity of the teaching profession;
- acknowledge the contribution made by the teaching profession to Ontario society; and assist the College in fulfilling its mandate to govern the practice of teaching in the public interest (2003: 8).

The development of the *Ethical Standards for the Teaching Profession* parallels that of the *Standards of Practice*, with both processes explained below. The purposes of the *Ethical Standards* are:

- to clarify the ethics of the profession;
- to inspire a quality of behaviour that reflects the honour and dignity of the profession;
- to encourage and emphasize those positive attributes of professional conduct that characterize strong and effective teaching;
- to enable the profession to declare itself publicly accountable (20).

These standards, combined with the *Professional Learning Framework*, form the *Foundations of Professional Practice*.

Development of the Standards of Practice for the Teaching Profession

To construct these standards, work began with the education community and the public in the spring of 1997 on the nature of *Standards of Practice*. Four subcommittees of the *Standards of Practice* and Education Committee were established to formulate recommendations for the Committee. These subcommittees considered the context of pre-service education, the context of the supervisory official certification programme, the relationship of the *Standards of Practice* to learning in practice and professional learning.

Each subcommittee consisted of three members of the Governing Council and two individuals who applied to be on the committees to serve as external resource persons with expertise and experience for the particular subcommittee. Selection of the applicant was based on the person's role in education, experience, geographic representation, cultural diversity, gender, francophone representation and employment status in publicly and privately funded schools. These subcommittees explored the standards as they related to their specific area of interest.

National and international literature documents were reviewed; these included the *Teacher Education Standards* from the Alaska Department of Education; the California *Standards for the Teaching Profession*, July 1997; the *Elementary Education Teaching Standards* from the Connecticut State Department of Education (April 1, 1996); the *Standards Framework for Teachers Draft for Consultation* (1998) from the Queensland (Australia) education department; the *Kentucky New Teacher Standards*; *A satisfactory teacher* and *Renewing a practising certificate* (1997) from the Teacher Registration Board, New Zealand; *Standards for the Award of Qualified Teacher Status* (1997), a consultation document from the Teacher Training Agency in England; *What teachers should know and be able to do*, from the National Board for Professional Teaching Standards from the United States; *Teaching Quality Standard Applicable to the Provision of Basic Education* in

Alberta from May 14, 1997; *A Professional Code for Teachers*[5] (1998) from the General Teaching Council (GTC) for Scotland; *Standards on Teaching Profession* from the Teachers' Council of Thailand; and *Professional Standards for Teachers*[6] (1996) from the Standards Council of the Teaching Profession in Victoria, Australia.

As Ontario provides bilingual education, the search for French language documents included terms such as 'orientation', 'principles', and 'objectives' for teacher education programmes in Quebec, New Brunswick, Switzerland and France. Each of these, and the others that were reviewed, showed breadth in the source, nature and purposes for which the standards were developed. Short summaries of the General Teaching Council for Scotland's Professional Code of Conduct, the American National Board for Professional Teaching Standards, and the professional standards of the Standards Council of the Teaching Profession in Victoria, Australia follow.

One of the first teaching councils was established in 1965 in Scotland. The General Teaching Council for Scotland in its Professional Code of Conduct describes the role of teachers: "the defining activity of [a] teacher is to promote the education and development of learners, with a view to enabling them to live productive and fulfilling lives as human beings, individually and in society". In the Code, welfare of the learners and knowledge and competence to practise are addressed (see *Section 3, Chapter 8.*)

In 1993, the Standards Council of the Teaching Profession in Victoria, Australia was established to enhance teaching quality. The Council describes the five dimensions of teaching (content of teaching and learning, teaching

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5. Subsequent to the review by the Ontario College of Teachers of *A Professional Code for Teachers 1998*, the General Teaching Council for Scotland developed the *Standard for Full Registration*. A copy of the current standard is found in *Section 3, Chapter 8*.
6. In 2003, the *Standards for Professional Practice for Full Registration* were approved. The Victorian Institute of Teaching is responsible for the development and maintenance of the standards for membership in the profession in Victoria. The current standards are found in *Section 3, Chapter 2*.

practice, assessment and reporting of student learning, interaction with the school community and professional requirements) with characteristics for each dimension given. These apply in differing ways to teachers (level 1 beginning and level 1 experienced) and leading teachers (level 2 and level 3). The current *Standards of Professional Practice for Full Registration* for Victoria, Australia is in *Section 3, Chapter 2*. Currently, these standards are applicable to provisionally registered teachers who are applying for full registration, but they will also be the basis for Victoria's renewal process, which will apply to fully registered teachers.

The National Board for Professional Teaching Standards (NBPTS) in the United States was established in 1987 as an independent self-funded organization to advance the teaching profession and improve student learning. Its mission is to establish high and rigorous standards for what accomplished teachers should know and be able to do, to develop and operate a national, voluntary system to assess and certify teachers who meet these standards, and to advance related educational reforms for the purposes of improving student learning in American schools (NBPTS, 1994: 1).

This policy statement, *What teachers should know and be able to do*, contains five core propositions (NBPTS, 1994: 6-8):

- Teachers are committed to students and their learning;
- Teachers know the subjects they teach and how to teach those subjects to students;
- Teachers are responsible for managing and monitoring student learning;
- Teachers think systematically about their practice and learn from experience;
- Teachers are members of learning communities.

Each proposition is further developed with its own characteristics defined. The three cited examples (the General Teaching Council for Scotland, the Standards Council of the Teaching Profession and the National

Board for Professional Teaching Standards) discuss the response to students, knowledge and competence required of teachers. The other examples, for which sources can be found in the *References*, support these themes in a similar vein.

Interestingly, the Report of the Royal Commission on Learning, *For the love of learning*, was not cited as a source for review or referenced in developing the *Standards of Practice* or the *Ethical Standards*. The commissioners, however, outlined how they viewed teaching and provided five principles they believed epitomized how teaching is characterized, with a warning: "We are aware that listing the characteristics or factors required in good teaching risks sounding too clear-cut, when in fact teaching is complex, requiring judgment and sensitivity as well as knowledge and skill" (Royal Commission on Learning, 1994*a*: 77-78).

- Teachers care about and are committed to students and their learning. They know enough about all their students to be able to decide how to teach them effectively;
- Teachers know the subjects they teach and how to teach the material to students: In other words, they know how to make knowledge accessible to students;
- Guided by clear goals, teachers manage and monitor student learning;
- Teachers do not always work in isolation: they learn from and collaborate with others, including students, colleagues, parents, and the community;
- Teachers critically examine their own practice and continue to learn throughout their careers.

The commissioners acknowledge that they "drew extensively on work by the National Board" i.e. the American National Board for Professional Teaching Standards (Royal Commission on Learning, 1994*a*: 84) in developing their principles. The Commissioners would later apply these as the basis for teacher pre-service programmes for faculties of education.

There are however differences between the Ontario educational environment and the various jurisdictions whose standards were reviewed. Some notable distinctions are:

- Membership of the College includes all educators in Ontario who require a valid teaching certificate to be employed in a publicly funded system;
- The mandate specific to professional learning is inclusive of both pre-service and in-service teacher education;
- Performance evaluation in Ontario remains the responsibility of the employer; and
- The College of Teachers operates independently from the Ministry of Education and Training (Grant, Adamson, Craig, Marrin and Squire, 1998*a*: 8).

From the literature review conducted, seven themes emerged: commitment to student learning; required professional knowledge; facilitating effective learning; assessing and reporting for improvement; professional learning; creating a learning community; and leadership. Once identified, these themes were used as starting points in discussion; they were explored and debated in the subcommittees and with other educators. The questions asked in the discussions included:

> "How can the teaching profession be best described? What are the fundamental characteristics or qualities Ontarians understand as the basis of effective teaching? What responsibilities do members of the profession have to students, society, and the profession? How can the values implicit in teaching be made more explicit?" (Grant *et al.*, 1998*a*: 9).

One strategy used at first was focus group interviews with the Supervisory Officers Association. The representatives chosen for this group came from large and small school boards and different regions in the province. Ninety-minute sessions were audio-recorded for transcription and data analysis with these copies and the summary report shared with

the participants. Following this focus group, a second round of qualitative data collection included principals, directors, trustees, parents, students and other members of the education community and the public. Representatives from English and French-language school boards, First Nations schools and private schools were present.

The College reported that "between December 8, 1997 and June 3, 1998, 21 focus groups, two writing teams, two formal discussion groups and 24 telephone interviews and numerous individual consultations were conducted" (Grant *et al.*, 1999: 13). Over 600 people were involved in the process. Questions asked in the focus groups centred on what it means to be a teacher. This issue was expanded to include:

> "What implications will the standards have for the profession? What knowledge, skills and values should the standards include? What should they actually look like? How could the *Standards of Practice* be worded so that they would be relevant to teachers, principals, supervisory officers and other educators? How can educators share their ideas about what it means to be a teacher with parents and the broader community?" (Grant, 1998*b*: 21-22).

These answers, the collected data, were used in the development of draft standards. As a result of the process, the College identified several positive outcomes: high quality data; data that was a reflection of the perceptions of the profession and the public; a data gathering process that modelled professionalism and profiled the College; development of new relationships with College members and the public; and establishment of a database for future research (Grant *et al.*, 1999: 13).

Analysis of the data showed that 59 per cent of the participants involved in developmental feedback sessions were teachers and 17 per cent were students (Marrin *et al.*, 1999: 14). About three quarters of the participants were directly involved with the educative process, those most directly affected by the standards.

A realignment of the seven previously-stated themes occurred and the July 1998 draft identified and grouped the standards into five areas or themes: commitment to students and student learning, professional knowledge, teaching practice, leadership and community, and ongoing professional learning. To gather feedback, the College conducted structured activities with 800 members of the public and College members between July and October 1998 in 19 province-wide sites. Individuals, groups and professional and public organizations provided responses. The data gathered acknowledged that some of the responses reflected a deep passion for teaching, were complex in nature and very personalized.

Analysis of the feedback occurring at the same time led to 33 recommendations for changes, which were incorporated into the July draft. The validation process, occurring between January and May 1999, involved eliciting responses to the standards from the public and College members. It also involved case studies to examine the ways in which the standards would be integrated into programmes and used by College members. In addition to the distribution of 200,000 copies of the *Standards of Practice for the Teaching Profession* through *Professionally speaking/ Pour parler profession*, a regular publication of the College, the draft standards were posted on the College web site.

Specifically, three elements were addressed for review: "What is your overall reaction to the *Standards of Practice* for the teaching profession? How well do the five *Standards of Practice* statements … answer the question: What does it mean to be a teacher?" (Giguère, 1999: 18). Respondents were asked to provide comments or suggestions on each of the five standards statements and the key elements. Many teachers at this time were still strongly opposed to the College, often disposed of *Professionally speaking/Pour parler profession* without reading it and did not 'log-on' to the web site, and therefore did not respond to the questions concerning standards. Respondents who commented on the overall draft provided specific comments or suggestions concerning the accuracy, adequacy and utility of the standards description.

Validation strategies were planned by the College staff with school boards, staff development consortia, faculties of education, teachers' federations, principals and teacher researchers. The answer to following question was sought: How do the standards relate to the work of educators in different roles?

The final document was approved, in principle, by the College's Governing Council in December 1998 and consisted of five interdependent standards with key elements addressing further developed observable behaviours. The standards with key elements are as follows:

- *Commitment to students and student learning*: "Members of the Ontario College of Teachers demonstrate care for and commitment to students. They are dedicated to engaging and supporting student learning. They treat students equitably and with respect. They encourage students to grow as individuals and as contributing members of society. Members of the Ontario College of Teachers assist students to become life-long learners." (Ontario College of Teachers, 2004*c*: 12) The key elements are demonstration of care and commitment, support for student learning, equitable and respectful treatment, growing as individuals and as contributing members of society, and assistance in becoming lifelong learners.
- *Professional knowledge*: Professional knowledge is the foundation of teaching practice. Members of the Ontario College of Teachers know the curriculum, the subject matter, the student, and teaching practice. They know education-related legislation, methods of communication and ways to teach in a changing world (Ontario College of Teachers, 2004*c*: 13-14). The key elements for professional knowledge include knowledge of the student, knowledge of the curriculum, knowledge of teaching practice, and knowledge of the learning environment.
- *Teaching practice*: "Members of the Ontario College of Teachers apply professional knowledge and understanding of the student, curriculum, teaching, and the changing context of the learning environment to

promote student learning. They conduct ongoing assessment and evaluation of student progress. They modify and refine teaching practice through continuous reflection." (Ontario College of Teachers, 2004*c*: 14-15). Key elements encompass the student, curriculum, teaching, and the changing context of the learning environment, assessment and evaluation of students, and reflection.

- *Leadership and community*: "Members of the Ontario College of Teachers are educational leaders who create and sustain learning communities in their classrooms, in their schools and in their profession. They collaborate with their colleagues and other professionals, with parents and with other members of the community to enhance school programs and student learning." (Ontario College of Teachers, 2004*c*: 16). Responsibility and service, creation of a learning community and sustaining learning through innovation and change are the key elements.

- *Ongoing professional learning*: "Members of the Ontario College of Teachers are learners who acknowledge the interdependence of teacher learning and student learning. They engage in a continuum of professional growth to improve their practice" (Ontario College of Teachers, 2004*c*: 17). The key elements consist of teacher learning and student learning, professional growth, and improving practice.

The final approval occurred in November 1999 and in February 2000 they were added to the College's bye-laws.

Development of the Ethical Standards for the Teaching Profession

The development of the *Ethical Standards for the Teaching Profession* was based on various resources. From July to December 1998, the staff of the Ontario College of Teachers considered policy statements and practices from various teacher organizations and other self-regulatory professions, and reviewed national and international literature. Legislation that referenced ethical issues was considered important; therefore the Education Act, the Teaching Profession Act and the School Board and Teachers Collective

Negotiations Act were examined. Since Ontario Regulation 437/97 made under the Ontario College of Teachers Act 1996 had been promulgated, it too was reviewed, as it outlines what constitutes professional misconduct. Input provided by College members and the public participants involved in focus groups in development of the *Standards of Practice* was reviewed along with data from the 21 focus groups held throughout Ontario. Criteria were established for development and an early draft was prepared. Additionally, Elizabeth Campbell of the Ontario Institute for Studies in Education/ University of Toronto conducted a workshop and prepared "Thinking about ethical issues and complexities" to support the discussion around ethics (Ontario College of Teachers, 1999*b*).

During January and February 1999, the draft standards were reviewed by College staff (Co-ordinator of Investigations and Hearings and Senior Intake Officer) and College committees (Pre-service Committee and *Standards of Practice* and Education Committee). Limited developmental feedback was given by 15 representatives of primary stakeholder groups: principal, superintendent and trustee associations and teacher federation representatives. In addition, a doctoral student in ethics and a Catholic theologian were consulted, resulting in further refinement of the *Ethical Standards*.

Phase 2, occurring from May to October 1999, consisted of validation sessions with major stakeholders and others in Ontario as well as experts in ethics. Questions asked included overall response to the draft, specific comments or suggestions regarding a particular element, degree of description of what "is important in professional values and ethical responsibilities of the teaching profession" (Ontario College of Teachers, 1999*b*: 3), and utility of the standards to teachers in 'ethical decision-making' (Ontario College of Teachers, 1999*b*: 4). This data was collected and analyzed and Draft 2 of the *Ethical Standards* developed. In 2000, Draft 3 went through greater scrutiny: the Pre-service subcommittee, the College's legal counsel and the

Standards of Practice and Education Committee reviewed this version and provided feedback.

Once the third draft was approved by the Governing Council, the third phase of validation of the *Ethical Standards* took place. Activities at this stage included direct mailing to College members and stakeholders and publication of the *Ethical Standards* in *Professionally speaking/Pour parler profession* and on the College's website (Ontario College of Teachers, 1999*e*). A response session was held and "initiation of validation activities though implementation: case studies" (Ontario College of Teachers, 1999*e*: 2) organized. Again, data was analyzed and draft 4 presented to the Pre-service subcommittee, staff involved with investigations and hearings, College legal counsel and the *Standards of Practice* and Education Committee for review and response (Ontario College of Teachers, 1999*e*). This final draft was considered and approved by the Governing Council in June 2000 and included in the College's bye-laws. The *Ethical Standards* require that members:

- "maintain professional relationships with students;
- recognize and respect the privileged nature of the relationship that teachers maintain with students;
- demonstrate impartial and consistent respect for all students as individuals with distinctive and ongoing learning needs and capacities;
- respect confidential information about students unless disclosure is required by law or personal safety is at risk;
- model respect for human dignity, spiritual values, cultural values, freedom, social justice, democracy and the environment;
- work with members of the College and others to create a professional environment that supports the social, physical, intellectual, spiritual, cultural, moral and emotional development of students;
- base relationships with parents or guardians in their role as partners in the education of students on respect, trust and communication;

- co-operate with professionals from other agencies in the interest of students and as required by law;
- act with integrity, honesty, fairness and dignity;
- respect the confidential nature of information about members of the College obtained in the course of professional practice, unless disclosure is required by law or personal safety is at risk;
- comply with the Acts and regulations; and
- advise the appropriate people in a professional manner when policies or practices exist that should be reviewed or revised" (Ontario College of Teachers, 2004*c*: 21).

Final approval of the *Ethical Standards* took place in October 2000 with their inclusion in the College's bye-laws.

In both the development of the *Standards for the Teaching Profession* and *Ethical Standards* for the Teaching Profession, representatives of various professional organizations participated in the discussions. This listing provides a sample of the organizations consulted: the Northern Centre for Instructional Development, Eastern Ontario Staff Development Network, Staff Development Council of Ontario, Council of Directors of Education (CODE), Ontario School Boards Association, TVO (Television Ontario), Toronto District Professional Development Consortium, subject councils, Ontario Federation of Independent Schools, Ontario Teachers' Federation and its affiliates, Ontario Principals' Council, Catholic Principals' Council of Ontario and the Ontario Association of Deans of Education.

Chapter 2
Applying the standards

The *Standards of Practice* and *Ethical Standards* apply to persons employed in a publicly-funded school system. This category includes teachers (including occasional and part-time teachers), consultants, co-ordinators, vice-principals, principals, superintendents, etc. The individual is required to be a member in good standing with the College. The fact that not everyone who is a member of the Ontario College of Teachers is a member of OTF and one of its affiliates is explained as follows: Those not teaching in a publicly-funded school system may elect to be members of the College. Individuals who work, for example, in private schools, Faculties of Education, the Ministry of Education, community colleges or in another field and hold teacher qualifications to teach in Ontario from a recognized teacher education institution are eligible for membership in the College and governed by the College's standards.

1. Implementation of the *Standards of Practice* and the *Ethical Standards*

With approval of the standards, the *Standards of Practice* and Education Committee identified communication and implementation of the standards as issues that needed to be addressed in May 2000 and, at that time, developed strategies regarding these issues. In the fall of 2000, however, this issue was superseded by the work on Ontario Regulation 184/97 Teacher Qualifications. Articles about the *Standards of Practice* appeared in *Professionally speaking/Pour parler profession* in March 1999 and June 2000 and in one news release (OCT News Releases, 10 December 1998). The College released information on the *Ethical Standards* through *Professionally speaking/Pour parler profession* in March

2000 and September 2000. In summary, other than the announcements, very little work was undertaken to implement the standards documents on their release.

During the consultation sessions on Regulation 184/97, the College realized that its members had negligible or minimal knowledge or understanding of the *Standards of Practice* and *Ethical Standards*. Some teachers had heard about the standards from Additional Qualifications courses or school principals, from *Professionally speaking/Pour parler profession*, and/or from their federation. Some new teachers (i.e. new-to-the-profession and recently-certified teachers) were aware of the standards as these had been discussed in courses at their faculties of education. In short, very few teachers knew about the standards, their purpose or their impact on the teaching community. Without membership understanding of the standards, any preparation for review of the standards would be unproductive and fruitless, as there would be no context within the teaching community.

It is understandable that the membership did not know about either set of standards. Acceptance of the College by its members was very low; many teachers felt that the Ontario College of Teachers was imposed on them and controlled by the current government and that the makeup of the Governing Council did not appropriately reflect the teaching population. Thus, many of the teachers did not respond to communications from the College and were not attentive to directions from the College, other than the bare minimum to ensure that their registration and certification remained current.

With this realization that College members did not know about the standards, the *Standards of Practice* and Education Unit explored the levels of awareness and understanding of the standards among the teachers through province-wide consultations. From these consultations, the few teachers who indicated an awareness of the standards revealed a limited "understanding of images of teaching embedded within the standards" (Professional Affairs Department, 2001: 5). In critiquing the effectiveness

of any implementation strategy, including professional development, Little (1993), as cited in Hargreaves (2000: 165), noted that "professional development is usually most effective when it is not delivered by extraneous experts in off-site locations, but when it is embedded in the life and work of the school, when it actively secures the principal's or head teacher's support and involvement, and when it is the focus of collaborative discussion and action". Unfortunately, the College did not heed Little's admonition until late in the process.

The *Standards of Practice* Committee directed staff to develop a formal plan to implement and, later, to review the *Standards*. The developed plan outlines a phased-in implementation, albeit two years after the *Standards of Practice* were introduced. The implementation and communication plan introduced in November 2001 includes the following steps:

* Apply the *Standards of Practice* in the accreditation process of pre-service programmes;
* Infuse the *Standards of Practice* in the development of new Additional Qualification course guidelines and the revision of existing guidelines;
* Consult with the Ministry of Education about the use of the *Standards of Practice* in the development of course guidelines;
* Meet with CODE (Council of Directors of Education) and representatives of supervisory officer associations regarding implementation issues relating to the *Standards of Practice*;
* Meet with principals of three principals' associations to review the implementation process and impact of the *Standards of Practice*;
* Develop a resource package of in-service aids to support individuals providing in-service training on the *Standards of Practice*;
* Provide in-service training and a resource package for federation staff development leaders on the *Standards of Practice*;
* Provide in-service training and a resource package for school district staff developers on the *Standards of Practice*;

- Make presentations at provincial, national and international conferences on the *Standards of Practice*;
- Create a video on the uses and implementation on the *Standards of Practice* to be used in promoting, understanding and facilitating implementation;
- Submit for publication in *Professional speaking/Pour parler profession* stories of practical applications of *Standards of Practice* and include a request of readers to forward additional examples of the use and impact of the *Standards of Practice*;
- Request to participate in an information session on the standards at the Education Improvement Commission (EIC – now disbanded) and EQAO (Education Quality Improvement Office);
- Request for inclusion in the support materials for School Councils produced by EIC a brochure introducing the *Standards of Practice* and a copy of *Standards of Practice for the Teaching Profession*; and
- Assess the impact of the plan for Phase I and develop Phase II Implementation and Communication Plan (*Appendix of Communication Strategies*, November 2001).

This implementation plan is practical in both content and process for the *Standards of Practice*. Although the *Ethical Standards* are not mentioned in this document, this same process could apply to disseminating information on and understanding of the *Ethical Standards*.

2. Using the *Standards of Practice* and *Ethical Standards for the Teaching Profession*

Casey (1997) notes that three groups have an interest in the effectiveness and fairness of the self-governing of a profession: the public, the profession itself and individual members of the profession who are subject to the established standards. "The primary purpose of a self-governing profession is to protect the public by ensuring that only qualified and competent individuals are permitted to practice and that members of

the profession conform to appropriate standards of professional conduct" (Casey, 1997: 1). Members of the profession (and the profession as a whole) have a clear interest in ridding the profession of incompetent and unethical members (usually carried out through the disciplinary process). Those members subject to standards are significantly interested in the proper functioning of the self-governing body since sanctions can result in loss of work (Casey, 1994). Steinecke (2003: 2) determined that a self-regulatory body recognizes there is "no value in a regulator viewing the protection of the public as more important than fairness to the members. Both duties are important".

3. Use of the standards by the College of Teachers on issues related to members

Several College committees are involved with ensuring that the public teaching body provides safe and appropriate instruction for students. The Fitness to Practise Committee holds "a hearing and determine[s] any allegation of incapacity on the part of a member of the College" (Ontario College of Teachers Act, 1996 s. 29(2)). This committee could "find a member to be incapacitated if, in its opinion, the member is suffering from a physical or mental condition or disorder" (Ontario College of Teachers Act, 1996 s. 31(2)) such that the member cannot continue to carry out assigned duties. The Discipline Committee determines allegations of incompetence or professional misconduct of a College member. This is based on Ontario Regulation 437/97 Professional Misconduct Regulation.

The regulation lists actions/infractions ranging from providing false information to abusing a student that define 'professional misconduct'. When professional misconduct is proven, a college member could face a range of disciplinary actions, from a reprimand to revocation of teaching certification. This is similar to other self-regulatory agencies that have developed a regulation regarding professional misconduct specific to the discipline (Evans, 1997). While the *Standards of Practice* and the *Ethical*

Standards are not referenced individually or directly, the regulation provides that "failing to maintain the standards of the profession" is professional misconduct. In consideration for discipline, the '*Standards of Practice*' may extend to *Ethical Standards*, legislated duties of teacher or community standards that apply to teachers (Marrin *et al.*, 1999). At the time that this regulation was established, neither the *Standards of Practice* nor the *Ethical Standards* had been developed; therefore there could not be a specific reference to standards.

The role of the Investigation Committee is to investigate complaints against members of the College regarding professional misconduct, incompetence or incapacity. During investigations and hearings into complaints about a College member's misconduct, the College relies on the definitions set out in the misconduct regulation. From May to December 1997, the Investigations Committee received 54 complaints: The nature of these complaints included 26 criminal charges; 10 charges of inappropriate conduct (six verbal and four physical); five relating fitness to practise; four dealing with sexual impropriety with no criminal charges; and nine others. Of these, six were referred to the Discipline Committee and one teacher was cautioned.

Since the process of reporting a teacher to the College has become more public, the number of complaints over time has increased. The 2002 Annual College Report (2003*e*) reported the nature of complaints under Professional Misconduct in more categories than did the 1997 report. The complaints include: abuse (70), including emotional (six), physical (eight), psychological (four), sexual (48), and verbal (two); act/omission (dishonourable, disgraceful, unprofessional; six); conduct unbecoming (16); conflict of interest (one); contravention of the law, including suitability to hold certificates (five); failing to carry out duties (nine); failing to comply with the Child and Family Services Act (one); failing to comply with the Education Act (3); failing to comply with Ontario College of Teachers Act (three); failing to supervise adequately a person under one's professional

supervision (six); falsifying records (one); filing false information/ documents about qualifications (five); failing to maintain standards of the profession (five); fraud/theft (one); inappropriate divulging of student information (one); permitting/assisting counsel misrepresentation (one); practising under the influence (one); sexual misconduct (eight); and signing or issuing false/misleading documents (six; 2002 *Annual College Report*, 2003*e*: 27).

Complaints under 'incompetence' included two for lack of judgment and two for lack of skill. In the area of 'incapacity', one complaint was brought under mental disorder and another under physical condition.

Of the above-listed complaints, 49 were referred to the Discipline Committee and one to the Fitness to Practise Committee. The remainder of the complaints were dismissed (29), written caution given (five), not referred (26), resolved through dispute resolution (18) or withdrawn/abandoned (26), *2002 Annual College Report*: 27).

Marrin *et al.* (1999) state that the *Standards of Practice for the Teaching Profession* should be of only minimal assistance to the Discipline Committee in cases under investigation. The *Standards of Practice for the Teaching Profession* have been carefully worded as descriptors of practice in language that should not lend itself to prosecution in cases of alleged incompetence (32).

The result then would be that few complaints are based on the *Standards of Practice* or the *Ethical Standards*. The listing provided above (i.e. the nature of complaints), however, shows that many of the complaints can be based on both the *Standards of Practice* and the *Ethical Standards*. One example: under Commitment to Students and Student Learning, members of the College "treat students equitably and with respect", yet the number of complaints under 'Abuse' shows that this standard has been violated. The use of both sets of standards has become more common as those who report the complaint(s) become more aware of the standards.

Discipline Panel decisions are published quarterly in the 'Blue Pages' of *Professionally speaking/Pour parler profession*. In April 1998, the College held its first disciplinary hearing; the session marked the first time that a teacher's disciplinary hearing was held in public. Since the foundation of the College in October 1, 2003, the College has disciplined 142 members: Eighty have had their certification revoked (70 male and 10 female College members) and 62 have received some form of disciplinary action (55 male and seven female College members). With a membership of approximately 187,000 teachers, this represents approximately 0.076 per cent of members.

4. Accreditation

The accreditation process of programmes of professional teacher education at faculties of education in Ontario universities fulfils one of the objects of the Ontario College of Teachers Act (1996), namely "to accredit professional teacher education programs offered by post secondary educational institutions". The bases for the accreditation are the *Standards of Practice for the Teaching Profession*, the *Ethical Standards for the Teaching Profession* and Ontario Regulation 347/02 Accreditation of Teacher Education Programs along with elements of Ontario Regulation 184/97 Teacher Qualifications. The College bye-law 5.03 (d) states that:

> "The Accreditation Committee shall, subject to the Act and regulations, review and give direction with respect to the accreditation of pre-service and in-service programs and providers, and report to Council regarding the accreditation of such programs and providers."

At the same time as the College was developing its standards, it was also developing an accreditation model based on the evolving standards. The Accreditation Committee determined criteria that would give evidence that the standards were embedded in the professional teacher education programmes. Several versions of the Accreditation handbook have been drafted over the years, first because the standards were being developed and later because the accreditation process was further refined. In May 2001, the

College released the *Final report of the pilot project for the accreditation of professional teacher education 1997-2000*. It provided recommendations for the accreditation process (19 recommendations) and for programmes of professional teacher education (35 recommendations). Only one deals with the standards: "The purposes of the on-site visit activities continue to be aligned with the *Standards of Practice for the Teaching Profession* and the *Ethical Standards for the Teaching Profession*" (Ontario College of Teachers, 2001*b*: 11). The remainder of the 19 recommendations deal with the accreditation panels, on-site visits, communication, data collection, institution response and costs. The 35 recommendations regarding the programmes of professional teacher education deal with common themes, teaching practice, professional knowledge, practicum, associate teachers, concurrent programmes, admissions, Catholic education, the Teacher Education Advisory Committee, communication and partnerships, additional qualification credits and financial and human resources (Ontario College of Teachers, 2001*b*).

In the process of accreditation, the participating faculty of education conducts an internal appraisal, provides this report and prepares an overview of the pre-service programme with supporting documentation prior to the on-site visit. During this visit, the accreditation team interviews appropriate stakeholders, views exhibits, visits practicum sites and ultimately prepares a report which indicates the status of accreditation (i.e. accreditation given, granted with one or more conditions or denied; Ontario College of Teachers, 2003*c*:13).

The College of Teachers sets out 16 requirements for accreditation; specifically in regards to the standards, the College will review that "the program is consistent with and reflects the College's *Standards of Practice for the Teaching Profession* and the *Ethical Standards for the Teaching Profession* (Ontario College of Teachers, 2003*c*: 3). The College will also examine that "current research in teacher education" (Ontario College of Teachers, 2003*c*: 3) is evident in the programme and that integration of

theory and practice occurs. This requirement, for Nipissing University as an example, is found in the conceptual framework presented in the figure and chart below. The framework reveals coherence among the *Standards of Practice*, the *Ethical Standards*, knowledge, content and practicum experiences.

"We describe a conceptual framework [see *Figure 1.2.1* below] characterized by six interconnected portals that represents our program. We conceive of portals as entrances or means of gaining access: gateways to a successful B.Ed. experience. It is anticipated that the pre-service interaction of theory, practice, context and self-knowledge will serve as entry points to the profession of teaching. We envision the praxis model at the center of the hub, surrounded by a number of portals which are connective and receptive, continually interacting and contributing to the personal and professional development of our teacher candidates. These passages are consistent with the *Standards of Practice for the Teaching Profession*, the *Ethical Standards for the Teaching Profession*, as well as the Ontario Curriculum. The portals are interdependent and interact with pre-service teachers' knowledge, skill, value, and contexts to create our concept of ideal teaching" (Nipissing University, 2003).

Figure 1.2.1   The Nipissing model of teacher education, 2003
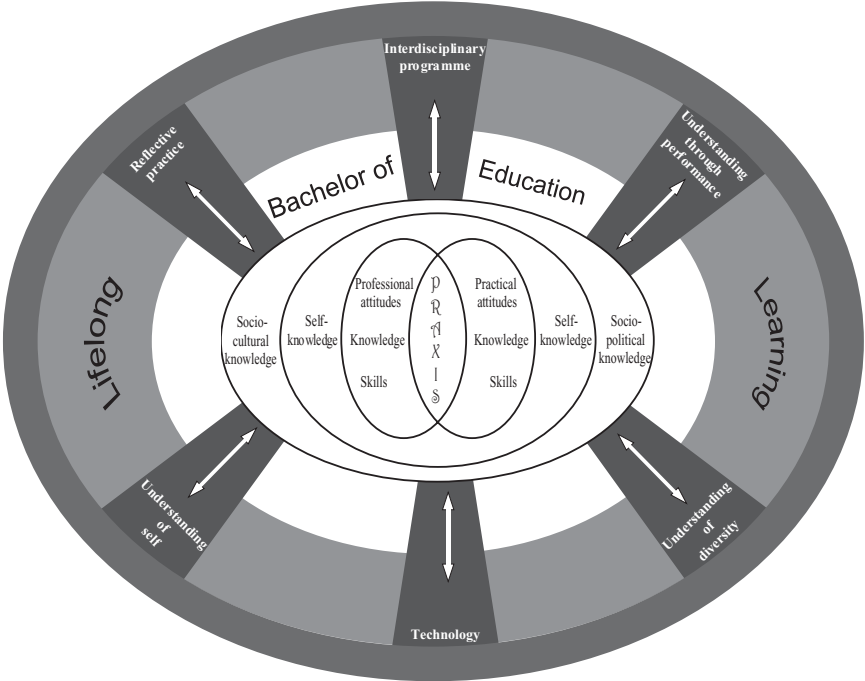
Source: Nipissing University, 2003.

Table 1.2.1   Ontario College of Teachers standards / Nipissing
             University Portal

Ontario College of Teachers standards	Nipissing University Portal
Standard 1: Commitment to students and student learning.	Portal 1: An interdisciplinary programme focused on the development of professional understanding.
Standard 2: Professional knowledge.	Portal 2: An understanding of the diversity of our society and communities and the concomitant attitudes, knowledge and skills necessary to create effective learning environments.
Standard 3: Teaching practice.	Portal 3: The integration of professional understanding through performance.
Standard 4: Leadership and community.	Portal 4: An understanding of self as developing professional teacher.
Standard 5: Ongoing professional learning.	Portal 5: The development of critical reflective practice through guided, introspective analysis of emerging professional/practical attitudes, knowledge and skills.
Standards 1-5: Technological knowledge and skills are incorporated throughout the *Standards of Practice*s.	Portal 6: The development of technological knowledge, skills and values to support effective practice.

Source: Nipissing University, 2003.

Numerous appraisals are conducted as part of the accreditation process both inside and outside of the Faculty of Education. Course review and programme review are required to show the specific ways (formal/informal, explicit/implicit and planned/incidental) in which courses address the *Standards of Practice* and the *Ethical Standards*. Student reviews of both programme and practicum experiences relate to the *Standards of Practice* and the *Ethical Standards*, as do partner assessments.

Chapter 3
Current implementation of
the *Standards of Practice*

Over the past 2 years, the College has actively pursued ways of developing teachers' and principals' understandings of the *Standards of Practice*. Workshops that employ the casework method to explain and apply the standards were established and used in the province. These cases were written by Ontario teachers for teachers and the writers reflected on their own experiences as they prepared the narratives. The workshop components included:

- an introduction by College staff setting the standards in the historical, educational and political contexts of Ontario;
- an experiential group activity to examine the standards and the key elements with the opportunity to respond to the content;
- an individual/group reflection activity focusing on the power of stories of experience;
- connecting the stories to the *Standards of Practice* through visually graphing the results;
- implications for practice: relating standards to each particular audience;
- assessment component: synthesizing the standards and experience through participating in a simulation activity; and
- closure/evaluation (Squire and Smith, 2003: 5-6).

While there have been modifications made to the workshop structure, the above-listed elements provide the foundation. This type of workshop allows for self-reflection, ties the standards to their lives as teachers, promotes professional learning and permits professional dialogue (Squire and Smith, 2003). Ontario school board representatives have attended a

two-day training workshop (with expenses paid by the Ontario College of Teachers) introducing participants to another method of developing understandings rather than participants being 'taught'. The training has resulted in focus groups in their home school jurisdictions for teachers to form their own understandings. Additionally, the College has prepared a resource kit consisting of four booklets: *Collaborative inquiry through cases* (case studies on the *Standards of Practice*); *Exploring ethical knowledge through inquiry* (case studies on the *Ethical Standards*), *Reflecting on practice through a case script* (a script dealing with a coach of a basketball team), *Standards review discussion guide* (described below) and a CD Resource: *Standards in practice*. Another resource, *Fostering the culture of shared inquiry: Using the case method* is in preparation.

A second Standards Symposium was held in November 2003 to showcase how standards are integrated into professional practice. The College realizes that unless teachers know about and understand the standards, they will not be able to apply these to their educational environments or be able to provide recommendations for the review process that is underway. To ensure understanding and integration of the standards into practice, implementation strategies are to be appropriate for educators' contexts.

1. Review process

A review of both the *Standards of Practice* and the *Ethical Standards* is in progress but not yet completed. The College of Teachers may take its cue from the College of Nurses of Ontario (CNO), established in 1963, which has a review policy. It has established that the need to develop new or revise existing standards is identified by the College through inquiries, complaints, communications, emerging trends in health care, or new or amended legislation. A literature review on the topic is being conducted, followed by the development of the new standards, with expert professional assistance if required. The draft set of standards is being reviewed and

consultation occurring with stakeholders: the governing council, nurses, employers, nursing organizations and governmental agencies through focus groups, surveys and workshops. The draft is being revised and adopted by CNO Council with communication to all affected parties. CNO states that:

> "*Standards of Practice* are always evolving to keep pace with the rapid change occurring in the health care sector… If the standard is a general document (i.e. if it applies broadly throughout the Ontario nursing profession), it will be published in the College Journal Communiqué and circulated to all practising nurses". (CNO, 2003: 2)

With the rapid changes that occur in the health sector, CNO's *Standards of Practice* evolve to keep pace. There is constant monitoring of standards to ensure that they are appropriate for the workplace and safeguard the public.

Beginning in September 2003, the structured review of the standards has completed two phases: background research and analysis and consultation with educational partners, members of the profession, the public and students throughout the spring and fall of 2004. Currently, data analysis is in progress that will lead to development and revision of the standards. Phase 4 consists of vetting the revised draft with development of the final set of standards. Phase 5 will culminate with implementation, communication and dissemination of the standards in Phase 5 from July to December 2005 (Ontario College of Teachers, 2003*d*).

The review questions the accuracy of the standards in expressing professional practice, their values and ethical responsibilities, and what changes are required to illustrate the standards more accurately. In turn, the same questions are applied to the key elements: Do these elements accurately describe the standards and what changes are suggested for each element? (Ontario College of Teachers, 2004*b*). Additionally, respondents are asked to suggest improvements for format and language.

Currently, constructivism is supported for student learning. When students see meaning in their studies, when they are actively involved in their own learning and when they understand what they are learning, they will be successful (Beck, Hart and Kosnik, 2002). Similarly, when teachers are involved in developing standards, when they see meaning in them and when they are able to apply them to their practice, they will develop as effective teachers, as they will construct meaning in their work.

2.   Discussion and recommendations regarding the *Standards of Practice* and *Ethical Standards*

Hattie (forthcoming) from the University of Auckland determines that procedural validity, which includes the process by which standards are defined and who is involved in their development, is a 'critical issue' in determining and specifying standards for any profession. He defines this as critical in two ways: for the subsequent operationalization of assessment procedure and for legal defensibility. He states that these criteria must be met before standards can be considered valid:

- the integrity and independence of the body responsible for developing the standards;
- that the standards developing body is composed primarily of those who are already highly accomplished practitioners;
- that the diversity of perspectives in the profession is represented;
- that the process of defining the standards is developed on a sound scientific basis and that the process of developing the standards is formally documented; and
- that a wide sampling of agreement is sought for the standards from the major professional groups regarding the appropriateness and level of standards.

As Ontario's College is not accepted by some of its members, the apparent lack of integrity and independence of the College as the developer

of standards is called into question. The College's Governing Council is composed of 17 elected and 14 publicly appointed members and the professional staff of the College led the development of the standards, all of which combine to cause teachers to be sceptical. Currently, the Ontario government is reviewing elements of the College with the intent of "revitalizing the Ontario College of Teachers" (Ministry of Education, 2004: 1) by reviewing some of the contentious elements: make-up of the College Council, its independence, the Professional Learning Programme and politicization of the College Council. Implementation of some recommended changes will establish a more accepted College for teachers.

Many American teacher associations had written their teaching standards based on what teachers needed to know and are able to do to implement those standards, according to Ingvarson (2002: 6). As these were written by teachers for teachers, "teachers develop a powerful sense of ownership for standards developed in this way". The reality of teachers' work must be accurately reflected in established teaching standards (Jasman, 2000). However, to be successful, the development of standards that are effective for teachers and responsive to students' needs requires time, resources and expertise.

Tuohy and Wolfson (1976) reviewed a number of government reports (Ontario, 1970; Saskatchewan, 1973; British Columbia, 1974) written since the late 1960s that highlighted some of the weaknesses of various professions' self-government. It is noted that some recent changes have already modified them. Their review stated that:

> "The need of institutional mechanisms for lay input into the decision-making process, as well as state review of the outcomes of that process; they have urged the rationalization and strengthening of the mechanisms for review of the decisions of professional bodies. In 1968, the Commission of Inquiry into Civil Rights in Ontario, for example pointed to the lack of standardization of the mechanisms for state review of the decisions of professional bodies, which ranged from ex officio

representation of a Cabinet minister on professional governing councils, through provision for Cabinet veto or prior approval of professional regulations, to the detailed spelling out of certain rules (such as those governing admission procedures) in a statute, rather than in regulations passed by the professional body itself" (79-80).

Given the concerns of Tuohy and Wolfson, the development and review of standards must be detailed in statute rather than in regulations passed by a College of Teachers or another governing body. For Ontario's College of Teachers, the actual standards are not detailed in statute, but the developmental and review process is included. This also would include 'outside of the profession' or 'lay' review as suggested by Tuohy and Wolfson.

Tuohy and Wolfson also express concern about the dangers that the profession could inflict on the public, ultimately resulting in abuses. Unnecessary functions could be given to the profession, resulting in monopoly prices charged for services. The profession could restrict supply, thereby maintaining prices at an artificially high level, or affecting the quality of the practitioner or service. It could also create a demand for the services provided, thereby increasing the volume of service provided. They conclude that Canadian public policy regarding professions has not adequately provided protection against these dangers and that Canadian governments have not provided a way to review professional regulations on a regular basis to determine "abuses of the regulatory power in maintaining an artificially high level of return" (Tuohy and Wolfson, 1976: 81). Other than the Minister, Ontario's legislation has no ongoing mechanism for assessing professional legislation. The state must recognize the dangers outlined above and realize that:

"There must be mechanisms for full-time, continuous review of professional decision-making bodies, for the generation of information regarding the social, economic and political impact of professional decisions, and for the overturning of professional decisions and

regulations where the state judges them not to be in the public interest. The appointment of lay representatives to professional decision-making bodies is not sufficient to meet these criteria, nor is the legislation that allows the Minister to review and revoke (if necessary) legislation passed by professional bodies" (86).

In the aspect of self-governance, organizations need to be cognizant of the dangers as outlined by Tuohy and Wolfson. A higher authority is necessary to monitor and, if necessary, respond to actions taken by self-governing bodies. This applies also to the development of standards. Standards may result in teacher socialization to reflect one particular mindset resulting in 'cookie-cutter' model or 'cloning' of teachers. Darling-Hammond (1997) as cited by Chambers 1998: 50) supports this further: "*Standards of Practice* ... are not prescriptions; instead they reflect shared norms and knowledge about underlying principles of practice, the effects of various techniques, and decision-making processes".

There is a danger that the standards may be used as an evaluative method, as a prescriptive list. Margaret Wilson, the College registrar, stated that "the standards are not meant as an individual evaluation measure for teacher performance – a responsibility of school boards under the Education Act and its Regulation 298. School boards and other employers in the field of education may wish to use them, however, in *reviewing* [emphasis added] their own performance appraisal system" (Giguère, 1999: 10). Such a statement encourages employers to use the standards for evaluation as it presents the idea of using the standards for evaluative purposes. However, the *Standards of Practice* document discusses their use and specifically states:

"The standards are not intended to be the criteria for the ongoing performance appraisal of individual members of the College. Performance appraisal remains the responsibility of the employer. In publicly funded systems, these responsibilities are outlined in the

Education Act and Regulation 298 under the Education Act". (Ontario College of Teachers, 2004*c*: 9)

This, however, did not prevent Ontario's Ministry of Education from using the *Standards of Practice* to develop its teacher performance appraisal process. Using the standards as the basis for evaluation, as this Ministry has, puts teachers who may have contravened the standards in teaching in a position of 'double jeopardy'; that is, the teacher who is found in contravention of a standard has already been evaluated under that standard (in the guise of evaluation) and thus may lose certification to teach in Ontario, if it is deemed to be an infraction serious enough to be brought to the attention of the College. These teachers will be judged on the same standards twice: first in the evaluation process with the school board and then for disciplinary process with the College of Teachers. There will be a great temptation for school boards or governments to use standards as the basis for evaluation. What is equally as distressing about the Ministry's use of the standards as the basis for teacher performance appraisal is that the Ontario College of Teachers did not object.

Judyth Sachs (2003) believes that there is a need for caution and scepticism in developing and using standards for teachers: What is the purpose of the *Standards of Practice* and what are the consequences of their use in teachers' classrooms? Her concern includes the temptation by some to provide a very narrow definition of teaching that may result in a 'teach-to-the-test' mindset by including "a narrow set of teaching attributes" (185). She determines that teachers must be involved in development of the standards and, like Ingvarson (2002), acknowledges that sufficient time must be allocated to the creation of standards applicable to teachers in various contexts.

Discussion concerning the creation of standards must begin at the local level with teachers on "what it means to be a teacher". Teachers, as professional educators, know what it means to teach and understand the complexities. While everyone in Ontario believes they know what teaching

is by virtue of having attended school, they do not understand the intricacies of the teaching. Further, teachers must be involved in the development of high and rigorous quality standards describing what they ought to know and do. Additionally, teachers must be involved with the development of and operation of a valid assessment system determining whether teachers have attained the standards (Ingvarson, 2002).

The Ontario College of Teachers, in developing standards, conducted a literature review of standards set by other educational organizations. It was from this grouping that the College's Standards Branch built its draft. The difficulty with this approach (i.e. developing standards from a literature review) is that it reflects other organizations' standards rather than representing the needs of the local teaching force. The development of the Ontario standards included teachers and other educators but this was one step late. Teachers ought to be involved with deciding what they believe is good teaching and this must be the first step, rather than a literature review forming the basis for standards. Teachers must peer review the standards as they recognize good teaching and bad teaching. Further, teachers and other educators who hold teaching certification must be involved in enforcing standards.

These same standards are also used in accrediting teacher education programmes offered at colleges/faculties of education as these organizations are responsible for instructing future educators. The professional teacher education programmes that prepare teacher candidates in Ontario schools are accredited by the College, which bases endorsement on the *Standards of Practice* and the *Ethical Standards*. The use of the same standards raises a concern: Does one set of standards fulfil all purposes? It could be argued that accrediting institutions using standards that apply to experienced teachers may not be appropriate.

Providing a draft standards document in its journal, posting the standards to the website and sending copies of standards to members, as the OCT did, is not implementation. True implementation occurs with

awareness, understanding and practice, when teachers are actively involved in discussing and practising standards. Teacher understandings develop over time, not over a one 'talk at' professional development session. In awareness sessions held in late 2001, participants suggested ways to increase understanding of the standards:

- distributing and discussing documents with school councils;
- posting a chart outlining the standards in each school and classroom,
- creating a video;
- publishing stories of teaching as they relate to the standards; and
- conducting more awareness sessions
  (OCT Professional Affairs Department, 2001: 5).

The awareness sessions used case studies to present the *Standards of Practice* and *Ethical Standards*. This process proved to be highly successful in developing teacher understanding. From this method, teachers provided observations and recommendations that would allow for improved implementation of the standards:

- Educators' engagement with the standards should occur in a non-threatening and positive environment;
- To increase credibility and trust, messages about the standards must come from the teachers;
- It is important to preserve the integrity of the messages contained in the standards by delivering messages in the same spirit in which the standards were originally developed;
- Educators need opportunities within the teaching day to talk about and make meaning of the standards;
- Workshop facilitators have commented that they felt re-energized as teachers;
- Workshop experiences with the standards have become personally meaningful to all teachers who participated;

- Reflection is a key component of the standards and teachers need time to reflect on their craft in relation to the standards (OCT Professional Affairs Department, 2001).

Once teachers are aware of and have experienced the standards, they then will be able to participate in a review and revision of these.

As with every profession, research and practice yield new information and issues. Education is no different; teaching and learning practices change. Accordingly, standards must be reviewed on a regular basis to ensure that currency of the standard exists because of expanded knowledge. Standards also apply to aspects of society outside of the education of students, since many of these are partners in their education. These partners may include parents, employers of students in co-operative education experiences, the Ministry of Education, etc.

Collaborative efforts are required by teachers for a positive change within the whole profession. Hargreaves (2000: 171) notes that "one of the key initiatives here for teachers' effectiveness and public credibility is for them to set and meet an exciting set of professional *Standards of Practice*" [emphasis in the original]. The standards movement has spread worldwide but often standards, he concludes, are seen in three ways:

- as 'things' others determine for teachers (such as the Teacher Training Agency in England);
- as set by an elite group for a minority of teachers voluntarily committing to review (such as the National Board of Professional Teaching Standards in the United States);
- "[a]s something that teacher representatives of a trade union tradition use to describe and justify existing levels of practice", that he believes does not raise teaching to a higher level. The example provided is the Ontario College of Teachers. He bluntly states that no professional self-regulatory body in teaching seems to have the stomach or teeth to raise professional standards among all its members. Until such a

commitment is made, teaching will continue to lack professional credibility in the eyes of the public, and teachers will continue to be the victims rather than being at the vanguard of educational reform (171).

The current emphasis on bureaucratic accountability, which includes many administrative functions completed by teachers, must be replaced with emphasis on professional teacher accountability. Teachers must be held accountable for teaching students, not subjects. Urbanski and Darling-Hammond (1997) contend that "a professional accountability *system seeks to ensure* [emphasis in original] responsible and responsive practices that are knowledge-based and client-oriented. It does so by creating policies, practices, safeguards, and incentives" (28). Accountability works when guiding principles and practices come together to make available a good education and remedy problems when they occur (Urbanski and Darling-Hammond, 1997). Teachers then expect to be accountable and can use standards to self-reflect and seek and forge professional development strategies to ensure they attain the standards.

3.   Extracted recommendations

Throughout this paper, a number of issues concerning self-governance and one of its attributes, the development of standards, are discussed. Emanating from these explanations and debate are extracted recommendations regarding standards. These advocate:

•   that teachers be involved in the initial and subsequent determination of the standards;
•   that all stakeholders and partners be involved in the development of the standards;
•   that caution be used in developing the standards to avoid a narrow definition of a teacher;
•   that adequate resources, sufficient time and local expertise be provided to develop the standards;

- that once the standards are developed they be promoted, giving time for teachers to discuss them;
- that implementation of the standards include faculties of education;
- that implementation include active discussion with teachers by teachers involved in their development;
- that the standards apply to all who are involved in the education of children;
- that parents be made aware of the standards;
- that the release of the *Standards of Practice* be celebrated;
- that the standards be reviewed in a timely manner to ensure currency;
- that appropriate resources (resource package of print material such as case studies, videos and posters) be developed to explain the standards for all educators;
- that the development and review of standards be detailed in statute rather than regulation or policy, providing for 'outside of the profession' or 'lay' review;
- that the standards not be used for, or as the basis of, teacher performance appraisal;
- that the standards of teaching be raised;
- that standards be developed that are appropriate and applicable for their use (such as accreditation standards, registration standards, etc.);
- that teachers be involved in the development of and operation of a valid assessment system determining whether teachers have attained the standards; and
- that a mechanism be developed for full-time continuous review of professional decision-making bodies to guard against self-serving interests of the profession.

Conclusion

In a study of teachers' responses to the development of Ontario's College of Teachers (Van Nuland, 1998), respondents provided a high positive correlation recognizing that the profession has the knowledge and expertise to set *Standards of Practice*. That particular statement received more support from the respondents than any other statement of the individual items. That teachers are prepared to undertake the responsibility of setting professional standards is further supported by the anecdotal comments made by teachers. Foster (1986) holds that, as teachers are recognized as professionals, they will want to and will set their own *Standards of Practice*. Judging competence and conduct and accrediting professional learning programs are activities that teachers are prepared to assume. *Standards of Practice* and *Ethical Standards* may be seen as such an accountability system when they are authentic, current and applicable.

Section Two
Teacher codes of practice in Bangladesh, India (Uttar Pradesh) and Nepal: a comparative study

by B.P. Khandelwal
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Executive summary

Teachers are considered the critical agents in the process of educational change in any country. Improving teacher quality is therefore very important in efforts towards ensuring equity, quality and efficiency of educational outcomes. Teacher quality does not refer to academic qualifications and training status alone; more importantly, it includes the professional commitment and ethical behaviour of the teacher.

Countries like Bangladesh, Nepal and India have made the required institutional arrangements to ensure better management of public services, promote ethical behaviour among public servants and combat corruption. A set of codes of practice for teachers is one of the institutions existing in these three countries that aims to empower teachers and facilitate the efficient management of education.

This study attempts to synthesize the major findings of three country monographs conducted in Bangladesh, Nepal and India (Uttar Pradesh) under the IIEP's project on 'Ethics and corruption in education'. The general objectives of these studies were to investigate the design, implementation and impact of teachers' codes of practice in these three countries, on the basis of perceptions of a cross-section of stakeholders including teachers, administrators, policy-makers, representatives of teacher unions, parents, community members, etc.

Attempts have been made in the monographs to identify the major sources of unethical behaviour among teachers. It has been found that all the following sources are potential areas for unethical practice among teachers, but with varying degree of seriousness, namely: human resource management, procurement of materials, conduct of school inspection, school admission, school examinations and qualifications, embezzlement

and mismanagement of school finances, attendance and absenteeism, poor human relations among staff in school and private tuition.

It is generally felt that the existing codes are useful and relevant in all the countries under study. However, there is no systematic capacity building programme undertaken to enforce the codes in any of them. The codes are not included in the curriculum for teacher training. A fairly large number of respondents are not very familiar with the procedures for lodging complaints against erring teachers and staff. Moreover, several social, economic, political, administrative and institutional constraints related to systemic corruption and transparency issues tend to hinder the effective implementation of the codes.

Nevertheless, the general perception is that the codes have a positive and significant impact in improving the professional conduct of teachers and staff as well as the degree of transparency and accountability in the education sector. The impact of the codes is thus considered positive and significant in improving the commitment, professional behaviour and performance of teachers and staff in India and Bangladesh. It is seen as significant in reducing incidences of abuses in the school admission system. It is also felt, for example, by most of the respondents that, after the implementation of the codes, teachers have largely abstained from giving private tuition in India – whereas this is still a major concern in Bangladesh.

The study concludes that there is a need to create access to information and codes of practice in the education sector. Mere formulation of codes is not enough to ensure their effective implementation. Capacity building of teachers, staff and other stakeholders in the education sector in the use of the codes is extremely important in these countries. Similarly, the creation of a database on the enforcement of the codes is critical in planning and monitoring their effective implementation.

Introduction

"Tam hotaramadhvarasya pracetasam,
Vahnim deva akrnvata I
Dadhati ratnam vidhate suviryam-
agnirjanaya dasuse II"

Rigveda 7/16/12

(Knowledge imparting, engaged in non-violent activities and busy only in educational work, such teachers are selected only by scholars. Only such teachers can equip their pupils with spiritual, physical and social strength.[7])

This report is the outcome of three monographs[8] on teacher codes of practice implemented in Bangladesh, Nepal and UP/India under the observation programme on 'Ethics and corruption in education' of the International Institute for Educational Planning, Paris, France. The report draws its basic data and information from these country monographs and makes an attempt to synthesize the major findings and suggestions related to the development, enforcement, relevance and impact of the codes, particularly on teachers' behaviour and professional competence.

The report is divided into four chapters. *Chapter 1* provides the overall context of the study and a brief profile of the study area. *Chapter 2* describes the objectives, methodology and database of the study as well as major empirical findings relating to sources of unethical behaviour among teachers and staff. Design and development of the codes are presented in *Chapter 3*

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7.   Duty of the teacher as described in the Rigveda, cited in Ved Prakash Shashtri and Shashi Kant Pandey [Eds]. 2002. *Shiksha-Manjusha*. New Delhi: Neeta Prakashan.
8.   E.A. Dewan, *Comparative study on Teachers' Codes of Practice, Country report: Bangladesh*; H.R. Bajracharya, *A study on Teacher's Codes of Practice in Nepal*; and B.P. Khandelwal and K. Biswal, *Teachers' Codes of Practice in India (Uttar Pradesh)*.

and enforcement of the codes in *Chapter 4*. The conclusion summarizes the major findings and suggestions of the three country monographs and draws relevant policy implications. The relevant codes of practice in education in these countries have been included in the reference section of this book (see *Section Three*).

Chapter 1
Background and context

1.   Context

Education is being increasingly recognized as a critical input for bringing about social and economic transformation. It is an investment for the creation of cognitive capital in any economy. Apart from being recognized as an important factor of production, education is also vital in nurturing and maintaining social and cultural values. Ever since education has been recognized as one of the critical factors explaining variations in the growth of economies across the globe, there has been a visible increase in investment in basic education. Besides focusing on expansion, increasing attention has also been paid to address issues of equity and quality of education. The same trend can be found in South Asia since the early 1980s. Several education development programmes have been implemented, not only to universalize basic education but also to develop the subsequent levels of school education. Although they are quite visible, the outcomes of these reform programmes are not at the expected level. There still exist a number of problems relating to the access, retention, equity and quality of school education in many South Asian countries, including Bangladesh, India and Nepal.

Teachers are considered the critical agents in the process of educational change in any country. Improving teacher quality is, therefore, very important in efforts towards ensuring the equity, quality and efficiency of educational outcomes. Teacher quality does not refer to academic qualifications and training status alone; more importantly, it includes the professional commitment and ethical behaviour of the teacher. The latter component of teacher quality is extremely important as it has wider implications for ensuring equity, quality and efficiency in the education

sector, particularly in developing countries. In this context, empowerment and management of teachers in the school education sub-sector are priority issues in many South Asian countries such as Bangladesh, Nepal and India. Moreover, high incidences of unethical practices and lack of transparency and accountability in the education sector seem to be major impediments of educational development in these countries. Developing and sustaining the professional ethics of educational personnel, including teachers, happen to be important areas of concern in South Asia.

According to the *Global Corruption Report 2003*,[9] the Corruption Perception Index (CPI) 2003 scores are relatively high in South Asian countries,[10] with corrupt practices perceived as the highest in Bangladesh. In 2003, India was on a par with Malawi and Romania in terms of CPI score. Sri Lanka has the highest CPI score and Bangladesh has the lowest CPI score (see *Table 2.1.1*). In South Asia, governments are now making efforts to facilitate access to information as one of the measures to ensure transparency and accountability. As one can see later in this report, lack of access to education codes, specifically at the middle and the grassroots levels, is one of the important factors influencing their implementation and impact in Bangladesh, Nepal and India.

Countries like Bangladesh, Nepal and India have made the required institutional arrangements to ensure better management of public services; to promote ethical behaviour among public servants; and to combat corruption. A set of codes of practice for teachers is one of the actions taken in Bangladesh, Nepal and India that aims to empower teachers (including promoting desired codes of conduct among teachers) and facilitate efficient management of education.

9.   Transparency International, Otto-Suhr-Allee 97-99, D-10585, Berlin, Germany.
10.   CPI score refers to perceptions of the degree of corruption as seen by business people, academics and risk analysts, and ranges between 10 (highly clean) and 0 (highly corrupt).

Figure 2.1.1   Political map of South Asia

Table 2.1.1   Corruption Perception Index (CPI) in selected
              South Asian countries

Country	2002 CPI score	SD[a]	Country rank 2002[b]	2003 CPI score	SD	Country rank 2003[c]
India	2.7	0.4	71	2.8	0.4	83
Bangladesh	1.2	0.7	102	1.3	0.7	133
Sri Lanka	3.7	0.6	52	3.4	0.7	66
Pakistan	2.6	1.2	77	2.5	0.9	92

Source: Transparency International, 2003.

Note: Information on CPI for Nepal is not available in the GCR 2003.

(a)   Standard Deviation: This indicates differences in the values of the scores, i.e. the greater the standard deviation, the greater the differences of perceptions of a country among the sources.
(b)   Among 102 countries.
(c)   Among 133 countries.

Ethics, referring to the "science of morals and the principles of morality", furnish the basis for establishing and maintaining high standards of value in any society. The violation of ethics or of the principles of morality is generally perceived as corruption. The general definition of corruption is "the use of public office for private gain". This definition, however, excludes a larger section of the society that is either directly involved in corrupt practices or equally responsible for making public servants, often teachers, violate the prescribed codes of practices.

Each public service has, as a rule, job-specific ethics and codes of practice in addition to other general ethics that cover all public services. A study on teachers' conformity to the codes of practice set for the teaching community is of interest, as teachers constitute the most important segment of public servants in any country. It is all the more so as teachers teach universal values to the whole nation. Nonetheless, in-depth observations and perceptions of the cross-section of stakeholders in the education sector

lead to the general conclusion that violation of ethical codes of conduct by teachers is no less rampant than by any other section of public servants.

2. Country profile

Bangladesh, India and Nepal are low-income countries of South Asia. Bangladesh lies in the north-western part of South Asia with an area of 147,570 km². Bangladesh has the highest population density in the world (834 per km² in 2001) and is home to 129.1 million people (*Census of Bangladesh*, 2001). Average annual growth rate of the population is 1.48 percent, and around four fifths of its population live in villages. As far as the Human Development Index is concerned, Bangladesh ranked one hundred and thirty-eighth among 177 countries in 2004. In the country, life expectancy at birth is 61.1; infant mortality rate is as high as 51; and 62 per cent of adults (aged 15 and above) are literate (see *Table 2.1.2*) (Dewan, 2004).

In India, the study was conducted in the northern state of Uttar Pradesh (UP). India (see also *Figure 2.1.2*) is the second most populated country in the world after China, covering an area of 3,166,414 km². It is home to one sixth of the world's population (1.027 billion people), with a population density of 324 and a sex ratio of 933 (Census of India, 2001). The average annual growth rate of population in the country was 1.95 per cent during the 1990s. Around two thirds of its population (65.38 per cent of those aged seven and over) is literate. India has 28 states and seven union territories; 593 administrative districts; and 5,564 sub-district level administrative units (i.e. *tehsils*/*talukas*/community development blocks). According to the Human Development Report (2004), India ranks one hundred and twenty-seventh in the family of nations. At the state level, there is wide disparity in the level of human development. In the 1990s, smaller states improved their level of human development, while relatively bigger states like Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar and Orissa continue to have lower HDI.

Table 2.1.2   Demographic and economic indicators in South Asia

Country/ HDI Rank	Total population in millions, 2002[a]	Urban population (% of total), 2002	Life expectancy at birth in years, 2002	Infant mortality rate (per 1,000 live births), 2002	Adult literacy rate (% ages 15 and above), 2002[b]	Youth literacy rate (% ages 15-24), 2002	GDP per capita (ppp US$), 2002	GDP per capita annual growth rate (%), 1990-2002	Population below income poverty line (US$ a day),[c] 1990-2002[d]
Bangladesh (138)	143.8	23.9	61.1	51	41.1	49.7	1,700	3.1	36.0
India (127)	1049.5	28.1	63.7	67	61.3[e]	N/A	2,670	4.0	34.7
Nepal (140)	24.6	14.6	59.6	66	44.0	62.7	1,370	2.3	37.7
Sri Lanka (96)	18.9	21.1	72.5	17	92.1	97.0	3,570	3.4	6.6
Pakistan (143)	149.9	33.7	60.0	83	41.5[f]	53.9[g]	1,940	1.1	13.4
Bhutan (134)	2.2	8.2	63.0	74	47.0[h]	N/A	N/A	3.6	N/A
Maldives (84)	0.3	28.4	67.2	58	97.2	99.2	N/A	4.7[i]	N/A

Source: UNDP, 2004.
Note: Figures in parentheses show HDI rank of the country. N/A= not available.

(a)   Data refer to medium variant projections.
(b)   Data refers to estimates produced by the UNESCO Institute for Statistics in July 2002.
(c)   Poverty line is equivalent to $1.08 (1993 PPP US$).
(d)   Data for the most recent year available during the period specified.
(e)   *Census of India* 2001 data.
(f)   Data refer to a year other than that specified.
(g)   Data refer to a year other than that specified.
(h)   Census data.
(i)   Data refer to a year other than that specified.

Figure 2.1.2   Size of countries covered in the study (in km²)
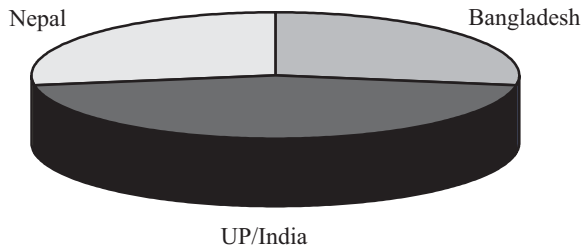
Source: Authors' data.

Uttar Pradesh, the study area, is the most populous province (state) located in the northern part of India. It covers an area of 240,928 km² and is divided into 70 districts for administrative purposes. The total population of UP is 166.05 million, which is 16.17 per cent of the total population of India (Census of India, 2001). The total population of UP is higher than the estimated population of Pakistan (157 million), Bangladesh (129.1 million) and Nepal (23.15 million; see also *Figure 2.1.3*). In terms of population, UP tops the list of states and union territories in the country, whereas in terms of area, UP occupies the fifth position. In the 1990s, the average annual growth rate of the population in the state was 2.3 per cent, which is much higher than that of Bangladesh (1.48 per cent) and Nepal (2.24 per cent). The density of population in the state is 689 and the sex ratio was 898 in 2001. The literacy rate stands at about 57.36 per cent in the state (42.98 per cent for females) and around 40 per cent of the population lives below the poverty line. Uttar Pradesh's infant mortality rate is 86.7, almost six times higher than that of Kerala, one of the developed states of India. At the turn of the century, one in three girls in Uttar Pradesh had never been to school. Uttar Pradesh's total fertility rate is substantially higher than the average of 2.85 for India and 3.1 for low-income developing countries (Shekhar and Rani, 2004).

Nepal, one of the least developed countries of the world, borders China on the north and India on the east, south and west. It covers an area of 147,181 km² Nepal is a mosaic of geographical and social diversities. Geographically, it consists of three main layers of distinct zones: (i) the Himalayas, the high mountain range with snow-covered peaks; (ii) the *Mahabharat* and *Siwalik* ranges consisting of middle mountains, hills and valleys; and (iii) the *Terai*, a strip of fertile plains. All these geographic belts of Nepal run from east to west. Nepal is home to 23,151,423 people (23.15 million in 2001). During the 1990s, the total population in the country increased at an average annual growth rate of 2.24 per cent. Around 86 per cent of the population lives in rural areas. The adult literacy rate (age group 15 and over) is 48 per cent (*Census of Nepal*, 2001).

Figure 2.1.3   Total population of Bangladesh, UP/India and Nepal, 2001
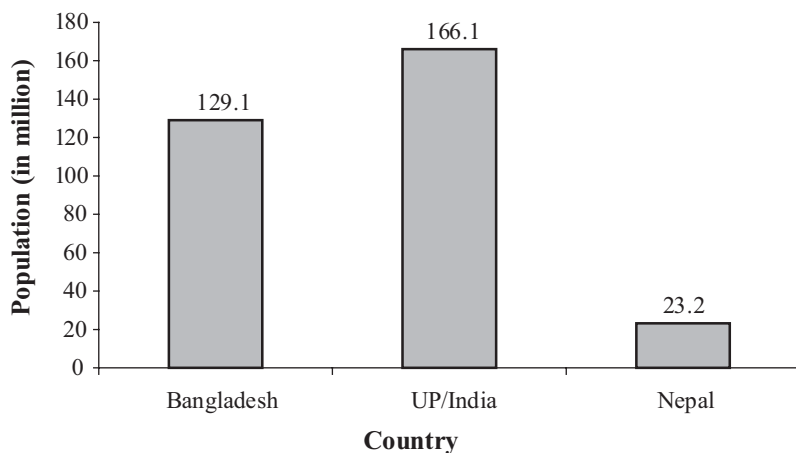
Source: Authors' data.

Figure 2.1.4   Infant mortality rate for 1,000 live births, 2001
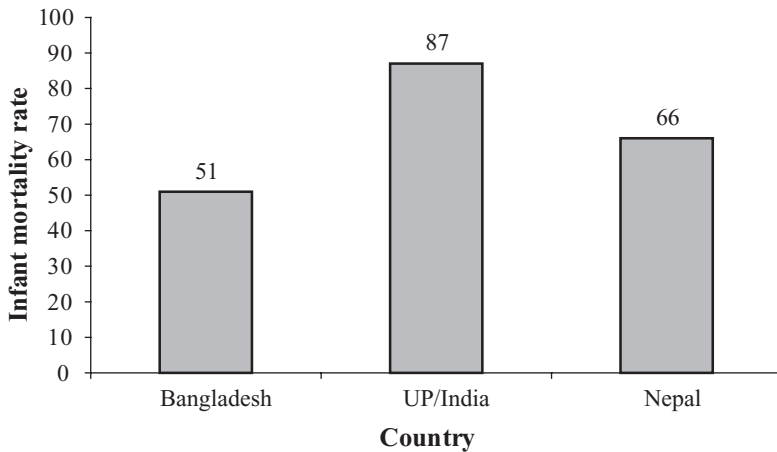
For administrative purposes, Nepal is divided into three 'eco-zones' (mountains, hills and *terai*) and 75 districts. In terms of human development, the country ranked one hundred and fortieth in the family of nations in 2004. The infant mortality rate is 66 in the country; and life expectancy at birth is around 60 years (see *Table 2.1.2*. and *Figure 2.1.4*). Nearly 42 per cent of Nepal's population lives below the poverty line and nearly 38 per cent of the population below absolute poverty. Income distribution is highly unequal: The bottom 20 per cent of households receive less than 5 per cent of national income, while the top 10 per cent share about 50 per cent. Gross imbalances in levels of poverty are most harshly evident for women, low-caste groups and people in remote areas. Infant and maternal mortality rates are among the highest in the world and health care reaches only 10 per cent of the population. Agriculture is the mainstay of the economy, providing a livelihood for over 80 per cent of the population and 41 per cent of the GDP. The per capita annual income of the country is about US$24,018, and 34.7 per cent of population lives below income poverty line, that is

less than US$1 per day. The emergence of insurgency and the resulting political conflict in Nepal since 1996 has seriously hampered efforts towards enhancing the capacity of democratic institutions. The constant deterioration of the peace and security situation has had a direct bearing on the development endeavours of the country, as manifested by a steep fall of GDP from 6 per cent in 1995/1996 to a negative growth in 2001/2002.

The countries covered under the study share more or less similar socio-economic characteristics. Uttar Pradesh is the largest in terms of population and geographical area. Bangladesh is the most densely populated country followed by UP/India and Nepal. In terms of growth of population, UP is way ahead of Bangladesh and Nepal. Life expectancy at birth is around 60 years in all three countries/states. In UP/India and Bangladesh, nearly one fourth of the population lives in villages, whereas the share of rural population in the total population of Nepal is around 86 per cent. Agriculture happens to be the most important source of livelihood in these countries/states. Socio-economic disparity is widespread and basic facilities for human development such as education, health care and provision of drinking water in rural areas are grossly inadequate. A notable fact is that, in these countries, gender disparity in access to basic facilities for human development is widespread. Moreover, more than one third of the population lives below the poverty line (see *Figure 2.1.5*).

All these countries have a democratic form of government and adopt decentralization as the major strategy for development and mainstreaming of the socio-economically backward communities. The pace of development, however, has not met the expectations of the people of these countries. The capacity building of administrative institutions has been too slow.

Democratic institutions, which are instrumental for providing momentum to government initiatives towards pro-poor programmes, have remained weak and hence development efforts have struggled to produce the desired outcomes. Nevertheless, in the 1990s these countries made enormous progress on almost all fronts, including education.

Figure 2.1.5   Percentage of population living below the poverty line
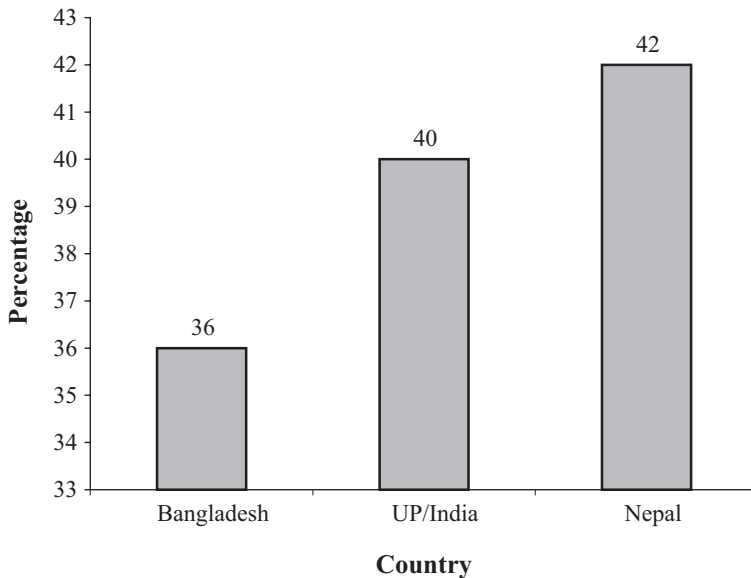
3.   Educational structure and administration

The structure of school education in all three countries is very similar. School education consists of five levels: (i) pre-primary; (ii) primary (grades 1-5); (iii) upper primary/junior secondary (grades 6-8); (iv) secondary (grades 9-10); and (v) senior secondary/intermediate/junior college (grades 11-12). Pre-primary education is not part of the formal education system in UP/India, Bangladesh and Nepal. Rather, it is mostly community-based. In Nepal, however, pre-primary education is both community and school-based and children in the age group 3-4 are eligible to participate in pre-primary education. In Bangladesh, primary education has two streams – general and religious – and secondary education has three major streams –

general, technical/vocational and religious. In Nepal and UP/India, primary and secondary education is also imparted in *madrasas* and other religious institutions, and secondary education has two major streams – general and vocational/technical.

Primary education is imparted in different types of institutions, which range from independent primary schools to higher secondary schools with primary sections. A similar kind of structure can be found at the junior secondary and secondary levels. In Bangladesh, there are 11 types of primary level institutions. These are (i) government primary schools (owned, funded and managed by the government); (ii) non-government registered (registered with the MOPME and 90 per cent of the salary of the teachers and non-teaching staff are provided by the government; managed by the SMC); (iii) non-government non-registered (not registered with the MOPME but under the process of registration; managed by the SMC); (iv) *ebtedayee madrasa* (primary level non-government institutions imparting religious education); (v) *ebtedayee madrasa* attached to *dakhil madrasa* (*dakhil madrasas* are non-government educational institutions imparting religious education at the secondary level, with a curriculum different from that taught in the mainstream schools); (vi) secondary schools attached to primary sections; (vii) NGO schools (such as BRAC schools and Gana Sahajya Sangtha schools); (viii) satellite schools (schools containing only grades 1 and 2. These schools are established in villages where there is no primary school. Pupils studying in these schools, which are non-government schools, go to the primary schools of the nearest village after completing grade 2); (ix) community schools (one-teacher schools run and funded by the community); (x) kindergartens (English medium schools completely privately owned and managed); (xi) experimental schools (schools attached to the Primary Teacher Training Institutes where trainee teachers go for practice teaching).

At the secondary level, *dakhil madrasahs* (non-government schools imparting religious education) are also found. Almost 51 per cent of primary

schools are managed by private bodies, whereas 98 per cent of secondary and higher secondary level institutions are non-governmental. In Nepal, 16 per cent of primary schools, 20 per cent of lower secondary schools and 24 per cent of secondary schools are run by the private sector. Private bodies manage most of the higher secondary institutions in Nepal.

Broadly speaking, management of the educational institutions in these three countries can be categorized into three groups: *government* (fully funded and managed by the government); *government recognized and aided* (almost 90 per cent of salary of teachers and staff of these institutions comes from the government, and the institutions themselves are either managed by the local bodies or by the community based school management committees); and *recognized private unaided* (not funded by the government and managed by private bodies, mostly for profit). In these countries, higher education has three major streams: general; technical; and professional.

In UP/India, the government and local bodies run most of the primary schools. Around 12 per cent of pre-degree/junior colleges/higher secondary schools; 36.4 per cent of high/post-basic schools; 32.62 per cent of middle/senior basic schools; and 7.15 per cent of primary/junior basic schools were recognized private unaided institutions.

Besides the formal educational institutions, alternative and non-formal educational institutions function in these three countries mostly at the basic and elementary level of education.

UP/India has a huge and complex educational administrative set-up at different spatial levels. At the provincial level, there are separate Ministers in charge of higher, secondary and basic education. Similarly, there are separate Secretaries to look after the administration of higher, secondary and basic education. At the provincial level, there are Directors of Basic Education, Secondary Education, State Council for Educational Research and Training, Alternative and Innovative Education, and Urdu and Oriental Languages. Below the provincial level, there are Assistant Regional Directors (Basic

Education), who look after the administration of a cluster of districts. At the district level, the *Basic Shiksha Adhikari* (Basic Education Officer) heads the administration. At the sub-district level, the *Sahayak Basic Shiksha Adhikari* (Assistant Basic Education Officer) supervises basic education activities in a cluster of community development blocks. At the block level, the Sub-Deputy Inspector of Schools monitors and supervises basic education. Each district has a District Institute of Educational Training that provides pre- as well as in-service teacher training and also acts as an important resource organization. The Secretary, Secondary Education is the administrative head at the provincial level. A number of Special, Joint, Deputy and Under-Secretaries support him. There is a separate Directorate for Secondary Education headed by the Director. The Director of Secondary Education is assisted by a number of Additional Directors in charge of various specific aspects of secondary education. Joint Directors, Deputy Directors, Assistant Directors and Assistant Deputy Directors provide support to the Additional Directors. At the district level, the District Secondary Education Officer looks after the administration of secondary education. It may be noted that the share of private aided and unaided secondary schools is much bigger than that of government-managed secondary schools. School management committees are largely responsible for administration and supervision of these schools.

In Bangladesh, the Ministry of Primary and Mass Education (MOPME) is the policy-making body for primary and mass education. It is the apex administration structure that determines policy and formulates and implements development programmes for primary and mass (adult) education. The MOPME is headed by an Adviser with the status of a Minister under the direct supervision of the Prime Minister. The administrative head of the MOPME is a Secretary assisted by a number of officers. The MOPME is supported by a Directorate of Primary Education (DPE) that is headed by a Director-General (DG) with functional sections headed by four Directors at headquarters. In different tiers of administration, such as in the Division, District and *Thana* (sub-district), field officers such as Deputy Directors

(DD), District Primary Education Officers (DPEO) and *Thana* Education Officers (TEO) support the Directorate.

The MOE is the policy-making body and also the apex body for educational administration, management and planning for secondary and higher education. A Minister who is assisted by a State Minister heads the MOE. The Ministry executes its functions through the Secretariat, which is headed by the Education Secretary. The Directorate of Secondary and Higher Education (DSHE) assists the Secretary. The DSHE is also responsible for (i) project planning and implementation; (ii) payment of salary subvention to teachers and staff of the non-governmental secondary schools and higher secondary institutions. This function is also shared by the Bangladesh Bureau of Educational Information and Statistics (BANBEIS); (iii) teacher and staff management, i.e. recruitment, appointment, transfer and promotion of teachers and non-teaching staff for government schools; and (iv) overall responsibility for ensuring quality and "enforcement of academic standards of secondary and higher education". The DSHE is headed by the Director-General, who is assisted by four Directors and a number of other officials at the central, zonal and district levels. Relatively speaking, a larger number of institutions, teachers and students are under the administrative control of the DSHE. The DSHE has, under its control, the higher secondary and higher education institutions. The Directorate has no structure at the sub-district or *Thana* level, nor does any level have a monitoring and evaluation unit. There are a total of 64 districts and 481 *Thanas*. Some staff organizations extend support to the administrative functions of DPE and DSHE. Each one of them has specific functions.

The National Curriculum and Textbook Board (NCTB) develop curricula and publishes textbooks for the primary and secondary sub-sectors. There are six Education Boards under the name of Board of Intermediate and Secondary Education (BISE), and one *Madrasa* Education Board (MEB). These Boards are responsible for accreditation of non-government secondary education institutions and administration of public examination at

the secondary (Secondary School Certificate) and higher secondary (Higher Secondary Certificate Examination) levels. They are autonomous bodies. There is a Directorate of Inspection and Audit (DIA), which is engaged in inspecting the schools to ensure mainly their financial accountability. Two apex institutions are responsible for extending training and research support to the teachers and education functionaries. These are the National Academy for Primary Education (NAPE) for the primary sub-sector and the National Academy for Educational Management (NAEM) for the secondary and higher education sub-sectors. The important feature of management of non-government primary and secondary schools is school-based management through the School Managing Committees. These Committees are responsible for all management issues in the schools, excepting academic matters. The head teacher is the academic head of the school and Member Secretary of the Management Committee, while teacher representatives sit as members on the Committee.

In Nepal, the Ministry of Education and Sport (MoES) is the apex body responsible for planning and management of education. The Minister, who is assisted by the Education Secretary and a number of joint and deputy secretaries, heads the MoES. Under the MoES, the Department of Education headed by the Director-General is responsible for the administration of school education. Several other central level institutions such as the NCED, Council for Technical Education and Vocational Training (CTEVT), SDEC and CDC, which function under the MoES, provide necessary professional support in the management of school education in Nepal. Nepal is also divided into five administrative regions, each of which is headed by a Regional Director. Below the regional level, the District Education Office (DEO) headed by the District Education Officer looks after the school education sector. In fact the District Development Council – the elected local government – is primarily responsible for the planning and management of education at district level. The DEO reports directly to the chairperson of the DDC and develops district level education plans in consultation with the District Education Committee/DDC. At the sub-district level, the DOE

has created Resource Centres primarily to provide support to schools in terms of supervision and support services: data collection, compilation, analysis and report generation; development of the school improvement plan; organization of capacity building activities; and other planning and management related activities. At the village level, the VDC and SMC are responsible for planning and management of school education. In Nepal, the SMC has been empowered through legislation to take decisions relating to the functioning of schools, appointment of teachers, creation of educational facilities and the like.

Table 2.1.3. gives information about the number of institutions, enrolment and teachers in Bangladesh, UP/India and Nepal, according to stage of education. Bangladesh has 78,126 primary level institutions of all types; 3,245 junior secondary schools; 12,921 secondary schools; and 5,391 *Dakhil Madrasahs*. The country has 0.32 million primary school teachers; 0.021 million junior secondary school teachers; 0.16 million secondary school teachers; and 0.048 million teachers in *Dakhil Madrasahs*. The share of non-registered non-government and other primary level institutions is quite high (26.9 per cent). Similarly, there are no government-managed junior secondary and *Dakhil Madrasah* in Bangladesh (see *Table 2.1.3* and *Figure 2.1.6*). Data on the number of institutions and teachers in Bangladesh given in *Figure 2.1.6* include that of the *Dakhil Madrasahs*. UP/India has 1.47 million primary, junior secondary and secondary level institutions and 5.74 million teachers. Uttar Pradesh has 113,546 primary level recognized institutions; 28,936 upper primary/post-basic schools; 4,441 secondary schools; and 7,036 senior secondary schools. The state has 0.38 million primary school teachers; 0.15 million junior secondary school teachers; 0.041 million secondary school teachers; and 0.14 million senior secondary school teachers.

Nepal is the smallest among the three countries in terms of educational institutions, enrolment and teachers in the school education sector. The country has 36,396 institutions (i.e. primary, lower secondary and secondary

schools) and 386,541 teachers. It has 24,943 primary schools; 7,340 lower secondary schools; and 4,113 secondary schools. There are 0.097 million primary school teachers; 0.027 million lower secondary school teachers; and 0.019 million secondary school teachers in the country.

Table 2.1.3   Institutions, enrolment and teachers in the school education sector in Bangladesh, UP/India and Nepal[11]

Country	Level of school education	Number of institutions	Enrolment	Number of teachers
UP/India[a]	Primary	113,546	21,196,505	384,605
	Lower secondary	28,936	5,136,070	148,395
	Secondary	4,441	1,642,075	41,241
	Senior secondary	7,036	6,769,917	136,500
Nepal	Primary	24,943	3,853,618	96,659
	Lower secondary	7,340	1,058,448	26,678
	Secondary	4,113	449,296	18,846
Bangladesh	Primary[b]	76,155	2,065,915	312,806
	Lower secondary[c]	3,245	732,298	21,311
	Secondary	12,921	7,154,712	161,961
	Dakhil Madrasah[d]	5,391	1,055,791	47,514

Sources: (i) Authors' data; and (ii) NCERT, *Seventh all India educational survey, Flash reports*, August 2004.

(a)   Data pertains to all recognized institutions as of 30 September 2002. Data on teachers include para-teachers but not part-time teachers.
(b)   Does not include 1,971 non-registered non-government institutions; nor the 7,888 teachers and 299,345 students in these institutions.
(c)   Total number of institutions of all types.
(d)   No *Dakhil Madrasah* is managed by government.

11.   Data for Bangladesh and Nepal are for the year 2001, and for UP/India as of 30 September 2002.

Figure 2.1.6   Number of institutions and teachers in the school
                 education sub-sector
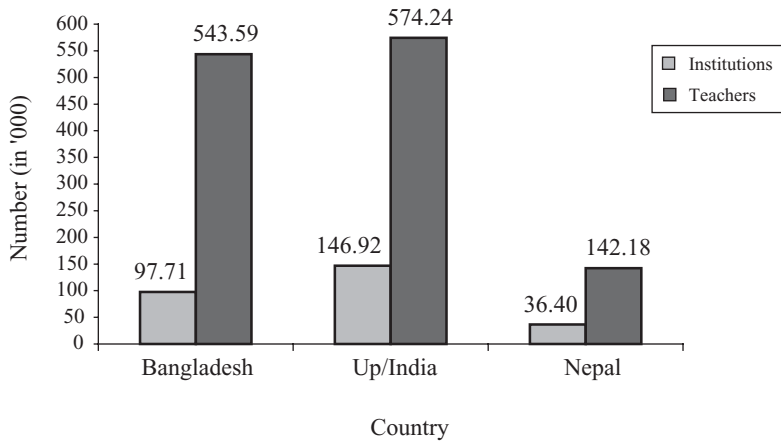
Source: Authors' data.

Over the past five decades, there have been considerable quantitative achievements in education in Bangladesh, UP/India and Nepal. From a period of extremely limited access enjoyed mostly by privileged social groups, the education system has opened up to a larger population, particularly at the primary level. Increased attention has been given by governments of these countries to developing new curriculum, distributing free textbooks and providing teacher training as well as attempting to reach out to communities that are particularly educationally disadvantaged.

In spite of these efforts, however, there is a general acceptance that access to primary education is still far from universal, that post-primary education requires structural reforms and that the quality of education received by the majority of students at all levels is low. Both the low level of internal efficiency of government schools and the dramatic increase in enrolments in private educational institutions in rural areas in recent years indicate that the outcomes of the public education system need to improve

significantly in these countries. All these countries are trying to improve basic education through implementation of externally-funded educational reform programmes. However, the secondary education sector, which is dominated by the private sector particularly in Bangladesh and Nepal, is relatively neglected. Access to secondary education is relatively more uneven and the gender disparity in participation is still higher. Specifically, some of the major educational issues that draw immediate attention are low levels of literacy (particularly female literacy) and educational attainment; unequal participation across income and social groups; the low quality of education; low internal efficiency; widening gender disparity in participation and cycle completion rates, particularly at the post-basic education level; and low external efficiency of education.

It is felt that factors relating primarily to management and availability of funds affect governance and ultimately outcomes and quality of school education in these countries. The indifference of the community and school level organizations, absence of accountability (of teachers, administrators and even other school level stakeholders) and low level of capacity to sustain changes through reform programmes partly explain the low efficiency and quality of school education. Some of the visible factors that affect the development of education are: (i) a highly politicized teaching force and the resulting low level of accountability; (ii) frequent transfer of officials (associated with political changes), particularly in the basic education sub-sector, leading to unstable governance of school education; (iii) decentralization through directives, not by demand, which do not facilitate voluntary participation of community in the management of schools; (iv) low capacity of functionaries and civil society institutions to participate in the decentralized decision-making process; (v) lack of transparency in the use of funds, particularly at the local level; and (vi) rigid and often irrelevant instruments of educational governance (such as teachers' codes of practice) and increasing bureaucratization of the administration of education.[12]

12. There is no empirical evidence of these statements in this study.

Chapter 2
Objectives, methodology and database

1.   Objectives of the study

Unethical behaviour, such as corruption, is a serious concern in most societies. The unethical behaviour of public servants (of which teachers form quite a large segment) in developing countries has many faces and complex causes. It takes a heavy toll on society by delaying the economic, social, educational, cultural and political development of these societies. Promoting ethical behaviour in the public service requires both a well-educated populace with internalized civil society values and legislation of standards of conduct that create an environment in which core and traditional values guide the action of public servants such as teachers.

In the literature, there are two prominent approaches to promoting ethics in the public service: structural and normative. These approaches are complementary and work best when implemented together. The structural perspective focuses on formal legal arrangements, primarily regulatory and legal prescriptions through which the government seeks to channel and control behaviour, while the normative perspective examines how ethical values are made operational.[13] This implies that, as part of the efforts to promote ethical behaviour, governments should formulate ethical rules of administration (such as codification of behaviour of civil servants) as an external control mechanism on the one hand, and as an enabling environment for implementation on the other. The structural remedies thus focus on values of efficiency, effectiveness, transparency and accountability in delivering

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13.   R. Erakovich *et al.* 2001. *Ethics or corruption: building a landscape for ethics training in southeastern Europe*. Paper prepared for the Working Group on Politico-Administrative Relations of the Network of Institutes and Schools of Public Administration in Central and Eastern Europe.

public services such as education. The normative approach employs values of rightness and wrongness in taking decisions. Factors influencing an individual's value structure are mainly socio-cultural, economic or political, and this in turn shapes his/her ethical behaviour.

In this context, this study aims to examine structural measures (such as government rules and regulations) for promoting ethical behaviour of teachers on the basis of the review of existing codes of practice and the general perception of a cross-section of the stakeholders. Specifically, the broad objective of the study in UP/India, Bangladesh and Nepal is to investigate the design, implementation and impact of teacher codes of practice on the basis of perceptions of teachers, administrators, policy-makers, representatives of teacher unions, parents and community members. The major focus of the study is to examine the processes of implementation of the codes of practice, and the factors that influence their effectiveness in these countries.

Three specific objectives are:

(i)   to document the factors (economic, social, political, etc.) that define, determine, and distort 'ethical behaviour' in the education sector, both among teaching and non-teaching staff;

(ii) to study and compare a selected number of teacher codes of conduct that have been developed in these countries, and to analyze the process involved in their actual implementation; and

(iii) to produce, on this basis, a number of conclusions relevant to policy-makers.

2.   Historical overview

In all three countries, codes of practice in general and teacher codes of practice in particular were in existence long before the colonial era. During the ancient and medieval period, education was imparted in monasteries, Hindu *Maths* and *Gurukuls*. The community was primarily responsible for

supporting these institutions and the governance of education was based on a normative approach, that is to say on 'wrongness' and 'rightness' in decision-making. In other words, ethical behaviour of gurus/teachers/ monks/saints was part of the norms and values of society, and thus the codes of practice were informal and implicit in the general governance rules of the society at large and of kings and emperors. Structured instruments of governance such as acts, legislation, rules and regulations, etc. were virtually absent, and there was minimum external control over the ethical behaviour of teachers/gurus.

With the colonialization of India and Bangladesh (which was also a part of the then Bengal) came the structural approach to governance in general and education in particular. The colonial government formulated several rules and regulations for general administration and administration of tax and criminal justice. Structured rules and regulations probably came into being in India with the enactment of the Indian Penal Code in 1860, which still forms the basis for administering criminal justice in India. As education was not that important for the colonial government in the early years of British rule, explicit codes of practice for governance of education came much later, with the arrival of British missionaries in Bengal to impart English education.

There was a need to regulate education so as to promote English education to meet the manpower requirements of the colonial government. Thus many education codes in these two countries were originally formulated in the colonial period, long before independence. It may be noted that Nepal never fell under colonial rule and education continued to be a community-based initiative until the mid-1990s. However, the then rulers (kings and *Ranas*) and other influential sections of the society had taken the initiative to establish elite schools imparting English education in line with similar schools in India, and thus there were no structured rules and regulations for governance of education.

In Bangladesh and India (Uttar Pradesh), codes have existed since the pre-independence period (i.e. since 1919 in India and 1931 in Bangladesh). In Nepal, education codes have existed since 1940, i.e. prior to the restoration of multiparty democracy with constitutional monarchy in 1990. However, subsequently, several Acts were enacted, rules and regulations framed and government orders issued in these countries to facilitate planning and management of education, including specification of the service conditions and practices of teachers. With the independence of India and Bangladesh, constitutional provisions were made, bringing with them numerous Acts, rules, regulations, directives, etc. for governance of all sectors, including education. Similarly, with the creation of constitutional provisions in the early 1950s and the introduction of multiparty democracy in the early 1990s, many Acts, regulations and other related codes of practice came into being in Nepal. In this section, we briefly discuss the evolution and scope of education codes in general and those relating to teachers' ethical behaviour in Bangladesh, UP/India and Nepal in particular. The extracts of relevant teacher codes of practice in these countries have been annexed to this report.

3.   Scope, methodology and database

The study on India, Nepal and Bangladesh is limited to the review of existing teacher codes of practice; examination of the process of design and development of the codes; identification of the factors that influence implementation of the codes; and analysis of the impact of the codes on the management and efficiency of the school education sub-sector. It covers mainly the primary and secondary sub-sectors of education (in Bangladesh and Nepal) and the whole school sector in UP/India. In UP/ India and Nepal, only recognized schools (government-managed and government-aided) have been covered, whereas in Bangladesh the study also covers non-registered non-government schools.

The study covers those codes of conduct relating to admission, staff attendance, school examinations and qualifications, private tuition and management of funds and human resources, particularly at the institutional level. The main coverage, however, relates to codes that cover the day-to-day conduct of teachers and their discipline. In the Bangladesh study, attempts have been made to cover the relevant codes that are to be practised by both government and non-government schoolteachers and that have a bearing on the ethical behaviour of teachers.

This study is designed to be mainly empirical and adopts a participatory diagnostic method to assess and analyze ethical behaviour of teachers and staff in the school education sub-sector. In addition, the existing codes of practice have been reviewed and related to the empirical findings of the study. This study is mainly based on primary data collected through a sample survey of teachers, administrators and other stakeholders in the education sector. Both random (in the case of selection of schools and teachers) and purposive (for the selection of administrators and other stakeholders) sampling methods were adopted in the study. A structured schedule was used to collect necessary data and information from the sample districts/areas. Moreover, small group meetings at various spatial levels of educational administration (i.e. the central, regional, institutional and community levels) were organized to gather qualitative information and general opinions about transparency and accountability in the school education sub-sector.

In Bangladesh, two sets of structured schedules were administered to administrators, head teachers and teachers to collect relevant data and information, i.e. one for the teachers and head teachers and the other for administrators. In addition, a well-structured interview schedule with four sections: (i) background and context of the codes; (ii) design and coverage of the codes; (iii) implementation of the codes; and (iv) impact of the codes, was used for the interviews. The sample also comprised administrators at the national, zonal and district levels; and head teachers and teachers from

urban and rural, government and non-government, primary and secondary schools. The sample size was 180, including 40 administrators.

Administrators covered under the study include inspectors, education policy-makers and planners and administrators. As regards the spatial level of administration, 12.5 per cent, 42.5 per cent and 45 per cent of the sample belong to the central, zonal and district levels respectively. While drawing the sample units, people having worked as administrators in different capacities and categories and having experience of direct dealings with teacher behaviour were selected, particularly at the national level. National level administrators include one Director-General (primary) and four Directors (both primary and secondary). At the zonal level, zonal heads (Deputy Directors) of all the nine zones (primary and secondary) and seven school inspectors positioned at the seven out of nine zones have been included. The remaining 19 include district level administrators (DEOs) from nine districts under the nine zones and heads of higher education institutions, directors and senior faculties of secondary and higher secondary teacher training institutions.

The size of the sample comprising the head teachers is 71. Thirty head teachers (42 per cent) are from the primary level and 41 (58 per cent) from the secondary level. Of these, 17 are from urban schools that have both primary and secondary sections in the same school under the same management (i.e. the same head teacher and for non-government schools the same SMC). These are head teachers of both primary and secondary sections. Of the 71 head teachers, 45 per cent belong to government schools; and 55 per cent to non-government schools. Around 48 per cent of the head teachers in the sample work in urban schools and 52 per cent in rural schools. The sample includes 69 teachers. Forty (58 per cent) are primary school teachers, while 29 (42 per cent) are secondary teachers. Around 65 per cent of teachers belong to the government schools. About 53 per cent of teachers are working in urban schools.

In Nepal, the study covers three districts, namely Kaski, Chitwan and Lalitpur representing the Hills, Terai and Kathmandu Valley (see also *Table 2.2.1*). Among the 75 districts in the country, Kaski is situated in the Western Development Region. This district is geographically situated in the hills. Chitwan district is situated in the Central Development Region. This district lies in the Terai region. Lalitpur is one of the three districts in Kathmandu Valley, which is relatively more advanced and urbanized. The valley lies in the Central Development Region of Nepal. Head teachers, supervisors and resource persons in these districts were randomly selected for discussion, dialogue sessions and interviews. The DEOs in the selected districts and some administrators from each of the selected DEO office were chosen for interviews. The sample size was 138, which includes head teachers, teachers, DEOs, SSs and other educational administrators. Two questionnaires, interview schedules and information collection sheets were developed and used to interview head teachers, teachers, DEOs and other administrators. These tools aimed to collect necessary information regarding the socio-economic, educational and job background of respondents as well as their knowledge and perception of the formulation, relevance, implementation and impact of teacher codes of practice.

In UP/India, the study was conducted in two blocks each in the Lucknow and Shravasti districts of Uttar Pradesh. The sample districts/blocks were selected on the basis of the literacy rate and location (i.e. whether rural or urban). Lucknow district is an urban district in which the state capital is located. Thereafter, primary, upper primary, secondary and senior secondary schools were randomly selected in the sample blocks. In the sample schools, all the teachers present on the day of the field survey were interviewed using structured schedules. In addition, the study sample included: the Assistant Basic Education Officers (Sahayak Basic Shiksha Adhikaris) and block level Sub-Deputy Inspectors of Schools of all the selected blocks; the District Education Officers of Shravasti and Lucknow districts; select faculty of the District Institutes of Education; district level officers looking after secondary and senior secondary education; the block, district and

state level teacher union representatives; state level officers responsible for planning and managing basic, secondary, senior secondary and teacher education; and eminent educationists in the state and a few Members of the State Legislative Assembly (Lower House) and Legislative Council (Upper House) of the State Assembly.

Table 2.2.1   Area and sample size of studies conducted in Bangladesh, UP/India and Nepal

Country	Study area/sample districts/divisions/zones	Number of sample teachers	Number of sample administrators and others	Total sample size
UP/India	Lucknow (Gosainganj and Kakori blocks) and Shravasti (Ikauna and Gilaula) districts	225	50	275
Nepal	Kaski, Chitwan and Lalitpur	129	09	138
Bangladesh	Dhaka, Chittagong, Rajshahi, Khulna, Sylhet, Barisal, Rangpur, Mymensingh and Comilla zones[a]	140	40	180

Source: Authors' data.

(a)   Sample administrators were drawn from the national level, all nine zones, and from 10 districts under the nine zones. Sample teachers were drawn from 23 districts, namely Dhaka, Narayanganj, Manikganj, Faridpur, Narsingdhi, Munshiganj, Madaripur, Gazipur, Chittagong, Cox's Bazar, Banderban, Rajshahi, Khulna, Jessore, Jhenaidah, Bagerhat, Sylhet, Barisal, Pirojpur, Jhalakathi, Mymensingh, Kurigram and Comilla.

In Shravasti district, Gilaula and Ikauna blocks were selected for the study. In Shravasti district, 120 teachers of all categories (73 in Ikauna block and 47 in Gilaula block) and 19 educational administrators and related functionaries were interviewed using structured schedules. In Lucknow district, Gosainganj and Kakori blocks were selected for the study. In the study, 101 teachers in the school sector (64 in Kakori block and 37 in Gosainganj block) and 35 educational administrators and related officials (including state-level policy-makers, planners and administrators) were interviewed in Lucknow district. The total sample of the study included

221 teachers from the school sector and 54 educational administrators, planners and supervisors, etc.

Figure 2.2.1   Sample size of studies conducted in UP/India, Bangladesh and Nepal
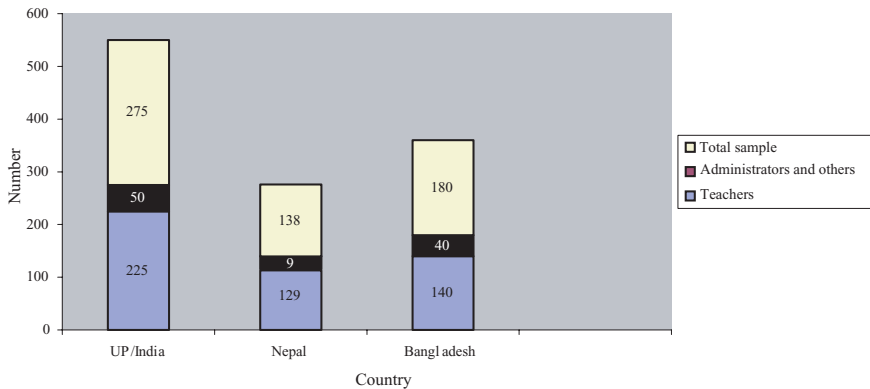
Source: Khandelwal, Biswal and Dewan, 2004.

To collect necessary primary data and information for the study, a structured schedule was used to interview teachers, administrators, teacher educators and other related educational functionaries including policy-makers, planners, supervisors and teacher union representatives. The structured schedule was designed to collect data on the socio-economic and educational background of the respondents; and their knowledge and perceptions of the formulation, relevance, implementation and impact of teachers' codes of practice in Uttar Pradesh. A participatory method was adopted in the study to collect necessary data and information.

Several small group meetings at the block and school levels were organized during fieldwork in September 2002 to discuss various aspects of teacher codes of practice in Uttar Pradesh. At the state and district levels, meetings of administrators, teachers, teacher educators, heads of educational

resource organizations, teacher union representatives, local politicians, planners and even Members of the Legislative Council were organized in which participants critically reflected on the formulation, relevance, implementation and impact of existing codes of practice of teachers in the school sector in Uttar Pradesh.

Participants also attempted to identify various socio-economic, political, administrative and educational factors that influence the formulation and implementation of teacher codes of practice. The proceedings of these meetings serve as an important source of information. In addition, secondary data relating to the project districts, sample blocks and education sector were collected from several national, state and district level publications, such as publications of the Office of the Registrar General, the Census of India, Planning Commission of India, Ministry of Human Resource Development, Government of India, Department of Economics and Statistics, and the Government of Uttar Pradesh.

The existing rules and regulations (codes of practice) relating to teachers and administrators in the school education sector in Bangladesh, UP/India and Nepal were reviewed and relevant codes used in analyzing perceptions of teachers' ethical behaviour.

4. Profile of the respondents

Most of the respondents in UP/India, Bangladesh and Nepal are males, married, older and have significant teaching/administrative experience. However, the mean number of years of administrative experience of the sample teachers is relatively low. A majority of the respondents come from socio-economically better-off communities. Respondents mostly work at the regional and school levels, although many of them also work at the central level. Most of the respondents have more than the required general educational qualifications; many have professional degrees. Government service and agriculture are the main family occupation of the respondents.

A profile of respondents according to country is given in the following paragraphs.

Bangladesh

More than 92 per cent of administrators have more than 10 years of service in the education sector. Around 85 percent of administrators have more than 10 years of teaching experience. Most administrators belong to the Bangladesh Civil Service (Education) Cadre. Some administrators, however, are not direct recruitees. They have assumed their present positions through promotion, generally from the position of head teacher of a secondary school. Around 78 per cent of respondents are male; 97.5 per cent are married; and 87 per cent of the respondents are above 45 years old. Spouses of 42 per cent of the administrators are housewives.

About 65 per cent of the respondents are holders of a Master's degree, while 35 per cent have a first degree from a university; 8 per cent are Ph.D holders; 28 per cent have done the B.Ed course; 30 per cent have a Master's degree in Education; 5 per cent have undergone a certificate course of 9-10 months' duration in educational planning; 20 per cent have completed a short course on educational administration; and 9 per cent do not have any professional specialization. Around 45 per cent of administrators draw a gross monthly salary of up to Taka (Tk.) 11,000; and 33 per cent a gross salary of Tk. 11,001-15,000. There is a wide variation in the family income of respondents. While 22 per cent have a gross annual family income in the lowest range of Tk. 110-150,000, 15.5 per cent are in the range of Tk. 320,000 and above – almost three times that of the lowest range.

Around 80 per cent of head teachers have put in more than 10 years of service in the education sector. Thirty-three per cent of respondents have experience as a teacher in the range of 0-9 years while 46 per cent have served as administrators (institution level) for the same time range; 25 per cent of head teachers have 10-19 years of experience; and another 25 per cent have 20-29 years of service as teachers. A little more than 40 per cent of

the head teachers in the sample currently work in the primary education sub-sector; and 52 per cent in the secondary education sub-sector. About 65 per cent are in both teaching and administration. A majority of head teachers are male (66 per cent) and married (96 per cent). Head teachers are relatively older (45 per cent are above the age of 50). The spouses of nearly one-third of teachers are housewives.

Twenty-seven per cent of primary school head teachers are higher secondary graduates; 50 per cent hold a first degree; and 23 per cent are post-graduates. A majority of them (77 per cent) have a certificate in education; 20 per cent have done B.Ed course; and nearly three fifths of the primary school head teachers were schooled in a town. Nearly 63 per cent of secondary school head teachers have a first degree; 37 per cent are post-graduates. About 80 per cent have done the B. Ed course. Thirty-six per cent of head teachers have a gross monthly pay of up to Tk. 5, 000; 27 per cent are paid between 5,000 and 7,000. Twenty-four per cent of head teachers have a gross annual family income of 80,000. A majority of head teachers (54 per cent) have services as the main source of income.

Most teachers (70 per cent) have put in more than 10 years of service in the education sector; and 50 per cent have between 15 and 29 years of teaching experience. Fifty-eight per cent of sample teachers are from primary schools and 42 per cent work in the secondary schools. More than half of the sample teachers (57 per cent) are male; 87 per cent are married; and 72 per cent are below 44 years of age. Spouses of 37 per cent of the respondents are engaged in household activities; those of 41 per cent are jobholders. Twenty-three per cent of sample teachers are higher secondary graduates; 43 per cent first degree holders; and 30 per cent are postgraduates. Nearly 73 per cent of primary teachers have more educational qualifications than the minimum requirement. More than half of the sample teachers (53 per cent) have done the Certificate-in-Education course; and 39 per cent have done the B.Ed. A little more than half of the teachers were schooled in towns. A majority of the teachers (70 per cent) earn a gross monthly salary of more

than Tk. 4,000 and within the range of Tk. 4,000-8,000; and 30 per cent have a salary package of less than Tk. 4,000. The gross annual family income of nearly 68 per cent of sample teachers is Tk. 100,000 or less. Service is the major source of income for nearly half of the sample teachers.

Nepal

The study covered 129 teachers and nine administrators, of which 42 per cent were females. All the female respondents were teachers, while all the male respondents were administrators. About half of the respondents belong to the 31-40 years age group. The proportion of 40+ respondents is about 26 per cent. Those below 30 years constitute 23 percent. In terms of social background, most of the respondents (about 90 per cent) belong to the Brahmin, Chhetry and Newar social groups. About 8 per cent of respondents come from different ethnic groups. A majority of respondents (62 per cent) are from families with agriculture as the main family occupation. Respondents having teaching as the main family occupation constitute only 29 per cent (see also *Tables A.4.1* to *A.4.7* in *Appendix 4* for more detailed information about the categories of respondents).

In terms of educational status, a majority of the respondents are high school graduates. Almost 63 per cent of teachers have a secondary or higher secondary degree. It should be noted that administrators such as DEOs and supervisors are generally university graduates. Most respondents (63 per cent) have put in more than 10 years of service in the education sector. More than one-fourth of respondents have worked in the education sector as a teacher or administrator for 5-10 years. Those who have work experience of 5 years or less make up about 12 per cent.

Uttar Pradesh (India)

The study covers 73 teachers from Ikauna block; 47 teachers from Gilaula block; 37 teachers from Gosainganj block; 64 teachers from Kakori block; 19 administrators from Shravasti district; and 35 administrators from Lucknow district. It may be mentioned here that, in both districts, some of the

teachers in the sample have been sent to work as administrators, particularly at the block level. If we consider the occupation of respondents' parents, the study then covers 225 teachers, 17 administrators and 33 teacher educators (see *Figure 2.2.1*), teacher union representatives and other related educational functionaries. The sample of the study includes 151 educational functionaries including teachers from the elementary school sector; 84 from secondary and senior secondary school sector; and 40 other educational functionaries including district and state level administrators, teacher educators, heads of educational resource institutions, teacher union representatives, members of state legislature, state level policy-makers and planners.

Most of the respondents work at the school and district levels (around 91 per cent); with the rest working at the provincial (around 3 per cent); regional (around 2 per cent); and sub-district and cluster (around 4 per cent) levels. Currently, 56 per cent of respondents work in the elementary education sector; 26.2 per cent in the secondary education sector; 14.9 per cent in the senior secondary sector; and 2.9 per cent in other sectors, including the higher and technical education sectors.

Of all the respondents, 38.2 per cent are female. Most of the females teach either in schools or in teacher education institutions. Nearly 86 per cent of all females teach at school level, with only 2.9 per cent of all female respondents working as administrators, again mostly at the school level. Of the male respondents, around 79 per cent are engaged in teaching at the school level. The percentage share of females in teaching at the school level is 40.

Respondents are at a relatively advanced age. The mean age of respondents is 48.59 years, with a standard deviation of 8.67. Around 81 per cent of respondents are aged 41 years or over, and 51.3 per cent are aged 51 years or more. More than 83 per cent of teachers, 64.7 per cent of administrators and 78.8 per cent of other respondents are in the age group 41 years or more. Most of the younger respondents also work as teachers at the school level. As respondents are relatively older, they are more experienced. Most respondents belong to higher caste communities. Nearly 72 per cent

of all respondents are from general higher caste communities. Only a little more than one fifth of respondents belong to other socio-economically backward communities. More than 74 per cent of teachers, around 58 per cent of administrators and about 61 per cent of other respondents are from higher caste communities.

Most respondents are married (93.8 per cent). Spouses of nearly 60 per cent of the married respondents are housewives. Most male teachers' spouses are housewives (56.4 per cent) and more than 29 per cent of the spouses of administrators are working in the government or organized private sector.

The family occupation of more than half of the respondents is public or private sector regular service. Agriculture is the main family occupation of 40 per cent of the respondents. The family occupation of around 39 per cent of teachers, 52.9 per cent of administrators and 42.4 per cent of other respondents is agriculture. Public or private sector service is the main family occupation of 54.2 per cent of teachers, 29.4 per cent of administrators and 42.2 per cent of other respondents.

The average general educational qualification of respondents is quite high. More than 68 per cent of respondents were schooled in rural areas. The mean number of years of general schooling of respondents is 14.78. The mean number of years of general schooling of teachers is 14.53. The mean and standard deviation of general schooling of administrators is 15.71 years. The 'other' category of respondents, which includes teacher educators, teacher union representatives, heads of major educational institutions and policy-makers, are relatively more educated. The mean of general schooling of this category of respondents is 16.03 years.

The professional schooling status (teacher training degrees/diploma status, planning/management degree/diploma and other related professional degree/diploma) of respondents is also relatively high. The mean professional schooling of respondents is 1.48 years. Teachers are relatively highly professionally educated (mean of 1.51 years), followed by administrators (mean of 1.41 years) and other respondents (mean of 1.27 years).

Most teachers are postgraduates. Usually, such teachers are found in the secondary school sector in UP/India. In the sample, 28.9 per cent and 40.4 per cent of teachers are university graduates and postgraduates respectively. Only a little less than one fourth of teachers are senior secondary school graduates. About 71 per cent of administrators are postgraduates in general education. Similarly, 84.8 per cent of the 'other' category of respondents are also postgraduates in general education. Around 37 per cent and 55 per cent of the respondents respectively have a B. Ed. and BTC degree.

The average gross monthly salary of respondents is Rupees (Rs.). 10,232. The gross monthly salary range of respondents is Rs. 5,000, the highest being Rs. 21,000. Teachers receive, on average, a gross monthly salary of Rs. 9,808. The average monthly gross salary of administrators is Rs. 12,348. Other respondents also receive, on average, a gross monthly salary of Rs. 12,034. The current job of 71 per cent of respondents is teaching. School-level administration is the job of 2.2 per cent of respondents. More than 18 per cent of respondents teach and are also responsible for school level administration. Only 8.4 per cent are engaged in general educational administration and the policy-making, planning and implementation of educational programmes.

The total work experience of respondents ranges from 1-52 years. The average job experience of respondents is 22.2 years. Nearly 82 per cent of respondents have more than 10 years of work experience in the education sector. Similarly, around 82 per cent of teachers and 77 per cent of educational administrators have more than 10 years of experience in the education sector. The teaching and administrative experiences of respondents range from less than 1 year to 40 years and 39 years respectively. Respondents have on average 20.2 years of teaching experience and 1.9 years of administrative experience. Around 76 per cent of all respondents, including 81.3 per cent of teachers, 23.5 per cent of administrators and 66.7 per cent of other respondents (DIET faculty, teacher union representatives, heads of educational resource institutions, etc.) have more than 10 years of teaching experience. More

than 2 per cent of teachers, 52.9 per cent of administrators and 15.2 percent of other respondents have more than 10 years of administrative experience. Most respondents of the study are men working in the elementary education sector and nearly 41 per cent of them are from the secondary and senior secondary school sector. For the most part, respondents teach at the school and teacher education institution level. They are relatively older in age; many are more than 40 years old.

Chapter 3
Design and implementation of the codes

1.   Perceived sources of unethical behaviour

This study has sought to discover the major sources of unethical behaviour among teachers in the school education sector in Bangladesh, UP/India and Nepal (see *Table 2.3.1*). Findings in this section are based on individual perceptions of the respondents. Respondents were asked to rank sources of misconduct/unethical behaviour of teachers as well as staff on a four-point scale, i.e. very serious, serious, less serious and not at all a source of misconduct/unethical behaviour. They ranked nine important activities/processes (human resource management; procurement of materials; conduct of school inspection; school admission; school examinations; management of school finances; staff attendance/absenteeism; human relations among staff in the school; and private tuition) in the school education sector as sources of unethical practices on the basis of their individual perception and knowledge.

It was found that all the sources listed in *Table 2.3.1* are potential areas for unethical practice among teachers and administrators, but with varying degree of seriousness. Abuses in human resource management; embezzlement of school funds; private tuition by teachers; abuses in the supply and purchase of materials; school admissions; and school examinations and certification are serious sources of unethical behaviour among teachers in all three countries. All these sources are perceived to have negative impact on the quality of school education. It may be noted that perceptions about major sources of unethical behaviour in the school education sector differ according to whether we refer to administrators or teachers, as can be seen in the following tables on India.

Table 2.3.1   Major sources of unethical behaviour among teachers in
               Bangladesh, UP/India and Nepal

Source of unethical behaviour	Very serious	Serious	Less serious	Not at all a source
Abuses in human resource management	India, Bangladesh, Nepal	X[a]	X	X
Abuses in supply and purchase of materials	X	India, Bangladesh, Nepal	X	X
Conduct of school inspection	X	Nepal	India, Bangladesh	X
School admissions	X	Nepal	Bangladesh	India
School examinations and qualifications	X	Nepal	India, Bangladesh	X
Embezzlement/mismanagement of school finance	Bangladesh, Nepal	India	X	X
Staff attendance/absenteeism	X	Bangladesh, Nepal	India	X
Poor human relations among staff in the school	X	Nepal	India, Bangladesh	X
Private tuition by teachers	India, Bangladesh	Nepal	X	X

Source: Authors' data.

(a)   'X' does not mean 'no response'. It implies lower responses to specific questions
       relating to the degree of seriousness of the major sources of unethical behaviour among
       teachers.

Table 2.3.2   Major sources of unethical behaviour among teachers in UP/India as perceived by various stakeholders

Major source of unethical behaviour	Very serious	Serious	Less serious	Not at all a source	Total
Perceived by administrators (N = 17)					
Abuses in human resource management	23.5	41.2	17.6	17.6	100.0
Abuses in supply and purchase of materials	11.8	35.3	47.1	5.9	100.0
Conduct of school inspection	5.9	11.8	52.9	29.4	100.0
School admissions	0.0	23.5	47.1	29.4	100.0
School examinations and qualifications	11.8	29.4	35.3	23.5	100.0
Embezzlement/mismanagement of school finance	17.6	35.3	35.3	11.8	100.0
Staff attendance/absenteeism	5.9	41.2	17.6	35.3	100.0
Poor human relations among staff in the school	11.8	11.8	52.9	23.5	100.0
Private tuition by teachers	23.5	29.4	23.5	23.5	100.0
Perceived by teachers (N = 225)					
Abuses in human resource management	42.7	24.4	13.3	19.6	100.0
Abuses in supply and purchase of materials	20.0	28.9	26.7	24.4	100.0
Conduct of school inspection	4.4	17.3	20.9	57.3	100.0
School admissions	11.1	9.8	19.1	60.0	100.0
School examinations and qualifications	9.3	13.3	16.4	56.9	100.0
Embezzlement/mismanagement of school finance	27.6	22.2	11.6	38.7	100.0
Staff attendance/absenteeism	10.7	14.7	16.4	58.2	100.0
Poor human relations among staff in the school	20.9	15.6	15.6	48.0	100.0
Private tuition by teachers	28.4	16.9	15.6	39.1	100.0

Perceived by other categories of respondents (N= 33)					
Abuses in human resource management	27.3	36.4	27.3	9.1	100.0
Abuses in supply and purchase of materials	15.2	63.6	9.1	12.1	100.0
Conduct of school inspection	6.1	15.2	45.5	33.3	100.0
School admissions	12.1	30.3	33.3	24.2	100.0
School examinations and qualifications	21.2	21.2	27.3	30.3	100.0
Embezzlement/mismanagement of school finance	27.3	45.5	21.2	6.1	100.0
Staff attendance/absenteeism	9.1	21.2	45.5	24.2	100.0
Poor human relations among staff in the school	9.1	18.2	33.3	39.4	100.0
Private tuition by teachers	33.3	15.2	30.3	21.2	100.0

Source: Khandelwal and Biswal, 2004.

The specific findings on perceived sources of unethical behaviour among teachers in Bangladesh, UP/India and Nepal have been presented in the following paragraphs (see also *Tables A.4.1 – A.4.6* in *Appendix 4* on perceptions regarding the degree of seriousness of the different sources of misconduct).

Managing human resources

Teachers as well as administrators in all three countries perceive abuses in human resource management as a very serious source of unethical behaviour, not only among teachers but also among educational administrators. 'Abuses in human resource management' refers here to distortions in the recruitment, deployment, promotion and transfer procedures of teachers and staff, both at the institutional and systems level. In the school sector, abuses in human resource management mostly relate to teacher/staff recruitment both in government and non-government schools. In spite of clear procedures laid down in the

codes, there are shortcomings at various stages of recruitment, deployment, promotion and transfer (such as leakage of recruitment examination papers, bribery to officials on duty at examination centres and distortion of promotion and transfer criteria), favouritism (in personal interviews/oral tests, transfer to urban schools with well-developed communication networks, etc.) and political and bureaucratic influences. This results in recruitment of less competent teachers in spite of the availability of better-qualified persons. These unethical practices have a multiplier effect on the quality of school education, aside from their implications on the optimum use of available human resources in these countries. These practices are perceived as aberrations to the improvement of education quality in developing countries such as India, Bangladesh and Nepal.

In Bangladesh, abuses in human resource management have the highest potential for unethical behaviour. According to 70 per cent of administrators, 82 per cent of head teachers and 68 per cent of teachers, abuse in human resource management is a serious source of misconduct. Among the nine sources, head teachers and teachers rank abuse in human resource management as the most important source of unethical behaviour, while administrators rank it as the third most important source of misconduct. Administrators, head teachers and teachers believe that abuses in human resource management have the highest negative impact on the quality of school education.

In UP/India, around 67 per cent of all categories of respondents, 65 per cent of administrators and 67 per of teachers (including head teachers) perceive abuses in human resource management in the school education sector as a serious source of misconduct. Besides distortions in the recruitment and deployment of teachers and staff, it is perceived that teachers try to influence decisions regarding transfers and promotions either through the teacher unions, political pressure and even, in some cases, by providing monetary and other favours to administrators. This behaviour by teachers completely distorts the pattern of teacher deployment between

schools and across geographical regions, which has a direct impact on the equitable distribution of schooling provisions and thus on the access and quality of school education in the state.

In Nepal, almost half of the respondents perceive abuses in human resource management as a major source of unethical practice. According to 83 per cent of the respondents, the codes relating to recruitment, promotion and transfer of teachers and staff in the school education sector are abused, and thus human resource management is a serious source of misconduct. Most respondents are of the view that political interference is largely responsible for abuses in human resource management in education. Political parties often use many teachers as their workers and teachers also participate willingly in politics. Some teachers close to political leaders are reported to have records of misconduct and unethical work. One of the most frequent cases of unethical behaviour is negligence, such as irregularity in classroom presence and becoming absent from the school without prior notice and even without taking leave. Distortions also happen in the recruitment, appointment, transfer and promotion of teachers and staff and in providing training opportunities. Political leaders, high-level bureaucrats and members of the teacher unions attempt to influence decision-making regarding the recruitment and transfer of teachers.

Procuring materials

Abuse in the supply and purchase of materials is perceived as a serious source of misconduct among teachers and staff in all three countries. Schools in each country, particularly secondary and senior secondary schools, buy stationary such as library books, laboratory equipment and other necessary articles every year. The tender/purchase committee comprising teachers and SMC members are often blamed for various types of malpractice and irregularities. At the primary level, supply of free textbooks, uniforms, other teaching/learning materials and in some cases material under the nutritional support programmes (in UP/India) are misused at the institutional level. This results in shortage of supply and low quality materials.

In Bangladesh, 45 per cent of administrators, 60 per cent of head teachers and 43 per cent of teachers consider abuse in procurement of materials as a major source of unethical practice among teachers. In UP/India, 52 per cent of all respondents, 47 per cent of administrators and 49 per cent of teachers/head teachers perceive abuse in procurement and distribution of materials as one of the serious sources of unethical practices. In Nepal, 69 per cent of all respondents view abuse in the supply and purchase of materials as a serious source of misconduct.

School inspection

School inspection is perceived as a less serious source of unethical behaviour among teachers in India and Bangladesh and as a serious source of misconduct in Nepal. Unethical practices in school inspection are mainly related to the frequency of inspection, the attitude of the school inspector towards teachers, lack of support services during the inspection, teachers influencing the quality of the inspection report and inspectors concealing financial irregularities and misappropriations in lieu of bribes received from teachers.

In Bangladesh, 40 per cent of administrators, 38 per cent of head teachers and 22 per cent of teachers view school inspection as a serious source of misconduct. In UP/India, 21 per cent of all respondents, 23.5 per cent of administrators and 22 per cent of teachers consider school inspection a serious source of unethical practice among teachers. In Nepal, around 66 per cent of respondents are of the opinion that school inspection is a serious source of unethical behaviour among teachers and inspectors.

School admission

School admission is not a serious source of unethical practice among teachers in UP/India. It is a serious source of unethical practice in Nepal and a less serious source in Bangladesh. Unethical practices associated with school admission are generally characterized by bias, favouritism and the acceptance of 'donations' from parents for admitting children. It may

be underlined that there is little scope for manipulation of the rules and regulations specified for admission into government-managed institutions in India. However, distortions in the admission process are often found in private institutions, where the school management largely takes decisions regarding admissions.

In Bangladesh, 18 per cent of administrators and head teachers and 11 per cent of teachers consider school admission a serious source of misconduct. In UP/India, around 24 per cent of all respondents, 23.5 per cent of administrators and 21 per cent of teachers view school admission as a serious source. In Nepal, however, 68 per cent of respondents feel that unethical practices are adopted during the admission process, particularly in secondary and senior secondary schools.

School examinations and certification

School examinations and qualifications are perceived as serious sources of unethical behaviour in Nepal and as less serious sources in India and Bangladesh. Some of the common unethical practices relating to school examinations and certification relate to promoting non-performing students to higher grades, favouritism in marking examination scripts, manipulating internal examination results to permit unqualified students to sit for public examinations, permitting malpractice in public examinations, leaking question papers, poor supervision of public examinations, inflating public examination scores for monetary gains, issuing fake certificates and the like. In Nepal, use of fake certificates is a serious issue and the government has formed a committee to investigate into the mater.

In Bangladesh, 75 per cent of administrators, 82 per cent of head teachers and 90 per cent of teachers consider school examinations and qualifications a less serious source of misconduct. In fact, around 62 per cent of both head teachers and teachers feel that examinations and certification are in no manner a source of unethical practice among teachers. In UP/India, around 71 per cent of all respondents, 59 per cent of administrators

and 73 per cent of teachers consider school examinations and certification either as a less serious source of misconduct or as no source whatsoever. In Nepal, around 77 per cent of respondents perceive that unethical practices are adopted in school-level public examinations and certification.

Managing school funds

Embezzlement/mismanagement of school finances is a serious source of unethical behaviour in all three countries, but a very serious source in Nepal and Bangladesh. Possible unethical practices relating to management of school level funds relate to misappropriation of a part of the money collected from students by the head teacher or teacher/teachers; embezzlement of funds through producing fake vouchers; SMC/VEC members taking bribes from less competent candidates seeking appointment as teachers (a common practice in non-government schools in Bangladesh); misuse of funds collected from students for different purposes and on different occasions (such as session fees, examination fees, sports fees, scholarships, etc.); misappropriation of money earned from immovable school properties (cultivable land, ponds, buildings which could be rented out, etc. mostly in recognized aided schools); collection of admission fees at a rate higher than that fixed by the government and misappropriation of the extra amount; misuse of funds meant for constructing additional classrooms, school buildings, toilets and other infrastructure facilities (most common in UP/India and Nepal); and misuse of funds received on the basis of the school improvement plan (very common in Nepal).

However, with the creation of school level committees in UP/India, Nepal and Bangladesh, the scope of mismanagement of school level finances has gone down over the years. In UP/India, teacher salaries constitute more than 90 per cent of the total institutional budget at the primary level and there is less money left for utilization at the school level. In addition, funds are transferred to the joint bank accounts of the village level education committee and the head teacher, which partly ensures accountability of the

community in the use of school level funds. However, mismanagement of funds of recognized aided schools is also often reported in UP/India.

In Bangladesh, around 73 per cent of administrators, 69 per cent of head teachers and 54 per cent of teachers perceive mismanagement of school level funds as a serious source of misconduct among teachers. In UP/India, around 53 per cent of all respondents, 53 per cent of administrators and half of the teachers perceive embezzlement of school funds as a serious source of unethical practice among teachers and even SMC/VEC members. In Nepal, around 86 per cent of respondents rank school level financial mismanagement as a serious source of unethical practice among teachers, community representatives and staff.

Monitoring staff attendance and absenteeism

Attendance/absenteeism of teachers and staff is perceived as a serious source of unethical practice among teachers and staff in Bangladesh and Nepal, and as a less serious source in India. This is again due to efforts towards mainstreaming participation in educational management in India, which has led to incidences of teacher absenteeism decreasing over the years. In Bangladesh, around 68 per cent of administrators, 67 per cent of head teachers and 44 per cent of teachers consider attendance/absenteeism as a serious source of misconduct among teachers. In UP/India, 27 per cent of all respondents, 47 per cent of administrators and 25 per cent of teachers perceive attendance/absenteeism as a serious source of misconduct among teachers. Around 82 per cent of respondents in Nepal view staff absenteeism as a serious unethical practice among teachers.

Maintaining the school climate

Poor human relations among staff in schools is perceived as a serious source in Nepal and as less serious in Bangladesh and India. Possible unethical practices associated with poor school climate in terms of human relationships are the formation of groups among teachers and staff on different issues, resulting in conflicting situations affecting the academic environment; a low

level of motivation and poor teaching performance affecting the quality of education; discrimination in allocation of assignments to teachers; bias in addressing grievances at the school level; poor teacher-parent/community relationships; and non-participatory methods of decision-making and the like.

Around 85 per cent of administrators, 42 per cent of head teachers and 49 per cent of teachers in Bangladesh consider poor human relations among staff in the school as a less serious source of misconduct among teachers. It may be noted that, in Bangladesh, teachers consider poor human relations among themselves and staff in the school a serious source of misconduct. This problem is a serious source of unethical practice for around 77 per cent of respondents in Nepal. In UP/India, 66 per cent of all respondents, 76 per cent of administrators and 64 per cent of teachers feel that poor human relations among teachers and staff in schools is a lesser source of misconduct.

Undertaking private tuition

Private tuition is a major concern and serious source of misconduct in UP/India, Bangladesh and Nepal. Some of the unethical practices associated with private tuition are: less attention to classroom teaching; indirectly motivating students to go for private tuition; less attention and involvement of teachers in school affairs than is expected or needed, i.e. negligence; lack of professionalism in teachers; insubordination; violation of government directives banning private tuition by teachers through their association with private teaching shops, etc.

Private tuition is considered the second most serious source of unethical practice among teachers in UP/India and as perceived by administrators it is the most serious source in Bangladesh. In these countries, the practice of private tuition is particularly widespread in the secondary and senior secondary school sector, although many elementary school-level teachers also provide private tuition. In UP/India, the general feeling is that the

practice of private tuition by teachers is illegal and a clear violation of the existing teacher codes of practice. Despite a specific order of the state government banning private tuition by serving teachers, private coaching centres are mushrooming both in the urban and semi-urban areas, and teachers often associate themselves with them.

In Bangladesh, Nepal and UP (India), most teachers consider only to some extent private tuition as a serious source of unethical behaviour, for obvious reasons. As long as private tuition adds to the achievement scores of pupils, most parents also support it. However, the phenomenon perpetuates a sort of 'vicious circle of poverty' in these countries, as it favours the rich. This has equity concerns insofar as growth of school education in these countries are concerned. The perception that education reproduces social inequality is further supported and facilitated by the phenomenon of private tuition in these countries.

Around 29 per cent of all respondents, 24 per cent of administrators and 28 per cent of teachers perceive private tuition as a 'very serious' source of misconduct among teachers in UP/India. Nearly 45 per cent of teachers, 53 per cent of administrators and 46 per cent of all respondents consider private tuition by teachers as a serious source of misconduct in UP/India. In Bangladesh, 80 percent of administrators, 59 per cent of head teachers and 26 per cent of teachers perceive private tuition as a serious source of unethical behaviour. Around 61 per cent of all respondents in Nepal view private tuition as a serious source of misconduct among teachers.

2.   Limited participation in the design of codes

The attempt here is to summarize the findings on the process of formulation of education codes in Bangladesh, UP/India and Nepal. In Bangladesh and UP/India, many codes were designed during the colonial period and therefore there was virtually no consultation with the education sector's stakeholders. The codes were part of structural and institutional arrangements for governance of the British colony. In the post-independence

period, particularly since the enactment of the Constitution in Bangladesh, UP/India and Nepal, there is limited consultation with stakeholders in the design of additional codes of practice. The process of designing the education codes is highly centralized in these three countries in the sense that, with the exception of political representatives at the national and provincial/regional levels, limited consultation with other stakeholders is carried out in workshops/seminars and teachers' unions are the main media for consultation in all three countries. This is perhaps one of the major factors explaining the low level of enforcement of these codes.

In Bangladesh, the majority of teachers (61 per cent) were not consulted during the design and introduction of the codes. Around 39 per cent of teachers were consulted during the process of designing the codes through workshop/seminars and the teachers' union. Nearly 37 per cent of teachers were consulted through workshops, while one third were consulted through the teachers' union. However, a majority of head teachers (63 per cent) were consulted, mainly through the teachers' union, during the formulation of codes. Around 45 per cent of them were consulted through workshops/ seminars. In the country, only 27 per cent of administrators participated in the process of designing the codes. They were consulted mainly through workshops and seminars. Letters and circulars from the government and teachers' union meetings are other media for consultation.

In Nepal, the process of formulation of the codes is also more centralized. In the country, there is no formal mechanism to ensure participation of different stakeholders in the process of designing the codes. Involvement of different stakeholders is therefore provisional. The teachers' responses show limited involvement in the process of developing the codes. Only about 3 per cent of teachers participated in the process of preparation of the codes through seminars/workshops and the teachers' union. In the absence of participation, teachers and other stakeholders do not feel strongly about ownership of the codes.

The codes in UP/India were designed within an overall public service ethics and anti-corruption policy framework. The codes cover all aspects of planning, implementation, monitoring, evaluation and certification activities in the education sector. In principle, a participatory method is followed in designing the codes. Codes are proposed by the Education Department of the State Administration and placed in both houses (Upper and Lower Houses) of the State Legislature. The various implications of the proposed codes are then debated in the State Legislature before their approval. Once approved, they become an Act. The government is empowered to frame rules and regulations from time to time within the framework of the Act. Prior to their approval by the Cabinet of the State Assembly, the proposed codes are also disseminated widely through electronics, print and other media to gather the feedback of the target groups and other stakeholders of education.

However in reality, there is limited consultation in the process of designing the codes: i.e. only one-fifth of respondents and their colleagues were consulted. These respondents were mostly consulted through workshops/seminars (36.4 per cent) and through teacher unions (49.1 per cent). Teachers in Uttar Pradesh are highly organized and there are several active teachers' unions in both the basic and secondary education sector. While developing codes of practice, several consultative meetings for teachers, mostly with teacher union representatives, are organized at the state, district and sub-district levels. Thus, teacher unions play a critical role in deciding the nature and types of education codes. In addition, Uttar Pradesh has provision for reserved Assembly Constituencies for teachers, where only teachers can contest and become Members of the State Legislative Council. As Members of the Legislative Council, teachers also participate in the process of formulation of education codes in general and teacher codes of practice in particular.

3.   Codes useful but not easily accessible

In all three countries many respondents have seen the codes of practice, but at the same time they do not have easy access to documents containing the codes. In Nepal, however, a majority of the teachers and administrators have seen the education codes. In UP/India, 74.5 per cent of respondents do not have easy access to copies of the education codes in general and to teacher codes of practice in particular. Nearly 74 per cent of teachers, 77 per cent of administrators and 79 per cent of other respondents in UP/India do not have easy access to copies of the codes of practices. In Bangladesh only 30 per cent of administrators, 41 per cent of head teachers and 25 per cent of teachers have easy access to the codes (see also *Table A.4.8.* in *Appendix 4* concerning the ranking order of the problems in enforcing the codes in Bangladesh).

A majority of respondents in the three countries find the existing codes useful and helpful as a guide for resolving ethical problems and dilemmas in everyday work. The codes are helpful in the day-to-day management of education, particularly in resolving issues relating to ethics, accountability and the professional conduct of teachers and staff. In Bangladesh, only 95 per cent of administrators, 90 per cent of head teachers and 96 per cent of teachers find the codes very helpful in resolving ethical dilemmas in the work place. More than 63 per cent of teachers, 65 per cent of administrators and 55 per cent of other categories of respondents in UP/India find the codes helpful in day-to-day work. In Nepal, around 97 per cent of the respondents find the codes helpful.

A majority of respondents in Bangladesh and UP/India can also understand the codes easily. In UP/India, around 54 per cent of the respondents find the codes easy to understand. Only 51 per cent of teachers find the codes easy to understand, whereas 70.6 per cent of administrators and 60.6 per cent of other respondents can follow the codes easily. However, teachers working at the elementary level of education, particularly in UP/India, find them difficult to understand. In Bangladesh, 93 per cent of

the administrators, 82 per cent of head teachers and 76 per cent of teachers can easily follow the codes. In Nepal, nearly 52 per cent of the respondents find it difficult to follow the codes, as the Acts and rules are not clear. It is also felt that the codes should be further simplified and made relevant to the existing socio-economic, political and educational context of the countries concerned. This should be done as a priority due to the fact that the codes had their origin during the colonial period, when educational governance was primarily based on the colonial government's distrust of native public servants (in Bangladesh and India). The codes should be made contextual and accessible to all schools in these countries.

Chapter 4
Enforcement of the codes

1. Governments' insufficient action in enforcing the codes

The socio-political environment of the country determines to a large extent the success or failure of the implementation of education codes. It was found that existing social, cultural, political and institutional factors in Nepal, UP/India and Bangladesh have greatly influenced the implementation of the codes. The general conclusion is that the codes have not been effectively enforced in these countries due to a number of exogenous and endogenous (i.e. within the education sector) factors. According to the respondents' perceptions, the governments of Nepal and UP/India are relatively less serious in enforcing the codes compared to that of Bangladesh.

Nearly 62 per cent of administrators, 59 per cent of head teachers and 45 per cent of teachers in Bangladesh are of the opinion that the codes are less seriously enforced (see also *Tables A.5.6* and *A.5.9* in *Appendix 5* concerning the seriousness of codes of practice implementation in Nepal). Nearly 38 per cent of administrators, 40 per cent of head teachers and 51 per cent of teachers feel that the Bangladesh government has been serious in enforcing the codes.

In UP/India, 49 per cent of teachers, 64 per cent of other categories of respondents and 71 per cent of administrators feel that the codes have been less seriously enforced in the state. Only 29 per cent of respondents are of the view that the state government has seriously enforced the codes. In Nepal, 39 per cent of teachers and 33 per cent of administrators feel that the codes have been seriously enforced in the country. Around 66 per cent of teachers and 67 per cent of administrators in Nepal are of the opinion that the codes have been less seriously implemented in the country.

Table 2.4.1   Administrators, head teachers, teachers by their perception of problems in enforcing the codes in Bangladesh

Administrators by their perception of problems in enforcing the codes (N = 40)	
Problems	Number (%)
Exerting political influence by teachers and staff	16 (40%)
Lack of training and ignorance of the codes	14 (35%)
Corrupt administration and bureaucratic complications	06 (15%)
Bias in application of the codes	05 (13%)
Defect and inconsistency of the codes	05 (13%)
Indifference of administrators in application of codes	05 (13%)
Non-transferability of staff (third and fourth class) employees	03 (08%)
Superiors' non-conformity to the codes encourages subordinates to violate	02 (05%)
Partiality of the chief executives/bosses	02 (05%)
No problems	02 (13%)
Total	**60 (150%)**
Head teachers by their perception of problems in enforcing the codes (N = 71)	
Exerting political influence by local political quarters and SMC chairs/members in favour of teachers and students	38 (53%)
Inefficient and corrupt administration and bureaucratic complications	19 (26%)
Lack of training in codes and ignorance of codes	12 (17%)
Lack of adequate administrative authority of the head teacher	05 (7%)
Bias in the application of the codes	05 (7%)
Could not identify any specific problems as codes and their implementation process are not well-known	23 (32%)
Total	**102 (142%) ***
Teachers by their perception of problems in enforcing the codes (N=69)	
Lack of training in codes and ignorance of codes	18 (26%)
Inefficient and corrupt administration and bureaucratic complications	11 (16%)
Exerting political influence by local political quarters and SMC chairs/members in favour of teachers and students	8 (11.5%)
Bias in the application of the codes	8 (11.5%)

Indifference of administrators in enforcing the codes	4 (6%)
Inappropriateness of the codes	2 (3%)
Could not identify any specific problems as codes and their implementation process are not well-known	25 (36%)
Total:	**76 (110%)***

Source: Dewan, 2004.

* The percentage do not add up to 100, as one respondent mentioned more than one problem and some respondents (32 per cent) did not mention any, as they could not identify problems due to lack of knowledge of the enforcement process.

2.   Several constraints for effective enforcement of the codes

Several constraints for effective enforcement of education codes in these countries have been identified through informal discussions, interviews and small group meetings with respondents and other stakeholders during the field work. The major factors responsible for slow and ineffective implementation of the codes in Bangladesh, UP/India and Nepal are mainly: political and bureaucratic interventions; lack of access to the codes; lack of capacity to understand and use the codes; existence of institutional barriers such as trade unions and teachers' unions; formulation of the codes through a non-participatory method; increased size of the private sector, particularly at the secondary and senior secondary levels; and indifference of the community and other stakeholders towards education affairs in general and teachers' behaviour in particular.

It is generally felt that 'implicit social codes of conduct' are extremely critical in ensuring effective implementation of the education codes in any country. It is not instruments (i.e. codes) alone that are important for effective enforcement, but rather the willingness and capacity to use them. In other words, it is necessary to adopt both a structural and a normative approach in enforcing teachers' codes of practice. *Table 2.4.2* shows the status of training on codes in Nepal and *Table 2.4.3* the training on codes of practice for teachers according to district.

Table 2.4.2   Training on codes of practice in Nepal

Training	Teachers	Administrators
Received	9 (7.0)*	2 (22.2)
Not received	112 (86.8)	6 (66.7)
Missing	8 (6.2)	1 (11.1)
Total	129 (100)	9 (100)

Table 2.4.3   Training on codes of practice for teachers by district
in Nepal

	District		
	Kaski	Chitwan	Lalitpur
Yes	1 (2.9)*	2 (4)	6 (13.3)
No	31(91.2)	45 (90)	36 (80)
Missing	2 (5.9)	3 (6)	3 (6.7)
Total	34 (100)	50 (100)	45 (100)

* Figures in parenthesis are percentages (both tables).
Source: Bajracharya, *et al.,* 2003 (both tables).

However, some of the main findings in Bangladesh, UP/India and Nepal relating to the implementation of the codes are as follows:

• No systematic capacity building programmes have been undertaken to enforce the codes. The codes are not included in the curriculum for teacher training (see also *Table A.5.8*, *Appendix 5*). Some of the administrators and head teachers (58 per cent of head teachers and 35 per cent of teachers in Bangladesh; 29 per cent of administrators and 24 per cent of teachers in UP/India; 7 per cent in Nepal) have received training on implementation of the codes, whereas most teachers have been deprived of the same. As a result, administrators and some of the head teachers have a better knowledge and understanding of the codes compared to teachers. Similarly, no efforts have been made in these

countries to empower the community and civil society organizations to effectively monitor and supervise the implementation of the codes of practices, thereby limiting their role as external 'watchdogs' of the enforcement process.

• A fairly large number of respondents in Nepal and UP/India are not very familiar with the procedures for lodging complaints against erring teachers and staff (see *Table 2.4.4* and *Table 2.4.5* below). In UP/India, only around one fourth of respondents are familiar with the procedures for making complaints regarding unethical behaviour of teachers and staff. In Nepal, 75 per cent of teachers and 44 per cent of administrators are not familiar with the procedures for lodging complaints against erring colleagues. In these two countries, administrators are relatively more familiar with the procedures of lodging complaints. In Bangladesh, however, 55 per cent of administrators, 75 per cent of head teachers and 27 per cent of teachers are very familiar with the procedures of lodging complains against persons engaged in unethical practices in the school education sector.

• In all countries except Bangladesh, even if complaints are made they are not taken seriously. In UP/India, around 22 per cent of respondents are of the opinion that complaints made against teachers and other officials involved in unethical behaviour are taken seriously, whereas according to 51.3 per cent of the respondents these complaints are not taken seriously, affecting the process of implementation of the codes. Around 27 per cent of the respondents are of the opinion that these complaints are never taken seriously. Nearly 5.9 per cent of administrators; 20.9 per cent of teachers; and 21.2 per cent of other categories of respondents are of the view that complaints relating to violation of codes of conduct are not at all taken seriously in the state.

Table 2.4.4   Knowledge on procedure of complaints in Nepal

Knowledge	Teachers	Administrators
Enough	18 (14.0)*	4 (44.44)
Less	96 (74.4)	4 (44.44)
Not at all	12 (9.3)	1 (11.11)
Missing	3 (2.3)	
Total	129 (100.00)	9 (100.00)

Table 2.4.5   Seriousness of the action taken against misconduct
in Nepal

Action taken:	Teachers	Administrators
Seriously	27 (20.9)*	1 (11.11)
Less	74 (57.4)	4 (44.44)
Not at all	14 (10.9)	4 (44.44)
Missing	14 (10.9)	-
Total	129 (100.00)	9 (100.00)

* Figures in parentheses are percentages.
Source: Bajracharya, *et al.,* 2003 (both tables).

•   In Nepal, 63 per cent of teachers and 44 per cent of administrators
    perceive that the government attends less seriously to complaints
    of violation of the codes of practice in education and 44 per cent of
    administrators feel that the concerned authorities never attend to the
    complaints. In these countries, lack of seriousness in attending to
    complaints of professional misconduct of teachers and staff acts as a
    demotivating factor for many teachers, community members and other
    civil society organizations to participate in the enforcement process
    of the codes. In Bangladesh it is perceived that, in most cases, the
    authorities are serious in taking action against erring teachers and
    staff on the basis of complaints. Around 43 per cent of administrators,
    61 per cent of head teachers and 62 per cent of teachers perceive that

the authorities are very serious in taking action against teachers and staff violating professional conduct on the basis of complaints.

- Several social, economic, political, administrative and institutional constraints hinder the effective implementation of the codes in these countries. Many of these factors are outside the education sector and related to systemic corruption and transparency issues. Some of the important factors (as identified by respondents in Bangladesh, UP/India and Nepal) that greatly influence the degree of enforcement of the codes, are:
  - political and bureaucratic influence, mainly exerted by teachers and staff in the deployment, transfer, promotion and other related matters;
  - lack of access to information and the existing codes;
  - lack of detailed planning to enforce and monitor codes of practice in the education sector (Bangladesh);
  - low level of capacity to enforce the codes in multi-level administrative and management structures;
  - lack of capacity (awareness) and participation of grassroots level organizations, the larger community and civil society organizations in the enforcement of the codes;
  - existence of institutional barriers to taking up the cases of teachers and staff, such as trade unions and teachers' unions, which are indirectly affiliated to political parties, and middlemen (in UP/India);
  - lack of training of teachers, staff and even many administrators to use the codes;
  - political interventions and often inactive local self-governments (in the case of Nepal);
  - lack of effective monitoring and supervision;
  - lack of motivation of teachers, administrators, media and civil society organizations to participate in the enforcement of the codes;
  - low level of consciousness of the general public and lack of capacity to function as 'watchdogs' of the violation of professional ethics in the education sector;

- − bias in the application of the codes (Bangladesh) and bureaucratic delays, favouritism, lack of transparency, etc;
- − lack of adequate administrative authority of the head teacher (according to 7 per cent of head teachers in Bangladesh);
- − non-transferability of staff (third and fourth class employees) in Bangladesh;
- − lack of matching authority of the decentralized structures, particularly at the school and village levels (SMC, VEC, PTA) to make the permanent teachers of government managed schools accountable (UP/India);
- − defects and inconsistency in the codes (Bangladesh and Nepal) as well as frequent revisions of them, which are not shared among the stakeholders immediately;
- − poverty and the resulting budgetary constraints; and
- − lack of any database on incidences of unethical practices by teachers and staff; remedial measures taken by the government; details of capacity building activities and the number of trained teachers and staff, etc. (UP/India).

Thus, it follows from the above analyses that enforcement of the codes has not been very effective in these countries. A host of socio-economic, political, structural, institutional and administrative factors have contributed to the current level of ineffectiveness in enforcing the codes. Some of these factors are beyond the reach of the education sector. This makes it all the more difficult to take remedial measures to counter the negative effect of these exogenous factors. Within the education sector, various stakeholders such as the teachers, teacher unions, school management, parents, parent-teacher associations, students, the larger community, concerned education officials and administrators, the media and above all the governments have not performed their role at the desired level and, in turn, have to a large extent weakened overall educational governance.

The general perception is that ensuring compliance with the codes of practice is the sole responsibility of the education department. This

perception has not facilitated effective participation of various stakeholders in the formulation and implementation of codes in a decentralized manner.

3.   Impact of the codes limited but visible

Attempts have been made in the studies in Bangladesh and UP/India to assess the impact of the codes on the professional and ethical behaviour of teachers and staff as well as on quality and equity in education, on the basis of the general perceptions of a cross-section of stakeholders in the education sector, including teachers and head teachers.

Table 2.4.6   Impact of the codes on teachers' ethical and professional behaviour in UP/India as perceived by administrators, teachers and other categories of respondents

Ethical and professional behaviour of teachers	Strongly agree	Agree	Disagree	Strongly disagree	Total
Perceived by administrators (N = 17)					
Improved teacher behaviour	5.9	70.6	17.6	5.9	100.0
Little or no abuses in the school admission system	5.9	47.1	41.2	5.9	100.0
Improved transparency and fairness in human resource management, i.e. recruitment, promotion, appointments, transfers, etc.	0.0	41.2	52.9	5.9	100.0
Improved commitment and performance of teachers and staff	11.8	64.7	17.6	5.9	100.0
Decrease in teacher absenteeism	11.8	58.8	23.5	5.9	100.0
Less malpractice in examinations	0.0	58.8	35.3	5.9	100.0
Improvement in quality of education	17.6	29.4	52.9	0.0	100.0

Fewer cases of mismanagement and embezzlement of school funds	5.9	52.9	41.2	0.0	100.0
Improvement in human relations among staff in schools	5.9	52.9	41.2	0.0	100.0
Decrease in private tuition by teachers	17.6	17.6	47.1	17.6	100.0
Perceived by teachers (N=225)					
Improved teacher behaviour	44.9	48.9	4.4	1.8	100.0
Little or no abuses in the school admission system	46.2	27.6	18.7	7.6	100.0
Improved transparency and fairness in human resource management, i.e. recruitment, promotion, appointments, transfers, etc.	15.1	27.1	35.1	22.7	100.0
Improved commitment and performance of teachers and staff	39.1	56.0	4.0	0.9	100.0
Decrease in teacher absenteeism	45.8	40.4	5.8	8.0	100.0
Less malpractice in examinations	28.9	47.6	15.6	8.0	100.0
Improvement in quality of education	26.2	53.3	15.1	5.3	100.0
Fewer cases of mismanagement and embezzlement of school funds	20.0	41.8	20.4	17.8	100.0
Improvement in human relations among staff in schools	47.1	42.2	7.6	3.1	100.0
Decrease in private tuition by teachers	34.7	27.6	16.4	21.3	100.0
As perceived by other categories of respondents (N = 33)					
Improved teacher behaviour	12.1	57.6	21.2	9.1	100.0
Little or no abuses in the school admission system	0.0	36.4	60.6	3.0	100.0

Improved transparency and fairness in human resource management, i.e. recruitment, promotion, appointments, transfers, etc.	3.0	30.3	39.4	27.3	100.0
Improved commitment and performance of teachers and staff	9.1	60.6	21.2	9.1	100.0
Decrease in teacher absenteeism	6.1	75.8	15.2	3.0	100.0
Less malpractice in examinations	0.0	60.6	33.3	6.1	100.0
Improvement in quality of education	6.1	48.5	36.4	9.1	100.0
Fewer cases of mismanagement and embezzlement of school funds	0.0	42.4	36.4	21.2	100.0
Improvement in human relations among staff in schools	18.2	60.6	12.1	9.1	100.0
Decrease in private tuition by teachers	18.2	39.4	24.2	18.2	100.0

Source: Field survey in Uttar Pradesh, September-October 2002.

It may be noted that the impact of the codes on staff and teachers' behaviour and on access to equity and quality of school education was not assessed in the Nepal study. It was felt in all the country studies that it is difficult to determine the impact of the codes on staff and teachers' behaviour and in improving transparency and accountability in the education sector, basically due to the following reasons:

• First, the codes have been around for a long time, even existing during the colonial period in India and Bangladesh and prior to the restoration of democracy in Nepal. As such, there is no reference period to assess the impact of the codes.

• Second, the stakeholders, including teachers, have no easy access to the codes in these countries.

- Third, no serious effort has been made in enforcing the codes. They are primarily used as instruments of educational governance to serve the interests of the administrators and managers, rather than being used to create the required environment for teaching-learning and to empower teachers, staff, the larger community, civil society organizations and parents.
- Fourth, no systematic database exists in these countries on various aspects of implementation of the codes.

Nevertheless, the general perception in these countries is that the codes have a positive and significant impact in improving the professional codes of conduct of teachers and staff, and on the degree of transparency and accountability in the education sector. The impact of the codes on human resource management, improvement of overall quality of education and private tuition by teachers is not very visible in both countries. However, *Table 2.4.6* summarizes the general perceptions of the respondents about the impact of the codes in UP/India and Bangladesh.

The codes have a positive and significant impact on teachers' behaviour in India and Bangladesh. Around 85 per cent of administrators, 71 per cent of head teachers and 87 per cent of teachers in Bangladesh agree that enforcement of the codes has improved the behaviour of teachers. In UP/India, 86 per cent of all respondents, 77 per cent of administrators and 94 per cent of teachers agree that the codes have a positive impact on teachers' behaviour.

In UP/India, the impact of the codes is significant in reducing incidences of abuses in the school admission system. In Bangladesh, there is little impact of the codes in reducing irregularities and corrupt practices in the school admissions system. Around 53 per cent of administrators, 74 per cent of teachers and 36 per cent of other respondents in UP/India agree that there is little abuse in the school admissions system due to enforcement of the codes. In Bangladesh, 38 per cent of administrators, 65 per cent of head teachers and 52 per cent of teachers agree that the codes have a positive impact in reducing abuses in the school admission system.

It is perceived that implementation of the codes has not made a significant difference in the recruitment, appointment, transfer, promotion and selection of teachers and staff for capacity building programmes, etc. in UP/India and Bangladesh. In other words, the codes have little impact in improving transparency and fairness in human resource management in these countries. In Bangladesh, however, around 40 per cent of administrators, half of the head teachers and 39 per cent of teachers agree that the codes have helped improve transparency and fairness in human resource management in the school education sector. In UP/India, no administrators agree strongly with the statement that the codes have a positive impact in improving transparency and fairness in human resource management. However, 41 per cent of administrators, 42 per cent of teachers and 33 per cent of other categories of respondents agree that transparency and fairness in human resource management in the school education sector has improved due to enforcement of the codes.

The impact of the codes is positive and significant in improving the commitment, professional behaviour and performance of teachers and staff in UP/India and Bangladesh. Around 58 per cent of administrators, 86 per cent of head teachers and 78 per cent of teachers in Bangladesh endorse the view that the codes have helped improve commitment and performance of teachers and staff. In UP/India, 77 per cent of administrators, 95 per cent of teachers and 70 per cent of other respondents agree with the statement that the codes have a positive impact in improving commitment and performance of teachers and staff.

Incidences of teacher and staff absenteeism have decreased significantly in these countries due to enforcement of the codes and participation of the community and other stakeholders in monitoring and supervision of educational activities at the grassroots level. Nearly 80 per cent of administrators, 91 per cent of head teachers and 87 per cent of teachers in Bangladesh agree that incidences of teacher absenteeism have decreased over the years due to enforcement of the codes. In UP/India, 71 per cent of administrators, 86 per cent of teachers and 82 per cent of other respondents

agree that there is a decrease in the incidence of teacher absenteeism because of enforcement of the codes.

Table 2.4.7   Impact of the codes on teachers' ethical and professional behaviour in UP/India and Bangladesh

Ethical and professional behaviour of teachers	Strongly agree	Agree	Disagree	Strongly disagree
Improved teachers' behaviour	I[a], B[b]	UP/India, Bangladesh	L[c]	L
Little or no abuses in the school admissions system	UP/India	I, B	Bangladesh	L
Improved transparency and fairness in human resource management, recruitment, promotion, appointments, transfers, etc.	L	I, B	UP/India, Bangladesh	L
Improved commitment and performance of teachers and staff	I	UP/India, Bangladesh	B	L
Decrease in teacher absenteeism	I	UP/India, Bangladesh	L	L
Less malpractice in examinations	I	UP/India, Bangladesh	L	L
Improvement in quality of education	I	UP/India, Bangladesh	Bangladesh	L
Fewer cases of mismanagement and embezzlement of school funds	L	UP/India, Bangladesh	I	L
Improvement in human relations among staff in schools	I	UP/India, Bangladesh	L	L
Decrease in private tuition by teachers	UP/India	I, B	Bangladesh	L

Source: Khandelwal and Biswal, 2004.

(a)   'I' implies that fairly a large number of respondents in UP/India 'strongly agree' or 'agree' or 'disagree' or 'strongly disagree' with particular statements listed in *Appendix 1*.

(b)   'B' implies that fairly a large number of respondents in Bangladesh 'strongly agree' or 'agree' or 'disagree' or 'strongly disagree' with particular statements listed in *Appendix 1*.

(c)   'L' implies that very small number of respondents in UP/India and Bangladesh 'strongly agree' or 'agree' or 'disagree' or 'strongly disagree' with particular statements listed in *Appendix 1*.

The impact of the codes in reducing malpractice in examinations and certification is also visible in Bangladesh and UP/India. In UP/India, 59 per cent of administrators, 77 per cent of teachers and 61 per cent of other respondents agree with the view that the codes have a positive impact in reducing malpractice in public examinations. It may be noted that none of the administrators and other respondents in the state strongly endorse this view. In Bangladesh, 75 per cent of administrators, 88 per cent of head teachers and 81 per cent of teachers agree that incidences of malpractice in public examinations have decreased due to enforcement of the codes.

It is perceived in UP/India that the improvement in the quality of education can be partly attributed to effective implementation of the codes, however it is difficult to establish any relationship of cause and effect between the two. However, in Bangladesh, the codes have had relatively little impact on the quality of school education. Around 47 per cent of administrators, 80 per cent of teachers and 53 per cent of other respondents in UP/India endorse the statement that there has been improvement in the quality of school education in the state thanks to implementation of the codes. In Bangladesh, 57 per cent of administrators, 37 per cent of head teachers and 36 per cent of teachers disagree with the view that the codes have positive impact on the overall quality of school education.

Cases of mismanagement of school funds have also decreased over the years in UP/India and Bangladesh. This can be attributed in part to the enforcement of relevant codes of practice at the institutional and district/zonal levels and an improved system of administrative and social auditing. In Bangladesh, 55 per cent of administrators, 89 per cent of head teachers and 62 per cent of teachers endorse the view that there are fewer cases of mismanagement/embezzlement of school funds due to enforcement of the codes. Nearly 59 per cent administrators, 62 per cent of teachers and 42 per cent of other respondents in UP/India agree with the statement that introduction of the codes has had a positive impact in reducing the number of cases relating to mismanagement/embezzlement of school funds.

Implementation of the codes has also helped improve human relations among staff in schools, although lobbying is still a problem in some schools in UP/India and Bangladesh. Sixty-eight per cent of administrators, 76 per cent of head teachers and 83 per cent of teachers in Bangladesh agree that human relations among teachers and staff in schools have improved because of enforcement of the codes. In UP/India, 59 per cent of administrators, 89 per cent of teachers and 79 per cent of other respondents endorse the view that the codes have a positive impact in improving human relations among teachers and staff in schools.

It is felt by most respondents that, since the implementation of the codes, teachers have largely abstained from undertaking private tuition in UP/India, whereas this is still a major concern in Bangladesh. In both countries, mushrooming of private education shops is also a major issue, with far greater implications for ensuring equity and equality in educational opportunities. In Bangladesh, only 21 per cent of administrators, 34 per cent of head teachers and 50 per cent of teachers agree that incidences of private tuition by teachers have decreased due to enforcement of the related codes. In UP/India, however, 35 per cent of administrators, 62 per cent of teachers and 58 per cent of other respondents agree with the view that enforcement of related codes has reduced incidences of private tuition by teachers.

Conclusion and suggestions

Teachers are the largest group of education sector personnel in every country. How they and administrative staff behave in the course of implementation of planned interventions, or even otherwise in their daily professional life is to a very large extent critical in ensuring delivery of quality educational services. Teachers also perform the most decisive job of developing pupils' personalities. Corrupt or unethical practices by this section of the stakeholders therefore greatly affect access as well as internal efficiency and the quality of education. Unfortunately, planners and administrators in developing countries such as India, Bangladesh and Nepal usually fail to recognize these 'behavioural inputs' while designing education development programmes and projects.

In the absence of strategies to curb corruption and boost ethical behaviour among the various functionaries in the education sector, systemic corruption is facilitated greatly in India, Bangladesh and Nepal. In this context, teachers' codes of conduct are extremely critical in determining the level of corruption in the school education sector. In one way or another, teachers can influence the ethical behaviour of other stakeholders and thus facilitate or deter the development pattern of education in these countries.

In the above context, following a participatory diagnostic method, the present study has aimed at empirically diagnosing the ethical behaviour of teachers and staff in the school education sector in three South Asian countries: Bangladesh, UP/India and Nepal. This is the starting point to understanding the sources, causes and impact of unethical practices on the school education sector. In the absence of any reliable database, the findings are based on perceptions of a cross-section of stakeholders on corrupt practices in the education sector. This small effort has no doubt generated greater interest for identifying and diagnosing factors that influence the degree of transparency and accountability in these countries. Although they

are just a beginning, the studies have brought to the surface certain important challenges in the areas of educational planning and management.

Major findings and suggestions have been summarized in *Table 2.4.8*. In all three countries, major sources of unethical practices are more or less the same, i.e. abuse in human resource management; embezzlement of school funds; private tuition by teachers; teacher and staff absenteeism; and abuse in the supply and purchase of materials. Political, structural and institutional factors partly explain the unethical behaviour of teachers and staff in the school education sector. The design and development of codes in these countries are highly centralized and there is provisional/limited participation of the stakeholders. A majority of teachers do not have access to copies of the codes and lack knowledge of them. They have not been empowered to use the codes effectively. The governments of these countries are less serious in enforcing the codes. This is reflected in the fact that many teachers do not know how to lodge a complaint against an erring teacher or staff member. Even when complaints are made, they are not taken seriously in most cases. A host of political, institutional, administrative and social factors can be attributed to ineffective implementation of the codes in these countries.

Nevertheless, the codes are perceived to have a limited but positive impact on teachers' professional ethical behaviour. The impact of the codes is mostly visible in reducing malpractice in examinations, solving ethical dilemmas at the workplace, improving the commitment and performance of teachers and staff, and improving management of school funds and human relations in schools. The codes have little impact in regards to improving human resource management and private tuition by teachers.

Corruption in general and teachers' codes of conduct in particular are interpreted in different ways in different countries and, within a particular country, in different contexts. In other words, ethical behaviour of teachers is contextual and depends largely on the nature and quality of the existing political and educational governance and institutions. As corruption is 'home-

grown', strategies to both it and unethical behaviour should also be 'home-made'. Efforts to improve the professional and ethical behaviour of a particular section of stakeholders in the education sector cannot be effective without first bringing about systems-level administrative reforms. This implies making bureaucrats, particularly middle-level bureaucrats and educational administrators, more accountable and ensuring transparency in information-sharing as well as simplifying other administrative procedures. Improving the ethical and professional behaviour of the people's representatives is the necessary condition to bringing about administrative reforms at the systems level. Strengthening social and political institutions is one of the sufficient conditions for effective change in educational governance.

To sum up, the suggestions include a need to create access to information and codes of practice in the education sector. Mere formulation of codes (with limited participation) does not ensure their effective implementation. Capacity building of teachers, staff and other stakeholders in the education sector in the use of the codes is extremely important in these countries. Similarly, creation of a database on enforcement of the codes is critical in planning and monitoring their effective implementation.

The impact of the codes on the professional behaviour of teachers and staff is largely influenced by the external environment in these countries (i.e. the level of systemic corruption, general awareness about civil rights, political willingness to improve transparency and accountability, the capacity and willingness of civil society organizations to participate in the implementation of development programmes, effective and transparent media and above all the emergence of pressure groups at the grassroots level). It is extremely important to take a holistic view of the issues relating to corruption in education and unethical behaviour among teachers and staff. In countries such as Bangladesh, India and Nepal, the major concern is therefore to change the existing social and political institutions, which come in the way of effective governance. 'Concretization' exercises, capacity building, sharing of information and efforts towards 'mainstreaming

participation' would perhaps go a long way in improving transparency and accountability in the education sector of these countries.

If not reformed, the present system of educational governance may continue to reproduce socio-economic inequalities these countries. Governments can go on designing and implementing various codes of practice in the education sector that may very well prove to be ineffective if efforts are not made to persuade teachers and staff to imbibe them. They can institutionalize the codes in the education sector, but it is very difficult to transform the codes into values. Any attempt to reform educational governance should aim at using codes of practice to improve values and professional commitments, rather than using them as administrative instruments.

Table 2.4.8   Summary of major findings of the study in Bangladesh, UP/India and Nepal

Various aspects of codes	Bangladesh	UP/India	Nepal
1. Evolution and scope of the codes	1.1 The codes came into existence in 1931, long before the independence of Bangladesh. The driving force behind the introduction of the codes in independent Bangladesh is to have a well-organized and value-based education system. 1.2 There has been a remarkable increase in the number of non-government primary and secondary schools. The corresponding increase in the number of teachers and pupils and the change in the socio-economic context of the country after independence in 1971 necessitated the issuance of a number of rules and regulations containing specific codes related to teacher behaviour and functioning. 1.3 Codes of practice cover almost all aspects of governance of school education, including non-governmental unaided schools. Coverage of the codes range from the day-to-day business of the school to policy issues related to Governing Bodies, age limits, admission, discipline, professional conduct of teachers and staff, examinations, affiliations and the like.	1.1 Codes of practice have existed in Uttar Pradesh since even before independence, in 1921. However, separate codes of practice for the elementary education sector were developed in 1972, with the constitution of the UP Basic Education Board. The codes were designed within an overall public service ethics and anti-corruption policy framework. They cover almost all aspects of the functioning of the school education sector. The codes also cover the service conditions of teachers and staff, including their codes of conduct. The basic objective of these codes is to build a favourable teaching and learning environment, while at the same time protecting the interests of teachers and staff. 1.2 The codes cover all aspects of planning, implementation, monitoring, evaluation and certification activities in the education sector. In addition to the general codes, separate codes have been designed to cover specific categories of educational functionaries, including teachers. 1.3 The scope of the education codes ranges from establishment of educational institutions, recruitment, deployment and service rules and regulations of teachers and other personnel, functioning of educational institutions, management, supervision and support services, mobilization and disbursement of financial and other resources, admissions, examinations, evaluation and certification procedures to formulation of community level organizations that could facilitate democratic participation in the planning and management of education.	1.1 The codes of conduct were informal prior to 1940, with the community managing most of the schools. Formal codes of practice came into being in 1940 in the form of *Istihar*. 1.2 Teacher service was not fully under the service system until 1972. Prior to 1972, teacher provisions were regulated, but in most cases the communities logistically supported teachers. Since 1972, teacher service in Nepal has been brought under the government system, ensured and regulated. 1.3 Some of the major steps taken to regulate teacher services are: establishment of the Teachers' Service Commission; decentralized management of teacher service; systematic and criterion-based teacher promotion hierarchy and process, norms for teacher qualification; and provision of training. 1.4 The scope of the existing codes includes almost all aspects of governance of school education, but is not documented in one place. The Seventh Amendment of the Education Act (2002) and the Education Regulation are the important documents that specify various codes of conduct and other codes relating to the planning and management of school education.

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2. Major sources of unethical behaviour			
	2.1 The administrators perceive *private tuition by teachers* as the most serious source of misconduct. Teachers do not perceive it as a source of misconduct at all. This attitude of teachers has been detrimental to the quality of education.	2.1 Human resource management, both at the institutional and systems level, is perceived as a very serious source of unethical behaviour in the school sector.	2.1 Abuse in human resource management is a very serious source of unethical practice.
	2.2 Head teachers and teachers rank *abuses in human resource management* in the first place while administrators give this source the third position. This source therefore emerges as one of the most serious sources of misconduct.	2.2 Private tuition by teachers is considered the second most serious source of unethical practice.	2.2 Embezzlement/mismanagement of school funds is a very serious source of misconduct.
	2.3 Abuse *in the purchase and supply of materials* is perceived as a serious source of misconduct.	2.3 Embezzlement and/or mismanagement of school level finances are considered the third most serious source of corruption and unethical behaviour among teachers.	2.3 Abuse in the supply and purchase of materials is a serious source of unethical practice in education.
	2.4 Mismanagement/*embezzlement of school finances* is perceived as a serious source of misconduct.	2.4 Abuse *in the purchase and supply of materials* is perceived as a serious source of misconduct.	2.4 Conduct of school inspection is also a serious source of misconduct.
	2.5 *Teacher absenteeism* is viewed as another serious source of misconduct.	2.5 *School admission, examination and promotion, and conduct of school inspections* are perceived as 'less serious' and 'not at all serious' by respondents.	2.5 School admissions, examinations and qualifications and poor human relations among teachers and staff are serious sources of unethical practices among teachers and staff.
	2.6 Teachers consider *poor human relations among themselves and staff* as a serious source of misconduct.	2.6 Administrators, not teachers, view *teacher and staff absenteeism* as another serious source of misconduct.	2.6 Private tuition by teachers is a serious source of misconduct.
	2.7 *School admission, examination, promotion and conduct of school inspections* are perceived as 'less serious' and 'not at all serious' by the respondents.	2.7 Political and bureaucratic interventions, poor knowledge of the codes, low level of motivation, individualism and consumerist attitudes, high rate of educated unemployment, low level of participation of the civil society organizations, institutional barriers such as trade unions and teacher unions, etc. are perceived to be the main causes of unethical practice in the education sector.	2.7 Political party leaders, high-level bureaucrats and members of the teachers' unions have attempted to influence decision-making regarding the recruitment and transfer of teachers. In some cases, personal favours are also reported.
	2.8 Political and bureaucratic interventions, poor pay and low status of teachers are perceived as the main causes of breach of codes of conduct. Disparities between different civil service cadres, lack of commitment in teachers and lack of values in teachers are other causes of the breach of the codes of conduct.		2.8 Lack of appropriate teacher evaluation and a system to use such evaluation for professional development is another reason for unethical practices.
			2.9 There are strong political distractions for intellectuals due to the existing social and political situation. In the latter part of political development and particularly after 1990, teachers became boldly affiliated to the political parties. Teachers' organizations are also affiliated to the political parties indirectly. The politicization of recent times is considered responsible for many of the problems in public school management, including irregularity in attendance, disobedience and poor performance, less responsibility etc. Of the several reasons of misconduct, interference by leaders of the political parties has been considered a very serious problem.
			2.10 Poor relations between the community and schools, inactive parents and local bodies, poor human relations in school etc. are other reasons of unethical practice among teachers and staff.

3. Design of the codes	3.1	The process of designing the codes is primarily centralized, although many head teachers were consulted during the formulation of the codes.	3.1	Although the design of the codes is mostly centralized, attempts have been made to consult various stakeholders in the school education sector while designing them. Teacher unions have in fact played an important role in deciding the nature of the codes of practice. Mainly through the electronic and print media, workshops at the provincial and zonal levels, and debates in the state legislature, attempts have been made to reach out to the stakeholders while designing the codes. Teacher unions have in fact played an important role in deciding on the nature of the codes of practice.
	3.2	Most teachers do not have access to copies of the education codes.	3.2	The codes are not easily accessible to teachers and staff. As such, most of them do not have proper knowledge of the codes of practice. Most of them have no training in the use of the codes.
4. Implementation of the codes	4.1	The codes of practice are considered helpful (very helpful by teachers) as a guide to resolve ethical problems and dilemmas in day-to-day work.	4.1	The codes are perceived to be very useful instruments of educational governance. They are also perceived to have played a critical role in maintaining minimum standards of professional ethics, wherever and whenever they are implemented effectively.
	4.2	Many administrators and head teachers and some teachers have received training in the use of the codes.	4.2	For the most part, the codes have been used as instruments of educational governance rather than for improving the professional and ethical behaviour of teachers and staff.
	4.3	A majority of administrators and head teachers and nearly half of teachers have easy understanding of the codes.	4.3	Most of the respondents have no training in the use of the codes.
	4.4	Administrators and head teachers are relatively more familiar with the procedures of filing complaints against teachers and staff engaged in unethical practices.	4.4	The codes have been perceived as very useful and necessary for good governance. The implementation of the codes is considered a major problem in the state.
	4.5	Complaints lodged against teachers engaged in unethical practices are usually taken seriously.	4.5	Given the decentralized framework of educational administration, the codes have not been effectively enforced due to lack of manpower and required capacity at various spatial levels of educational management.
	4.6	It is perceived that the codes have been less seriously enforced.		
	4.7	Political influence exerted by teachers and non-teaching staff and ignorance of teachers in regards to the codes are the most serious reasons for less effective enforcement of the codes.		

Third column (continued):

3.1 Codes are generally designed at the central level, with limited participation of the stakeholders, particularly teachers. This is due to lack of a formal mechanism to ensure the participation of different stakeholders in the development of the codes.

3.2 Because of the centralized process, participation in providing inputs to development of codes and provisions tended to be guided more by ideals than by contextual realities.

3.3 There is no ownership or even serious consideration given to the codes. Regarding service provisions, it has been a matter of central provision versus the demands of teachers. Teacher demands are often on the agendas of teacher movements.

3.4 The codes are not easily accessible to teachers and staff. Many teachers have no idea of these codes and a majority of them do not have proper training in the use of the codes.

4.1 As instruments (rather documents) of governance, the codes are useful. In the present socio-political context, implementation of the codes cannot be expected.

4.2 The government has less seriously enforced the codes.

4.3 Interference by political parties and higher-level bureaucrats are major causes that hinder effective implementation of the codes.

4.4 Frequent amendments of the code are another cause of weak implementation.

4.5 The capacity of stakeholders for effective implementation of the codes is important. Orientation or training is one aspect; readiness of the people is another aspect. Both are lacking in the present context. Training on the codes virtually does not exist.

4.6 Because of lack of experiential lessons or even references of the cases of implementation, most respondents did not know about the process of implementation of the codes.

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4.8 Corrupt administration, bureaucratic complications and lack of administrative authority have been identified as other reasons of ineffective implementation of the codes.

4.6 The general perception is that enforcement of the codes of practice is the sole responsibility of the education department and as such various stakeholders do not participate in the implementation and monitoring processes. The codes have been less seriously enforced in the state

4.7 Many teachers are not familiar with the procedures of lodging complaints against colleagues and staff engaged in unethical practices.

4.8 Even if complaints are made, they are not usually taken seriously.

4.9 Several institutional, socio-economic, political and administrative factors affect the implementation of the codes. Some of the main institutional constraints are: lack of access to information and the existing codes; a low level of capacity to enforce the codes in the multilevel administrative and management framework; ineffective and non-participating grassroots level organizations, including civil society organizations; existence of trade unions and teacher unions; and above all, the perception of some of the unethical practices in the school sector as acceptable institutions.

4.10 Lack of resources and low level of capacity and awareness of various stakeholders, including teachers, also act as constraints in the implementation of the codes.

4.11 Political interference is considered one of the most important constraints for effective enforcement of the codes. The moral and ethical commitment of teachers and staff has progressively decreased over the years due to political and institutional factors.

4.7 Lack of monitoring of the implementation of the codes is another important factor in the ineffective implementation of the codes.

5. Impact of the codes			
	5.1 The codes have significant positive impact on improving the professional conduct of teachers. 5.2 To a large extent, teachers' behaviour has improved since the introduction of the codes. 5.3 The codes have some positive impact on improving commitment and performance of teachers and staff; reducing teacher absenteeism to some extent; checking malpractices in examinations; reducing cases of mismanagement of school funds; and improving human relations among teachers and staff. 5.4 However, overall the codes are not perceived to have had a significant impact, particularly on the quality of education and human resource management. The impact of the codes on the school admission system, private tuition by teachers and fairness in human resource management is limited. 5.5 Ignorance among a large segment of teachers of the codes; inaccessibility of teachers to the codes; lack of a mechanism for proper application of the codes; poor salary structure and low status of teachers; lack of adequate and appropriate measures to punish acts of non-conformity to the codes; and non-conformity of the administrators themselves to the codes of conduct are some of the factors explaining the limited impact of the codes.	5.1 The impact of the codes is perceived to be positive in the school education sector. They have improved the professional and ethical behaviour of teachers and staff. 5.2 The codes have a significant positive impact on the professional conduct of teachers and staff. 5.3 Implementation of the codes has improved the school admission system. 5.4 The codes have contributed very little to improving transparency and fairness in human resource management. 5.5 The impact of the codes on teachers' attendance is strong and positive (perception of most of the teachers). 5.6 Teachers' ethical behaviour in conducting public examinations has also improved significantly due to implementation of the codes. 5.7 The quality of school education has improved. However, it is difficult to attribute the improvement in the quality of school education to the implementation of the codes. 5.8 Moreover, the number of cases relating to embezzlement of school funds has also visibly come down over the years due to implementation of the codes. 5.9 The codes have a low impact on private tuition by teachers. Instead of individual tuition, teachers are now opting for group tuition conducted at various private coaching centres.	5.1 The impact of the codes on improving the professional conduct of the teachers is not significant. The existence of the codes has not brought about any changes in teacher practice, particularly in regards to private tuition and political influence on teachers' behaviour. 5.2 As the codes have not been effectively enforced, they have limited effects in terms of improving the teachers' professional conduct, thereby undermining their credibility and seriousness.

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6. Major suggestions

6.1 Capacity building of teachers, particularly training in the use of the codes.

6.2 To raise the motivation and commitment of teachers, a career path for teachers should be created and their salary structure revised and raised.

6.3 'Mismanagement of school finance', 'abuses in human resource management', and 'teacher/head teacher absenteeism' have emerged as the most serious sources of misconduct. Specific and implementable codes of conduct should be framed to overcome this situation. There is also a need for effective enforcement of these codes.

6.4 Administrators have perceived private tuition by teachers as the most serious source of misconduct, while teachers themselves perceive it as 'not at all a serious source'. This is interesting, but at the same time alarming. Teachers should be made to change their attitude towards private tuition and a proper mechanism should be devised to check the trend of private tuition. Upward revision of the salary structure may be one of the solutions to the problem.

6.5 Accessibility of the teachers to the codes should be ensured, as this is the first precondition for conformity to the codes.

6.6 Ignorance/lack of knowledge among teachers of the codes is the major constraint to the implementation, impact and enforcement of the codes. Crash programmes or school-based programmes for orientation and training of teachers should be undertaken.

6.7 Nepotism, bias and indifference of the administrators in applying the codes are serious problems in enforcing the codes. Attitudinal changes in administrators should be brought in through various measures such as appropriate training.

6.1 There is a need to diagnose the nature and degree of corrupt and unethical behaviour among teachers and staff. This calls for creating a comprehensive database on unethical practices.

6.2 Awareness of the social, economic and political cost of corruption and unethical behaviour of teachers and staff should be built among the stakeholders. Civil society, particularly communities at the grassroots level, may be given the right to information and the relevant available information should be disseminated using the appropriate electronic and print media. The media can play an extremely important role in empowering stakeholders, while at the same time acting as a 'watchdog'. To discharge this function, the 'media' itself needs to be further empowered and made free from political interference.

6.3 Existing codes of practice in the education sector need to be systematically organized and the Government of Uttar Pradesh should publish them. If possible, codes relating to teachers and staff need to be organized separately and published in separate volumes.

6.4 Copies of these publications may be made available to all educational institutions in the state

6.5 Large-scale consultations may help eliminate rigidities in the codes so as to make them more relevant and useful. Workshops, training programmes and orientation programmes in the use of the codes need to be conducted at the state, district and sub-district levels to build awareness among stakeholders.

6.6 Codes should not only be used as an instrument of governance, rather they should be used for character building of teachers and staff.

6.7 There is a need to make efforts to ensure participation of civil society organizations in the process of design and implementation of the codes.

6.1 Teachers' codes should be developed and revised through participatory process to ensure ownership by teachers and other stakeholders.

6.2 There is a need to develop a culture of abiding by the norms and the values of the codes.

6.3 Teachers' codes should take into account the current socio-economic reality, rather than being guided heavily by historical ideals only.

6.4 There should be a mechanism to ensure that teachers, concerned personnel and SMC members are oriented as to the codes and workshops/training should be conducted recurrently for improved understanding and practising of the codes.

6.5 A system should be developed for effective implementation of the codes and their continuous monitoring.

6.6 Codes of conduct should be linked with teachers' professional development.

6.7 Professional conduct of a teacher should be reflected in his/her performance evaluation.

6.8 Teacher education should include codes of conduct.

6.9 Awareness programmes about the codes and their importance should be launched for all concerned, including members of concerned government offices, political parties, parents, students, teachers and head teachers.

6.8 Political influence exercised by both administrators (particularly SMCs) and teachers has been the other major hindrance to the enforcement of the codes. Policy-makers should take note of it and frame appropriate policies in this regard. Political personnel should be barred from being included in the SMC.

6.9 Introduction of the codes has had little impact on: the overall quality of education; private tuition by teachers; and human resource management. The teachers' codes of practice have, as their ultimate aim, improvement in the quality of education. Suitable measures need to be taken for effective enforcement of the codes to realize this objective.

6.8 Mechanisms for dealing with complaints relating to unethical behaviour of teachers and staff in the education sector need to be further simplified and strengthened. The response to complaints of unethical behaviour among teachers and staff should be quick and effective. This may then generate confidence among stakeholders to act as 'watchdogs' in the education sector.

6.9 The political will to prioritize and implement systems-level administrative and institutional reforms is the main need today in order to combat corruption in education and ensure the ethical behaviour of teachers and staff.

Source: Khandelwal and Biswal, 2004.

Appendix 1
Sample questionnaire

Comparative study on teachers' codes of practice
in Bangladesh, UP/India and Nepal

(Schedule for Teachers and Administrators)
(To be filled-in by the Field Investigator)

District: ....

Block/Urban Area: ....

Teacher/Administrator Code:..

Section I: General Information

1. Name of the school:..

2. Type of school:

Primary ❑ Junior high school ❑
Secondary ❑ Senior secondary ❑

3. How long have you been working in the education sector?

Under 1 year ❑ 1-5 years ❑
6-10 years ❑ Over 10 years ❑

4. How long have you worked as a teacher and as an administrator?

As a teacher ❑❑ years; As an administrator ❑❑ years

5. At which of the following levels of education do you currently work?

Elementary ❑ Secondary ❑ Senior secondary ❑

6. Which one of the following best represents your current job?

Teaching ❏　　　　　School level administration ❏
Teaching and school level administration ❏

7. Are you the head teacher?　　Yes ❏　　　No ❏

8. Gender:　Female ❏　　Male ❏

9. Age (in completed years): ❏ ❏ years

10. Caste:[14]　Scheduled caste　　　❏　　Scheduled tribe　❏
　　　　　　　　Other backward caste　❏　　General caste　　❏

11. Marital status: Married ❏　Unmarried ❏　Single ❏

12. Occupation of the spouse:..

13. Educational qualification: ❏ ❏
(in completed years of schooling)

14. Professional qualification:

　　(i)　Highest professional degree: ....
　　(ii)　Completed years of professional schooling ....

15. Place of schooling:　Urban ❏　　　Rural ❏

16. Your gross monthly salary (in Indian Rupees): ❏ ❏ ❏ ❏ ❏

17. Total annual family income from all sources;[15]

　　Indian Rupees ❏ ❏ ❏ ❏ ❏ ❏ ❏ approximately

18. Your family occupation:[16] ....

14.　This question is specific to the Indian situation, and it can be dropped in other country contexts.
15.　May be dropped in other country contexts.
16.　The question is specific to the Indian context. It refers to the major occupation of the family of the respondent such as agriculture, business, public/private service, carpentry, weaving, etc.

Section II: Perceptions of the Codes

19. Ethical problems in education cover a number of areas and range from serious misconduct to less serious wrongdoing. In your view, which of the following have been sources of misconduct in education? Please tick mark (✓) in the relevant column.

Source of misconduct	Very serious source of misconduct	Serious source of misconduct	Less serious source of misconduct	Not at all a source of misconduct
Abuses in human resource management, e.g. recruitment, promotion and appointment, salaries, etc				
Abuses in supply/purchase of materials, e.g. textbooks, equipment etc.				
The conduct of school inspection				
School admissions				
School examinations and qualifications				
Embezzlement/mismanagement of school finance				
Staff attendance/absenteeism				
Poor human relations among staff in schools				
Private tuition by teachers				
Other sources (please specify)				

20. Which of the above sources of misconduct do you consider to have the most negative impact on the quality of education and why? You may select more than one.

    ....

21. To the best of your knowledge, were you or any of your colleagues consulted during the design and introduction of the codes?

    Yes ❏   No ❏

22. If yes, how were you consulted?

   Letter/circular ❑ New media ❑
   Workshop/seminar ❑ Through teachers' union ❑
   Other means (please specify)..

Section III: Implementation of Codes

23. Do you have easy access to copies of the codes? Yes ❑ No ❑

24. As someone working in education, to what extent have the codes been helpful as a guide to resolving ethical problems and dilemmas you face in your everyday work?

   Very helpful ❑ Helpful ❑ Unhelpful ❑ Very unhelpful ❑

   Please write additional comments here:
   ....

25. Have you or your colleagues been given any training on the codes of practice/ethics?

   Yes ❑ No ❑

26. Do you find the codes easy to understand? Yes ❑ No ❑

27. If you answered *no* in Question 11, please briefly explain what the problem/s is/are about the codes.
   ....

28. To what extent are you familiar with the procedures for making complaints about professional misconduct by colleagues?

   Very familiar ❑ Less familiar ❑ Not at all familiar ❑

29. To what extent do you think complaints are taken seriously?

   Very seriously ❑ Less seriously ❑ Not taken seriously ❑

30. To what extent are the codes of practice adequately enforced?

    Seriously enforced ❑   Less seriously enforced ❑
    Not enforced at all ❑

31. Please state briefly what you think are the main problems in enforcing
    the codes of practice.

    ....

Section IV: Impact of the Codes

32. Comparing the situation before and after the introduction of the codes,
    what impact have the codes made on improving the professional
    conduct of teachers?

    Significant positive impact   Yes ❑   No ❑
    Limited positive impact   Yes ❑   No ❑
    No impact at all   Yes ❑   No ❑
    Negative impact   Yes ❑   No ❑

    Please write any other comment here: ....

33. Please indicate the extent to which you agree/disagree with the following statements:

Sl. Nº	Since the introduction of the codes ...	Strongly agree	Agree	Disagree	Strongly disagree
i.	There has been improvement in the behaviour of teachers				
ii.	There are little or no abuses in the school admission system				
iii.	There is transparency and fairness in human resource management in education – e.g. recruitment, promotion, appointments, transfers etc.				
iv.	The commitment and performance of teachers and staff have improved				
v.	Teacher absenteeism has decreased				
vi.	There is less malpractice in examinations				
vii.	The overall quality of education has improved				
viii.	There are less cases of mismanagement and embezzlement of school funds				
ix.	There has been an improvement in human relations among staff in schools				
x.	Private tuition by teachers has decreased				

34. Any other comments on the relevance, implementation and impact of codes of conduct of teachers in the school education sector.

Appendix 2
Scope of the codes of practice in Nepal, Bangladesh and Uttar Pradesh (India)

Source: B.P. Khandelwal and K. Biswal

The scope of educational codes in Bangladesh and UP/India is very wide, as they cover almost all aspects of the governance of education including higher, technical and professional education. Indeed, they range from the establishment of educational institutions, recruitment, deployment and service rules and regulations of the teachers and other personnel, functioning of educational institutions, management, supervision and support services, mobilization and disbursement of financial and other resources, admissions, examinations, evaluation and certification procedures to formulation of community level organizations that could facilitate democratic participation in planning and management of education.

It may be noted that there are no exclusively separate teacher codes of practice in these countries; teachers' codes are part of the overall educational codes. The private sector plays an important role in providing secondary and post-secondary level education in UP/India, Nepal and Bangladesh. Specific codes of practices have been designed for these institutions in India and Bangladesh. In Nepal, however, separate codes for private unaided institutions are very few and those that exist are not very explicit. In Bangladesh there are relatively few separate codes for non-government teachers and institutions, while UP/India has separate codes for government, recognized aided and even religious educational institutions.

As the educational codes of Bangladesh and UP/India have a common origin (i.e. they were formulated during British rule in India), they are similar in many respects. In Nepal, the codes of practice were developed very late. The Seventh Amendment of the Education Act (2002) and the Education

Regulation are the two prominent documents containing various aspects of governance of school education. The study is also not very explicit in dealing with the various Acts, Regulations, Rules and Government Orders that regulate teacher behaviour. In the following pages, we attempt to summarize the scope of teacher codes practice as found in the educational codes and other Acts, Regulations, Rules and Directives of the Governments of Bangladesh, Nepal and UP/India.

Scope of teachers' codes of practice in Bangladesh

The enactment of the Bengal Education Code in 1931 furnished the legal basis for modern public education in Bangladesh (part of what was then known as Bengal). The document had a wide coverage of schooling activities – from the day-to-day business of the school to policy issues related to Governing Bodies, the age limit, admissions, discipline, examinations, affiliations and the like. The District School Board – the administrative body for primary education – was created under this law. Since the independence of Bangladesh in 1971, various laws/rules/Acts relating to primary education have been passed. The important ones are: (i) the Primary Schools (Taking Over) Act 1974; (ii) the Primary Education Act 1981; and (iii) the Compulsory Primary Education Act 1990.

The Acts/rules from 1974 to 1990 provide for free primary education all over the country; school-based management; and formation of School Managing Committees. Teachers of 'taken-over' schools, which constitute 49 per cent of the total, became government servants. But since independence, in the changed socio-economic and particularly political contexts, new sets of codes of conduct and ethics for all civil servants have become a necessity. Codes of conduct framed in this context covered all public servants, including teachers. Few codes had been framed specifically for teachers of public schools.

Codes of conduct applicable to all types of teachers

The codes of conduct that apply to all public servants, including teachers of all types (government and non-government schools), are: (i) the Government Employees' (Conduct) Rules, 1979; (ii) the Government Employees' Discipline and Appeal Rules, 1985; (iii) the Bangladesh Service Rules Part-1; (iv) the Prescribed Leave Rules, 1959; (v) the General Financial Rules; and (vi) the Public Servants Discipline (Punctual Attendance) Ordinance, 1982.

Specific codes for teachers of non-government institutions

After the mid-1970s, private educational institutions mushroomed in Bangladesh. There arose a need to regulate these institutions, particularly the establishment of new schools and their recognition. The teacher recruitment procedure and other elements of teacher management for non-government schools differed from those of government schools. At the primary and secondary levels, non-government schools account for 51 per cent and 98 per cent respectively of the total number.

The Bengal Education Code (1931) provides the legal basis for secondary education. Many modifications and amendments have been made to respond to the needs of the time. The East Pakistan Intermediate and Secondary Education Ordinance of 1961 spelt out the law regarding the establishment of Managing Committees for secondary schools. Based on this ordinance, rules/regulations were framed at various times on such matters as student fees, admission and registration, examination, teachers' service conditions, leave, conduct and discipline, audit and accounts, permission and recognition of schools and the like. Of these Acts, rules, regulations and orders, the ones that are directly linked with teachers' codes of conduct are: (i) the Recognized Non-Government Secondary School Teachers' Terms and Conditions of Service Regulations, 1979; (ii) Regulations for recognition of educational institutions established and governed at private initiative under the Ministry of Education (MoE, issued on 23.4.97); (iii) Office order

related to audit of non-government educational institutions; (iv) Circular on student admission Rules (issued on 29.8.95); (v) Regulations relating to salary subventions for non-government school teachers and non-teaching staff; and (vi) Managing Committee of the Recognized Non-Government Secondary Schools Regulations 1977.

Government servants' (conduct) rules, 1979

The conduct rules have the widest applicability and cover all civil servants including teachers, whether they are in government or non-government schools and whether they teach at primary, secondary or higher secondary level. These rules have 34 sections; all are related to specific conducts of government servants. The first four rules contain an introduction, title, definition, repeal of other rules and laws, applicability etc. The remaining 30 rules are related to the conduct of government servants in respect of (5) receiving gifts; (6) acceptance of foreign awards; (7) public demonstration in honour of a government servant; (8) raising of funds; (9) subscriptions; (10) lending and borrowing; (11) buying and selling of valuable property; (12) construction of buildings; (13) declaration of property; (14) disclosure of liquid assets; (15) speculation and investment; (16) promotion and management of companies; (17) private trade or employment; (18) insolvency and habitual indebtedness; (19) communication of official documents or information; (20) approaching members of parliament; (21) management of periodicals, newspapers; (22) radio broadcast and communication to the press; (23) criticism of government; (24) evidence before committee; (25) taking part in politics and elections; (26) propagation of sectarian creeds; (27) nepotism, favouritism and victimization; (28) vindication by government servants of their public acts or character; (29) membership of service associations; (30) use of political or other influence; (31) approaching foreign mission and aid-giving agencies; (32) contravention of rules; (33) delegation of power; and (34) rules not to be in derogation of any law.

The government servants (discipline and appeal) rules, 1985

These rules have five parts, namely: (1) general; (2) discipline; (3) appeal; (4) review; and (5) miscellaneous. These five parts comprise a total of 27 rules. Part 1 contains title, application, and definitions. Part 2 contains grounds for penalty, types of penalty and the procedure of investigation. Parts 3 and 4 contain procedures for Appeal and Review. Parts (1) and (2) contain rules related to the ethical behaviour of civil servants, including teachers of all levels.

Bangladesh service rules [Part I (BSR) and Prescribed Leave Rules, 1959]

These rules are applicable to teachers of both government and non-government schools and teachers of all levels. Bangladesh Service Rules [Part 1 and Prescribed Leave Rules 1959] contain all rules related to leave. Some of the general principles regarding leave under these two Rules are: (i) Leave is earned through rendering service; (ii) Leave is not a right, it is a privilege; (iii) A public servant is not authorized to join other positions during the leave period without prior permission of the government; and (iv) If a civil servant does not join his duties on expiry of leave and if the leave period is not extended up to the period he keeps from duties intentionally, this act will be treated as 'misconduct'.

General financial rules

These rules are applicable to teachers of both government and non-government schools and teachers of all levels. Since their inception during British rule in India, the General Financial Rules have been revised many times and adapted to the changed situations. The latest revisions were made in 2000. There are numerous rules (more than 300), sub-rules, clauses and sub-clauses under the government-approved document entitled *Compilation of the General Financial Rules*. These rules and sub-rules are structured under 15 main chapters. The chapter headings are: (1) Introduction; (2) General procedures for financial management and control (this chapter has six sub-

sections: (i) receipt of money; (ii) expenditure and payment; (iii) accounts-related responsibilities; (iv) contracts; (v) misappropriations, loss etc.; and (vi) departmental regulations); (3) Revenue and receipts; (4) Power of grants; (5) Budget, grants and appropriations; (6) Establishment; (7) Supply and services and repair and renovations; (8) Store; (9) Works (Constructions); (10) Loans and liabilities to the government; (11) Local fund; (12) Loans and advances;(13) Miscellaneous; and (14) Government accounts. The general principles that a civil servant must conform to in financial matters are contained in rule 10.

Public employees discipline (punctual attendance) ordinance, 1982

This ordinance has 10 sections. The relevant sections are: (i) Penalty for absence from work without permission (section 4); (ii) Penalty for leaving office without permission (section 5); (iii) Penalty for late attendance (section 6); (iv) Penalty for repeated offence (section 7); and (v) Representation (section 8).

Recognized non-government secondary school teachers' terms and conditions of service regulations, 1979

These rules are applicable to non-government secondary teachers only. The Regulations have 29 sections. The sections are: (1) Title; (2) Definition; (3) Classification of teachers; (4) Qualification of teachers (this section includes details of the requisite qualifications of the different categories of teachers); (5) Scales of pay; (6) Probation; (7) Higher initial pay to a teacher; (8) Duties and functions of teachers; (9) Prohibition of private tuition; (10) Resignation; (11) Punishment; (12) Power to impose penalty; (13) Suspension; (14) Procedure for drawing up proceedings; (15) Termination of service; (16) Leave; (17) Casual leave; (18) Earned leave; (19) Medical leave; (20) Maternity leave; (21) Extraordinary leave; (22) Duty leave; (23) Study leave; (24) Leave not a right; (25) Contributory Provident Fund; (26) Age of retirement; (27) Extension; (28) Gratuity; and (29) Group insurance. Sections relating to teacher behaviour are: (i) Duties

and functions of teachers (section 8); (ii) Prohibition of private tuition etc. (section 9); (iii) Resignation (section 10); and (iv) Punishment (section 11).

Regulations for recognition of private educational institutions under the MOE (issued on 23 April 1997)

These regulations have six sections: (1) title; (2) and (3) purpose of issuing the regulations; (4) principles to be followed for establishing, conducting and recognizing the institutions; (5) repealing the previous regulations; and (6) instructions for following the rules. Sections relating to teachers' codes of practice are: (i) permission; (ii) and training.

Office order related to audit of non-government educational institutions (issued on 15 September 1985)

These rules are applicable to all non-government institutions. The various sections in this Resolution relate to: (i) financial responsibilities of the SMC; (ii) financial responsibilities of the Drawing and Disbursing Officer (DDO) of the school (generally the head teacher); (iii) preparation of the school budget; (iv) principles and mechanisms of maintaining accounts; (v) principles and mechanisms of receiving income and incurring expenditure; (vi) maintaining a cash book and other registers; and (vii) principles related to audit. All these sections contained in the Resolution are based on the Financial Rules mentioned earlier (in *sub-section 2.4.5*).

The relevant codes state that the Drawing and Disbursing Officer (DDO) of the institution (the head teacher) shall: maintain income and expenditure accounts of the school; record all income at the right time in the concerned register and deposit the money to the Bank account of the school; and maintain the stock registers and register of movable and immovable properties of the school. Moreover, he or she is expected to exercise the same vigilance in respect of expenditure incurred from the public fund as a person of ordinary prudence would exercise in respect of expenditure of his or her own money; the expenditure should not be more than the occasion

demands and no authority should exercise a power of sanction that will be directly or indirectly to his or her own advantage.

Student admission rules

These rules contain 22 sections: (1) School year; (2) Age limits; (3) Conditions of first admission; (4) Conditions of admission on transfer; (5) Admission test; (6) Admission in same class as transfer certificate indicates; (7) Admission of pupils who have repeated more than once; (8) Last date of admission in secondary schools; (9) Conditions of readmission; (10) Application for Transfer Certificate (TC); (11) Grant of TC; (12) Reasons for which TCs may be withheld; (13) Appeal against the refusal to TC; (14) Fees; (15) Tuition and other fees; (16) Dates of payment; (17) Penalties for non-payment of fees due; (18) Refund on transfer of amount of free-studentship enjoyed; (19) Condensation of late admissions, readmissions and of period of break of studies; (20) False documents; (21) Disputes; (22) Authority to fix up the fees; and (23) Repeal of previous laws. The sections most relevant to teachers' practice are: School year (section 1); (ii) Age limits (section 2); (iii) Admission test (section 5); and (iv) Admission of pupils who have failed more than once (section 7).

Salary subventions for teachers and non-teaching staff of non-government educational institutions (schools) regulations (issued on 24 October 1995)

These rules also cover all non-government teachers. The Regulations have 22 sections: (1) Introduction; (2) Title; (3) Application; (4) Salary; (5) Conditions for entitlement to the subvention; (6) Results of the public examinations; (7) Appointment and qualifications of teachers and non-teaching staff; (8), (9) and (10) Staffing pattern of junior secondary, secondary and higher secondary schools; (11) Conditions for introducing shifts; (12) Adjustment of posts; (13) Teaching load; (14) Fixation of pay; (15) Leaving one school and joining another; (16) Procedure for releasing the salary subvention; (17) Committee for matters related to subvention;

(18) Cancellation and stopping of subvention temporarily; (19) Appeal; (20) Repeal; (21) Effectiveness of the Regulations; and (22) Explanations.

Explanations

The codes directly relevant for teachers' practice are: (i) Teachers and non-teaching staff are not permitted to hold two or more positions/jobs or income-earning activities at the same time; (ii) The teacher will have a teaching load of 29 periods a week; (iii) The maximum number of teaching periods for the head teacher and assistant head teacher together will be 32 per week; and (iv) Every teacher will have to take responsibility for at least one item of the compulsory co-curricular activities.

Managing committee of the recognized non-government secondary schools regulations, 1977

These Regulations have 29 sections dealing with: (1) composition of the SMC; (2) election procedures for the SMC; and (3) functions of the SMC. The sections relating to teachers' behaviour are: (1) title; (2) definitions of 'committee', 'chairman', 'guardian', 'members', 'Board' (Board means, for the purpose of these Regulations, the Board of Intermediate and Secondary Education, Dhaka); (4) constitution of the committee; [4(3)(b)] representation of the teacher in the committee; [16(1)] duties of the headmaster relating to management of school funds and other related activities; and [16(2)] academic duties of the headmaster.

Codes relating to higher secondary teachers

Codes contained in the Rules/Regulations/Ordinances mentioned in Section 2.2, Chapter 2 are equally applicable to government and non-government primary, secondary and higher secondary school teachers. Codes contained in Rules (ii) and (iii) mentioned in section 2.3, Chapter 2 apply to government and non-government secondary and higher secondary schools. However those contained in Rules (i), (iv), (v) and (vi) are framed specifically for secondary schools. Separate rules parallel to these four

exist for higher secondary teachers, but the difference is only in the titles of the rules. The content of the codes, particularly those relevant to teacher behaviour and functioning, are the same.

Scope of teachers' codes of practice in UP/India

The major codes, which still form the basis for administration of school education in UP/India, are: (i) the Primary Education Act, 1919; and (ii) the UP Intermediate Education Act, 1921 and other allied Acts. The educational codes of Uttar Pradesh were originally designed during the pre-independence period, as early as 1919. There are two major secondary sources of codes of practice in education, i.e. the *Educational Codes of Uttar Pradesh*, and the *Uttar Pradesh education manual*, in addition to a number of Educational Acts enacted from time to time in the state. The Educational Codes of UP were last revised in 1936 and reprints were issued in the years 1946, 1948, 1949, 1952, 1954, and 1962. Since 1962, the Educational Codes of Uttar Pradesh have not been revised or reprinted. However, this document still continues to be the basis for educational governance in the state.

Since the early 1960s, several orders, circulars, notifications, Acts and rules relating to codes of practice in the education sector have been brought about by the State Government. The *UP education manual* is a compilation of these rules, regulations, government orders, notifications, circulars, Acts and digest of major jurisprudence judged by the Honourable High Court of the state relating to management and governance of education, including minority institutions. The Hindustan Publishing House, a private agency, has published this document. In the following sections, we attempt to briefly discuss the scope of the *Educational Codes of Uttar Pradesh* and the *UP education manual*. It may be noted that that the educational codes and manual cover rules and regulations relating to all the sub-sectors of the education sector in Uttar Pradesh up to the year 2002.

The Educational Codes of Uttar Pradesh

The *Educational Codes of Uttar Pradesh* contain 12 chapters and 12 appendices. Chapter 1 provides definitions and classification of various educational institutions, students and stages of instruction. Chapter 2 describes the codes of practices (i.e. powers and duties) of the controlling and inspecting agencies/personnel in the education sector. Chapter 3 deals with rules and regulations for the establishment and governance of universities, degree colleges and oriental institutions.

Recognized higher secondary schools

Chapter 4 of the *Educational Codes* provides rules and regulations for the establishment and management of recognized higher secondary schools in Uttar Pradesh. Specifically, these rules and regulations relate to courses of study; the medium of instruction; physical training; school health officers; moral and humanist education; textbooks; school hours; timetable; admissions, withdrawal, punishment and rustication of students; maintenance of student registers; tuition fees; fee concessions; terminal examinations and class proficiency; progress reports; school committees; hostels and libraries; vacations and holidays; school meetings; appointment of teachers; Standing Arbitration Boards; character rolls; Regional Transfer Boards and transfer of teachers; private tuition; recognition of institutions; and rules for general application.

Recognized junior basic (primary) and senior basic (junior high) schools

Chapter 5 on recognized junior and senior basic schools deals with the classification and stages of instruction; recognition of schools; courses of study and textbooks; discipline; timetable; sessions; school hours; limitation of classes; reservation of seats for scheduled caste students; admission and withdrawal of students; punishment to students' leaving certificate; junior high school examination; primary scholarship examination; primary

examination; annual promotion examination; removal of unfit students; school registers; and rules for general application.

Training institutions

Chapter 6 describes the rules and regulations relating to training institutions. It includes kinds of government training institutions; other training institutions; academic sessions; courses of training; qualification for admission; age; residence in Uttar Pradesh; admission to training colleges; admission to government normal schools; certificate of fitness; cancellation of certificates; stipends; agreement; residence in hostel; tuition and other fees in government training colleges; fees in government normal schools; leave; fine for absence without leave; holidays and vacation; award, suspension or cancellation of training certificates; discipline, travel, allowance, prospectus; account rules; and rules for general application.

Examinations

Chapter 7 specifies rules and regulations relating to examinations and prospectuses; examinations conducted by the board of high school and intermediate education; examinations conducted by the registrar, departmental examinations; Sanskrit examinations; Arabic and Persian examinations; and examinations for Anglo-Indian schools.

Government scholarships and stipends

Chapter 8 deals with government scholarships and stipends. It describes rules and regulations about general conditions and awarding authorities; Bachelor of Science scholarships; Bachelor of Arts scholarships; Bachelor of Commerce scholarships; Bachelor of Science in agriculture scholarships; intermediate scholarships; higher secondary school scholarships; junior high school scholarships; model school scholarships; *Sanskrit Pathshala* scholarships; Bachelor of Arts and Science scholarships for girls; intermediate scholarships for girls; higher secondary school scholarships for girls; junior high school scholarships for girls; and Kumaun centenary scholarships.

It also includes rules relating to stipends for training institutions; Bachelor of Science stipends; Bachelor of Arts stipends; intermediate stipends; higher secondary school stipends; higher secondary school stipends for women teachers; special government scholarships for prospective women teachers; language proficiency stipends; government stipends to the Uttar Pradesh cadets of the Indian Mercantile Marine Training Ship 'Dufferin' Bombay; marine engineering stipends; bursaries; book aids; aid for passage money to students proceeding abroad; stipends and other educational facilities to 'freedom fighters' and their dependents; scholarships for destitute children; middle-class stipends; and additional scholarships under the second five-year plan.

Grant-in aid to recognized institutions and local bodies

Chapter 9 deals with grant-in-aid to recognized institutions and local bodies. It includes rules of general application and conduct of grants; building grants; grants for the purchase of furniture fittings, books and appliances; grants for the purchase of motor buses for aided institutions for girls; grants for the endowment of professorships, lectureships, teacherships, scholarships, laboratories, workshops, museums, etc; preliminary grant-in-aid; calculation of annual maintenance grant; payment of grants, monthly or quarterly; withdrawal or reduction of grants; hostel grants; grant-in-aid rules for girls' schools; maintenance grants to degree colleges; maintenance grants to training colleges; grants-in-aid to oriental institutions and grants to libraries.

Rules relating to grants to local bodies and Municipal Boards include contract grants; grants for compulsory primary education for boys; non-recurring grants for construction of primary school buildings and equipment; grants for the teaching of English in junior high schools; grants for junior high school libraries; grants for other purposes; grants for compulsory primary education; grants for other purposes; and recovery of grants.

Textbooks

Chapter 11 specifies the rules and regulations relating to textbooks for junior basic (primary) schools; textbooks for senior basic (junior high) schools; wall maps, globes and atlases; textbooks for higher secondary schools; books for teachers' use, libraries and prizes; inclusion of approved books in the curriculum; prohibition from canvassing; publication of approved textbooks; and copyright of government publications.

Miscellaneous rules and regulations

The last chapter of the *Educational Codes of Uttar Pradesh* describes the miscellaneous rules and regulations. It includes rules for correspondence; issue of circulars by subordinate officers; study leave to educational officers; sanitary inspection of schools and colleges; and exclusion from institutions of students suspected to be suffering from infectious diseases.

Uttar Pradesh education manual[17]

This is an important reference manual for effective governance of education in Uttar Pradesh. It is divided into 15 main parts covering the various Acts, rules, regulations and government orders, which are: (i) Intermediate Education Act, 1921 with exhaustive comments; (ii) Regulations under the Intermediate Education Act with up-to-date amendments; (iii) Bye-laws under section 20 of the Act; (iv) Relevant extracts from the Education Code and departmental circulars, etc.; (v) UP Higher Education Acts, rules, notifications, regulations and services rules; (vi) UP Secondary Education Acts, rules and regulations with allied laws and removal of difficulties orders; (vii) UP Basic Education Act, teachers' services rules and regulations; (viii) UP Primary Education Act; (ix) Technical Education Service rules and regulation; (x) Teachers' and staff provident funds, insurance, pension and gratuity; (xi) High school and intermediate college teachers' and other employees' salaries; (xii) Leave and encashment of leave; (xiii) Reservation;

17.   Extracts from the *U.P. education manual*, 2002.

(xiv) Allied Acts, rules and regulations; and (xv) Government orders concerning educational laws.

Uttar Pradesh Intermediate Education Act, 1921[18]

The UP Intermediate Education Act is pre-constitutional legislation enacted in 1921 with a view to acquiring power to establish a Board to take the place of the Allahabad University in regulating and supervising the system of High School and Intermediate Education of the Province and to prescribe courses thereof.

The power and authority enjoyed by private management of educational institutions was left untouched. By the amendment of 1958, various provisions of the Act were amended and the statutory powers of supervision greatly enlarged and extended. One of the most important reasons for the amendment was to prevent further deterioration of education. It was considered necessary to provide for suitable conditions of service of teachers to build harmonious relations between teachers and management and to assist management to run their institutions more efficiently. These amendments were challenged up to the Supreme Court, who upheld the validity of the amendments. Since 1958 onwards, therefore, all the recognized institutions within the meaning of UP Intermediate Education Act and the regulations framed thereunder that receive grants from the state government came under the control of the board. Again, there were comprehensive amendments of the Act by UP Act No. 26 of 1975, UP Act No. V of 1977, UP Act No. XII of 1978, UP Act No. 1 of 1981, UP Act No. IX of 1981, UP Act No. 30 of 1983 and UP Act No. 18 of 1987.

To implement the provisions of the Act, Section 3 envisaged the constitution of a Board. Section 7 prescribes the power of this Board, thereby implying its duties and functions, while Section 9 preserves and protects the power of the state government. The 1975 amendment stipulates that whenever the state government considers that it is necessary and expedient

18.   Extracts from the *U.P. education manual*, 2002.

to take immediate action, it may do so without making any reference to the Board and/or pass an order or take any other action consistent with the provisions of this Act as it deems necessary. In particular, it may modify, rescind or make any regulations in respect of any matter, in which case it shall inform the board accordingly. Under sub-section (5) of section 9, no action taken by the state government under sub-section (4) shall be called into question. Sections 10 to 14-A of the Act state the power and duties of the Chairman and secretary, the appointment of certain committees and the exercise of powers delegated by the Board to committees. Centre superintendents and invigilators shall be deemed to be public servants under Section 21 of the Indian Penal Code, 1860 (LXV of 1860).

Section 15 confers power on the Board to make regulations with the sanction of the state government (section 16) for the purpose of carrying into effect the provisions of the Act. Section 16-A was inserted by UP Act No. 35 of 1958. It provides for a scheme of administration of every institution, whether recognized before or after the commencement of UP Act No. 35 of 1958. The scheme of administration was to provide *inter alia* for the constitution of a committee of management with the authority to manage and conduct affairs of the institution. Under section 16-A (7) (inserted by UP Act No. I of 1981), the Deputy Director of Education has been conferred with the power to decide on disputes related to college management. Section 16-E, which was been inserted by UP Act No. 35 of 1958, stipulates the procedure of selection of teachers and heads of institutions. Section 16-EE was been inserted by the Intermediate Education (Amendment) Act, 1980 (UP Act No. 1 of 1981). The new section provides for absorption of retrenched employees.

Section 16-F (1) provides for the setting up of a selection committee for appointment of the head of an institution, sub-section (2) providing for the setting up of a committee for selection of candidates for appointment as teachers. Section 16-D confers power on the director of education to order inspection of recognized institutions from time to time and sub-clause (2)

to sub-section (3) requires *inter alia* ascertaining in the course of inspection whether the committee of management has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring management of academic standards in the institution, or has appointed or retained in service any teaching or non-teaching staff in contravention of the provisions of the Act or the Regulations.

Then comes section 16-G, which provides for conditions of service of heads of institutions, teachers and other employees. This section, along with the regulations framed under it, provides a complete code in this area. Sub-section (3) of this section states that no principal, headmaster or teacher may be discharged, removed or dismissed from service, reduced in rank, subjected to any diminution in emoluments or served with notice of termination of services except with the prior approval in writing of the inspector. The decision of the inspector shall be communicated within the period to be prescribed by regulation. Under clause (b), the inspector may approve, disapprove, reduce or enhance the punishment or approve or disapprove of the notice for termination of services proposed by the management. Clause (c) gives a right to any party to prefer an appeal to the regional deputy director of education against an order of the inspector made under clause (b). The appellate authority may after such an inquiry as it considers necessary confirm, set aside or modify the order, which is then final. Then comes sub-section (4), which states: "An order made or decision given by the competent authority under sub-section (3) shall not be questioned in any court and the parties concerned shall be bound to execute the directions contained in the order or decision within the period that may be specified therein". Similar provisions are made in sub-sections (5) to (9) in regards to the suspension of the head of an institution or a teacher by the management; with sub-section (7) laying down that the order of the inspector shall be final. Section 16-G (4) of the Act bars the jurisdiction of the Civil Court and applies to all cases in which the action of the authorities mentioned in Section 16-G is challenged. The only possible exception is those cases in which the impugned action is beyond the ambit of the powers

of the authorities purporting to exercise them, specified under Section 16-G. Section 16-GG inserted by UP Act No. V of 1977, which came into force with effect from 24 July 1977, provides for the regularization of appointment of ad hoc teachers. Section 16-H provides for the exemption of certain classes of institutions from the operation of certain sections. Section 16-I deals with delegation of powers. Section 17 has been deleted. Section 18 deals with casual vacancies among members. Section 19 says that no act or proceeding of the Board or of a Committee appointed by it shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members. Section 20 deals with the powers of the Board and Committee to make bye-laws. Section 21 provides protection for acts performed in good faith and Section 22 deals with the bar of jurisdiction of Courts.

The Uttar Pradesh Secondary Education Services Commission and Selection Board Act 1982 (UP Act No. V of 1982) came into force on July 14, 1981. It provides for the selection of principals, lecturers, headmasters and LT grade teachers at the state level and the Secondary Education Selection Board at the regional level to select and make available suitable candidates for comparatively lower posts in the CT/JTC/BTC grade for such institutions.

Under Section 16-G (3) of the Intermediate Education Act, 1921, management was authorized to impose punishment with the approval of the District Inspector of Schools in matters pertaining to disciplinary action. This provision was found to be inadequate in cases where the management proposed to impose the punishment of dismissal, removal or reduction in rank, therefore it was considered necessary that this power be exercised subject to the prior approval of the Commission or the Selection Boards, as the case may be, which would function as an independent and impartial body.

The Uttar Pradesh Secondary Education Services commission and Selection Boards Act 1982 were once again drastically amended by Act No. 1 of 1993. Amendments were made at the proper places; this Act came into force on 7 August 1993. By Act No. 24 of 1992, Section 18 was

substituted, providing for ad hoc appointment, but again by the present Act provision of ad hoc appointment has been deleted. The word 'Commission' and Chapter II consisting of Sections 3 to 11 regarding establishment and functions of the Commission have been omitted by the said Act and the Board has been given the power of appointment and selection of teachers. As per substitution of Section 16 (1) and (2), the appointment of teachers shall be made by the management only on the recommendation of the Board.

Other education acts, rules and regulations

There are 64 other Acts and rules relating to basic and secondary education that also contain sections relevant to teachers' practice. In addition, there are eight other Acts and Rules relating to higher education in the state. These Acts and rules deal with recruitment procedures, service conditions, management of funds, welfare of teachers and staff; public examinations, admission, fundamental rules, etc. (see Annex I).

Scope of teachers' codes of practice in Nepal

In 1940, Nepal published its first government document, named *Istihar*, for regulating teacher service. The *Istihar* listed several aspects of the code of conduct for teachers. As the size of the education system was then very limited, it was direct and simple. It listed dos and don'ts for teachers and outlined the implementation directives for the authorities. According to the *Istihar*, the *Badahakim* (Local Governor), who is also chairman of the School Management Committee (SMC) of his area of jurisdiction, shall be responsible for recruitment and dismissal of teachers. For conduct and ethics-related trivial issues, the case is reported to the Director for necessary action. The SMC is responsible for deciding on granting of leave, increasing or decreasing salaries according to capacity in the case of offence by teachers, and on determining the imposition of fines within a range of 1 *aana* to Rs. 2000. The decision should be reported to the Director-General. Teachers should obtain approval from the SMC for private tuition, which should

not be granted if it harms school teaching; and teachers with an academic qualification higher than grade 8 should not be permitted to give private tuition to their students in their own subject without any special reason. To become the member of any organization, teachers should obtain the approval of the *Badahakim* or the Director-General.

After the successful political movement in 1950, public schools developed rapidly. The role of local intellectuals, however, continued in the development of the schools in almost the same way – through social activism and educational development. In the 1960s, the government made efforts to control the school curriculum as well as to regulate teacher recruitment. Salaries, academic qualifications and other service provisions became the focus of the reform programmes. The All Round National Committee Report of 1962 outlined teacher codes. The report clearly states that teacher salaries should be attractive, higher than those in the civil service and regularized (made equal) in all schools including government schools and schools run by private bodies or individuals. The report states that secondary-level teachers should have a minimum qualification of BA, B.Sc. or *Shastri*. Similarly, the personal and moral attitudes and habits of teachers are also of special concern. Ensuring punctuality and personal integrity, such as being non-alcoholic and not smoking in school in the presence of students, are explicitly mentioned in the report.

In the 1970s, the National Education System Plan was introduced to bring overall reform to education. The focus of this reform was to change school curriculum, emphasize technical education and vocational training and regulate teacher service by centralizing teacher recruitment as well as by taking responsibility for service provisions for teachers. The minimum teacher qualification was fixed at all levels of school education, including primary, lower secondary and secondary. The positive aspect of the reform in the 1970s was that it attempted to make teacher service attractive by guaranteeing high salaries and service provisions, including retirement benefits, and by ensuring the minimum qualifications of the teachers. With

this reform, teachers became more like government servants. This shift in teacher service and management also came with a rapid increase in teacher recruitment. As the government recruited, teacher accountability shifted from the community and parents to the government. This development in the education sector necessitated the development of regulatory mechanisms and, as a result, several Acts, rules and regulations came into being.

During the 1990s, two education commissions were formed: one in 1992 and another in 1999. In addition, a high-level education working committee was formed in 2000 to make suggestions for educational reforms. Based on the reports of the commissions and the high level committee, the Education Act was amended in 2002. This is known as the Seventh Amendment. The Seventh Amendment of the Education Act and the Education Regulation that followed outlined the code of conduct for teachers and form the basis for administration of education in Nepal.

The emphasis of the Seventh Amendment and Educational Regulation is on making schools and teachers more responsible towards parents and the community. Accordingly, it lists the role of the SMC in teacher employment and monitoring. The SMC can reject a teacher on the grounds of poor performance, misbehaviour or socially-unsuitable circumstances. The regulation also stipulates in explicit terms that a teacher should not be a member of a political party, nor can he/she indulge in political influence in the school. In addition, the code includes the regular terms and conditions of being a dutiful teacher, such as accomplishment of course delivery, punctuality, discipline and high moral standards. When it comes to service provisions, the government system is more prominent. Indeed, the government has formed a Teacher Service Commission for teacher recruitment, placement and transfer procedure as well as for teacher promotion. The Education Regulation lists the terms and conditions of teacher service.

Appendix 3
Extracts from the *Uttar Pradesh education manual*[19]

16-G.[20] Conditions of service of heads of institutions, teachers and other employees

(1)   Every person employed in a recognized institution shall be governed by such conditions of service as may be prescribed by Regulations and any agreement between the management and such employee in so far as it is consistent with the provisions of this Act or with the Regulations shall be void.

(2)   Without prejudice to the generality of the powers conferred by sub-section (1), the Regulations may provide for:

(a)   The period of probation, the conditions of confirmation and the procedure and conditions for promotion and punishment[21] [including suspension pending or in contemplation of inquiry or during the pendency of investigation, inquiry or trial in any criminal case for an offence involving moral turpitude] and the emoluments for the period of suspension and termination of service with notice;

(b)   The scale of pay and payment of salaries;

(c)   Transfer of service from one recognized institution to another;

(d)   Grant of leave and Provident Fund and other benefits, and

(e)   Maintenance of record of work and service.

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19.   Extracts from *the U.P. education manual* (17th Edition) by B. D. Tripathi, Hindustan Publishing House, Allahabad, Uttar Pradesh, 2002.
20.   Subs. By Section 15 of U.P. Act No. 26 of 1975.
21.   Subs. By Section 15 of U.P. Act No. 26 of 1975.

(3) (a) No Principal, Headmaster or teacher may be discharged or removed or dismissed from service or reduced in rank or subjected to any diminution in emolument, or served with notice of termination of service except with the prior approval in writing of the Inspector. The decision of the Inspector shall be communicated within the period prescribed by the regulations.

(b) The Inspector may approve or disapprove or reduce or enhance the punishment or approve or disapprove of the notice for termination of service proposed by the management: Provided that in the cases of punishment, before passing orders, the Inspector shall give an opportunity to the Principal, the Headmaster or the teacher to show cause within a fortnight of the receipt of the notice why the proposed punishment should not be inflicted.

(c) [22]Any party may prefer an appeal to the Regional Deputy director, Education, against an order of the Inspector under Clause (b), whether passed before or after the commencement of the Uttar Pradesh Intermediate Education *(Sanshodhan) Adhiniyam*, 1966, within one month from the date of communication of the order to that party, and the Regional Deputy director may, after such further enquiry, if any, as he [*sic*] considers necessary, confirm, set aside or modify the order, and the order passed by the Regional Deputy Director shall be final. In the case in which the order under appeal was passed by the very person holding the office of Regional Deputy Director while acting as Inspector, the appeal shall be transferred by the order of the Director to some other Regional Deputy Director for decision, and the provisions of this clause shall apply in relation to decision by that other Regional Deputy Director as if the appeal had been preferred to himself [*sic*].

22.   Subs. By Act 7 of 1966 (w.e.f. 24-12-65).

(d) All appeals preferred under Clause (b), as it stood before the date of commencement of the Uttar Pradesh Intermediate Education *(Sanshodhan) Adhiniyam, 1966*, and pending decisions immediately before the said date shall be decided by the Regional deputy director, Education, in accordance with Clause (b) as substituted by the said *Adhiniyam*.

(4) An order made or decision given by the competent authority under sub-section (3) shall not be questioned in any Court and the parties concerned shall be bound to execute the directions contained in the order or decision within the period of time that may be specified therein.

(5) No Head of Institution or teacher shall be suspended by the management, unless in the opinion of the Management:
(a) The charges against him are serious enough to merit his dismissal, removal or reduction in rank; or
(b) His continuance in office is likely to hamper or prejudice the conduct of disciplinary proceedings against him; or
(c) Any criminal case for an offence involving moral turpitude against him is under investigation, inquiry or trial.

(6) Where any Head of Institution or teacher is suspended by the Committee of Management, it shall be reported to the Inspector within thirty days from the date of the commencement of the Uttar Pradesh Secondary Education Laws (Amendment) Act, 1975, in the case in which the order of suspension was passed before such commencement, and within seven days from the date of the order of suspension in any other case, and the report shall contain such particulars as may be prescribed and accompanied by all relevant documents.

(7) No such order of suspension shall, unless approved in writing by the Inspector, remain in force for more than sixty days from the date of commencement of the Uttar Pradesh Secondary Education Laws

(Amendment) Act, 1975, or as the case may be, from the date of such order, and the order of the Inspector shall be final and shall not be questioned in any Court.

(8) If, at any time, the Inspector is satisfied that disciplinary proceedings against the Head of Institution or teacher are being delayed, for no fault of the Head of Institution or the teacher, the Inspector may, after affording opportunity to the Management to make representation revoke an order of suspension passed under this section.

(9) All appeals pending before the Deputy Director of Education (Women) immediately before the commencement of this sub-section shall be transferred to the Joint Director of Education (Women) for disposal:
Provided that where the Deputy Director of Education (Women) has already commenced the hearing of any such appeal before the commencement of this sub-section, the appeal shall be disposed of by the Deputy Director of Education (Women) herself.

1.   Legislative changes

Section 16-G was inserted by U.P. Act XXXVI of 1958. Section 16-G(c) has been substituted by U.P. Act No. VII of 1966 with effect from December 24, 1966. This section has again been amended by Section 15 of U.P. Act No. XXVI of 1975. In this section of the principal Act, the following amendments have been made by Section 15 of U.P. Act No. XXVI of 1975:

(i)   In the marginal heading, for the words "Conditions of service of teachers" the words "Conditions of service of Head of Institutions, teachers and other employees" have been substituted.

(ii) In sub-section (2) in clause (a), for the words "including suspension pending inquiry", the words and brackets "including suspension pending or in contemplation of inquiry or during the carrying out of an investigation, inquiry or trial in any criminal case for an offence involving moral turpitude" have been substituted.

(iii) Sub-section (5), sub-section (6), sub-section (7) and sub-section (9) and their explanations have been substituted. Security of service was one of the suitable conditions of service sought to be introduced. For this purpose, Section 16-G(3)(a) came into force on February 16, 1959.

2.   Conditions of service

Section 16-G(1)-of the U.P Intermediate Education Act provides that every person employed in a recognized institution shall be governed by such conditions of service as may be prescribed by regulation and any agreement between the Management and such employee in so far as it is inconsistent with the provisions of the Act or with the Regulation shall be void. Therefore, in the case at hand the agreement holds good only to the extent and in so far as it does not contain anything inconsistent with the provisions of the Act and the Regulations.[23]

The provisions of Section 16-G(3) of the Intermediate Education Act are not directory but mandatory, the provisions would apply even to a probationer.[24]

3.   Scope

Section 16-G(3)(a) has proved quite a potent provision for the security of service of non-government secondary teachers.

Section 16-G(3)(a) makes no distinction between temporary, probationary or confirmed employees.

The Intermediate Education Act lays down that if the management acts in contravention of the provisions of the Act, the Director can direct the management to remove any defect or deficiency found on inspection or otherwise.

23.   Agarwal Digambar Jain Samiti v. B.P. Srivastava, 1984 UPLBEC 638.
24.   M.B. Bareilly v. B.K- Mehrotra, 1963 A.L.J. 1127; Ravi Dutt Sharma v. Modern Vocational Inter College. 1981 L.L,T. 169.

Suffice it to say that the legislature itself in its wisdom has not conferred any powers on the District Inspector of Schools and District Basic Education Officer to direct reinstatement of teachers. The legislature has provided sanctions for the statutory regulations by laying down that any institution breaching those regulatory provisions is liable to be vested with the penalty of de-recognition or of being taken over.

Under Section 16-G(3) of the Act, the services of a teacher cannot be terminated unless prior approval of the District Inspector of Schools is obtained in writing.[25]

Section 16-G(3)(a) is a powerful protective provision in the secondary schools of Uttar Pradesh. In the new section, the power of the management to inflict major punishment *sao motu* was taken away with the statute introducing the requirement of prior approval in writing of the Inspector.[26]

Not only can termination not be made, even a notice of termination cannot be served without prior approval. To prevent fraud or misuse of power, the law requires prior approval in writing in termination cases. There should be a proposal by the Management Committee under Section 16-G(3)(a) and the manager alone has no power to propose a termination.(...)

The provisions of Section 16-G(3)(a) of the Act are not binding on minority institutions.[27]

4. Powers of D.I.O.S., B.S.A., regarding termination and reinstatement

The District Inspector of Schools and Zila Basic Shiksha Adhikari respectively have not had conferred on them any power under these statutory

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25. Shri Kant Chaubey v. District Inspector of Schools, Deoria and others. 1981 UPLBEC 138.
26. P.L. Dhingra v. Union of India. AIR 1958 SC 36; State of Bihar v. Gopi Kishore, AIR 1960 SC 689; 1974 ALJ 78; Munna Lal Agarwal u. State of U.P., 1976 AWC 679.
27. St. Joseph Higher Secondary School o. RS. Sharma, 1976 AWC 143.

provisions to make a declaration of invalidity of termination or to direct reinstatement of the teachers whose services have been purported to be terminated. The provisions of Section 16-G(3)(a) are to the effect that no teacher may be served with a notice of termination of service except with the prior approval in writing of the Inspector (...).

The power vested under these provisions is thus expected to be exercised when the management seeks the approval of the Inspector or of the District Basic Education Officer before issuance of the termination notice.[28]

Even after the expiry of 60 days, the power to approve or disapprove conferred on the District Inspector of School does not cease. The order of suspension however remains ineffective and dormant, and might revive on approval being granted by the District Inspector of Schools even after the expiry of 60 days; it would lapse if it were disapproved.[29]

Section 16-G(5), (6), (7)

The object of the provisions made in sub-sections (5), (6), (7) and (8) of Section 16-G that were made by U.P. Secondary Education Laws (Amendment) Act, 1975 was to prevent the continuance of suspension pending enquiry for long periods of time.

7.   Termination of services – Law relating to – Explained

The law relating to termination of temporary service of a public servant is well settled. If the termination order itself casts a stigma on the employee, it cannot be challenged.

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28.   City Montessori School, Lucknow v. District Inspector of Schools. Lucknow, 1983 UPLBEC 479; City Montessori School, Lucknow v. Basic Shiksha Adhikari and others; Khwaja Wazir Adhikar and others v. Alay Ahmad and others, 1983 UPLBEC 472 also sec 1971 ALJ 883 : 1981 Lab 1C 998; ALR 1977, 91; AIR 1978 SC 1536 : AIR 1976 SC 888 : 1980 AWC 430: 1976 ALJ 178.
29.   Committee of Management v. District Inspector of Schools, Mirzapur, (1999)-UPLBEC 323 (All).

If termination of service is sought to be founded on misconduct, negligence, inefficiency or other disqualifications, then it is punishment. A termination of service brought about by the exercise of contractual right is not punishment per se. If the employee is confirmed, he [*sic*] has a right to hold his [*his*] post and mere termination would amount to punishment of extinguishing that right. If any other civil consequence apart from mere termination is imposed with it, the case will be made.[30]

Order becomes effective when it was communicated to employee.[31]

The regulations of the University or provisions of the Education Code framed by the State Government may be applicable to a private institution; if the provisions thereof are violated by such an institution, the University may be entitled to disaffiliate this latter and the government may possibly be entitled to withdraw the educational grant payable to the institution. That does not, however, mean that the private institution is a public or a statutory body. That institution will be a private institution registered under the Societies Registration Act 1890.

The mutual rights and obligations of an employee of a private institution are governed by the contract.[32]

Termination of services – Private institution – Teacher appointed temporarily – Case of such a teacher will be governed by ordinary law governing the master and servant relationship. If termination is found illegal, such a teacher at the most is entitled to damages for wrongful dismissal and cannot claim a right to be heard in compliance of principle of natural justice. Such a teacher can challenge the order of termination only when the order is contrary to some statutory safeguards.[33]

30.　P.L. Dhingra v. Union of India. AIR 1958 SC 36.
31.　The Committee of Management of Janta Inter College, Fatehabad v. D.I.O.S. 1983 Edu. Cases 202.
32.　Smt. J. Tiwari v. Smt. Jawala Devi Vidya Mandir and others, 1981 UPLBEC 34
33.　Hira Lal Gaur v. The District Inspector of Schools. Azamgarh and others. 1981 UPLBEC 226..

9.   Powers, duties and functions of the Principal or Headmaster

The Headmaster or the Principal shall perform in addition to all duties of a Headmaster or Principal all such duties as pertain to his [*sic*] post, and shall be responsible, to the Committee of Management through the Manager of the institution for the due discharge of such duties for which he [*sic*] shall have the necessary powers.

10. The Headmaster or the Principal shall be solely responsible and have necessary powers for the internal management and discipline of his [*sic*] institution, including:

(i) Admissions and withdrawals of students and their punishment including expulsion or recommendation for rustication; selection of text books and magazines for the library, reading room and prizes; arrangement of the timetable and allocation of duties of members of the staff relating to the school timetable; holding of examinations and test; students' promotion and detention, maintenance of all forms and schools registers and progress reports of students and sending the same to their guardians; preparation of requisition for furniture, equipment and apparatus needed for the school and for their repair and replacement; organization of games and other co-curricular activities; provision for the health and medical treatment of students; utilizing the services of the staff for educational purposes and activities inside or outside the school premises; appointment, promotion, control and punishment including removal and dismissal of inferior servants; and control of the hostel through its Superintendent.

(ii) Maintenance of service books and character rolls of teachers, clerks, librarians and inferior staff; making entries in their character rolls and communicating adverse entries to the person concerned; control and supervision of the clerks and librarians; their suspension, and making recommendations for their confirmation, promotion and crossing of efficiency bar granting of casual leave for the staff of the institution; recommending disciplinary action against teachers, clerks and librarians

to the Committee of Management; recommending to the Committee their applications for permission to appear in academic examination, permitting teachers to undertake private tuition.

(iii) Control and administration of all Boys' Funds; it shall be the duty of the Principal to see to it that each such fund is spent only for that item for which it is allowed; and if there are savings on any item, the stoppage of fees realized for that fund; granting freeships and half-freeships within the number sanctioned by the Management; drawing and disbursing of stipend and scholarship money.

Maintenance of record of work and service

1. A Character Roll and a Service Book shall be maintained for every employee. The form of the Character Roll shall be given as in Appendix "C".

2. Yearly entries of a teacher's work and conduct shall be made in his Character Roll by the Head of the institution; while such entries in respect of the institution that shall count for annual increment in the institution shall be made by the Manager, casual entries may be made by them at any time.

3. Along with the annual entries on the work and conduct of the person concerned, an integrity certificate in the following Form will be given:
   "Nothing has come to my knowledge which casts any reflection on the integrity of Sri ………..
   His general reputation for honesty is good and I certify his integrity" [*sic*].

4. The certifying authority should pay the most careful attention to granting or withholding of these certificates and treat it as a serious and most important matter. Before withholding an integrity certificate, every complaint or allegation coming to the knowledge of the certifying authority should be properly inquired into and if established or confirmed, the person concerned should be confronted with it for

explanation. If the person's explanation is not satisfactory and doubt about his integrity is created, the integrity certificate may be withheld.

5. In the case where an adverse entry is made in the Character Roll of a person in a particular year, the entire entries of the year, both adverse and favourable, shall be communicated to him within 30 days of the making of such an entry and an acknowledgment obtained. Information about the withholding of the integrity certificate shall be communicated likewise.

6. A representation against an adverse entry in the Character Roll may be made to the Committee of Management, whose decision thereon shall be final.

7. A Service Book in the Form prescribed by the State Government for its employees will be supplied to an employee of the institution at his [*sic*] own cost on his [*sic*] first appointment, and along with the Character Roll shall be maintained by and kept in the custody of the Head of the Institution in the case of a teacher and by the Manager in the case of the Head of the Institution.

8. An employee of the institution shall be allowed to examine his [*sic*] Service Book at any time if he [*sic*] so desires to satisfy himself [*sic*] that it is being properly maintained. He [*sic*] will sign against each entry in his [*sic*] Service Book regarding annual increment, promotion and transfer and any interruption (such as leave) in service will be noted with full details of its duration. All entries in the Service Book shall be attested by the head of Institution in the case of a teacher and by the Manager in the case of the Head of the Institution.

9. The Service Book of an employee of the institution shall be handed over to him [*sic*] on his retirement or termination of services, after making an entry to that effect in his [*sic*] Service Book.

Appendix 4
Tables from the Bangladesh field survey (Dewan, 2004)

Table A.4.1   Administrators, head teachers, teachers by their opinion/ perception of the degree of seriousness of the different sources of misconduct in Bangladesh

Sources of misconduct	Very serious	Serious	Less serious	Not at all serious	Total
Administrators by their opinion/perception regarding the degree of seriousness of the different sources of misconduct (N=40)					
Abuses in human resources management (recruitment, promotion etc.).	14 (35%)	14 (35%)	10 (25%)	02 (05%)	40 (100%)
Abuses in supply and purchase of materials (e.g. textbooks, equipment)	02 (05%)	16 (40%)	19 (47.5%)	03 (07.5%)	40 (100%)
Conduct of school inspectors	-	16 (40%)	14 (35%)	10 (25%)	40 (100%)
School admission	02 (05%)	05 (12.5%)	28 (70%)	05 (12.5%)	40 (100%)
School examination and promotion	03 (07.5%)	07 (17.5%)	24 (60%)	06 (15%)	40 (100%)
Embezzlement/mismanagement of school finance	15 (37.5%)	14 (35%)	09 (22.5%)	02 (05%)	40 (100%)
Staff attendance/absenteeism	10 (25%)	17 (42.5%)	12 (30%)	01 (02.5%)	40 (100%)
Poor human relations among staff in school	04 (10%)	02 (05%)	26 (65%)	08 (20%)	40 (100%)
Private tuition by teachers	12 (30%)	20 (50%)	08 (20%)	-	40 (100%)
Head teachers by their opinion/perception regarding the degree of seriousness of the different sources of misconduct (N=71)					
Abuses in human resource management (recruitment, promotion etc.)	22 (31%)	36 (51%)	09 (13%)	04 (05%)	71 (100%)
Abuses in supply and purchase of materials (e.g. textbooks).	10 (14%)	33 (46%)	16 (23%)	12 (17%)	71 (100%)

Conduct of school inspectors	13 (18%)	14 (20%)	15 (21%)	29 (41%)	71 (100%)
School admission	01 (07%)	08 (11%)	16 (23%)	46 (65%)	71 (100%)
School examination and promotion	05 (07%)	08 (11%)	14 (14%)	44 (62%)	71 (100%)
Embezzlement/mismanagement of school finance	31 (44%)	18 (25%)	06 (08%)	16 (23%)	71 (100%)
Staff attendance/absenteeism	27 (38%)	21 (29%)	09 (13%)	14 (20%)	71 (100%)
Poor human relations among staff in school	19 (27%)	22 (31%)	19 (27%)	11 (15%)	71 (100%)
Private tuition by teachers	15 (21%)	27 (38%)	12 (17%)	17 (24%)	71 (100%)
Teachers by their opinion/perception regarding the degree of seriousness of the different sources of misconduct (N=69)					
Abuses in human resource management (recruitment, promotion, transfer etc.)	16 (23%)	31 (45%)	09 (13%)	13 (19%)	69 (100%)
Abuses in supply/purchase of materials (e.g. textbooks, equipment)	10 (14%)	20 (29%)	20 (29%)	19 (27%)	69 (100%)
Conduct of school inspectors	07 (10%)	08 (12%)	22 (32%)	32 (46%)	69 (100%)
School admission	03 (04%)	06 (07%)	17 (25%)	43 (62%)	69 (100%)
School exam and qualification	05 (07%)	05 (07%)	17 (25%)	42 (61%)	69 (100%)
Embezzlement/mismanagement of school finance	24 (35%)	13 (19%)	03 (04%)	29 (42%)	69 (100%)
Staff attendance/absenteeism	11 (16%)	19 (28%)	10 (14%)	29 (42%)	69 (100%)
Poor human relations among staff in school	11 (16%)	24 (35%)	19 (27%)	15 (22%)	69 (100%)
Private tuition by teachers	06 (09%)	12 (17%)	32 (46%)	19 (28%)	69 (100%)

Table A.4.2   Administrators, head teachers, teachers by their perception of the source of misconduct having the most negative impact on the quality of education in Bangladesh

Sources of misconduct	n (%)
Administrators by their perception of the source of misconduct having the most negative impact on the quality of education (N=40)	
Abuses in human resource management (recruitment, appointment, promotion etc.)	23 (58%)*
Private tuition by teachers	18 (45%)
Staff absenteeism	13 (33%)
Abuses in supply/purchase of materials (e.g. textbooks, stationary, equipment)	08 (20%)
Conduct of school inspectors/type of school inspection	07 (18%)
Poor human relations among staff in school	07 (18%)
School examination and promotion	06 (15%)
School admission	02 (05%)
Total	84 (212%)*
Head teachers by their perception of the source of misconduct having the most negative impact on the quality of education (N=71)	
Abuses in human resource management (recruitment, promotion, appointment)	26 (37%)
Embezzlement/mismanagement of school finance	19 (27%)
Abuses in supply and purchase of materials	18 (25%)
Poor human relations among staff in school	17 (24%)
Absence of head teachers in school	15 (21%)
Private tuition by teachers	15 (21%)
School admission	09 (13%)
Conduct of school inspectors	05 (7%)
School examination and qualifications	02 (3%)
Total	126 (177%)*

Teachers by their perception of the source of misconduct having the most negative impact on the quality of education (N=69)	
Abuses in human resource management (recruitment, promotion, transfer, appointment)	24 (35%)
Head teachers absence	14 (20%)
Poor human relations among staff in school	09 (13%)
Embezzlement/mismanagement of school finance	05 (07%)
Private tuition by teachers	04 (06%)
Abuses in supply/purchase of materials	03 (04%)
Conduct of school inspectors	03 (04%)
School admission	02 (03%)
Total	64 (93%)*

* The figures do not add up to 40, as one respondent marked more than one source.

Only 27.5 per cent of administrators were consulted while formulating and introducing the codes. Workshops and seminars were the main medium of consultation, with 63 per cent being consulted or informed through workshops. Letters/circulars and teachers' unions were the other media for consultation.

Head teachers' perception of 'very serious' sources of misconduct result in the first, second, third, fourth and fifth places being given to embezzlement/mismanagement of school finance, teacher and head teacher absenteeism, abuses in human resource management, poor human relations among staff and private tuition by teachers, respectively.

If the number of respondents marking the sources of misconduct as 'very serious' and 'serious' are added together, the above five still occupy the first five places, although the order changes. In this case, abuses in human resource management, embezzlement/mismanagement of school finance, staff absenteeism, abuses in supply/purchase of materials and private tuition by teachers occupy the first, second, third, fourth and fifth positions.

Comparison of ranking orders of the seriousness
of the sources of misconduct as perceived by respondents

A comparison of the ranks assigned by respondents to the seriousness of the different sources of misconduct show that the three groups of respondents differ widely in regards to the ranking of sources of misconduct they perceive as 'very serious' and 'serious'. The ranking of sources is determined on the basis of percentages of respondents. The source securing the highest percentages of responses of 'very serious' and 'serious' was ranked 1, the source having the next highest was ranked 2, and so on. A summary is given below:

Table A.4.3   Ranking order of the seriousness of sources
             of misconduct as perceived by all three groups
             of respondents in Bangladesh

Sources of misconduct	Ranks given by		
	Administrators	Head teachers	Teachers
Private tuition by teachers	01	05	-
Mismanagement of school finance	02	02	02
Abuses in human resource management	03	01	01
Teacher/head teacher absenteeism	04	03	04
Abuses in purchase of materials	05	04	05
Poor human relations among staff	-	-	03

Private tuition by teachers was ranked 1 by administrators and 5 by head teachers. The teachers did not rank it at all. Mismanagement of school finance was ranked 2 by all three groups. Abuses in human resource management was ranked 3 by the administrators, but 1 by the other two groups. Teacher absenteeism was ranked 4 by administrators and teachers and 3 by head teachers. Abuses in purchase of materials was ranked 5 by both administrators and teachers but 4 by head teachers. Poor human relations was ranked 6 by teachers, but not ranked at all by the other two groups of respondents.

A comparison of the ranks assigned by the respondents to the different problems in enforcing codes

Table A.4.4   Ranking order of the problems in enforcing the codes as perceived by all three groups of respondents in Bangladesh

Problems	Ranks given by		
	Administrator	Head teachers	Teachers
Exerting political influence by local political quarters and SMC Chairs/ members in favour of teachers	01	01	03
Ignorance of the codes and lack of training in the codes	02	03	01
Bias/nepotism in application of the codes	03	05	04
Corrupt administration and bureaucratic complications	04	02	02
Inconsistency/inappropriateness of the codes	05	-	06
Indifference of administrators in the application of the codes	06	-	05
Lack of adequate administrative authority of the head teachers	-	04	-

The three groups of respondents differ very widely in the ranking of problems in enforcing the codes. Ranking was determined on the basis of percentages of respondents. The problem identified by the highest percentage of respondents was ranked 1, the problem identified by the next highest percentage ranked 2, and so on.

Table A.4.4 shows that the respondents differ regarding their perception of the problems in enforcing codes. Even then, exerting political influence and ignorance of the codes were placed in the first three positions by the three groups. All three groups mentioned two other problems – bias/nepotism in application of the codes and corrupt administration and bureaucratic

complications – although the rankings differ widely. Administrators give 'bias' 3, while it is given 5 by head teachers and 4 by teachers. 'Corrupt administration and bureaucratic complications' is ranked second by both teachers and head teachers, but fourth by administrators. 'Inappropriateness of the codes' was given fifth place by administrators and sixth place by teachers; 'indifference of administrators in application of the codes' sixth position by administrators and fifth position by teachers. However, head teachers did not mention these two as problems.

Table A.4.5   Administrators, head teachers and teachers
               by their extent of agreement with the following issues
               in Bangladesh

Since the introduction to the codes	Strongly Agree	Agree	Disagree	Strongly disagree	Total
Administrators by their extent of agreement with the following issues (N=40)					
There has been improvement in the behaviour of teachers	10 (25%)	19 (48%)	11 (27%)	-	40 (100%)
There are little/no abuses in the school admission	01 (03%)	14 (35%)	23 (57%)	02 (05%)	40 (100%)
There is transparency and fairness in human resources management (HRM)	03 (08%)	13 (32%)	18 (45%)	06 (15%)	40 (100%)
Commitment and performance of teachers and staff have improved	03 (08%)	20 (50%)	15 (37%)	02 (05%)	40 (100%)
Teacher absenteeism has decreased	04 (10%)	28 (70%)	07 (18%)	01 (02%)	40 (100%)
There is less malpractice in examinations	05 (12%)	25 (63%)	09 (22%)	01 (03%)	40 (100%)
The overall quality of education has improved	02 (05%)	15 (38%)	19 (47%)	04 (10%)	40 (100%)
There are fewer cases of mismanagement and embezzlement	01 (02%)	21 (53%)	16 (40%)	02 (05%)	40 (100%)
There has been improvement in human relations among staff in school	-	27 (68%)	11 (27%)	02 (05%)	40 (100%)
Private tuition by teachers has decreased	01 (03%)	07 (18%)	22 (55%)	10 (25%)	40 (100%)
Head teachers by the extent of their agreement with the following statements (N=71)					
There has been improvement in the behaviour of teachers	29 (41%)	38 (54%)	04 (05%)	-	71 (100%)

There are little or no abuses in the school admission system	05 (07%)	41 (58%)	20 (28%)	05 (07%)	71 (100%)
There is transparency and fairness in human resource management in education, e.g. recruitment, transfers etc.	08 (11%)	28 (39%)	19 (27%)	16 (23%)	71 (100%)
The commitment and performance of teachers and staff have improved	09 (13%)	52 (73%)	07 (10%)	03 (04%)	71 (100%)
Teacher absenteeism has decreased	12 (17%)	52 (74%)	04 (05%)	03 (04%)	71 (100%)
There is less malpractice in examinations	17 (24%)	45 (64%)	06 (08%)	03 (04%)	71 (100%)
The overall quality of education has improved	08 (11%)	33 (47%)	20 (23%)	10 (14%)	71 (100%)
There are fewer cases of mismanagment and embezzlement of school funds	13 (18%)	50 (71%)	07 (10%)	01 (01%)	71 (100%)
There has been improvement in human relations among staff in schools	08 (11%)	46 (65%)	14 (20%)	03 (04%)	71 (100%)
Private tuition by teachers has decreased	09 (13%)	15 (21%)	32 (45%)	15 (21%)	71 (100%)
Teachers by their degree of agreement with the following statements (N = 69)					
There has been improvement in the behaviour of teachers	26 (38%)	34 (49%)	06 (09%)	03 (04%)	69 (100%)
There are little/no abuses in school admission	11 (16%)	25 (36%)	29 (42%)	04 (06%)	69 (100%)
There is transparency and fairness in HRM	09 (13%)	18 (26%)	31 (45%)	11 (16%)	69 (100%)
Commitment and performance of teachers and staff have improved	18 (26%)	36 (52%)	14 (21%)	01 (01%)	69 (100%)
Teacher absenteeism has decreased	21 (30%)	39 (57%)	06 (09%)	03 (04%)	69 (100%)
There is less malpractice in examinations	19 (28%)	37 (53%)	04 (06%)	09 (13%)	69 (100%)
The overall quality of education has improved	14 (20%)	28 (41%)	23 (33%)	04 (06%)	69 (100%)
There are fewer cases of mismanagement and embezzlement	09 (13%)	34 (49%)	18 (26%)	08 (12%)	69 (100%)
There has been improvement in human relations among staff in school	13 (18%)	44 (65%)	10 (14%)	02 (03%)	69 (100%)
Private tuition by teachers has decreased	08 (12%)	26 (38%)	21 (30%)	14 (20%)	69 (100%)

Comparison of the ranking orders of the issues related to teacher behaviour and functioning that are perceived to have improved after the introduction of the codes

The three groups of respondents differ very little in ranking the issues. Ranks were determined on the basis of the percentage of responses – the issue securing the highest percentage of responses was ranked 1, the next highest ranked 2, and so on.

Table A.4.6　　Ranking order of the issues having a positive impact on teacher behaviour and functioning in Bangladesh

Since the introduction of the codes, the following have improved:	Ranks given by		
	Administrators	Head teachers	Teachers
Teacher behaviour	01	01	01
Teacher attendance	02	02	03
Fairness in examinations	03	04	04
Human relations among staff in school	04	06	02
Commitment and performance of teachers	05	05	05
Management of finances	06	03	06
Overall quality of education	07	08	07
School admissions system	08	07	08
Private tuition by teachers has decreased	09	10	09
Fairness in human resource management	10	09	10

All three groups give rank 1 to teacher behaviour and rank 5 to commitment and performance of teachers. Teacher attendance and fairness in examinations was assigned ranks 2-4 by the three groups. The overall quality of education and the school admissions system were ranked either seventh or eighth by the three groups. Private tuition by teachers and fairness in human resources management have been given either ninth or tenth rank by the three groups of respondents.

Appendix 5
Tables from the Nepal field survey
(Bajracharya *et al.*, 2003)

According to the study, based on the responses of the teachers and administrators there are several sources of unethical teacher behaviour. Responses were listed in a four-point ranking according to the levels of seriousness felt by respondents.

Table A.5.1   Sources of unethical behaviour as perceived by teachers in Nepal

Source of misconduct	Very serious	Serious	Less serious	Not at all serious	Total out of 129
Human resource management	61	42	16	5	124
%	49.19	33.87	12.90	4.03	96.12
Purchase/supply of materials, books, ins	22	63	26	12	123
%	17.89	51.22	21.14	9.76	95.35
School inspection	32	49	23	18	122
%	26.23	40.16	18.85	14.75	94.57
Enrolment process in school	28	57	25	15	125
%	22.40	45.60	20.00	12.00	96.9
Examination system and qualification	36	58	21	6	121
%	29.75	47.93	17.36	4.96	93.8
Weak financial management of schools	56	50	13	4	123
%	45.53	40.65	10.57	3.25	95.35
Absenteeism	45	56	18	4	123
%	36.59	45.53	14.63	3.25	95.35
Poor human relations at the school	37	59	21	7	124
%	29.84	47.58	16.94	5.65	96.12

Tuition by teachers	37	39	27	22	125
%	29.60	31.20	21.60	17.60	96.9
Lack of teacher evaluation	46	57	18	1	122
%	37.70	46.72	14.75	0.82	94.57
Biased interference by political parties	83	27	9	6	125
%	66.40	21.60	7.20	4.80	96.9
Inactive local bodies/SMC	51	58	10	5	124
%	41.13	46.77	8.06	4.03	96.12
Inactive parents	41	68	10	4	123
%	33.33	55.28	8.13	3.25	95.35
Poor relation between community and schools	32	72	20	1	125
%	25.60	57.60	16.00	0.80	96.9
Lack of transparency and responsibility	55	47	17	6	125
%	44.00	37.60	13.60	4.80	96.9
Others	5	6	1	2	14
%	35.71	42.86	7.14	14.29	10.85

One of the questions used in the study was to ask respondents to identify the most serious sources of misconduct and unethical behaviour. Among many serious sources, the most frequently reported source was political interference. Inactive local bodies, lack of teacher evaluation and lack of human resource management were the other most serious sources pointed out.

Table A.5.2   Serious sources of misconduct identified by respondents in Nepal

Sources	Teacher responses Number (in %)
Lack of teacher evaluation	13 (10.40)
Political interference	44 (35.20)
Teacher politicization	2 (1.60)
Poor personnel management	13 (10.40)
Inactive local bodies	17 (13.60)
Private tuition by teachers	9 (7.20)
Lack of supervision	6 (4.80)
Poor relation with community	10 (8.00)
Teacher licensing system	2 (1.60)
Biased parents in SMC	1 (0.80)
Lack of authority with school administration for significant punishment	2 (1.60)
Poor relation between head teacher and teachers	3 (2.40)
Teacher absenteeism	2 (1.60)
Lack of transparency and responsibility	1 (0.80)
Total	125 (100.00)

Table A.5.3   Perceived extent of usefulness by respondents in Nepal

Extent of usefulness	Teachers	Administrators
Adequate	37 (28.7)*	3 (33.3)
Moderate	74 (57.4)	5 (55.6)
Inadequate (did not help much)	2 (1.6)	1 (11.1)
Not at all useful	1 (0.8)	-
Missing	15 (11.6)	-
Total	129 (100)	9 (100)

* Figures in parentheses are percentages.

The above table indicates that most of the teachers and administrators believe that the codes do assist in resolving ethics and conduct-related problems.

Table A.5.4   Head teachers' and teachers' perception of the extent
of usefulness by district in Nepal

Extent of usefulness	District		
	Kaski	Chitwan	Lalitpur
Adequate	7 (20.6)*	8 (16.0)	22 (48.9)
Moderate	20 (58.8)	33 (66.0)	21 (46.7)
Inadequate (did not help much)			2 (4.4)
Not at all useful	1 (2.9)		
Missing	6 (17.6)	9 (18.0)	
Total	34 (100)	50 (100)	45 (100)

* Figures in parentheses are percentages.

Almost half of the head teachers and teachers from Lalitpur perceived
that the codes have been adequate in resolving the problems. Respondents
who perceived that the codes have been moderately useful are higher in both
Kaski and Chitwan.

Table A.5.5   Head teachers' and teachers' perception of the extent
of usefulness by age distribution in Nepal

Age	30 years and less	31-40 years	41-50 years	51 years and above	Missing
Adequate	7 (23.3)*	22 (34.4)	6 (21.4)	2 (50.0)	
Moderate	22 (73.3)	35 (54.7)	13 (46.4)	2 (50.0)	2 (66.7)
Inadequate (did not help much)			2 (7.1)		
Not at all useful	1 (3.3)				
Missing		7 (10.9)	7 (25.0)		1 (33.3)
Total	30 (100)	64 (100)	28 (100)	4 (100)	3 (100)

* Figures in parentheses are percentages.

Table A.5.6   Head teachers' and teachers' perception of the extent of usefulness by qualification in Nepal

Highest Professional Degree	School Leaving Certificate (SLC)	Intermediate	Bachelor	Masters	Missing
Adequate	12 (36.4)*	3 (15.0)	8 (40.0)	1 (16.7)	13 (26.0)
Moderate	16 (48.5)	16 (80.0)	10 (50.0)	5 (83.3)	27 (54.0)
Inadequate (did not help much)	1 (3.0)				1 (2.0)
Not at all useful					1 (2.0)
Missing	4 (12.1)	1 (5.0)	2 (10.0)		8 (16.0)
Total	33 (100)	20 (100)	20 (100)	6 (100)	50 (100)

* Figures in parentheses are percentages.

According to qualification, a significantly high percentage of those who have an intermediate level of education found the codes moderately useful. The same is true of those with a Master's-level qualification. A linear relationship between the qualification and the perception of usefulness was not found.

The respondents have the following further comments regarding the codes.

Table A.5.7   Comments given by respondents

Reasons	**Teachers**	**Administrators**
Difficulty to implement in actual field	2 (3.28)*	2 (40.00)
Interference from higher level people (political, social)	4 (6.56)	1 (20.00)
Helped in solving problem	10 (16.39)	
The codes do not meet the expectations of society	3 (4.92)	
Still need to be fully implemented (due to time and others)	4 (6.56)	
Implementers should possess a copy	2 (3.28)	
Responsible persons should be cautioned to seriously consider the code of conduct	4 (6.56)	
Made it easy to solve problems, as a guideline	9 (14.75)	

Not to be limited as act but should be implemented	12 (19.67)	
It is still unclear about leave	1 (1.64)	
Indifferent about follow up of code of conduct	2 (3.28)	
There is a general negative attitude of parents towards teachers	1 (1.64)	
Frequent amendment of regulation dilutes serious consideration of the code	2 (3.28)	1 (20.00)
Reduced cast difference	2 (3.28)	
There should be orientation for people through workshops and discussion	2 (3.28)	
Government should give direct programme	1 (1.64)	
There is some duality in the act		1 (20.00)
Total	61 (100.00)	5 (100.00)

* Figures in parentheses are percentages.

As is evident from the table, teachers and administrators pointed out difficulties in the implementation of the codes. Interference by political party men and higher-level bureaucrats as well as frequent amendments of the codes were listed as causes that hinder their implementation.

Respondents pointed out that there is a need to enhance the capacity of stakeholders for effective implementation of the codes. Orientation or training is needed for this. However, most teachers and administrators have not received any orientation or training in this regard.

Table A.5.8   Understanding of the codes in Nepal

Understanding	Teachers	Administrators
Easy	93 (72.1)*	8 (88.89)
Not easy	27 (20.9)	1 (11.11)
Missing	9 (7.0)	
Total	129 (100.00)	9 (100.00)

* Figures in parentheses are percentages.

Table A.5.9   Teachers' perceived reasons as to why the codes were not easy to understand in Nepal

Reasons	Responses
Unclear Act/rules	14 (51.85)*
Far from social context	4 (14.81)
Implementation efforts needed	2 (7.41)
Difficulty in understanding sub-Acts	3 (11.11)
Could not be implemented	2 (7.41)
Problems in distribution of teacher's licence	1 (3.70)
Not in simple language	1 (3.70)
Total	27 (100.00)

* Figures in parentheses are percentages.

Most teachers thought that the Acts and rules given were not clear and so could not be easily understood. Codes may not be prepared in simple language, or may be removed from the context.

Table A.5.10   Seriousness of codes of practice implementation in Nepal

Seriousness	Teachers	Administrators
Seriously	47 (36.4)*	3 (33.33)
Less seriously	68 (52.7)	6 (66.67)
Not implemented	5 (3.9)	-
Missing	9 (7.0)	-
Total	115 (100.00)	9 (100.00)

* Figures in parentheses are percentages.

The following are the reasons pointed out by the respondents as to why the Act could not be seriously implemented: political intervention; lack of clear directions; frequent changes in the regulations; unexpected local pressure; lack of motivation; and absence of monitoring.

Section Three
Examples of codes of conduct
from different countries

- **Queensland (Australia)**
- **Victoria (Australia)**
- **Bangladesh**
- **Ontario (Canada)**
- **Hong Kong (China)**
- **Uttar Pradesh (India)**
- **Nepal**
- **Scotland (United Kingdom)**

Chapter 1

Professional Standards for Teachers: Guidelines for Professional Practice in Queensland (Australia)

Education Queensland (http://education.qld.gov.au) in conjunction with stakeholders and practitioners developed the *Professional Standards for Teachers* for teachers in state education in Queensland, Australia. The twelve interrelated standards define the knowledge, skills and abilities that pertain to teachers in their work.

The standards "provide a platform for teachers to identify their professional development needs and drive their continuing learning and development; inform program development for pre-service education; and represent the aspirations of the teaching profession" (Education Queensland, 2002: 12).

These standards are not part of the performance management arrangements, or teacher registration. Performance management is a site-based responsibility. Additional applications of the standards are currently being explored. For example, an action research pilot embedding the *Professional Standards* as the proposed criteria for suitability of assessment for employment as a teacher with Education Queensland has just concluded (December, 2004) and will inform further decisions around revised processes for selection.

A statutory authority, the Board of Teacher Registration, is responsible for teacher registration and for approval of teacher education programs. The Board has its own set of standards.

Each of the twelve standards (*overview* given below) includes the standard title, descriptor, and key elements of professional practice which focus on demonstrable performance.

Structure flexible and innovative learning experiences for individuals and groups

This standard covers the requirements for establishing learning goals, for ensuring that learning experiences take account of these goals as well as the learning needs, preferences and styles of students, and for providing flexible and innovative learning experiences for students.

1. Establish learning goals based on relevant course documentation, curriculum frameworks and school policy.
2. Analyse and incorporate information about students in the design of learning experiences.
3. Plan for and support students with special learning needs.
4. Plan and organise the delivery of learning experiences.
5. Review and evaluate learning experiences.

Contribute to language, literacy and numeracy development

This standard covers the requirements for facilitating, monitoring and assessing the development of students' language, literacy and numeracy skills through the use of a broad range of teaching and learning activities and across all curriculum areas.

1. Determine students' learning needs in language, literacy and numeracy development to inform the planning and implementation of learning experiences.
2. Integrate language and literacy development in curriculum areas.
3. Integrate numeracy development in curriculum areas.
4. Monitor and evaluate students' language, literacy and numeracy development.

Construct intellectually challenging learning experiences

This standard covers the requirements for planning and implementing intellectually challenging learning experiences. This involves constructing experiences in which students examine the key ideas underpinning major issues and problems, formulate and justify opinions and apply higher-order thinking skills to analyse issues, develop understanding and solve problems.

1. Provide learning experiences in which students examine the central ideas of a topic, problem or issue.
2. Provide learning experiences in which students question and share ideas and knowledge.
3. Provide learning experiences in which students use higher-order and critical-thinking skills to solve problems and construct new meanings and understandings.

Construct relevant learning experiences that connect with the world beyond school

This standard covers the requirements for planning and implementing learning experiences that build on students' prior knowledge, life experiences, and interests; establish linkages between key curriculum areas: and make connections between school programs and the world beyond the school.

1. Devise learning goals and learning experiences that build on students' prior knowledge, life experiences, and interests.
2. Engage students in learning experiences that integrate ideas, concepts and information across curriculum areas.
3. Provide learning experiences that establish connections with the world beyond the classroom.
4. Develop learning experiences that involve students in examining study, work and leisure in the future.

5.   Design learning experiences that foster personal initiative and enterprise.

Construct inclusive and participatory learning experiences

This standard covers the requirements for designing and implementing learning experiences that are inclusive, acknowledge and value difference, and enable students to demonstrate personal, group and community responsibility.

1.   Design and implement learning experiences that acknowledge, and cater for, individual learning differences.
2.   Design and implement learning experiences that are inclusive and that recognise and celebrate difference.
3.   Design and implement learning experiences in which students participate in decision making and active citizenship

Integrate information and communication technologies to enhance student learning

This standard covers the requirements for planning, implementing and monitoring teaching and learning strategies that integrate a range of information and communication technologies to promote and enhance student learning.

1.   Determine students' learning needs in relation to the use of available information and communication technologies.
2.   Select learning strategies and resources based on the use of information and communication technologies to cater for students' learning needs and styles.
3.   Create learning experiences in which students actively used information and communication technologies to organize, research, interpret, analyze, communicate and represent knowledge.

4. Evaluate the effectiveness of teaching and learning approaches based on the use of information and communication technologies.
5. Use information and communication technology tools to access and manage information on student learning.

Assess and report on student learning

This standard covers the requirements for planning and conducting assessment, providing feedback to students, reporting on student learning and using the outcomes of student assessment to inform program planning.

1. Establish and communicate learning goals and assessment criteria.
2. Plan for assessing student learning.
3. Collect and use multiple sources of valid evidence to make judgements about student learning.
4. Communicate with students, families, caregivers and other authorities about student progress.
5. Use assessment results to guide program planning, delivery and assessment.

Support the social development and participation of young people

This standard covers the requirements for establishing learning environments that support and assist students in developing self-esteem, building positive relationships with others and assessing and planning their personal futures.

1. Actively support students in developing personal identity, self-esteem and a positive self-image.
2. Assist students to develop sound relations and empathy with others.
3. Construct learning experiences in which students assess and plan their futures.

4.   Support students by providing appropriate pastoral care[34] across a range of activities.

Create safe and supportive learning environments

This standard covers the requirements for establishing learning environments that engage all students in purposeful learning experiences, encourage constructive interactions among teachers and students and enable students to control their own learning effectively.

1.   Create safe learning environments that are based on mutual trust and respect and that provide social support for student achievement.
2.   Provide learning environments in which students have responsibility for their own learning.
3.   Implement classroom management strategies that enable students to learn to take responsibility for their own behaviour.

Build relationships with the wider community

This standard covers the requirements for communicating and liaising effectively with families, caregivers, business industry, and community agencies: for involving these groups in student learning; and for successfully promoting the school and its goals and achievements.

1.   Establish and maintain relationships with families, caregivers, business, industry and community agencies.
2.   Establish learning environment that acknowledge the concerns, values and priorities of students' families, cultures and communities.
3.   Promote the school and public education in the community.

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34.   Provisions made to advise students on issues of personal care and concern.

Contribute to professional teams

This standard covers the requirements for the teacher to be actively engaged in collaborating and sharing with other personnel to provide the best learning outcomes for students.

1. Establish and effectively implement procedures to meet personal work-related goals and priorities.
2. Contribute to the effective functioning of professional teams.
3. Work with professionals, paraprofessionals, teacher aides and other community-based personnel.

Commit to professional practice

This standard covers the requirements for reflecting critically on professional practice, establishing professional learning goals, planning and undertaking learning and development and participating in the extended professional community.

1. Reflect critically on professional practice
2. Contribute to learning communities and other professional networks.
3. Participate in school governance.
4. Meet ethical, accountability and professional requirements.

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Chapter 2
Standards of Professional Practice
in Victoria (Australia)

Standards

The Victorian Institute of Teaching (www.vit.vic.edu.au) registers teachers for professional practice in Victoria, Australia. Standards of professional practice articulate what members of the teaching profession value and understand to be specialised knowledge and practice of teaching.

The Institute requires provisionally registered teachers to demonstrate this group of eight standards through an evidencial based process in order to obtain full registration. This demonstration of professional practice for full registration is required once during either the first or second year of provisional registration.

Characteristics of effective teaching

In the context of the *Standards of Professional Practice for Full Registration*, these characteristics identified by teachers, seek to illustrate and affirm the quality and complexity of the work of teaching professionals. This list of characteristics provides a guide to effective teaching practices that all new teachers should seek to understand, strive to develop and demonstrate over time. These characteristics are not a checklist of competencies for beginning teachers to master by the end of the first year. Rather, this list illustrates practices through which teachers demonstrate the quality and complexity of their professional work.

The framework

The *Standards of Professional Practice for Full Registration* seek to describe the elements of practice which define teachers' professional work, and which are expected of all members of the profession. The framework consists of a statement of principle, three clear domains, eight standards and elaborated descriptions of the characteristics of effective teaching.

Standards and Victorian Teachers

These standards were approved by the Minister for Education and Training on November 30, 2003 and replace other standards statements. These standards for professional practice apply equally for all registered teachers in Victoria, regardless of employer, sector or teaching setting and enable principles of effective teaching practice to be shared widely within the profession.

The Institute is committed to working with teachers to develop the standards, criteria and processes used to determine full membership of the profession.

The implementation of these standards and the process for full registration will be monitored and evaluated, and a part of the ongoing review process a review of the standards will be conducted in 2004.

These *Standards of Professional Practice for Full Registration* are the first part of a *Standards Framework for the Teaching Profession* developed by teachers through the Victorian Institute of Teaching.

While a multi-layered framework will emerge over time, the focus of this statement is the professional practice required of teachers seeking full registration as teacher.

They [the standards] seek to articulate the elements of professional knowledge and practice common to all teachers and expected of all teachers by the profession.

These standards are the foundation of the Institute's commitment to improving the induction of graduate teachers into the profession in Victoria. The standards should assist new teachers to consolidate their understanding of effective professional practice and guide their professional learning, in the first years of teaching. Together with advice on induction and mentoring programs in schools, the Institute's standards provide a guide to continuing professional learning and development for teachers.

Table 3.1.1   Professional knowledge, practice and engagement in Victoria, Australia

Professional knowledge

1. Teachers know how students learn and how to teach them effectively	2. Teachers know the content they teach	3. Teachers know their students
• Teachers draw on the body of knowledge about learning and contemporary research into teaching and learning to support their practice; • Teachers know the importance of prior knowledge and language for learning, and the impact of discussion, group interaction and reflection in the learning process; • Teachers know how to engage students in active learning; • Teachers know how classroom and program design, use of materials and resources and the structure of activities impact on learning.	• Teachers have a sound, critical understanding of the content, processes, and skills they teach; • Teachers can articulate the key features and their relevance of their content to their students and others, and can demonstrate how it is applied; • Teachers know the methodologies, resources and technologies which support learning of the content, processes and skills they teach; • Teachers are familiar with curriculum statements, policies, materials and programs associated with the content they teach.	• Teachers know the learning strengths and weaknesses of their students and are aware of the factors that influence their learning. • Teachers are aware of the social, cultural, and religious backgrounds of the students they teach, and treat students equitably; • Teachers develop an understanding and respect for their students as individuals, and are sensitive to their social needs and the way they interact with others; • Teachers know the importance of working with and communicating regularly with students' families to support their learning.

Professional practice

4. Teachers plan and assess for effective learning.	5. Teachers create and maintain safe and challenging learning environments.	6. Teachers use a range of teaching practices and resources to engage students in effective learning.
• Teachers use their knowledge of students, content and pedagogy to establish clear and achievable learning goals for their students; • Teachers plan for the use of a range of activities, resources and materials to provide meaningful learning opportunities for all their students; • Teachers monitor student engagement in learning and maintain records of their learning progress; • Teachers select assessment strategies to evaluate student learning, to provide feedback to students and their parents/guardians and to inform further planning of teaching and learning.	• Teachers develop a positive learning environment where respect for individuals is fostered and where learning is the focus; • Teachers provide a learning environment that engages and challenges their students and encourages them to take responsibility for their own learning; • Teachers use and manage the materials, resources and physical space of their classroom to create a stimulating and safe environment for learning; • Teachers establish and maintain clear and consistent expectations for students as learners and for their behaviour in the classroom.	• Teachers communicate effectively with students to make their learning programs explicit, to build rapport, and to support their learning; • Teachers provide and manage opportunities for students to explore ideas and develop knowledge and skills, through discussion and group activities. • Teachers use and manage a range of teaching and learning strategies, technologies, activities and resources; • Teachers provide meaningful feedback to students and their parents/guardians about their developing knowledge and skills.

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Professional engagement

7. Teachers reflect on, evaluate and improve their professional knowledge and practice.	8. Teachers are active members of their profession.
- Teachers regularly reflect on and critically evaluate their professional knowledge and the effectiveness of their teaching; - Teachers work collaboratively with other members of the profession and engage in discussion of contemporary issues and research to improve professional practice; - Teachers identify their own professional learning needs and plan for and engage in professional development activities; - Teachers develop organisational and administrative skills to manage their non-teaching duties effectively.	- Teachers contribute to the development of school communities that support the learning and wellbeing of both students and fellow teachers; - Teachers work effectively with other professionals, parents/guardians and members of the broader community to provide effective learning for students; - Teachers promote learning, the value of education and the profession of teaching in the wider community; - Teachers understand and fulfil their legal responsibilities and share responsibility for the integrity of their profession.

Chapter 3
Government Servants' conduct rules, 1979, extracts (Bangladesh)

Rule 5. Gifts. – (1) Save as otherwise provided in this rule, no Government Servant shall, except with the previous sanction of the government, accept or permit any member of his family to accept, from any person, any gift the receipt of which will place him under any form of official obligation to the donor. If the offer of a gift cannot be refused without giving undue offence, it may be accepted and delivered to the Government for decision as to its disposal.
Sub-sections (2), (3) & (4) relate to explanation of the sub-rules (1)

Rule 6. Acceptance of foreign awards.
No Government Servant shall, except with the approval of the President, accept a foreign award, title or decoration.

Rule 7. Public demonstrations in honor of Government Servants.
No Government Servant shall encourage meetings to be held in his honour or presentation of addresses of which the main purpose is to praise him or any entertainment to be held in his honor.

Rule 8. Raising of funds by Government Servants.
(1) Notwithstanding anything contained in rule 9, a Government Servant may participate in the raising of funds in respect of approved development projects, a part of which is required to be met by local contribution, without any reference to the Government.
(2) Subject to sub-rule (1), a Government Servant shall, before participating in the raising of funds, obtain prior permission from the Government, except as a member of a Relief Committee which is authorized to raise funds under the Famine Code and the Famine Manual.

Rule 9. Subscriptions.

Subject to rule 8, no Government Servant shall ask for, accept or take part in the raising of funds for any purpose whatsoever except with or under specific order of the Government and subject to Government instructions in the matter.

Rule 10. Lending and borrowing.

(1) No Government Servant shall lend money to, or borrow money from, or place himself under any pecuniary obligation to any person within the local limits of his authority or any person with whom he has any official dealings:

Provided that this sub-rule shall not apply to dealings in the ordinary course of business with a joint-stock company, bank or a firm of standing.

Sub-rules (2), (3) & (4) relate to explanation of sub- rule (1)

Rule 11. Buying and selling of valuable property, movable and immovable.

Save in the case of a transaction conducted in good faith with a regular dealer, a Government Servant who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value of Taka 15,000 (Taka fifteen thousand) with a person residing, possessing immovable property or carrying on business within the station, district or other local limits for which such Government Servant is appointed, shall declare his intention to the Head of the Department or the Secretary to the Government as the case may be. When the government servant concerned is himself the Head of the Department or Secretary to the Government, he shall declare his intention to the Government through the Secretary of the Ministry concerned or the Establishment Secretary, as the case may be.

Provided that all transactions with a person, who is an official subordinate of Government Servant, should be reported to the next higher authority.

Rule 12. Construction of building, etc.

No Government Servant shall construct a building whether intended to be used for residential or commercial purpose except with the previous

sanction of the Government obtained upon an application made in this behalf disclosing the source from which the cost of such construction shall be met.

Rule 13. Declaration of property.

(1) Every Government Servant shall, at the time of entering Government service, make a declaration to the Government through the usual channel, of all immovable and movable properties, including shares, certificates, securities, insurance policy, and jewellery having a total value of Taka 10,000 (Taka ten thousand) or more belonging to, or held by him or a member of his family.

Rule 14. Disclosure of liquid assets.

A Government Servant shall disclose his liquid assets when required to do so by the Government.

Rule 15. Speculation and investment.

(1) No Government Servant shall speculate in investments. For the purpose of this sub-rule, the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

(2) No government Servant shall permit any member of his family to make any investments which are likely to embarrass or influence him in the discharge of his duties.

Rule 16. Promotion and management of companies.

(1) A Government Servant shall not take part in the promotion, registration or management of any bank or other company:
Provided that a Government Servant may, subject to the provisions of any general or special order of the Government, take part in the promotion, registration, management of a co-operative society registered under the Co-operative Societies Act, 1940 (Ben. Act XXI of 1940).

Rule 17. Private trade or employment.

Subject to the other provisions of this rule, no Government Servant shall, except with the previous sanction of Government, engage in any trade or undertake any employment or work, other than his official duties:

Provided that a non-gazetted Government Servant may, without such sanction, undertake a small enterprise which absorbs family labour and where he does so, he shall file details of the enterprise along with the declaration of assets.

Rule 18. Insolvency and habitual indebtedness.

A Government Servant shall avoid habitual indebtedness. If a Government Servant is adjudged or declared insolvent or if the whole of that portion of his salary which is liable to attachment is frequently attached for debt, has been continuously so attached for a period of two years, or is attached for a sum which, in ordinary circumstances, he cannot repay within a period of two years, he shall be presumed to have contravened this rule unless he proves that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, he could not have foreseen or over which he had no control.

Rule 19. Communication of official documents or information.

A Government Servant shall not, unless generally or specially empowered by the Government in this behalf, disclose directly or indirectly to Government Servants belonging to other Ministries, Divisions or Departments, or to non-official persons or to the Press, the contents of any official document or communicate any information which has come into his possession in the course of his official duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise.

Rule 20. Approach to Members of Parliament, etc.

No Government Servant shall, directly or indirectly, approach any Member of Parliament or any other non-official person to intervene on his behalf in any matter.

Rule 21. Management, etc., of newspapers or periodicals.

No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.

Rule 22. Radio broadcasts and communication to the press.

No Government Servant shall, except with the previous sanction of the Head of the Department or in the confident discharge of his duties, participate in a radio or television broadcast, contribute any article or write any letter, either anonymously or in his own name or in the name of any person to any newspaper or periodical:

Provided that no such sanction shall be required in case of purely literary, artistic or scientific character or connected with sports.

Rule 23. Criticism of Government and publication of information or opinion upon matters relating to foreign countries.

(1) No Government Servant shall in any document published under his own name or in any public utterance or radio broadcast or television broadcast delivered by him, make any statement of fact or opinion which is capable of embarrassing:

(a) The relations between the Government and the people of any section thereof, or

(b) The relations between the Government and any foreign country.

Rule 24. Evidence before Committees.

(1) A Government Servant shall not give evidence before a public committee except with the previous sanction of the Government.

(2) No Government Servant giving such evidence shall criticize the policy or decisions of the Government.

(3) This rule shall not apply to evidence given before statutory committees, which have power to compel attendance and the giving of answers, nor to evidence given in judicial inquiries.

Rule 25. Taking part in politics and elections.

(1) No Government Servant shall take part in, subscribe in aid of or assist in any way any political movement in Bangladesh or relating to the affairs of Bangladesh.

Rule 26. Propagation of sectarian creeds, etc.

No Government Servant shall propagate such sectarian creeds, take part in such sectarian controversies or indulge in such sectarian partiality and favoritism as are likely to affect his integrity in the discharge of his duties or to embarrass the administration or create feelings or discontent or displeasure amongst the Government Servants in particular and amongst the people in general.

Rule 27. Nepotism, favouritism and victimization, etc.

No Government Servant shall indulge in parochialism, favouritism, victimization and willful abuse of office.

Rule 28. Vindication by Government Servants of their public acts or character.

A Government Servant may not, without the previous sanction of the Government, have recourse to any court or to the press for the vindication of his public acts or character from defamatory attacks. In granting sanction, the Government will ordinarily bear the cost of the proceedings and in other cases leave the Government Servant to institute them at his own expense. In the later case, if he obtains a decision in his favour, the Government may reimburse him to the extent of the whole or any part of the cost.

Rule 29. Membership of service associations.

No Government Servant shall be a member, representative or officer of any association representing or purporting to represent Government Servants or any class of Government Servants, unless such association satisfies the following conditions, namely:

(a) Membership of the association and its office-bearers shall be confined to a distinct class of Government Servants and shall be open to all Government Servants of that class.

(b)   The association shall not be in any way connected to, or affiliated with, any association or federation of associations which does not satisfy conditions (a).

(c)   The association shall not be in any way connected with any political party or organization or engage in any political activity.

(d)   The association shall not:
   (i)   Be involved in any publication without prior permission of the government;
   (ii) In respect of any election to a legislative body or to a local authority or body, pay, or contribute towards his candidature or the candidature of any person;
   (iii) Maintain or contribute towards the maintenance of any member of a legislative or local authority or body;
   (iv) Pay, or contribute towards expenses of any trade union registered under the Industrial Relations Ordinance, 1969.

Rule 30. Use of political or other influence.

No Government Servant shall bring or attempt to bring political or other outside influence, directly or indirectly, to bear on the Government or any Government Servant in support of any claim arising in connection with his employment as such.

Rule 31. Approaching foreign Missions and aid-giving agencies.

No Government Servant shall approach directly or indirectly, a foreign Mission in Bangladesh or any foreign aid-giving agency to secure for himself an invitation to visit a foreign country or to elicit training facilities abroad.

Rule 32. Contravention of rules.

Contravention of any of these rules shall be construed as misconduct within the meaning of the Government Servants (Discipline and Appeal) Rules, 1985 and a Government servant found guilty of such contravention shall render himself liable to disciplinary action under the aforesaid rules.

Rule 33. Delegation of power.

The Government may, by general or special order, delegate to any officer or authority subordinate to it all or any of its powers under these rules and may, by such order, prescribe the channel through which reports shall be made to the Government and the officers, receipts by whom of such reports shall be regarded as receipt of the reports by the Government within the meaning of these rules.

Rule 34. Rules not to be in derogation of any law, etc.

Anything in these rules shall derogate from the provisions of any law, or of any order of any competent authority, for the time being, in force, relating to the conduct of Government servants.

Chapter 4

Standards of Practice for the Teaching Profession in Ontario (Canada)

The Ontario College of Teachers (www.oct.ca) approved the *Standards of Teaching for the Teaching Profession* in 1999. These professional standards that guide and reflect exemplary practice and continuous professional learning improvement are essential to effective teaching and learning. They were developed in consultation with its members, education partners and the public.

The standards were developed to support the following principles:

- The standards of practice describe what it means to be a member of the teaching profession in Ontario.
- The standards of practice are reflective of the beliefs and values expressed by the participants in the development process.
- The standards of practice recognize and value diversity in teaching.
- The standards of practice are based on the premises that personal and professional growth is a developmental process and that teachers move through a variety of career and life stages.
- The standards of practice for the teaching profession are interdependent. The standards of practice include five statements about:
- commitment to students and student learning,
- professional knowledge,
- teaching practice,
- leadership and community,
- ongoing professional learning

The key elements are examples that expand upon the five standards of practice statements. The standards may be evidenced by, but are not limited to, the key elements.

Commitment to students and student learning

Members of the Ontario College of Teachers demonstrate care for and commitment to students. They are dedicated in their efforts to teach and to support student learning. They treat students equitably and with respect. They encourage students to grow as individuals and as contributing members of society. Members of the Ontario College of Teachers assist students to become lifelong learners.

KEY ELEMENTS

a. Demonstration of care and commitment

Members of the Ontario College of Teachers:
(i) Model for students the curiosity, enthusiasm and joy of learning;
(ii) Help students to appreciate their own identity, to learn more of their cultural heritage and to build self-esteem;
(iii) Demonstrate concern for student character, peer relationships and personal aspirations.

b. Support for student learning

Members of the Ontario College of Teachers:
(i) Understand and use a range of teaching methods to address learning, cultural, spiritual and language differences, and family situations;
(ii) Develop programs for students that incorporate a knowledge and understanding of human development and learning theory.

c. Equitable and respectful treatment

Members of the Ontario College of Teachers:
(i) Accommodate the differences in students and respect their diversity;
(ii) Help students to connect learning to their own life experiences and spiritual and cultural understandings.

d. Growing as individuals and as contributing members of society

Members of the Ontario College of Teachers:

(i)   Encourage students to become active, inquisitive and discerning citizens;

(ii) Create opportunities for students to understand, facilitate and respond to change;

(iii) Reinforce the rights and responsibilities students have as citizens.

e. Assistance in becoming lifelong learners

Members of the Ontario College of Teachers:

(i)   Link the curriculum and learning experiences to everyday life;

(i)   Encourage students to know about, reflect on and monitor their own learning;

(iii) Challenge students in the pursuit of excellence.

Professional knowledge

Professional knowledge is the foundation of teaching practice. Members of the Ontario College of Teachers know the curriculum, the subject matter, the student, and teaching practice. They know education-related legislation, methods of communication, and ways to teach in a changing world.

KEY ELEMENTS

a. Knowledge of the student

Members of the Ontario College of Teachers know:

(i)   How differences arising from cultural heritage, language, family, gender, community; and other factors shape experience and impact on learning;

(ii) How to recognize strengths and weaknesses of students;

(iii) How teaching is shaped by what is known about human development and learning;

(iv) That teaching students with exceptionalities requires the use of specialized knowledge and skills.

b. Knowledge of the curriculum

Members of the Ontario College of Teachers know:
(i) The subject matter;
(ii) How knowledge in their subject area is created, linked to other subjects and applied to life experiences;
(iii) The curriculum relevant to their subject(s);
(iv) Ways to connect curriculum expectations to curriculum resources and technologies.

c. Knowledge of teaching practice

Members of the Ontario College of Teachers know ways to:
(i) Make knowledge and skills accessible to others;
(ii) Shape instruction so that it is helpful to students who learn in a variety of ways;
(iii) Motivate students;
(iv) Establish and modify instructional settings
(v) Manage time for instruction;
(vi) Establish classroom management strategies that support learning and respect the dignity of students;
(vii) Collaborate and structure interaction among students to ensure that shared learning, as well as individual learning, occurs;
(viii) Assess and evaluate student learning, student approaches to learning and the achievement of curriculum expectations;
(ix) Communicate and collaborate with parents and others involved in the education of students.

d. Knowledge of the learning environment

Members of the Ontario College of Teachers know ways to identify and respond to:

(i) Change;
(ii) The factors in a diverse and changing society that impact on learning;
(iii) Provincial legislation, local policies and procedures and community norms that guide the decisions they make.

Teaching practice

Members of the Ontario College of Teachers apply professional knowledge and understanding of the student, curriculum, teaching, and the changing context of the learning environment to promote student learning. They conduct ongoing assessment and evaluation of student progress. They modify and refine teaching practice through continuous reflection.

KEY ELEMENTS

a. The student

Members of the Ontario College of Teachers planning for instruction:
(i) Collaborate with professional colleagues to support student learning;
(ii) Apply knowledge of student backgrounds, experiences and learning styles;
(iii) Apply knowledge of how students develop and learn;
(iv) Apply knowledge of a student's physical, social and cognitive development;
(v) Respond to learning exceptionalities and special needs;
(vi) Adapt teaching practice based on student achievement.

b. Curriculum

Members of the Ontario College of Teachers:
(i) Adapt the methods of inquiry, content knowledge, and skills required in the curriculum
(ii) Link content and skills to everyday life experiences;

(iii) Integrate a variety of teaching and learning strategies, activities, and resources;

(iv) Assist students to develop and use ways to access and critically assess information.

c. Teaching and the changing context of the learning environment

Members of the Ontario College of Teachers:

(i) Carry out their duties as outlined in legislation;

(ii) Establish a safe and supportive learning environment;

(iii) Establish and maintain standards for student behaviour;

(iv) Enhance the learning environment with a variety of curriculum resources and available technologies;

(v) Organize time and space to enrich the learning environment;

(vi) Develop student activities to promote social and group responsibilities;

(vii) Use classroom management skills to enhance learning;

(viii) Apply teaching strategies to meet student needs.

d. Assessment and evaluation of students

Members of the Ontario College of Teachers:

(i) Communicate clear, challenging and achievable expectations for students;

(ii) Gather data on student performance using a variety of assessment strategies;

(iii) Keep a continuous and comprehensive record of group and individual achievement;

(iv) Report and provide ongoing feedback of individual achievement to students and parents.

e. Reflection

Members of the Ontario College of Teachers:

(i) Integrate curriculum expectations into current teaching practice;

(ii) Reflect on current practice to determine if needs of individuals and groups of students are being met;

(iii) Modify and refine teaching practice using a variety of sources and resources.

Leadership and community

Members of the Ontario College of Teachers are educational leaders who create and sustain learning communities in their classrooms, in their schools, and in their profession. They collaborate with their colleagues and other professionals, with parents, and with other members of the community to enhance school programs and student learning.

KEY ELEMENTS
a. Responsibility and service

Members of the Ontario College of Teachers:
(i)   Build trust with students, parents and the community;
(ii) Exercise professional integrity and judgement.

b. Creation of a learning community

Members of the Ontario College of Teachers:
(i)   Learn with and from their students, colleagues and others in communities of learners;
(ii) Motivate and inspire through sharing their vision;
(iii) Create opportunities for students to share their learning with their classmates, schoolmates, parents and the community;
(iv) Invite parents and members of the community to share their knowledge and skills in supporting classroom and school activities.

c. Sustaining learning through innovation and change

Members of the Ontario College of Teachers:
(i)   Innovate and effect change through decision-making, initiating change, and evaluating and communicating results;
(ii) Engage others through shared problem-solving and conflict resolution;

(iii) Act both as team members and as team leaders;
(iv) Acknowledge and celebrate effort and success.

Ongoing professional learning

Members of the Ontario College of Teachers are learners who acknowledge the interdependence of teacher learning and student learning. They engage in a continuum of professional growth to improve their practice.

KEY ELEMENTS

a. Teacher learning and student learning

Members of the Ontario College of Teachers:
(i) Understand that teacher learning is directly related to student learning;
(ii) Act as role models who demonstrate lifelong learning;
(iii) Engage in a variety of learning opportunities both individual and collaborative that are integrated into practice for the benefit of student learning.

b. Professional growth

Members of the Ontario College of Teachers:
(i) Recognize that continuous professional growth is an integral part of teaching;
(ii) Recognize that teaching and professional growth are influenced by personal, social and educational contexts;
(iii) Understand that teaching practice is enhanced by many forms of knowledge, ways of knowing and ways to access that knowledge;
(iv) Anticipate and plan the kinds of learning they will need to respond to a variety of educational contexts.

c. Improving practice

Members of the Ontario College of Teachers:
(i)   Demonstrate a commitment to continued professional growth;
(ii)   Know that professional learning is most effective when it is job-embedded, relevant and supported by others within the educational community;
(iii)   Reflect on their practice and learn from experience;
(iv)   Draw on and contribute, where appropriate, to various forms of educational research;
(v)   Collaborate with colleagues to improve practice.

Ethical Standards for the Teaching Profession

The overall purposes of the ethical standards statements are:
•   To clarify the ethics of the profession
•   To inspire the quality of behaviour which reflects the honour and dignity of the profession
•   To encourage and emphasize those positive attributes of professional conduct which characterize strong and effective teaching
•   To enable the profession to declare itself publicly accountable.

The ethical standards combined with the standards of practice serve as the foundation for all accredited pre-service and in-service programs for teachers in Ontario.

The ethical standards outline 12 key statements describing the responsibilities all members of the College have as educators. The ethical standards, combined with the standards of practice, serve as the foundation for all accredited pre-service and in-service programs of professional teacher education. The ethical standards address the question, "What professional values and ethical responsibilities are central to the profession of teaching?"

The teaching profession fosters the growth of dedicated and competent educators. Members of the profession uphold the dignity and honour of the profession through their practice.

Members of the Ontario College of Teachers in their positions of trust and influence:

- Maintain professional relationships with students;
- Recognize and respect the privileged nature of the relationship that teachers maintain with students;
- Demonstrate impartial and consistent respect for all students as individuals with distinctive and ongoing learning needs and capacities;
- Respect confidential information about students unless disclosure is required by law or personal safety is at risk;
- Model respect for human dignity, spiritual values, cultural values, freedom, social justice, democracy and the environment;
- Work with members of the College and others to create a professional environment that supports the social, physical, intellectual, spiritual, cultural, moral and emotional development of students;
- Base relationships with parents or guardians in their role as partners in the education of students, on respect, trust and communication;
- Co-operate with professionals from other agencies in the interest of students and as required by law;
- Act with integrity, honesty, fairness and dignity;
- Respect the confidential nature of information about members of the College obtained in the course of professional practice unless disclosure is required by law or personal safety is at risk;
- Comply with the acts and regulations;
- Advise the appropriate people in a professional manner when policies or practices exist that should be reviewed or revised.

Chapter 5
Code for the education profession of Hong Kong (China)

(Extract from the Council on Professional Conduct in Education, October 1995)

Background and the formulation process of the code

a. *The Preparatory Committee's establishment and the code's formulation*

In 1982, an international panel of experts proposed in its report *A perspective on education in Hong Kong* that the professional status of teachers be promoted by setting up a Hong Kong Teaching Service.

The Education Commission Report No. 1 (October 1984) did not support the setting up of a Hong Kong Teaching Service. Instead, it recommended the publication of a 'code of practice' for the teaching profession to foster a sense of professionalism.

Following the Education Commission's recommendations (Note 1), the Education Department in June 1987 set up the Preparatory Committee, Professional Code for Educational Works (hereafter called "the Committee") which would replace the visiting panel's suggestion of creating a Hong Kong Teaching Service after their review of the Hong Kong education system.

The Committee worked for 3 years from June 1987 and, after local consultations, the code was renamed *Code for the education profession of Hong Kong* (hereafter referred to as the *Code*). This decision was promulgated in October 1990 (every practising teacher at the time was given a copy of the *Code*).

b. The Committee identifies the following as objectives of the Code:

1. To promote a sense of professional identity among members of the profession.
2. To enhance morale among members of the profession by formulating a set of recognised ethical standards to which all members of the profession would adhere.
3. To provide self-disciplinary guidelines for members of the profession by formulating norms of professional conduct.
4. To establish and maintain high standards in education by providing guidance for members of the profession.
5. To obtain the community's confidence in and support for the profession by emphasizing the social responsibilities of the profession towards the community.
6. To elevate the autonomy and social status of the profession through professionalisation.
7. To promote democratization in educational policy making.
8. To promote democracy in society.

The Committee believed that concurrent with the formulation of the *Code*, suggestions as to how the *Code* should be implemented must be made. It also proposed the establishment of a 'General Teaching Council' which would function as a professional body with responsibilities to implement the *Code* and maintain professional discipline.

The Preparatory Committee suggested that the establishment of the proposed General Teaching Council be carried out in three phases. In 1991, it invited all educational bodies to elect a working party called the 'Working Party for the Establishment of the General Teaching Council of Hong Kong'. Upon establishment of the Working Party, the Preparatory Committee was dissolved.

In early 1992, the Preparatory Committee and the Working Party submitted to the Education Commission a joint proposal, setting out a framework for developing a GTC.

The Education Commission did not accept the Committee's recommendations but instead in its Report No. 5 (June 1992) recommended the establishment of a non-statutory 'Council on Professional Conduct in Education' (hereinafter called the Council) which would advise the government on measures to promote professional conduct in education; to draft operational criteria defining the conduct expected of an educator, and through consultation to gain widespread acceptance of these criteria among all sectors of the education community; and in the light of the above criteria, to advise the Director in cases of dispute or alleged professional misconduct involving educators. As regards whether or not to set up a statutory professional governing body, this matter should be reviewed in a few years' time.

c. The establishment of the Council on Professional Conduct

Acting upon the Education Commission's recommendations, the Education Department in April 1994 established the Council on Professional Conduct (Note 3). This Council studied its terms of reference and the *Code* published in 1990, and acknowledged the difficulty of formulating operational criteria in the absence of concrete precedents which might be used as a basis of reference. Under such circumstances, only a set of more principle-oriented clauses could be drafted. The 1990 *Code* itself forms an excellent blueprint for this purpose. After wide consultations, the *Code* was generally accepted by the teaching profession but would not be subjected to amendments before its implementation. Therefore, the Council decided to adopt the said *Code* for its work.

It has been five years since the *Code*'s promulgation. It is believed that many newcomers to the teaching profession have not had the chance to read through the *Code*. This *Code* has been hitherto the sole set of criteria of Professional Conduct for educators and is thus of great importance to each and every one of them. In view of this, the Council has decided to reprint the full text of the *Code*'s Chapters 2 and (Note 4) for all practising teachers

in service in the hope that this would promote professional conduct within the profession.

(1) The Commission recommended "the fostering of a sense of professionalism by encouraging teachers, principals, school management and sponsors to co-operate, through the co-ordination of the Education Department, in the writing of a code of practice for the teaching profession. This code would prescribe ethical standards of conduct for teachers in the execution of their professional duties and all registered and permitted teachers would be expected to subscribe to it."

(2) In October 1986 the Education Department invited representatives from 63 educational organizations to a meeting to discuss the formation of a Preparatory Committee and to elect representatives to it. Finally these constituent groups elected a total of 25 representatives to form the Preparatory Committee. The first meeting was held in June 1987.

(3) The Council has a membership of 28, 14 of whom come from teachers' direct elections, 11 were elected among educational organizations and the remaining 3 appointed by the Director of Education (one being his representative and the two others from non-education sectors).

(4) The *Code of the education profession of Hong Kong* (Oct. 1990) compiled by the Preparatory Committee, Professional Code for Educational Workers contains four chapters: Chapter 1 being 'Preamble', Chapter 2 the 'Code', Chapter 3 'Rights of the education profession' and Chapter 4 'Recommendations for implementation'.

The Code

a. Commitment of the profession

A member of the profession:

1. Shall strive in every way for any improvement, which will help or encourage students' physical and psychological development so as to fulfill society expectations of a profession.

2. Shall uphold professional autonomy as an indispensable condition for the exercise of the education profession's social responsibilities and shall strive to create a working environment which fosters professional autonomy.
3. Shall strive to uphold the honour, dignity and ethics of the education profession and to foster unity and harmonious working relationships within the profession.
4. Shall constantly endeavour, through a variety of channels, to improve his/her self-development, self-growth and knowledge of educational and world developments.
5. Shall promote the highest possible image for the profession by fostering public understanding of the profession and maintaining effective public relations.
6. Shall exert every effort to provide a professional service, to raise professional standards and to promote a climate that encourages the exercise of professional judgement.
7. Shall strive to support and enrich the education profession's ideals and achievements so that the profession is attractive to high quality recruits.
8. Shall endeavour to promote the understanding the respect of different cultures in order to enhance harmony between those of all origins and races.
9. Shall make every effort to establish and maintain effective channels of communication within the profession to ensure its healthy development.
10. Shall refrain from activity that is detrimental to the image of the profession.
11. Shall not advertise or canvas for the purpose of promoting his/her own advantage.
12. Shall not accept gratuities, gifts or favours that might impair professional judgement.

13. Shall, when making any public statement in his/her capacity as a professional educationalist, state clearly, when appropriate, his/her qualification to make such statement; the capacity in which the member is speaking; on whose behalf the member is speaking; and the association with any party or vested interests that may benefit from such statements.

b. Commitment to students

A member shall strive to help each student to be award of his/her own potential as a worthy and effective member of society. He/She therefore endeavours to stimulate and foster the spirit of inquiry, the acquisition and understanding of knowledge and the thoughtful formulation of meaningful goals.

A member of the profession:
1. Shall regard the education of his/her students as his/her primary duty.
2. Shall regard the moral, intellectual, physical, social and aesthetic development of the students entrusted to his/her care as his/her personal responsibility.
3. Shall be personally responsible for the quality of his/her teaching.
4. Shall share the responsibility of improving the learning environment.
5. Shall do his/her best to teach according to each student's personal circumstances and learning ability.
6. Shall base his/her expectations of students' performance on their interests, needs and abilities.
7. Shall be concerned about students' safety in the course of his/her teaching.
8. Shall give all students fair learning opportunities.
9. Shall seek to establish confidence and trust grounded on mutual respect between himself/herself and his/her students.
10. Shall show consistent justice and consideration in his/her relations with students at all times.

11. Shall not discriminate against any student on the basis of race, colour, religious belief, creed, sex, family background, or any form of handicap.
12. Shall help students identify their own values and build up their self-respect.
13. Shall as far as possible adopt an objective viewpoint in discussing controversial matters with students.
14. Shall encourage students to think independently and to form their own rational judgements based upon knowledge.
15. Shall assess students constructively.
16. Shall avoid making students feel embarrassed or ashamed.
17. Shall endeavour to nurture in his/her students a thirst for high standards of accomplishment.
18. Shall foster among students a sense of democracy and educate them to respect others.
19. Shall encourage students to respect other members of the profession and to this end shall avoid unprofessional remarks about professional colleagues.
20. Shall ensure that reports on students are based on factual and objective information.
21. Shall not divulge information about students unless disclosure serves a compelling professional purpose or is required by law.
22. Shall not take advantage of his/her professional relationships with students for private gain.
23. Shall not entrust his/her professional responsibilities to any person who is not a member of the profession. However, when necessary he/she shall seek assistance from those in other professions.
24. Shall report to the authorities concerned any case of child abuse he/she observes during the course of professional or official duties.

c. Commitment to colleagues

Successful education depends on co-operation between education professionals of all levels and categories.

A member of the education profession:

1. Shall treat his/her colleagues with respect as fellow professionals without discrimination on grounds of status, position, sex, race, colour, national origin, religious or political belief.
2. Shall co-operate with colleagues in the interests of students.
3. Shall be supportive of colleagues in performing professional duties and responsibilities and encourage them to develop their potential.
4. Shall share ideas and information with his/her colleagues to enhance professional development.
5. Shall show respect for the school administration's legitimate authority.
6. Shall, initially, express objections to administrative policies and practices, which he/she cannot in conscience accept, through channels within the profession.
7. Shall, as an administrator, respect the professional status of colleagues and provide ample opportunities for colleagues to express their opinions and make suggestions regarding administrative policies.
8. Shall provide ample opportunities for colleagues to participate in discussions when making decisions on matters that affect them.
9. Shall promote harmonious relations and avoid misunderstanding between colleagues; be objective and constructive when giving advice or guidance in a professional capacity.
10. Shall, upon request, inform a colleague of the contents of a report when submitting a report on his/her.
11. Shall adhere to the principles of justice and truth, when issuing a reference or testimonial for a colleague.
12. Shall not undermine students' confidence in and/or respect for other colleagues.

13. Shall never maliciously damage the professional reputation or career prospects of colleagues.
14. Shall not intentionally embarrass or insult his/her colleagues and, when criticising colleagues, shall take care to avoid comments damaging to their self-respect.
15. Shall observe the principles of fundamental justice in dealing with complaints against colleagues. Anonymous complaints should be ignored.
16. Shall not make unfavourable criticism of the professional behaviour of a colleague unless the colleague concerned has been previously informed.

d. Commitment to employer

A member of the profession:
1. Shall observe contractual commitments.
2. Shall not neglect his/her principal employment for the sake of personal interest.
3. Shall render professional service to the best of his/her ability.
4. Shall actively promote the improvement of school/institutional policies.
5. Shall be consistent in the execution of school/institutional policies and instructions, which are educationally sound.

e. Commitment to parents/guardians

A member of the profession should recognise that the education of students is the mutual responsibility of school and parents, and therefore:
1. Shall respect parental rights of enquiry, consultation and information with regard to their children.
2. Shall seek to establish friendly and co-operative relationships with the parents.
3. Shall exchange with parents information and experience, which will assist in the growth and development of the students.

4.   Shall respect reasonable parental requests with regard to their children's educational needs.
5.   Shall truthfully present parents with the facts concerning the educational development and conduct of their children.
6.   Shall respect the uniqueness and characteristics of each student's family background and treat in confidence any information regarding private family matters.
7.   Shall assist parents to protect the physical and academic rights of their children.

f. Commitment to the community

A member of the profession:

1.   Shall show respect for the law and the behavioural norms acceptable to society as a whole.
2.   Shall co-operate with the community in the exploration of present and future educational needs of students.
3.   Shall set an example in the performance of civic obligations.
4.   Shall actively support and promote civic education.
5.   Shall show concern for community building and participate in community activities.
6.   Shall be aware of current affairs, show concern about social problems and do his/her best to maintain a healthy social environment.
7.   Shall teach students to respect different positions and opinions in matters over which public opinion is divided.
8.   Shall treat as a primary duty the teaching of respect for human rights.
9.   Shall do his/her best to nurture in students the concepts of freedom, peace, equality, rationality and democracy.

Rights

a. General rights

As a citizen, a member of the education profession should enjoy all legal rights and basic human rights.

b. Rights as a professional

A member of the education profession has the right:

1. To be registered or licensed under the professional and ethical standards established, maintained and enforced by the profession.
2. To work in an environment with freedom of teaching and learning.
3. To participate in and to influence decision-making related to education policy, teaching and social and community relations etc.
4. To exercise professional judgement in presenting, interpreting and criticizing all information and opinions, including controversial issues.
5. To maintain and improve his/her professional competence through further study, in-service programmes and visits.
6. To exercise professional judgement appropriate to the environmental and individual needs of students in the process of teaching.
7. To refuse to disclose information obtained in the course of professional service.
8. To strive for a working environment conducive to his/her students' mental and physical well-being.
9. To state publicly personal views on matters affecting education.
10. To request to attend and make statements at meetings involving institutional decisions which might affect his/her professional position/service and to be provided with the minutes of such meetings.
11. To hold public office provided this is not detrimental to his/her professional duties and to enjoy reasonable leave of absence in order to fulfill part-time duties in such public office.
12. To refuse to perform any non-professional tasks which are irrelevant to his/her duties.

c. Rights as an employee

A member of the profession has the right:

1. To seek and to be fairly considered for any position commensurate with his/her qualifications.

2. To be continuously employed after entering the profession unless there is just cause for dismissal or non-renewal established through fair proceedings.
3. To be fully informed, in writing, of details of conditions and regulations affecting his/her employment before signing his/her contract.
4. To work in an environment in which his/her physical and mental health, security, and property are adequately protected.
5. To be informed of evaluation procedures affecting himself/herself and to express his/her views.
6. To request to be truthfully informed of his/her strengths and weaknesses as expressed in his/her appraisal report and to make an appeal as he/she deems necessary.
7. To be employed and enjoy conditions of service, promotion prospects and further employment regardless of sex, race, colour, nationality, religious or political belief.
8. To be promptly given a written explanation in situations where any actions which might affect his/her employment.
9. To be treated fairly regarding complaints against him/her and to have access to proper procedures including arbitration in resolving disputes.
10. To join trade unions and to engage in activities designed to safeguard the rights of employees.
11. To raise objections to unreasonable clauses in contracts through a variety of proper channels.
12. To receive from his/her present employer a letter of release containing accurate information when he/she applies for other posts.

Chapter 6
Educational codes of Uttar Pradesh, extracts (India)[35]

Definitions and classification[36]

a. In this code, the following terms refer to the definitions provided, except where stated to the contrary (for ease of understanding, the definitions are arranged alphabetically):

Degree college means a college providing instruction for any of the degree examinations of a university that is either affiliated to, associated with, recognized by or forms a constituent part of that university.

Department means the Department of Education, Uttar Pradesh.

Deputy Director means the Deputy Director of Education at the headquarters of the Director or in charge of an educational region.

Director means the Director of Education, Uttar Pradesh; and includes the Additional Director of Education, (U.P.). G.O.B (P)-6733/xv-777-62, Dec. 1, 1962.

Girls' School or College means an institution primarily meant for girls in which boys beyond a certain prescribed age are not admitted.

Government means the Government of Uttar Pradesh.

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35. Revised edition of 1958, corrected up to 1962, Government Uttar Pradesh. Allahabad: Superintendent, Printing and Stationery, Uttar Pradesh, India, 1962. This edition supersedes all previous editions. There is a separate Code for schools for Anglo-Indians. This Educational Code applies to all other institutions in any way under the control of the Education Department. The codes listed here directly or indirectly influence the practices of the teachers in the school education sector in Uttar Pradesh.
36. Chapter I, 1-4.

Head of an institution means the Head of a recognized institution and may be a Headmaster/Headmistress of a school, or the Principal of a Higher Secondary School, Training College or Degree College, or a Head *Pandit* or Head *Maulvi* of a *Pathshala* or *Madrasa*, respectively.

Inspector means the District Inspector of Schools of a district.

Inspectoress means the Inspector of Girls' Schools in charge of girls' education of a region.

Institution means an educational institution. Such institutions are divided into the following two classes:

(a) *Recognized institution* means an institution that imparts a course of instruction prescribed or recognized by the Department or the Intermediate Board or a University, and that satisfies one of more of these authorities, as the case may be, in the matter of efficiency. Such an institution is open to periodical inspections by an officer or officers of the Department and its students are eligible for admission to public examinations conducted by the Department, or the Intermediate Board, or a University;

(b) *Unrecognized institution* means an institution that does not come under the above definition of recognized institutions.

Intermediate Board means the Board of Higher School and Intermediate Education, Uttar Pradesh.

Islamia School means a Junior Basic (Primary) School maintained by a local body for the education of Muslim children and to which other children may also be admitted.

Junior Training College means an institution for the training of teachers for Junior High (Senior Basic) Schools or Junior High Sections of a Higher Secondary School.

Maktab means an aided Junior Basic (Primary) School in which in addition to the prescribed courses for Junior Basic (Primary) Schools, religious teaching for Muslims is also imparted.

Management means the Committee of Management or other body charged with managing the affairs of an institution.

Manager means a person who is responsible to the Department for an institution on behalf of the management, and who is the normal channel of communication between the Department and the management of the institution.

Minister means the Minister for Education, Uttar Pradesh.

Model school means a practising school attached to an institution for the training of masters or mistresses.

Normal school means an institution for the training of teachers for Junior Basic (primary) and Senior Basic (junior high) schools.

Oriental institution means an institution that fosters traditional learning in Sanskrit, Pali, Arabic or Persian and that teaches secular and theological branches of oriental learning. Schools that prepare students for public examinations in oriental subjects prescribed by the Department also come under this category.

Professional college means a college in which undergraduate or graduate students study for degrees or diplomas in law, medicine, teaching, engineering agriculture, or any other special branch of technical training.

Professional school means an institution in which students study for a Diploma or Certificate granted by a Department of Government in some technical subject or that trains students in some specific technical subject according to a course prescribed or approved by a Department of Government, and which does not prepare students for a degree or a diploma of a University.

Region means the educational region comprising selected districts of the state, placed under the charge of a Deputy Director and an Inspectoress for purposes of organization and control of educational institutions in general and for girls, respectively.

Sanskrit Pathshala means an oriental institution that imparts instruction in courses prescribed for the examination conducted by the *Varanaseya* Sanskrit *Vishvavidyalaya, Varanasi*.

Scholarship means a periodical payment to a student for a fixed period on certain conditions and awarded solely on grounds of merit.

School means a recognized institution that follows the curriculum prescribed by the Department or the Intermediate Board. There are several types of schools as follows.

(a) *Nursery school* means a school where children of pre-basic stage, i.e. from about 3-6 years of age, are taught;

(b) *Junior Basic School* means a school teaching children generally between 6 and 11 years of age in classes 1-5 (i.e. primary section);

(c) *Senior Basic School* or *Junior High School* means either a school preparing students for the Junior High School Examination of the Department or a school teaching classes 1-8 or 6-8 (middle section).

Note: Basic Schools include both Senior or Junior Basic Schools as well as single schools with classes 1-8.

School year or *College year* means the period of 12 months beginning from July 1. It consists of two terms – one beginning in July and terminating on December 31, and the other beginning on January 1 and terminating on June 30.

Session means the period during which an institution remains open for tuition after the end of the vacation.

Special school means a school teaching special literary courses and handicrafts, art, music, etc.

Stipend means a subsistence allowance made on grounds of poverty and on certain other conditions for a prescribed period to enable the recipient to pursue a certain specified course of study.

Training class means a class attached to a Girls' School for the training of mistresses for Girls' Junior Basic and Senior Basic (Junior High) Schools.

Training college means an institution for the training of teachers for Higher Secondary Schools.

University means a University established by law in Uttar Pradesh.
Vacation means the summer vacation in the plains and winter vacation in the hills, when institutions are closed for long intervals.

b. Recognized institutions are divided according to the system of control into two categories:

(a) Under public management:
   (i) Government institutions are public institutions managed directly by the Department;
   (ii) District Board institutions are institutions managed by a District Board;
   (iii) Municipal Board institutions are institutions managed by a Municipal Board.

(b) Under private management:
   (i) *Aided institutions* are private but recognized institutions that receive grant-in-aid from public funds, either from the Government or from Local Bodies (District Board, Municipal Board, etc.);
   (ii) *Unaided institutions* are those that receive no regular grant-in-aid from public fund.
   Note: Rules applicable to Higher Secondary Schools maintaining classes 11 and 12 shall also apply to the intermediate classes attached to Degree Colleges, except in matters relating to inspection.

c. Students in all primary and secondary schools are classified according to stage of instruction as indicated in *Table 3.1.2*.

Table 3.1.2   Students in secondary and primary schools classified according to stage of instruction

(a)	Pre-basic stage	Nursery education
(b)	Junior Basic (primary) stage	Classes 1-5
(c)	Senior Basic (junior high school) stage	Classes 6-8
(d)	Higher Secondary State	
	High School stage	Classes 9 and 10
	Intermediate stage	Classes 11 and 12

Powers and duties of the District Inspector of Schools[37]

20. The District Inspectors of Schools shall have the following additional powers and duties:

1. to exercise general control over the district inspecting staff including the Deputy/Assistant Inspectoress of Girls' Schools;

2. to propose to the Deputy Director of Education/Inspectoress of the Region entries in the character rolls of gazetted officers under them;

3. to make entries in the character rolls of Subordinate Educational Service Officers (non-gazetted) and forward them to the Deputy Director of the Region in respect of men officers and to the Inspectoress in respect of the Deputy/Assistant Inspectoress;

4. to inspect Higher Secondary Schools and Normal Schools for boys;

5. to inspect Basic Schools from 6 to 10 weeks in the year;

6. to scrutinize the District Board's educational budget;

7. to see to the expansion and promotion of education at all stages in the district;

8. to countersign the grant-in-aid bills for recurring grants to non-government Arts Colleges, Higher Secondary Schools and Special Schools for boys;

37.   *Ibid*, pp. 24-30.

9. to grant permission to teachers of government institutions to undertake private tuition;
10. to grant provisional as well as permanent recognition to Senior Basic (Junior High) Schools for boys and the power to withdraw that recognition subject to an appeal to the Regional Deputy Director by the management of the school concerned, if necessary;
11. to forward applications for recognition of institutions for boys to the Board of High School and Intermediate Education, Uttar Pradesh;
12. to grant promotions and extra admissions in Higher Secondary Schools, arid Junior High Schools or boys;
13. to condone shortage in attendance between 90 per cent and 76 per cent in the case of candidates not appearing at public examinations;
14. to scrutinize action taken on audit reports of Municipal and District Boards insofar as they relate to their schools and other educational activities;
15. to take action on reports on Compulsory Primary Education under District Boards;

21. The Inspector is responsible for the supervision of all types of educational institutions (excluding schools for Anglo-Indians), both in terms of their education and finances, in the district. He inquires into and reports on such questions as the following:
1. whether there is adequate provision of Basic Schools (Junior and Senior);
2. whether buildings are suitable;
3. whether appointments, promotions and transfers, etc. of teachers in Basic Schools under District Boards are being managed in a satisfactory manner;

4.   whether funds provided for Basic Schools are being properly expended.

He will also advise the Director, through the Deputy Director, on questions regarding Basic Schools in the district. He should be continually directly in touch with municipal and district boards.

23.   The Inspector is required to inspect every year in the rainy season the educational office of the District Boards. He should check the registers, returns and the work of the Deputy Inspector of School and Sub-Deputy Inspectors of Schools of the district and see whether the appointments and promotions of teachers under the District Board have been made in accordance with the rules on the subject. The Inspector shall send a copy of his inspection report to the President, District Board. The Inspector is also required to inspect the Education Office(s) of the Municipal Board/Boards and to check accounts regarding Government grants for educational purposes and connected returns, etc. A copy of the inspection report should be sent to the President of the Municipal Board concerned.

24.   The Inspector shall formally inspect thoroughly at least once in every 2 years each recognized Higher Secondary School for boys in the district. Such inspections should ordinarily last for 3 days. He should send a report of the inspection to the Deputy Director for transmission with, if necessary, his remarks, and a copy thereof to the institution concerned.

Note: At the formal inspection of a Government institution, the Inspector should invariably report on its accounts. If during the inspection he finds that the accounts are not properly maintained he should see that steps are taken to remove all irregularities and defects as soon as possible. He should also report at once to the Deputy Director separately for transmission to the Director if, in his opinion, irregularities in the accounts of a Government institution require that the officers concerned should be warned or punished.

25. The Inspector shall also pay regular visits to Higher Secondary Schools in the district. He should pay a visit at least once a year to every such school that has not been fully inspected. At these visits he should bring his knowledge of the institution up to date, talk over matters of current importance with the head of the institution, inspect classes and discuss with the authorities any special difficulties or needs that have arisen since his last visit. A report to the Director is not necessary but the Inspector may record his remarks in the Visitors' Book or send a separate note to the head of the institution. He should also inspect such unrecognized institutions for boys as apply for recognition.

Note: During the course of his inspection or visit under paras 24 and 25, the Inspector shall pay special attention to the compliance of inspection notes recorded in previous years by him and superior officers, and see that adequate steps have been taken to remove defects and effect improvements as suggested.

27. The formal report of the Inspector should deal with all or any of the following points in regard to which there may be, at the time of inspection anything of importance to remark:

(a) the qualifications and fitness of the teaching staff;

(b) the provision and appliances for instruction;

(c) health, recreation and co-curricular activities;

(d) discipline of students;

(e) state of library;

(f) state of school building and hostels;

(g) scale of fees;

(h) financial stability of the institution;

(i) Constitution of the managing body;

(j) registers;

(k) accounts and correspondence file book;

(l) attendance;

(m) tuitional results and standards and subjects of instruction;

(n) temperance; and

(o) matters relating to the services of the teachers, execution of agreement forms, employment and discharge of teachers, and payment of salaries according to the mandatory scales.

Under (a), he should avoid making reference to teachers by name while commenting on the quality of teaching. The employment of any insufficiently qualified men upon the staff should also form the subject of a separate communication. In the case of aided and unaided institutions, he should satisfy himself that the staff is maintained at the level of efficiency that characterized the institutions when it was put on the grant-in-aid list or was recognized, and should note any changes that take place from year to year.

Under (d), he should note the general tone of the institution as evidenced by the behaviour of the students, their intelligence, their neatness and cleanliness or otherwise.

Under (g), he should note, in the case of government, district and municipal board and aided institutions whether fees are levied at the sanctioned rates. He should also scrutinize the lists of free and half-rate students and ascertain whether or not their progress has been satisfactory. He is authorized to strike off the names of any free or half-free student who is idle or incapable. In the case of unaided recognized institutions, he should note if the scale of fees in force at the time that recognition was granted has been maintained and, if not, report the reasons alleged for modifications.

Under (h), he should inquire (1) what are the various sources of income of the institution and whether the institution is working at a profit or loss; (2) what is done with the balance, if any; (3) whether the salaries paid to teachers are sufficient to provide for the maintenance of an efficient staff; (4) whether the salaries are paid regularly *and in full;* (5) whether fees are realized monthly and fully; (6) whether the accounts are properly kept and checked.

Under (t), he should, in the case of aided and unaided institutions, note any changes which occur in the constitution of the managing body

from year to year, and make any remarks thereon which may seem to him to be called for.

Under (m), the inspection should be a combination of testing the teaching and of examination of the students in the subjects of instruction.

The Inspector may require a lesson to be given to a class before him, in which case he should preferably reserve his own questions till the close of the lesson, or he may, as far as possible, through the medium of the teacher, examine the students with a view to testing the results of tuition, but in no case should the inspection become an examination of individual students. He may further call for the question and answer papers of the periodical examinations to assist him in estimating the success of the teaching.

As a general rule, the ordinary routine of the school should be interrupted as little as possible during the inspection. He is not required to test the class teaching in all subjects but in as many as he may consider expedient at the time of inspection.

He should satisfy himself that promotions to the students have been given in accordance with the departmental orders. He should also satisfy himself that the orders regarding the prohibition against the use of keys or cram books are observed.

Under (n), he should report whether informal talks in class on the evils, both physical and moral, resulting from intemperance, are given by the teachers at intervals during the session.

Under (o), the Inspector should examine whether the institution has been appointing unqualified or untrained teachers without the approval of the Inspector, whether the qualified teachers appointed to the institution have been duly confirmed or not, whether the agreement forms have been executed between the teachers and the management, and whether there is any tendency on the part of the management to 'notice off' teachers at the end of the session. It should be the endeavour of the Inspector to ensure that the teachers of the aided and unaided institutions enjoy security of service and that qualified teachers are

appointed to staff and duly confirmed. The Inspector should also scrutinize whether the vacancies reported by the institutions in the manager's returns have been duly filled in or not. Similarly, special attention should be given by the Inspector to examine whether the teachers are being paid according to the mandatory scales prescribed by the department. Wherever any serious default comes to the notice of the Inspector, he should make a special report about it to the Director through the Regional Deputy Director concerned.

28. The Inspector should undertake tours in the interior of the district for[1] *at least 6 weeks* in the aggregate in the cold weather each year. The work and methods of inspection of the Deputy and Sub-Deputy Inspectors of Schools should be carefully examined. The condition of the Basic Schools, and the progress of compulsory education in the district, should be specially attended to. When compulsion has been introduced in the district, the report should show the progress made in staffing and equipping the schools, in providing satisfactory accommodation, in enforcing attendance and in tuition results; whether the Board has satisfactorily carried out the duties prescribed in the Uttar Pradesh District Board Primary Education Act of 1926 and in the rules made thereunder; and whether the sums the Board is required to spend in the compulsory areas are being properly applied.

The Inspector shall also inspect during the course of the year as many Senior Basic (Junior High) Schools for Boys in the district as possible.

The Inspector should, during his inspection, devote his attention chiefly to testing and guiding the inspection work of the Deputy and Sub-Deputy Inspectors of Schools by inspecting the schools himself and by requiring them to conduct inspection in his presence. After completing his inspection of a school, he should write a report in the logbook of the school in Hindi (...)

The Inspector should also visit as many schools as possible in the municipality or municipalities in the district with the help of the

Superintendent of Education (where there is no Superintendent of Education, with the help of the Deputy Inspector of Schools). After inspection he should send his comments to the President of the Municipal Board on the condition of the schools in the municipality.

The Inspector's report should cover the main points mentioned in paragraph 27 and particularly on points *(a)* to *(i), (m)* and *(o)* mentioned in that paragraph.

47. The rules regarding the inspection of Higher Secondary Schools for boys contained in paragraph 27 apply also to the inspection of similar institutions for girls. Special attention should be paid to the physical well-being of girls in boarding school.

48. When inspecting girls' schools up to the Senior Basic (Junior High) Schools stage, the Inspectoress will observe the general instructions contained in paragraph 28, as well as those given below:

Enrolment and attendance – She should note whether the roll has increased or decreased during the year and should endeavour to ascertain the cause of important variations; whether the attendance is satisfactory, whether or not the names of habitual absentees are duly removed, and whether there is any stagnation in class 1.

Admission and other registers – She should see that the registers are in proper order and duly kept up.

Supply of textbooks – She should see that students are provided with the authorized textbooks and the teachers with bound copies thereof as required under the rules. She should also satisfy herself that the orders regarding the prohibition against the use of keys and cram-books are observed.

Discipline – She should note the general tone of the schools as evinced by the behaviour of students, their neatness and cleanliness.

School building and hostel – She should inquire whether the building is a hired one or whether it is a government, District Board or Municipal Board building, and should note whether it fulfils hygienic re-

quirements in the matter of light, ventilation, drainage, water-supply and floor space.

Tuition – She should, among other things, note whether the school follows a definite timetable of study, and, if so, whether it is satisfactory.

Recognized higher secondary schools

78. Heads of recognized higher secondary schools may, in conformity with the general principles underlying the curriculum, make modifications in the distribution of the work in any subject among the various classes. They may also regroup students in particular subjects independently of the recognized classification.

80. 1. Necessary instructions on the media of instruction are laid down by the Intermediate Board in its Prospectus issued every year, which will be followed by all the recognized institutions. Those in respect of the Junior High School Section are to be found in the Prospectus issued by the Department.

2. It is open to the institutions to use approved textbooks in English, if any, if they wish to do so.

3. Unapproved textbooks on any subject should not be used in any recognized institution.

4. *Language to be used in the classroom*: The teacher should ordinarily use the Hindi language in conversation. He should take care to use expressions that can be understood by all pupils in the class. When he is doubtful as to whether particular boys have clearly understood him, he may express himself in English. Pupils answering questions should similarly express themselves in Hindi or the language that is easily understood by their fellow pupils, but when they have difficulty in so expressing themselves they may use English or their mother tongue.

5. *Blackboard work*: The teacher should employ, when writing on the blackboard, either Hindi or English, according to which language he believes will be more easily understood by all members of the class.

6. *Technical and scientific terms[1]*: Technical and scientific terms may be in English, if no equivalent terms in Hindi are available.

81. The following instructions are issued for the guidance of the heads of recognized institutions:

(a) One full-time qualified physical training instructor shall be provided in every higher secondary school, and every student shall receive physical training at least three periods a week in junior high school and two periods a week in higher secondary school. Attendance should be noted and those found absent, unless exempted by the head of the institution, punished by fine or otherwise. Students who fail to attend the games for less than 60 per cent of the periods allotted for that purpose shall not be promoted for that reason, unless the head of the institution has exempted them.

(b) A student may be given exemption, for the whole session or part thereof, from attendance at games or physical training periods by the head of the institution on the grounds of physical disability or illness.

(c) Heads of institutions are authorized to charge a monthly fee for games and physical exercises from every student ... No fee shall be levied from the Scheduled Caste students who are exempt from the payment of tuition fees.

(d) Heads of institutions may accept subscriptions towards the formation of a games fund.

(e) Detailed accounts of the games fund shall be duly kept and available for the inspection of the District Inspector/Regional Inspectoress. All the receipts realized on account of subscriptions or fees or fines for games shall be deposited immediately by the head of the institution either in a branch of the State Bank of India

or in the Post Office Savings Bank in the case of non-government institutions, and in the local Government Treasury in the case of a government institution, to be accounted for in the Provincial Account under 'Personal Deposits' against the sub-head 'games fund' and shall not be spent direct on any expenditure.

(f) The managers of recognized aided institutions may, in exceptional circumstances only, with the previous approval of the Deputy Director/Regional Inspectoress, as the case may be, take out short-term loans from the Boys' Fund. i.e., Recreation Fund. T, Games Fund, etc. The amount so borrowed should be refunded to the funds concerned within 3 months of the date on which the loan was taken out (...)

The minimum time of instruction, excluding the time devoted to recess, shall be 5 hours from August to March, and 4 hours during summer – April, May and July – when school is held in the morning. The time of instruction will be divided into two meetings daily (...)

88. The head of the institution will be free to draw up a timetable for the school within the framework of general principles to be laid down by the Department from time to time. A copy of the timetable prepared by him [*sic*] for each session beginning in July shall be hung up in a conspicuous place in each classroom for the guidance of teachers and students. A timetable of classes, periods and teachers for the whole institution should also be similarly prepared and placed in a room to which all teachers have access.

89. The responsibility for ensuring that the nature and the amount of home lessons set throughout the institution are suited to the capacities of students is an important part of the duties of the head of the institution and he[*sic*] should from time to time assure himself [*sic*] that the teachers are acting in accordance with his instructions.

90. The following rules apply to all recognized institutions in Uttar Pradesh:

(a) A recognized institution is required to submit to regular inspection by the Department.

(b) The school year in a recognized institution consists of two terms, one of which begins on 1 July and terminates on 31 December, the other beginning on 1 January and terminating on 30 June.

(c) The head of the institution will limit admissions into any class or section of a class to the number of students for which there is accommodation in the classroom, subject to a maximum of 35 students in each section of classes 6 to 8 (...)

Notwithstanding the above, a student whose age exceeds the limits shown above and who is already reading in any recognized institution (Government, aided and unaided), may, with the sanction of the District Inspector on the recommendation of the head of the institution, continue to read in that institution for as long as he secures regular annual promotion from class to class, but shall be required to leave the institution if in any year he fails to secure promotion to the next class.

Note: (1) Relaxation of the age-limit prescribed in this clause to the extent of 1 year may be allowed by the head of the institution concerned in the case of students coming from rural areas.

(i) A student leaving his school or college is not admissible into another school or college in the same district during the currency of the session except with the special sanction of the District Inspector.

(j) A student will not be allowed to migrate during the session from one institution to another after his name has been sent up for an examination conducted by the Intermediate Board,

(k) A student's transfer to another town or station will be permitted at any time during the year on payment of dues, if any, to the end of the current month if –

>   (i)   The parent or guardian has removed from the town or station in which the institution is situated;
>
>   (ii) A medical authority certifies that a change of air is necessary for the student.

(m) A student leaving his school or college during the currency of the term except under rules (i) (k) and (n) will be entitled to a copy of the student register, on payment of all arrears of school or college dues, the tuition fee for the remainder of the current term and the fee for the copy of the student register.

91. A student register will be prepared for every student joining a recognized institution of any and every grade. The student's register must be written either by the head of the institution himself or under his superintendence. The student's record, giving details of his academic attainments, conduct, participation in extra-curricular activities, health, etc. should be regularly maintained in the school by the head of the institution with the help of the class teachers and should form part of the student's register.

92. Successive numbers must be allotted to students on their admission, and each student will retain his number throughout the whole of his career in the institution. A student returning to the institution after an absence of any duration will reclaim his original admission number.

93. The student registers will be bound in volumes of a convenient size, each volume containing 100 forms in the serial order of the students' admission. The register must be preceded by an alphabetical index, with a page or as much space as is necessary being allotted to each letter, the margin being cut in the usual way to admit ready reference to the letter. Against each name in this alphabetical index, the number under which the student is entered in the register must be entered. The registers must be posted regularly.

94. The head of the institution will keep copies of the student registers brought by students from their former institutions in a portfolio, arranged for easy reference, and return to each student his copies upon his leaving the institution. An index must be prefixed to the portfolio showing the name of the student whose register is thus received and the dates of its receipt, of its return to the student or guardian and of receipt for its delivery.

95. (a) Against the entry 'Date of admission or promotion', the date of admission of a student to any class or the date of his promotion from the class to the next higher class should be marked. Thus ; *Admission* – 20th July 1952; *Promotion* – 14th May 1953.

Similarly, if the name of a student is removed, the date of removal and the cause (e.g. non-payment of dues, removal of family, expulsion, etc.), should be shown against the entry 'Date of removal with cause of removal'. All subsequent admissions and withdrawals should be shown in a similar manner.

(b) If under paragraph 90(k) of the Code the student is allowed to migrate to another institution during the currency of the term, the head of the institution will enter at the back of the student's register form, in red ink, "Student permitted to leave under paragraph 90 (k) of the Educational Code" and will sign and date the entry.

(c) There will be at least two examinations in the whole session for which an examination fee shown against item 2 will be charged.

(d) Fees shown against items 4 and 5 will be charged on the condition that the whole amount is used every year for the pupils and nominal balance may be allowed:

"Whatever fee is charged under item 7 for really nutritive refreshment is fully utilized for this purpose and the balance, if any, may not be diverted for other purposes."

(e) A poor boys' fund fee at 6 *naye paise* per month per student may be collected from students who can afford to do so for help to

poor students of the institution in the form of cost of reading and writing material or examination fees. The head of the institution will be personally responsible for the collection, which should be kept in the Post Office Savings Bank, and for which a regular account be maintained. The contribution from students is purely voluntary.

113. If the head of the institution finds more candidates eligible for admission as free or half-rate students than there are vacancies under paragraphs 109 and 110, he will give them preference in the order of merit at the last preceding annual examination, or will, if necessary, hold a special examination for the purpose of ascertaining their respective merits.

114. Free concession allowed under different paragraphs of this Code should invariably be from 1 July to 30 June. Tuition fees, if any, charged for July and the following months from students who are subsequently granted free studentship should be refunded to them during the school session.

115. At the beginning of the school year, the head of the institution will scrutinize the lists of free and half-rate students of the previous year; and if he considers that the parent or guardian of any one of them is now in a position to pay the fees, he will strike off the name of the student from the free or half-rate list, and give notice of the fact to the parent or guardian.

116. Fee concessions to students under any paragraph of this Code are allowed on the condition that the recipient of the concession shall continue his studies with diligence and continue to bear a good moral character. The head of the institution is authorized at any time to strike off the name of a student from the free or half-free list for idleness or failure to secure promotion at annual examination or misconduct, provided that their failure to secure promotion at

the annual examination was not due to circumstances beyond their control, e.g. protracted illness or the sickness of some very near relative in the house requiring attendance to him/her; very serious dislocation caused by flood; death in the family; or such other calamities.

The head of a government institution shall lay before the school committee for confirmation his nominations for exemption from payment of tuition fees at full or at half-rates.

118. The head of a Government institution shall, immediately after the closing of the accounts of each month, send to the Director a statement in Director's form no. 125. The rules relating to the accounts of Government institutions are given in Appendix II.

119. (a) There shall be at least two terminal tests in each of the classes, except classes 10 and 12, where at least one such test will be held, under the superintendence of the head of the institution, who is personally responsible for the results. The questions set in the examination papers in the terminal tests may be either (a) objective; (b) short answer type; (c) essay type; or (d) a combination of the above, as each institution may decide. Practical tests in subjects which demand them, e.g. science, home science, music, etc. shall be held separately and treated as a part of the examination in the subject.

(b) Promotion from class to class will be on the basis of the combined results of the terminal tests of the year, there being an external examination at the end of classes 10 and 12. A student is required to pass in all the subjects in the tests taken together; otherwise he will not ordinarily be promoted to the next higher class. Similarly, students of classes 10 and 12 are required to pass in all the subjects in the terminal test(s), otherwise they will not ordinarily be permitted to appear at the High School or Intermediate Examination. The pass percentage in each subject will be 33 per cent and with such grace as the head of the institution may allow. If,

however, a student is unable to appear at any one of the terminal tests for valid reasons with which the Headmaster/Principal feels satisfied, his marks of the remaining test or tests in which he has appeared may be counted and he may be promoted or sent up to the Board's Examination, as the case may be, if he passes in all subjects and achieved 33 per cent in the aggregate of the examinations at which he has appeared. The heads of institutions are authorized for sufficient reasons to promote students or to send them to the Board's Examinations as the case may be, notwithstanding their failure to pass at the terminal examinations. The marked answer-books shall be shown to the candidates in the class. Monthly tests may be taken into account.

The students to be promoted shall have put in 90 per cent of the total attendance during the period in which their names appear on the roll, from the date of their first admission to the class, exclusive of leave granted for medical or other legitimate reasons. The Inspector and the rest by the Director may condone shortage of attendance in the case of deserving students who have put in not less than 75 per cent attendance.

120. Heads of institutions may give promotions above class 6 to deserving boys during the year with the sanction of the Inspector.

121. A student who fails to obtain promotion for three consecutive years must be withdrawn from the institution.

122. Heads of institutions should maintain a register of the marks gained by each student in each subject at the terminal examinations and of the orders regarding promotions for the inspection of the Inspector when he visits the institution. The question papers and the answer-books of terminal examinations should be kept for 1 year after the announcement of the results, for inspection by the Inspector.

123. The head of the institution should arrange to publish the results of the examinations before the end of the term.

124. (a) It is important that heads of institutions keep parents fully informed of the progress of their sons, and with this object reports should be issued by them to parents at the end of each terminal examination giving details of the marks obtained by their sons at the terminal examinations, the number of attendances kept and such general remarks as may seem necessary. In order to secure a more intimate contact between the teacher, the taught and the guardian, it is necessary that students of each institution be divided into convenient groups and that each group be placed under the charge of a teacher who will act as tutor-guardian to his group. The teacher will be required to maintain a register in which he will record his observations about them. A specimen form of the register is given (vide Form No. 8-A) in Appendix I for the guidance of teachers. At the time of assignment, care should be taken that, as far as possible, such a teacher is placed in charge of such students as live in his neighborhood.

(b) Students Advisory Committees, where they may be considered feasible, should exist to help the heads of institutions in maintaining discipline.

(c) Occasional meetings of guardians and teachers should be convened where cases of indiscipline may be discussed and remedial measures thought out,

139. The following registers must be maintained in recognized Higher Secondary Schools:

(a) Student attendance register.

(b) Teacher attendance register.

(c) Files of students' registers.

(d) Fees account book.

(e) Inspection report file.

(f) Games account book.

(g) Bill books and acquaintance rolls.

(h) Cashbook.

(i) Register of free and half-rate students.

(j) Register of results of school examinations.

(k) Logbook.

(I) Stockbook.

(m) Correspondence and index register.

(n) Catalogue of library books.

(o) Issue-books.

(p) Visitors' book.

(q) Order book.

(r) Portfolio or guard book of Departmental circulars.

(s) Attendance register of the hostel.

(t) Hostel account book.

(1) The head of the institution should enter in the logbook the results of his class inspections and other facts concerning the institution or its teachers, such as a committee of duty, cautions, illness, etc. which are likely to be required for future reference. Once made in the logbook, no entry may be removed, nor may it be altered otherwise than by a subsequent entry.

(2) In the case of government institutions, the stockbook should be maintained in the form prescribed by the Department and checked at least once a year by the head of the institution.

143. The following are the rules regarding the appointment of teachers in all recognized institutions:

(a) No person may be appointed as a teacher in a recognized Higher Secondary School unless he possesses the minimum qualifications prescribed by the Intermediate Board or is specially exempted from this by the Department or the Intermediate Board. An uncertified person may be appointed as an assistant master with the permission of the Inspector/Inspectoress, provided he has passed

at least the High School examination of the Intermediate Board or an examination accepted by the Intermediate Board as equivalent to its High School examination. Permission to employ an untrained teacher will be given only when the Inspector/Inspectoress is satisfied that in spite of the best efforts of the management, no qualified/trained teacher was available for appointment and, further, that the candidate for whose appointment permission was sought was otherwise suitable. The teacher so appointed by the management with the prior approval of the authority concerned shall be given a written appointment letter by the management, which shall provide for payment of a salary to the teacher during the period of vacation according to Departmental instructions and clearly specify the period for which the appointment is made.

For the purposes of the rule, the certificates ordinarily required are one of the following:

L.T. (1) The L.T. diploma awarded by the Education Department or an equivalent degree or diploma in education awarded by a University established by law in Uttar Pradesh, and approved by the Department.

TC. (2) The Teachers' Certificate for undergraduates awarded by the Department.

JTC. (3) The Junior Teachers' Certificate awarded by the Department.

(4) The Acting Teachers' Certificate of the Department.

(5) The Junior Basic Training Certificate.

Note: The Director will determine whether in special circumstances any other diploma or certificate shall be accepted as the equivalent of a teachers' certificate for the purposes of this rule.

(a) Every permanent vacancy in the institution occurring before the commencement of the academic session shall be filed by 31 July, every year by substantive appointment and not otherwise, except with the written permission of the Inspector/Inspectoress. Teachers

shall be employed for 1 year on probation and on the minimum pay of the mandatory scales of pay approved by Government. They shall be given a letter of appointment specifying the terms of and conditions of service and the scale of pay on which the appointment is made. Subject to the prior approval of the Government, the Director may on the request of a manager agree to allow, in special cases, for purposes of grant-in-aid, higher starting pay in the prescribed scale as may be considered suitable to such teachers as would not otherwise be available owing either to the unattractiveness of the area in which the school is situated or the society of suitably qualified teachers in the particular subject or subjects for which the appointment is sought to be made, or for any other special reasons to be specified in writing. If the teacher fails to qualify himself for permanent appointment in accordance with these rules during the period of probation, the Managing Committee may execute his period of probation for a further period of not more than 1 year. The total period of probation shall in no case exceed 2 years.

(b) No teacher or head of a recognized institution (government, aided and unaided) will be confirmed in his appointment until he has passed the High School Examination with Hindi as one of his subjects.

(c) No person shall be employed in a recognized institution who has not resided for 3 years in Uttar Pradesh.

(d) The manager of a recognized institution shall report to the Inspector/ the Inspectoress as the case may be all changes in the number, pay and qualifications of the staff employed in the institutions in forms nos. 15-A and B in duplicate, within a fortnight of the change taking place. The Inspector/Inspectoress will return one copy of the forms to the manager with such comments as may be necessary.

(e) The services of every permanent teacher, including the headmaster or principal, head clerk, clerk and librarian in recognized non-government institutions in whose case an agreement has been executed, shall be regulated in accordance with the agreement laid down in Appendices V, VI or VII.

(f) Except in the case of leave arrangement or temporary short term vacancies not exceeding 4 months, or a vacancy on which a permanent teacher holds a lien, no qualified teacher should be given an officiating appointment, but should be appointed on probation, and agreement should be made with him/her within 1 month of the date of his/her appointment.

(g) A person appointed before October 31, whether as a temporary measure or substantively, shall be entitled to vacation pay if he/she has worked continuously and satisfactorily from the date of appointment up to the last working day of the academic session.

(h) No headmaster/principal/teacher/clerk with whom the agreement in the prescribed form has not been executed may be dismissed, removed, suspended or discharged from service without the prior approval of the Inspector/Inspectoress. Any order of punishment made by a Managing Committee or on its behalf against a headmaster/principal/teacher/clerk etc., appeal for which is not provided in the rules or in any form of agreement prescribed to be executed between the management and such Headmaster/Principal/teacher/ clerk etc., shall be applicable to the Inspector or Inspectoress. In the case of the Principal/Headmaster/teacher/clerk/librarian, a second appeal shall lie from the order of the Inspector/Inspectoress to the Regional Deputy Director/In charge, Kumaun Region in the case of boys' institution and to the Deputy Director (Women) in the case of girls' institutions. The decision of the Deputy Director of the Region/In charge, Kumaun Region or the Deputy Director (Women) shall be final.

(i) The management shall furnish to the Inspector/Inspectoress any information, explanation or records which might be requisitioned by the Inspector/Inspectoress for a decision in any proceeding or appeal which might be filed by the Headmaster/Principal/teacher, etc. of the institution against the order of the management affecting the service rights and emoluments of the Headmaster/Principal/teacher, etc. The management shall furnish such information and comply with the directions of the Inspector/Inspectoress within fifteen days of the receipt of the requisition.

(j) The age of superannuating of the Principals/Headmasters teachers/clerks and other employees in recognized non-Government institutions shall be 60 years. In special cases, extension beyond the age of 60 years may be given by the Director for 1 year in the case of Heads of non-Government institutions and by the Regional Deputy Directors or Inspectoress of Girls' Schools in the case of assistant masters/clerks/librarians. But all cases of extension beyond the age of 61 years will be referred to Government for orders.

144. A manager of an institution is not entitled to entertain an application for employment during the currency of the school/college session from a candidate who is serving as a teacher in another recognized institution, unless the manager of the institution in which the teacher is serving recommends the application. No aided institution shall employ a teacher dismissed by another aided institution without the previous approval of the Director.

(iii) On the representative of the heads of the institutions: The Provincial Manager's Association and that of the heads of the institutions by the Uttar Pradesh Secondary Education Association shall nominate the representative of the managers. The Regional Inspectoress may be present at the meetings to advise the Board when cases of lady teachers are considered.

No application for the transfer will be entertained unless recommended by the manager of the institution who will also indicate the requirement for the substitute. Mutual transfers can be arranged with the approval of the Board.

148. Teachers in recognized institutions must obtain the permission of the Head of the institution before providing private tuition. The cases of teachers serving in Government institutions are governed by rule 47 of the Fundamental Rules. In the case of teachers serving under a District or Municipal Board, the previous sanction of the board and the approval of the Inspector are required. Permission to provide private tuition to a student taught by the teacher should be sparingly granted and only for very special reasons, which should be recorded.

(1) Heads of institutions are not allowed to provide private tuition.

(2) The number of hours given by a teacher to private tuition should not exceeded two per day or 12 per week. A teacher may provide two separate periods of tuition of 1 hour each in the same day. Consultation by the head of the institution with the manager may in special cases permit a teacher to undertake more than two such periods of tuition, provided that this does not impair efficiency in teaching in the institution.

(3) If a teacher is proved to have contravened the rules regarding private tuition, his conduct would be considered to amount to insubordination under clause 7 of the agreement.

150. A teacher in a recognized aided institution is permitted to accept membership of a District Board education committee provided (i) he has first obtained the consent of the Manager, (ii) his work in the institution shall have precedence over his work as member of the education committee, and (iii) the Manager may require him to take casual leave on any occasion on which he desires to attend the education committee during school hours for the second time in one month.

151. (a) Recognition up to the Junior High School standard is given by the Inspector/Regional Inspectoress as laid down in Chapter V of this Code. (b) Recognition for High and Intermediate sections of institutions rests with the intermediate Board and applications for that purpose should be made to that body in accordance with its Regulations.

Recognized Junior Basic (Primary) and Senior Basic (Junior High) Schools

161. The courses of study for the various classes and the textbooks to be used in the schools under the control of District/Municipal Boards are from time to time prescribed by the Department in the curricula for Junior Basic (Primary) Schools and Senior Basic (Junior High) Schools.

162. A statement in Hindi showing the curriculum and another showing the approved textbooks must be hung up in a prominent place in the school. In the latter statement, the retail price of each book should be shown. No recognized school shall use any textbooks other than those specified in the prescribed curricula, save with the previous approval of the Director.

163. The orders contained in paragraph 85 regarding the use of keys apply also to Primary and Junior High Schools.

164. No teacher in recognized Junior or Senior Basic School shall take part in political agitation directed against the authority of Government or inculcate opinions tending to excite feelings of political disloyalty or dissatisfaction among the pupils or create hatred between different classes of Government servants.

165. The Deputy Inspector of Schools/Superintendent of Education shall draw up a general timetable for his District/Municipality as a guide to teachers, showing the time to be devoted daily to each subject in each

class, as also the time at which the attendance of the students should be marked.

166. The session in Senior Basic (Junior High) School commences from July 1. In Junior Basic (Primary) Schools new classes may be formed as soon as the annual promotion examinations have been completed. In the case of Scheduled Caste students, the period of admission to class I will be extended by a fortnight at the beginning of each term.

    Note: For Junior High Schools where Agriculture is taught as a subject, the President of the District Board or the management of the school may, on the advice of the District Inspector of Schools, open the school any time before July 1, but not earlier than June 15 and the session in such school shall be deemed to commence from the date it opens after the summer vacations.

167. The hours of work for primary and Junior High Schools, both for boys and girls, under the control of the District/Municipal Boards, are prescribed by the boards themselves, with a view to observing uniformity in the matter. However, the following working hours are laid down for the guidance of the heads of institutions concerned:

168. Admission to any class or section of a class of a Junior High School shall be limited to the number of pupils for whom there is accommodation at the rate of 12 square feet per pupil, and shall not exceed 35 in any section.

    Note: (1) – The Deputy Inspector of Schools may sanction extra admission up to a maximum of three students in excess of the limit, provided that accommodation exists for them at the above rate.

    Note: (2) – In special cases, the District Inspector of Schools may sanction admission up to a maximum of 45 in a class or section of a class of a Junior High School provided only that accommodation exists for them at the above rate.

169. In all the Junior High and Primary Schools (including girls' institutions at the time of new admissions to a class), one out of every six seats should be kept open to students of Scheduled Castes for a week after the beginning of the annual session and thereafter they may be thrown open to others.

170. Ordinarily no student should be admitted to a school until he is five years of age. The prescribed form of application *(*Form No. 8 of Appendix I) must be filed under the headmaster's signature among the school records. Rules regarding entry of date of birth is the same as in paragraph 90(d). The head of an educational institution should accept as correct whatever caste is recorded in the admission form or is claimed by the guardian at the time of admission and should make entries in the records and certificates in accordance with such admission form or such claim.
Note: The District Inspector of Schools may approve a change in the date of birth of a student only at the time of confirmation of the entry as soon as possible after the student has passed class V, as laid down in G. O. No. A-3S45/XV – 2089-50, dated July 5, 1951. All cases under this provision, including those admitted prior to issue of the Government order, should be referred to the Director.

171. The Headmaster of a Primary School or Junior High School under a District/Municipal Board may punish a boy in a manner suited to the offence, e.g. by detention after school hours, or by assigning a piece of physical or manual labour to be done by a boy after school hours. If in his opinion the offence deserves severer punishment, he should report the circumstances with his recommendation to the Deputy Inspector of Schools/Superintendent of Education for the expulsion of the student from the school. If, however, in the opinion of the Deputy Inspector/Education Superintendent the fault committed by the pupil is of a nature as to deserve severe punishment, he shall forward the case to the District Inspector of Schools with his recommendations and the

District Inspector of Schools may debar the boy from re-admission to any institution in the district for a specified period of time.

Notes: (1) A student awarded punishment for detention or manual labour under this paragraph should not be detained for more than one hour after school hours.

(2) All cases of expulsion or rustication should be entered in the Student's Register.

Leaving Certificate.

172. The examination of class V that concludes the full primary course will be conducted in the following manner:

(a) The headmasters of 4 or 5 neighboring primary schools will jointly examine their boys at a centre under the direct supervision of a Sub-Deputy Inspector of Schools, who will arrange for the setting of the questions and the marking of the answers by the teachers and for a *viva voce*. The Sub-Deputy Inspector will have power to moderate the questions, stiffening them if he considers it necessary so to do, to review the marking, and to revise the results of the examination. He will also report to the Deputy Inspector of Schools, for such action as may be desirable, cases in which he finds that a teacher's standard of questions is too low or the marking of answers by a teacher is unsatisfactory.

(b) The above procedure will apply to Municipal Board schools also, except that the Superintendent of Education of the Municipal Board, where there is one, will supervise the examination instead of the Sub-Deputy Inspector. In municipalities where there is no Superintendent of Education, the Chairman, Education Committee of the Board may ask the Deputy Inspector of Schools to depute a Sub-Deputy Inspector to supervise the examination. The report regarding the standard of questions and marking of answer-books should be submitted to the Chairman of the Education Committee instead of to the Deputy Inspector of Schools.

183. The annual promotion examination of all classes up to and including class VII of the Junior High School stage will be conducted by the headmaster of the school and should be completed by May 31.

184. Students may be promoted from one class to another in all the classes up to and including class V in the primary stage by the headmaster at any time he considers them fit for promotion.

185. No student will be admitted to the annual promotion examination of class VI or class VII unless he has put in 90 per cent of the total attendance during the period his name was on the rolls of the institution in this school year from the date of his first admission to the class, exclusive of the leave granted on medical and other legitimate reasons. Shortage of attendance in the case of deserving students who have put in not less than 75 per cent attendance may be condoned by the Deputy Inspector of Schools in the case of the District Board and private Junior High Schools and by the Superintendent of Education in the case of Municipal Board Junior High Schools. The Deputy Inspector/Education Superintendent to the District Inspector of Schools for consideration and orders may refer cases of shortage of attendance below 75 per cent.

186. (a) A student who fails to obtain class promotion for 3 years consecutively must be withdrawn from the school. A student of class 8 who does not pass the Junior High School Examination within 3 years following his admission into the class will be removed from the school. A student may, in exceptional cases, be allowed to continue in the same class for another year if the inspecting officer is satisfied that the student was unable, owing to illness, to take the final examination at the end of his third year in that class.

(b) The headmaster should prepare annually for the district inspecting officer a list of students in the various classes who have not made

sufficient progress to qualify them for promotion to the next higher class at the end of the year.

(c) This list will be kept in the school and will be scrutinized by the district inspecting officer when he visits the school. He will discuss the list with the headmaster and take all possible steps to ensure that all normal boys who join the lowest class complete the full primary course within the maximum period of 5 years, that progress is steady and uniform, and that there is no neglect of duty in the matter on the part of the headmaster.

(d) The district inspecting officer should also see that the boys in the different classes have actually attained the standard of the classes to which they have been promoted.

187. The headmaster of each school must maintain for each academic year the following registers, which should be initiated at the commencement of the school session:

(1) student admission register;

(2) student attendance and fee register;

(3) visitors' book;

(4) logbook;

(5) counterfoil book for the issuing of leaving certificates;

(6) file book for the receipt of leaving certificates;

(7) file book for circulars, lists of furniture inspection report, etc;

(8) correspondence register;

(9) file book containing admission forms; and

(10) teachers' attendance register.

188. A headmaster should forward to the Deputy Inspector copies of all remarks recorded in the visitors' book.

189. The rules for Junior Basic (Primary) and Senior Basic (Junior High) Schools for girls are the same as for similar schools for the boys (omitting paragraphs 156, 165, 166, 171 and 189) except insofar as the rules in this Section modify them.

190. The session in Junior Basic (Primary) and Senior Basic (Junior High) Schools for girls not maintained by government in District Board areas will conform to the session in boys' schools. The session and vacation in all government Junior High Schools for girls will be as given in paragraphs 201-202. Sundays will be observed as a class holiday in all girls' schools.

191. A girl applying for admission who has not previously attended any recognized school may be admitted to the class for which the headmistress considers her fit.

192. The name of the student who does not rejoin a school within 7 days of the commencement of the session shall be struck off the roll.

Chapter 7
Teachers' codes of practice (Nepal)

Highlights of the *Policy Recommendations on Teachers' Code of Conducts and Role Istihar,* BS 1996 (AD 1940)

1. The *Badahakim* (Local Governor), who is also the chairman of the School Management Committee (SMC) of his area of jurisdiction, shall be the responsible person for recruitment and dismissal of teachers. For conduct and ethics-related trivial issues, the case will be reported to the Director for necessary action. (30)
2. SMC shall be responsible for deciding granting of leave, increasing or decreasing salaries according to the capacity and in case of offence by teachers and the pundits on deciding the fines from one *aana* to Rs. 2000/-. The decision should be reported to the Director-General. (32)
3. Teachers should obtain approval from SMC for private tuition. Approval shall not be granted if the private tuition being applied for harms school teaching, and except where special reasons are given teachers with an academic qualification above grade 8 should not be permitted to give private tuition to his/her students on his/her own subject.
4. To become members of any organization, teachers should obtain the approval of *Badahakim* or the Director-General. (40)

Recommendation of Nepal National Education Planning Commission, BS 2011 (AD1955)

- There cannot be impressive teaching unless the teachers are trained. Incompetent teachers should be removed and gradually trained and competent teachers should be deployed.

- As teachers become more trained and learned, their practice in the classroom will improve. Teachers should be trained every year.
- Teachers should be trained in modern methodologies and educational psychology.
- There should be careful selection in the recruitment of teachers.
- There should be regular monitoring of teacher performance.
- Teachers' minimum pay scales should be fixed and the pay increase should be based on result-based teaching performance.

All-Round National Education Committee Report, BS 2018 (1962)

1. The teaching profession should be made attractive. To achieve this:
   - the salary scale of teachers should be higher than that of civil service personnel;
   - teachers should be selected with the utmost care to ensure recruitment of people with good morale and character, who are well-learned, competent and dedicated to teaching with the utmost will;
   - There should be uniformity in the salary scales of teachers and teacher positions should be made pensionable and permanent;
   - There should be provision of health coverage for teachers to ensure the treatment of illness.

2. Secondary-level teachers should have minimum qualification of a Bachelor of Arts (BA), B.Sc. or *Shastri* at the entry stage, considered the first stage. In the second stage, the teacher should be experienced and have acquired honours or achieved a distinction or first class, and be trained in their subject.

3. A teacher should be of high moral and ethical standing:
   - A person who has been convicted and punished should not be recruited as a teacher;

−   Alcoholics and persons addicted to hashish and opium cannot be teachers;
−   A teacher should not smoke in the presence of students;
−   Private tuition classes should not be run in the school compound and during school hours;
−   A teacher who is 15 minutes late by school starting time should be warned; those who are late by more than 15 minutes should be considered absent:
−   Every teacher/personnel should sign in the register mentioning the time of arrival and departure.

National Education System Plan, BS 2028 (1972)

Teachers should have following minimum qualifications:
•   SLC and training for primary;
•   Intermediate of Arts (IA) and training for lower secondary;
•   BA and training for secondary;
•   The National Education System Plan instituted for the first time the recruitment of teachers through the Education Service provision under His Majesty's Government, Ministry of Education.
•   Salaries and allowances are fixed nationally.
•   The following criteria are considered for teacher promotion:
    −   academic qualification;
    −   service year;
    −   medal/s credentials;
    −   health;
    −   experience working in the remote area;
    −   in-service training; and
    −   research work
•   After retirement, teachers are entitled to a lump sum grant.
•   The teacher-student ratio is mentioned for the purpose of teacher quotas as well as for classroom improvement:

1:30 for primary; and
1:25 for lower secondary and secondary.

Teacher's Code of Conduct in Education Regulations BS 2028 (AD 1972)

School teachers should observe the following codes of conduct:

1. Teachers should take teaching and learning as the main goal;
2. The feeling of national unity should be developed/raised through the school or educational institution;
3. These latter should not propagate any sentiment and feelings among teachers and students that are offensive to other language groups, ethnicities and religious groups:
4. Students should get equal and impartial treatment in school:
5. Teachers should promote obedience, discipline, good will, co-operation, good manners, sympathy, patience and good character;
6. Teachers should not perform any activities that reflect the dominance of one teacher over another and should not bring forth malice in students;
7. Teachers should play the role of an example to the students in following codes of conduct;
8. Teachers should undertake the life of simple living and high thinking;
9. Teachers should not go against the *Panchayat* system.

Records detailing whether the codes of conduct are followed or not by the teachers should be maintained by the HT and of the HT by SMC, with a copy being sent to the District Education Office.

National Education Commission Report, BS 2049 (1993)

- Teacher training is mandatory for those joining the teaching centre.
- Management for providing training to those who have entered the job but not been trained should be made compulsory.

- Females should be given priority for recruitment and training.
- Salary and other benefits should be increased according to the level of training.

High Level National Education Commission Report, BS 2055 (AD 1999)

- There should be national commitment to making training compulsory for joining the teacher service.
- To make educational activities qualitative and impressive, recruiting trained teachers in community and private schools should be emphasized.
- Salary provision for trained teachers should be higher than for the untrained.
- An independent and impartial national teacher service commission for the recruitment of competent teachers should be established.
- To ensure the selection of competent persons for teacher recruitment, the teaching license should be enforced and the SMC should recruit teachers temporarily from among the license holders.

BS 2058 (AD 2002) Report of the High Level Working Committee on Education

- To develop professional efficiency in teachers and improve the quality in education, the teaching license will be enforced in all levels of school. Only trained persons can sit the examination for the teaching license. Teaching licenses will be renewable every 5 years.
- The SMC will recruit new teachers from among the teaching license holders on the basis of a competitive selection procedure.
- Working teachers will obtain a temporary teaching license on the condition that they obtain a permanent license within 5 years. These teachers should sit for the examination conducted by the teachers' service commission.

- Those who are unable to acquire a permanent license within 5 years will be retired voluntarily with the provision of special termination incentives.

Teacher recruitment and service provisions
Teachers' position classification

Teaching posts at the primary and secondary levels of education come under the same administration and are differentiated at three levels: primary level, lower secondary level and secondary level. These three levels are hierarchical in terms of salary and status. A secondary level teacher receives a salary equivalent to that of a gazetted government officer, whereas the lower secondary level teacher obtains the facilities of non-gazetted staff. The facilities of a primary level teacher are equivalent to that of an assistant.

In each of the three levels of teachers, hierarchical classes are created for differential promotion of the teachers within the level: first class, second class and third class teachers. The first recruitment is at the third class, with teachers being gradually promoted to second class and then eventually to first class. Academic qualifications, training, work performance and service years are the basic parameters for promotion. The higher the class, the higher the basic salary, grade and pensions and medical facilities.

Teacher Service Commission, recruitment, placement and transfer procedures

The Teacher Service Commission is constituted according to the Education Act. Three members, including one chairperson, are nominated by His Majesty's Government for the Commission. The Commission is mandated to recruit and promote teachers for the positions approved by the government.

Teacher selection process

Teacher vacancies are assessed and processed for recruitment at the district level. Teacher vacancies and the request for fulfilment are forwarded to the Teacher Service Commission. It is then advertised at the national level. Every Nepali citizen who fulfils the minimum academic qualifications and is between the ages of 18 and 40 can be a candidate for a teaching post. For primary level, the minimum academic qualification is currently to have passed the School Leaving Certificate (SLC) Examination. At the lower secondary and secondary levels, the minimum requirements are the Proficiency Certificate and Bachelor level respectively.

The Teacher Service Commission undertakes selection for recruitment. The selection process involves a written examination and interview. Selected teachers are appointed by the DEO. Teacher promotion also follows the same procedure. The promotion criteria are based on academic qualifications, training, work experience and performance level.

The successful new candidate teachers and promoted teachers are recommended to the District Education Office for placement. The teacher transfer is undertaken by the office of DEO based on the decision of District Education Committee. The DEO office seeks the approval of both the schools, including that school where the teacher is currently working and school in which the new placement for the transfer is envisaged. Newly recruited teachers are required to undergo a one-year probation period. After satisfactory performance during the probation, they are considered permanent teachers.

Oath of office

Before commencing the job, a teacher must submit a written oath of office as follows:

In the name of God, with my utmost knowledge and capacity, I shall perform my duties honestly within the present Education Acts, Regulations

and laws, taking it as my moral obligation, sincere to my profession and nation, without any fear, discrimination and greed. I shall not pass any confidential facts relating to my office to any other except the concerned authorities while in office.

(Translated from Nepali)

Teacher deployment and support

At the primary level, teachers are provided to government-aided schools according to school needs and student numbers. The minimum student numbers for extension of class/section and for an additional teacher quota are: Valley/Terai – 50, Hill – 45, Mountain – 40.

• Supervisors at the DEO office provide professional support;
• Resource Centres (RCs) are established at the central school of about 15 primary schools clustered for the purpose. RCs are professional support centres for the cluster schools both in terms of materials and short-term training/orientation. At the secondary level, Secondary Education Development Units (SEDUs) are established in about 25 districts to provide such support to the secondary teachers periodically;
• The DEO keeps a record of teacher performance;
• The head teacher is the first performance evaluator.

Appointment of head teachers

The position of head teacher is a time-based post: it is a four-year term renewable several times. The appointment of a head teacher differs to the appointment of a school teacher. The appointment is done by the DEO based on the recommendation of the SMC and on the following criteria:

i.	Academic qualification	–	30
ii.	Teaching experience	–	30
iii.	Training	–	20
iv.	Leadership capacity	–	10
v.	Relationship capacity with community	–	10

100%

The SMC recommends two probable candidates, each of whom must secure a minimum of 70 per cent, to the DEO. The DEO then appoints the head teacher securing the highest percentage.

The DEO can terminate the terms of head teachers prior to the completion of the designated term on the recommendation of SMC if his/her performance is unsatisfactory or if he/she lost the moral and ethical ground.

The head teacher receives an additional allowance for performance.

Salaries and other benefits

Teachers are entitled to the designated salary according to the pay scale fixed by HMG from the day of office, which is very similar to the pay scale of the civil service.

Allowance for Dasian

An amount equivalent to 1 month's basic salary is provided to all teachers, as in the case of other government service, during the Hindu festival of *Durga Puja*.

Provident fund

This is the provision for a cumulative setting aside of 10 percent of the basic salary and annual increment of all the permanent teachers, with

an additional and equal amount being provided by the government. The cumulated amount also receives interest, as in a bank deposit. Teachers can obtain loans against the deposit. The provident fund is disbursed after termination of service.

Leave

There are seven types of paid leave for available for teachers:
• casual (6 days);
• special function (*Parva*; 6 days);
• sick leave (12 days);
• maternity leave for teachers (mothers 60 days and fathers 7 days, up to two issues);
• study leave (3 years);
• funeral rites leave (15 days);
• leave without pay (3 years).

If sick leave is not taken, teachers receive pay for the accumulated leave days based on their current basic salary at the time of termination from the job.

The education regulation also lists the provisions of pension; gratuity, medical allowance and other benefits for the teachers based on the number of service years.

Moreover, if a teacher dies in an accident while on deputation, the spouse is entitled to a family pension for the duration of his/her life. Two children are also entitled to an education allowance and subsistence allowances up to the age of 18 years.

Teacher record

Individual teacher records are kept in the office of the Teacher Record Office. There is a form that lists individual background information,

including family background, citizenship, health, academic standing, training, etc.

Teachers' code of conduct: Article 133

The seventh amendment of the Education Act and the following education regulation have outlined the code of conduct for teachers. The code outline is based on the general feeling that the teacher should be an ideal person so that he/she can shape the thinking and the character of his/her pupils in positive way. The codes provide quite a clear message that teachers should perform the designated task. The following is the list of guiding codes for teacher conduct. They state that a teacher:

• should undertake the designated task in the designated school placement;
• should comply with the school calendar and daily schedule, should be present in the school full-time, and should not be absent without prior leave approval from the school authority;
• should not impose/influence individual values and political desires;
• should not be member of any political party;
• should not indulge in publication of or propagation through press or any media, any message that may implicate the harmonious relationship of His Majesty the Government with the people in the country, as well as with other countries;
• should consider teaching learning as the sole working objective, with the ultimate goal of enabling students to become able citizens;
• should promote self-discipline, obedience, goodwill, co-operation, good manners, morality, sympathy, patience, and good character;
• should not propagate any sentiment and feelings among the teachers and students that are offensive to other language groups, ethnicities and religious groups;
• should not get involved in other jobs without prior approval of the SMC and DEO;

• should promote feelings of patriotism, national harmony, integrity and unity;

• should not indulge in activities that obstruct the duties of any office and the officers, should not disturb the security and peace in the country, should not indulge in activities that adversely affect sovereignty and integrity of the country, and should not indulge in activities that degrade morality, public sentiment and the dignity of court.

The codes are applicable to all people in teaching profession at all levels and in all job conditions such as volunteer teacher, temporary teacher or permanent teacher.

At the early stage of preparing the codes, a very limited number of people were involved in designing the codes. Policy-makers and administrators visualized the feelings of the parents and national objectives of the curriculum sketch, then the draft of the codes was then discussed among the stakeholders. Opinions of some of the teachers, professional organizations, administrators and policy-makers were collected before preparing the final draft of the code. Finally, the draft codes are edited by legal advisors and sent to cabinet for approval.

Roles and responsibility of the head teacher

The teacher codes discussed above also apply to head teachers. In addition, Education Regulation 2002 lists the roles and responsibilities of a head teacher extensively as follows:

i. to maintain an educational environment, quality and discipline in schools;

ii. to create an environment of mutual co-operation among teachers, administrative staff, students and guardians co-ordinating with teachers and school administrative staff;

iii. to work for maintaining discipline, good character and manners;

iv. to prepare the class routine with the consultation of teachers and monitor it;

v.   to manage cleanliness, extra-curricular activities etc.;

vi.   to manage and supervise administrative activities in the school;

vii.   to enrol students and conduct examinations;

viii.   to issue transfer certificates (TCs) and other certificates to the students;

ix.   to record the important activities of the school;

x.   to collect the amount of rupees from the teachers' salary while performing the duty consciously or unconsciously;

xi.   to take action, including firing with the recommendation of SMC teachers who are appointed on school source;

xii.   to keep a record of actions taken against the teachers and administrative staff and provide information to the District Education Officer and Supervisor if necessary;

xiii.   to present the reports of conduct and performance evaluation to the district education office and SMC;

xiv.   to recommend to the District Education Office and management committee the reward or punishment of teachers;

xv.   to call a staff meeting at least once a month on the prevailing issues of the school and record the details of these meetings;

xvi.   to forward the paysheet of teachers and staff to the SMC who are appointed to be paid from the school source for approval;

xvii.   to take precautions to prevent ill-manners in the school and hostel area;

xviii. to implement the annual programme after approval of SMC;

xix.   to implement the monthly, half-yearly and annual academic calendar after preparing it;

xx.   to send teachers for training to the DEO after the approval of SMC;

xxi.   to rusticate the students from the school if they are violating school regulations;

xxii.   to follow the curriculum and textbooks in the school approved by the government;

xxiii.   to spend the amount of money according to the directions of SMC and authority and mention the income-expenditure record;

xxiv.   to conduct periodical examinations regularly and fairly;

xxv.   to maintain the annual increment of teachers who fail to succeed in their subject at less than 15 per cent or commit irresponsible or undisciplined activities;

xxvi.   to conduct classes or ensure that teachers conduct classes daily as required by the authority;

xxvii.   to send out the paysheet of teachers whose positions are approved by the government to the District Education Office;

xxviii. to fix up the roles and responsibility of teachers and staff under their authority;

xxix.   to follow and make follow the directives given by the DEO and management committee;

xxx.   to make available the progress report and school data in prescribed form on the necessary date, verifying from the supervisor;

xxxi.   to forward the performance evaluation forms of teachers appointed from the source of the school to SMC.

Chapter 8
Standard for Full Registration in Scotland (United Kingdom)

The General Teaching Council for Scotland (www.gtcs.org.uk) was established under the Teaching Council (Scotland) Act 1965. It was the first such body for teachers in the United Kingdom and, indeed, one of the first teaching councils in the world. One of the fundamental principles underlying the work of the Council is that of professional self-government.

The *Standard for Full Registration* specifies what is expected of a teacher seeking full registration with the General Teaching Council for Scotland.

The *Standard for Full Registration* serves two main purposes. It has to provide:
- a clear and concise description of the professional qualities and capabilities teachers are expected to develop in the course of induction;
- a professional standard against which reliable and consistent decisions can be made on the fitness of new teachers for full registration with GTC Scotland.

The *Standard for Full Registration* (Appendix I)

The 'Illustrations of professional practice' are indicated in italics below.

Professional knowledge and understanding curriculum

Registered teachers should have detailed knowledge and understanding of the relevant areas of the pre-school, primary or secondary school curriculum.

Registered teachers ...
• *Have secure knowledge and understanding of the theory and practical skills required in the curriculum area or subject(s) to be taught;*
• *Understand how to match the level of the curriculum area or subject(s) to be taught to needs of pupils;*
• *Use and adapt materials for learning and teaching which stimulate and challenge pupils;*
• *Have knowledge of some current developments in subjects taught and how these may be integrated into their teaching and resources for learning.*

Registered teachers should have sufficient knowledge and understanding to fulfill their responsibilities for literacy and numeracy; personal, social and health education; and ICT. (As appropriate to the sector and stage of development).

Registered teachers ...
• *Understand how to promote and support the individual development, well-being and social competence of the pupils in their classes/register groups; and that they have a commitment to raising those pupils' expectations of themselves and others;*
• *Understand how to apply knowledge and understanding of personal, social, vocational and health education (including drug education) at a level which stimulates and challenges pupils being taught, and raises their awareness of relevant issues;*
• *Have knowledge and understanding of current guidance on the use of ICT in schools;*
• *Use available ICT to enhance learning and teaching.*

Registered teachers in primary and pre-school ...

* *Have knowledge and understanding of the content of the curriculum in relation to literacy and numeracy as set out in national guidelines;*
* *Plan work for pupils which is based on a secure knowledge and understanding of the developmental stages of literacy and numeracy in children;*
* *Have knowledge and understanding of the methods and underlying theories for effective teaching of literacy and numeracy; and select the most appropriate methods to meet pupils' needs.*

Registered teachers in secondary ...

* *Have knowledge and understanding of the demands of their subject in relation to literacy and numeracy;*
* *Know how to match the demands of work in their own subject with pupils' skills in literacy and numeracy;*
* *Know how to promote attainment in literacy and numeracy necessary for pupils' work in their subject area.*

Registered teachers have a broad, critical understanding of the principle features of the education system, education policy and practice, and of their part in it.

Registered teachers ...

* *Have an understanding of the principles of structure, breadth, balance, continuity and progression in the curriculum;*
* *Have knowledge and understanding of the processes of change and development in the curriculum;*
* *Can draw on relevant comparisons with other sectors and systems; planning includes promotion of pupils' learning by highlighting conceptual connections with other curriculum areas, subjects or stages. Registered teachers have sufficient knowledge and understanding to meet their responsibilities to teach cross-curricular aspects.*

Registered teachers ...

• *Have knowledge and understanding of, for example, sustainable development, core skills, equal opportunities, support for pupils, responsible citizenship and education for work and enterprise.*

Education systems and professional responsibilities

Registered teachers have a broad, critical understanding of the principal features of the education system, educational policy and practice, and of their part in it.

Registered teachers ...

• *Have understanding, enhanced by their experience, of the national framework for, and developments in, the Scottish education system;*
• *Have knowledge, informed by extended teaching experience, of the impact of national and local policies on teaching and learning;*
• *Have a sound working knowledge of current, relevant legislation and of guidelines within and surrounding education such as documents relating to children's rights and child protection which affect teachers' daily responsibilities;*
• *Understand and can apply, in an educational context, the principles of equality of opportunity and social justice and of the need for anti-discriminatory practice.*

Registered teachers have detailed working knowledge of their sector, of the school(s) in which they teach, and of their professional responsibilities within them.

Registered teachers ...

• *Have knowledge of the role and organisation of their employing authority, its policies and development priorities;*
• *Have knowledge and understanding of the organisation and management of their school(s), including: school development planning; procedures for staff development and review; quality assurance and*

school improvement; and the relationship of these features to their responsibilities for classroom learning and teaching;

• *Are reliable in following school/stage/departmental administrative procedures in matters to do with their immediate teaching responsibilities, eg use of resources and assessment records;*

• *Have working knowledge and understanding of their contractual, pastoral and legal responsibilities as teachers;*

• *Understand the importance of their role in positively promoting school ethos in informal as well as formal areas of the curriculum. For Catholic teachers, an understanding of, and commitment to, the distinctive ethos of the Catholic school is expected;*

• *Have knowledge and understanding of their own role and responsibilities as teachers in relation to other school staff, professionals, para-professionals, agencies and parents' organisations;*

• *Understand the importance of reporting to parents or guardians on children's progress and discussing matters related to their children's personal, social and emotional development in a sensitive and productive way.*

Principles and perspectives

Registered teachers can articulate their professional values and practices and relate them to theoretical principles and perspectives.

Registered teachers ...

• *Have knowledge and understanding of the stages of child development which they are able to use to take account of their pupils' needs;*

• *Have knowledge and understanding of the main theories of learning and draw on these in thinking about and planning their own teaching and pupils' learning;*

• *Have the ability to discuss the principles informing their own view of education, the curriculum and professional practice.*

Registered teachers have research-based knowledge relating to learning and teaching and a critical appreciation of the contribution of research to education in general.

Registered teachers ...

* *Have knowledge of how to access and relate research knowledge to their teaching circumstances;*
* *Can discuss critically how systematic investigation of, and reflection on, classroom practice can inform and develop teaching and learning.*

Professional skills and abilities

Teaching and learning

Registered teachers are able to plan coherent and progressive teaching programmes, which match their pupils' needs and abilities, and they can justify what they teach.

Registered teachers ...

* *Can devise plans for effective learning in the area(s) of the curriculum or subject(s) to be taught, or themes being studied;*
* *Have knowledge and understanding to justify the content and style of their teaching in terms of its value in the curriculum, its contribution to children's learning and general development, and its relevance to the needs of the pupils being taught.*

Registered teachers communicate clearly making skilful use of a variety of media, and interact productively with pupils, individually and collectively.

Registered teachers ...

* *Can use of a variety of communicative styles, strategies and media to capture and sustain pupil interest;*

- *Can communicate the purpose of lessons and activities, and give explanations, in a stimulating manner at the appropriate level(s) for pupils in their class/classes;*
- *Can communicate with pupils in ways which involve them actively in classwork;*
- *Can communicate effectively with pupils as individuals;*
- *Are sensitive to the impact of their personal style of communication on pupils and others in the classroom.*

Registered teachers use a range of teaching strategies and resources which they can evaluate and justify in terms of curriculum requirements and of the needs and abilities of their pupils.

Registered teachers ...
- *Can consistently select strategies for teaching and learning appropriate to the subject, topic and interests and needs of pupils;*
- *Have a judicious balance of direct, interactive teaching of whole-class, group and individuals;*
- *Can deploy and adopt a wide variety of resources, including ICT;*
- *Can set and mark homework which is varied in form, with clear purpose in relation to class work;*
- *Can consistently evaluate and justify their approaches to teaching and learning and take action to improve the impact on pupils.*

Registered teachers set and maintain expectations and pace of work for all pupils.

Registered teachers ...
- *Have high expectations of and realistic challenges for pupils;*
- *Ensure learning tasks are varied in form, differentiated and devised to build confidence and promote progress of all pupils, including those with special educational needs and high attaining pupils;*

- *Identify and respond appropriately to pupils with difficulties in, or barriers to, learning and seek advice in relation to their special educational needs;*
- *Possess sensitive and positive attitudes towards differences among pupils (e.g. gender, social, cultural, religious, linguistic);*
- *Ensure pupil initiative and independent learning are encouraged and nurtured.*

Registered teachers work co-operatively with other professionals and adults.

Registered teachers ...
- *Can create and sustain appropriate working relationships with other teachers, classroom assistants and visiting professionals;*
- *Ensure effective use of support staff to assist pupil learning and welfare;*
- *Can interact effectively with parents or guardians, particularly when reporting on children's progress or their personal, social or emotional development.*

Classroom organization and management

Registered teachers organise and manage classes and resources to achieve safe, orderly and purposeful activity.

Registered teachers ...
- *Ensure their classroom or work area is organised to be safe, visually attractive and stimulating, with effective displays of pupils' work;*
- *Can plan and organise their classroom to facilitate whole-class, group and individual work and promote independence in pupils' learning;*
- *Can plan and organize the work of nursery nurses, classroom assistants and other helpers in the classroom;*
- *Can organize and manage classroom resources and ICT to support teaching and pupils' learning;*

- *Can use the environment and resources outside of the classroom and school to support teaching and pupils' learning;*
- *Know about and apply appropriate health and safety regulations.*

Registered teachers manage pupil behaviour and classroom incidents fairly, sensitively and consistently, making sensible use of rewards and sanctions, and seeking and using the advice of colleagues when necessary.

Registered teachers ...
- *Can use, in a consistent way, a variety of techniques to encourage pupils, promote positive behaviour and celebrate success;*
- *Can implement the school discipline policy including strategies to prevent bullying, in a fair, consistent and informed manner;*
- *Seek and use advice from colleagues and promoted staff in managing more serious acts of indiscipline;*
- *Evaluate and justify the approaches taken to managing pupils and, when necessary, take action to improve them.*

Assessment of pupils

Registered teachers understand and apply the principles of assessment, recording and reporting.

Registered teachers ...
- *Can apply baseline, summative, and formative assessment, criterion and norm-referenced techniques to assess pupils' attainments and monitor progress;*
- *Can select and use a range of assessment instruments, including those required by SQA, to promote and monitor learning, as an integral part of the teaching process, without dominating it;*
- *Can use a range of techniques and evidence including teachers' reports, marking of work, observation, testing and analysis of test results and assignments to establish the levels of attainment of individuals, groups and classes;*

- *Can produce and maintain well-organised, accurate records of assessments and use the results to monitor and report on pupils' progress;*
- *Are able to produce clear and informative reports for parents.*

Registered teachers use the results of assessment to evaluate and improve their teaching, and the learning and attainment of the children they teach.

Registered teachers ...
- *Monitor progress against national standards and individual targets, confirm attainment of learning outcomes, and set next steps in learning;*
- *Are able to diagnose difficulties and give advice to pupils on ways of overcoming them and making progress;*
- *Ensure feedback from assessment is given in a positive and encouraging manner and that pupils have experience of success;*
- *Ensure pupils are individually engaged in dialogue about their progress, encouraged to assess themselves and set realistic personal targets;*
- *Can use the results of assessment to set and achieve longer-term targets for a class, including (for S4-S6 teaching) satisfactory levels of performance in national examinations;*
- *Can use assessment information to identify barriers to learning and devise ways of overcoming such barriers, where appropriate with support for learning staff;*
- *Can use comparative studies of pupil attainment to inform expectations of pupils.*

Professional reflection and communication

Registered teachers learn from their experience of practice and from critical evaluation of relevant literature in their professional development.

Registered teachers ...

- *Ensure research literature is critically reviewed in relation to understanding and developing practice;*
- *Can select and use texts on the basis of evaluating their contribution to children's learning;*
- *Registered teachers convey an understanding of practice and general educational matters in their professional dialogue and communication.*

Registered teachers ...

- *Possess, in discussion of educational matters, an understanding of the important issues;*
- *Can write in a clear and concise way to substantiate arguments and conclusions.*

Registered teachers reflect on and act to improve their own professional practice, contribute to their own professional development, and engage in the process of curriculum development.

Registered teachers ...

- *Ensure decisions about professional practice draw on evidence and what they have learned from their own experience of teaching;*
- *Evaluate and adapt their classroom practice systematically to take account of impact on pupils;*
- *Show productive participation in professional dialogue and engagement with the processes of curriculum development and school development planning;*
- *Maintain a record of their own professional development activities and reflections, including a post-induction plan.*

Professional values and personal commitment

Registered teachers show in their day-to-day practice a commitment to social justice and inclusion.

Registered teachers ...
- *Respect and value children and young people as unique, whole individuals;*
- *Show respect for the rights of all children and young people without discrimination as defined in the United Nations Convention on the Rights of the Child (adopted by the General Assembly of the United Nations on 20 November 1989 and brought into force on 2 September 1990) and the Children(Scotland) Act 1995;*
- *Value and promote fairness and justice and adopt anti-discriminatory practices in all regards, including gender, sexual orientation, race, disability, age, religion, culture and socio-economic background;*
- *Show a commitment to promoting and supporting the individual development, well-being and social competence of the pupils in their classes/register groups, to raising these pupils' expectations of themselves and others; and encouragement of mutual respect and positive attitudes.*

Registered teachers take responsibility for their professional learning and development.

Registered teachers ...
- *Show a commitment to self-evaluation and continuing professional development as key means to improving practice and widening areas of expertise;*
- *Contribute and respond to changes in education policies and practices.*

Registered teachers value, respect and are active partners in the communities in which they work.

Registered teachers ...
- *Have positive relationships and partnerships within the community – with professional colleagues, with other professions, with parents, with other agencies and with the learners themselves;*

- *Know about environmental issues and be able to contribute to education for sustainable development;*
- *Know about the factors which contribute to health and well-being and be willing to contribute to promoting healthy lifestyles;*
- *Know about the requirements of education for citizenship and be willing to encourage pupils to be active, critical and responsible citizens;*
- *Can work co-operatively with other professionals recognising their different skills and possible different value bases.*

References

Alam, M.S. 2001. *Management of non-government educational institutions*. Dhaka: Principal Publishers.

Alaska Department of Education. 1998. *Teacher education standards*. Juneau. Retrieved 2 June 1998 from: http://www.educ.state.ak.us/TeacherCertification/4aac04-200.html

Alberta Ministry of Education. 1997. *Teacher quality standards*. Edmonton.

Alfiler, C. 1986. "The process of bureaucratic corruption in Asia: Emerging patterns". In: Carino (Ed.) *Bureaucratic corruption in Asia: Causes, consequences, and controls*. Quezon City, the Philippines: NMC Press.

Anisef, P.; Johnson, L.C. 1993. *The young adult learner: fifteen- to eighteen-year-old students in the Ontario English-language school system*. Volume 1. Toronto: The Queen's Printer.

Aucoin, P. 1978. *Public accountability in the governing of professions: A report of the self-governing professions of accounting, architecture, engineering and law in Ontario*. Toronto: The Professional Organizations Committee.

Bajracharya, H.R. *et al*. 2003. *A study on teachers' codes of practice in Nepal*. Prepared for the IIEP's research project on ethics and corruption. Unpublished.

Bangladesh Bureau of Educational Information and Statistics. 2002. *Educational statistics*. Dhaka: Ministry of Education.

Bardhan, P.; Mookherjee, D. 1998. *Expenditure decentralization and the delivery of public services in developing countries*. Berkeley, Department of Economics, University of California.

Beck, C., Hart, D., Kosnik, C. 2002. "The teaching standards movement and current teaching practices". In: *Canadian Journal of Education,* 27(2,3).

Bengal Education Code. 1931.

Berley, T.; Coate, S. 1999. *Centralized versus decentralized provision of local public goods: A political economy analysis*. NBER Working Paper No. 7084.

Bohnen, L.S. 1975. "The sociology of the professions in Canada". In: Consumer Research Council Canada (Ed.), *Four aspects of professionalism* (pp.1-36). Ottawa: Consumer Research Council Canada.

California. 1997. *California standards for the teaching profession*. Sacramento, State of California.

Casey, J. 1997. "Self-governing professions". In: *The CAP Monitor 1*.

Casey, J. 1994. *Regulation of profession in Canada.* Toronto: Thompson Carswell.

Census of India. 2001. *Provisional population totals*. *Series I, Paper I of 2001 Supplement District Totals*. Registrar General and Census Commissioner, Government of India.

Chambers, R. March 1998. "The right to learn. [Review of the book *The right to learn*]". In: *Professionally Speaking* (50).

College of Nurses of Ontario. n.d. *Nursing practice standards of practice*. Retrieved 17 March 2003 from:
http://www.cno.org/nursing/standards/developingstds.html

Collins, J.K. 2000. *The classroom teacher and the myth of professionalism*. Paper presented at the Annual Conference of the Canadian Association for the Practical Study of Law in Education. Charlottetown: Prince Edward Island.

Committee on the Healing Arts. 1970. *Report of the committee on the healing arts*. Toronto: The Queen's Printer.

Connecticut Department of Education. 1996. *Elementary education teaching standards.* Retrieved 30 December 1997 from: www.state.et.us/sde/brta/Elemstan.htm

Correspondence from Dr. Mary Marrin Ontario College of Teachers to Mrs. Margaret Caravaggie, Executive Directory Ontario Catholic Supervisory Officers Association, 29 October 1997.

Darling-Hammond, L. 1997. *Creating standards without standardization.* San Franscisco: Jossey Bass Publishers.

Das, S.K. 1986. *The educational system of the Ancient Hindus*. Delhi: Gain Publishing House.

Dewan, E.A., 2004. *A study on teachers' codes of practice in Bangladesh*. Prepared for the IIEP's research project on ethics and corruption. Unpublished.

Dewan, E.A.; Dewan, R.Z. 2003. *Morality and ethics in Education: a study of teachers' codes of practice in Bangladesh*. Dhaka: National Academy for Educational Management (NAEM), Ministry of Education, Government of Bangladesh.

Directorate of Secondary Education. 1986-1993. *Madhyam (A medium of communication)*. 11 Volumes. India: Government of Uttar Pradesh.

Education Act, R.S.O. 1990. Toronto: Queen's Printer for Ontario.

Education International. 2001. *http://www.ei-ie.org/worldcongress/docs/WC03Res_ DeclarationProfEthics_e.pdf*

Education Queensland. 1998. *Standards framework for teachers*. Draft for consultation. Brisbane.

Evans, D.R. 1997. *The law, standards of practice, and ethics in the practice of psychology.* Toronto: Emond Montgomery.

Erakovich, R., *et al*., 2001. *Ethics or corruption: building a landscape for ethics training in Southeastern Europe*. Paper prepared for the Working Group on Politico-Administrative Relations of the Network of Institutes and Schools of Public Administration in Central and Eastern Europe.

Fisman, R.; Gatti, R. 2001. *Decentralization and corruption: Evidence across countries*. Washington, DC: World Bank.

General Teaching Council for England. n.d. *Codes of professional values and practice* Retrieved 12 March 2003 from: http://www.gtce.org.uk/gtcinfo/code.asp

General Teaching Council for Scotland. n.d. *A professional code for teachers*. Edinburgh.

Giguère, D. 1999. "New standards of practice put Ontario teachers at the forefront of the profession". In: *Professionally Speaking/Pour parler profession*, 10-12.

Gonzales de Asis, M. 2000. *Reducing corruption: Lessons from Venezuela*. The World Bank, PREM Notes No. 39, May.

Government of Uttar Pradesh. 1991. *Intermediate Education Act 1921*. Allahabad: Government Press.

Grant, L.R.; Adamson, G., Craig, A.; Marrin, M.; Squire, F. 1998*a*. *The Ontario college of teachers: Honouring and sustaining the teaching profession in Ontario*. Paper presented at the Professional Standards and the Status of Teaching Conference, Perth, Western Australia, Australia.

Grant, L.R.; Adamson, G., Craig, A.; Marrin, M.; Squire, F. 1998*b*. "What it means to be a teacher". In: *Professionally speaking/Pour parler profession,* September 1998, 21-22.

Grant, L.R.; Adamson, G., Craig, A.; Marrin, M.; Squire, F. 1999. *The Ontario college of teachers: Honouring and sustaining the teaching profession in Ontario.* Camberwell, Victoria, Australia, Australia Council for Educational Research Publication.

Hallak, J.; Poisson, M. 2001. *Ethics and corruption in education*: *Results from the Expert Workshop*. Policy Forum No. 15, held at the IIEP, Paris, 28-29 November 2001. Paris: IIEP.

Hargreaves, A. 2000. "Four ages of professionalism and professional learning". In: *Teachers and teaching: history and practice*, *6*(2), 151-182.

Harris, M. 1995. *Address by Premier Mike Harris to Deputy Ministers.* Toronto, Ontario.

Hattie, J. Forthcoming. "Reliability and NBPTS assessments". In L.C. Ingvarson (Ed.). *Professional certification: the National Board for Professional Teaching Standards.* Amsterdam: Elsevier.
Retrieved 17 March 2003 from:
http://www.acer.edu.au/research/Policy_Briefs/PDFs?Policy_Briefs_Issue_2.pdf

His Majesty's Government of Nepal. 2003. *Statistical yearbook of Nepal 2002*. Kathmandu.

Humes, W.M. 1986. *The leadership class in Scottish education.* Edinburgh: John Donald Publishers Ltd.

Huther, J.; Shah, A. 1998. "Applying a Simple Measure of Good Governance to the Debate on Fiscal Decentralization". In: *World Bank Policy Research Working Papers* No.1894.

Ingvarson, L. 2002. *Strengthening the profession? A comparison of recent reforms in the UK and the USA*. Retrieved 17 March 2003 from:
http://www.acer.edu.au/research/Policy_Briefs/PDFs?Policy_Briefs_Issue_2.pdf

Japan Bank for International Cooperation. 2002 (March). *Bangladesh Education Sector Review*.

Jasman, A. 1998. *Issues in establishing professional competency-based teaching standards: an analysis of processes used in determining level 3 classroom teachers in Western Australia*.
Retrieved 22 June 2000 from:
http://www.swin.edu.au/aare/98pap/jas9841.html

Johnson, D. 1991. "Regulatory agencies and accountability: an Ontario perspective". In: *Canadian public adminstration/Administration publique du Canada*, *34*(3), 417-434.

Kentucky Department of Education. n.d. Kentucky new teachers standards. Retrieved 30 December 1997 from:
http://www.centre.edu/academic/programs/edu/hdbook/!ntstand.htm

Khandelwal, B.P.; Biswal, K. 2004. *A study on teachers' codes of practice in India (Uttar Pradesh) – Current status, relevance and enforcement*. Prepared for the IIEP's research project on ethics and corruption. Unpublished.

Khandelwal, B.P. 2002. *Legal management of secondary education*. New Delhi: National Institute of Educational Planning and Administration.

Lewington, J.; Orpwood, A. 1993. *Overdue assignment: taking responsibility for Canada's schools*. Rexdale, Ontario: John Wiley.

Little, J.W. 1993. "Teachers' professional development in a climate of educational reform". In: *Educational Evaluation and Policy Analysis*. *15*(2), 129-151.

Marrin, M.; Grant; L.R.; Adamson, G.; Craig, A; Squire, F.A. 1999. *Standards of practice for the teaching profession*. Paper presented at the International Conference on New Professionalism in Teaching: Teacher Education and Teacher Development in a Changing World, Hong Kong, January 15-17, 1999.

Mauro, Paolo. 1995. "Corruption and Growth". In *Quarterly Journal of Economics* (110).

Mehta, S.S.; Ramakrishnan, C.M.; Kumar, V.; Shrivastava, S. 2002. *Corruption in India: an empirical study, an overview.* New Delhi: Transparency International India and ORG-MARG Research Pvt. Ltd.

Ministry of Human Resource Development. 2002. *Selected educational statistics 2001-02*. New Delhi: Planning, Monitoring and Statistics Division, Department of Secondary and Higher Education.

Ministry of Human Resource Development. 2004. *Annual report, 2002-03*. New Delhi: GOI.

Ministry of Education and Training. 1995. *New foundations for Ontario education: a summary.* Toronto: Queen's Printer for Ontario.

Ministry of Education. 2000. *The Ontario curriculum grades 9 to 12: Program planning and assessment*. Toronto: Queen's Printer for Ontario.

Ministry of Education. 2004. *Revitalizing the Ontario College of Teachers.* Toronto: Ministry of Education.

Moore, W.E. 1970. *The professions: roles and rules.* New York: Russell Sage Foundation.

National Board for Professional Teaching Standards. 1994. *What teachers should know and be able to do.* Washington, DC.

National Informatics Centre .2004 (August). *Flash reports of the Seventh All India Educational Survey*. New Delhi: NCERT.

New Zealand Teacher Registration Board. 1997. *A satisfactory teacher* and *Renewing a practising certificate.* Wellington.

Nipissing University. 2003. *Nipissing university faculty of education consecutive program.* North Bay: Nipissing University, Faculty of Education.

Ontario College of Teachers Implementation Committee. 1995. *The privilege of professionalism*. Toronto.

Ontario College of Teachers Professional Affairs Department. 2001. *Exploring the awareness and understanding of the standards of practice for the teaching profession and the ethical standards for the teaching profession report.* Toronto.

Ontario College of Teachers. 1997. "New professional misconduct regulation sets clear rules". In: *Professionally Speaking/Pour parler profession*, 30-31.

Ontario College of Teachers. 1998 (June). "Highlights of the 1997 Annual Report". In: *Professionally speaking/Pour parler profession*.

Ontario College of Teachers. 1999 (June). "Highlights of the 1998 Annual Report". In: *Professionally speaking/Pour parler profession*, 27-34.

Ontario College of Teachers. 1999*a*. *Background information ethical standards for the teaching profession*. Toronto.

Ontario College of Teachers. 1999*b*. *Feedback to the ethical standards for the teaching profession*. Toronto.

Ontario College of Teachers. 1999*c*. *Standards of practice for the teaching profession, Consultation Document*. Toronto.

Ontario College of Teachers. 1999*d*. *Standards of practice for the teaching profession*. Toronto.

Ontario College of Teachers. 1999*e*. *Work plan for ethical standards for the teaching profession.* Toronto.

Ontario College of Teachers. 2001*a*. *Accreditation handbook for programs of professional education.* Toronto.

Ontario College of Teachers. 2001*b*. *Final report of the pilot project for the accreditation of professional teacher education 1997-2000.* Toronto.

Ontario College of Teachers. 2003*a*. *The foundations of professional practice*. Toronto.

Ontario College of Teachers. 2003*b*. *Fostering cultures of shared inquiry: Using the case method*. Toronto.

Ontario College of Teachers. 2003*c*. *Accreditation handbook for programs of professional education.* Toronto.

Ontario College of Teachers. 2003*d*. *Review process.* Retrieved 27 October 2004 from: http://www.oct.ca/en/ProfessionalAffairs/Review/process_e.asp

Ontario College of Teachers. 2003*e*. *2002 annual college report.* Toronto.

Ontario College of Teachers. 2004*a*. *News releases.* Retrieved 30 October 2004 from: http://www.oct.ca/en/CollegePublications/news-releases_E.asp

Ontario College of Teachers. 2004*b*. *Standards review discussion guide*. Retrieved 27 October 2004 from: http://www.oct.ca/en/ProfessionalAffairs/Symposium/book4_e.pdf

Ontario College of Teachers. 2004*c*. *Developing the standards of practice of the teaching profession.* Toronto.

Ontario College of Teachers. n.d. *Ethical standards for the teaching profession action plan*. Toronto.

Ontario College of Teachers Act (S.O., c.12). 1996. Toronto: Queen's Printer for Ontario.

Ontario Regulation 184/97 Teacher qualifications. Toronto: Queen's Printer for Ontario.

Ontario Regulation 298 Operation of schools – general R.R.O. 1990. Toronto: Queen's Printer for Ontario.

Ontario Regulation 347/02 Accreditation of teacher education programs. Toronto: Queen's Printer for Ontario.

Ontario Regulation 437/97 Professional misconduct. Toronto: Queen's Printer for Ontario.

Radwanski, G. 1987. *Ontario study of the relevance of education, and the issue of dropouts.* Toronto: Ministry of Education.

Riera, B.; Glow, M.; Siddall, D.; Clan, W. 1976. "Human capital analysis: Its applications in the study of the consumer interest in the professions". In: Consumer Research Council Canada (Eds.), *Four aspects of professionalism*. Ottawa, Consumer Research Council Canada.

Royal Commission on Civil Liberties. 1968. *McRuer report*. Toronto: The Queen's Printer.

Royal Commission on Learning. 1994*a*. *For the love of learning,* Vol. I. Mandate*, context, issues. Toronto: Queen's Printer for Ontario.

Royal Commission on Learning. 1994*b*. *For the love of learning,* Vol. III. Toronto: Queen's Printer for Ontario.

Sachs, J. 2003. "Teachers professional standards: controlling or developing teaching?". In: *Teachers and Teaching: Theory and Practice 9*(2), 175-186.

Shekhar, S.; Rani, M. 2004. "World's apart: Why are Kerala and Uttar Pradesh so different in their human development outcomes? In: *Making services work for poor people.* Background paper for the *World development report 2004*.

Singer, B.D. 1996. "Towards a sociology of standards: problems of a criterial society". In: *Canadian Journal of Sociology/Cahiers canadiens de sociologie. 21*(2), 203-221.

Smith, P. 1995. "Teachers' unions and a general teaching council". In: *Journal of Education for Teaching 21*(1), 55-58.

Snobelen, J. 1995. *Statement to the legislature*, November 21, 1995. Toronto: Ministry of Education and Training.

Squire, F.A.; Smith, D. 2003, May. *What does it mean to be a teacher? A diverse group of Ontario educators bring the standards of practice to life for their peers.* Paper presented at the Canadian Association for the Study of Education, Halifax, Nova Scotia.

Squire, F.; Browne, L. September 2000. "Standards of practice striking a chord with educators". In: *Professionally Speaking/Pour parler profession*, 28-30.

Standards Council of the Teaching Profession. 1996. *Professional standards for teachers.* Victoria, Australia.

Stapenhurst, R. 2000. *The media's role in curbing corruption*. World Bank Institute.

Steinecke, R. 2003 (July). *Grey areas, a commentary on legal issues affecting professional regulation*, (65).

Sweeny, B. Winter 1999. Content standards: gate or bridge. *Kappa delta pi record,* 64-67.

Sykes, G. 1989. "Teaching and professionalism: A cautionary perspective". In: L. Weis, P.G. Altbach, G.P. Kelly, H.G. Petrie and S. Slaughter (Eds.), *Crisis in teaching perspectives on current reform* (pp. 253-273). Albany: State University of New York Press.

Teaching Profession Act. R.S.O. 1990, c.T.2. Toronto: Queen's Printer for Ontario.

Teacher Training Agency. 1997. *Standards for the award of qualified teacher status, Consultation.* London, UK.

Teacher Training Agency. 2003. *Qualifying to teach professional standards for qualified teacher status and requirements for initial teacher training.* Retrieved 9 December 2003 from:

http://www.tta.gov.uk/assets/training/qttsstandards/standards_illustrated.pdf

The Teachers' Council of Thailand. 1997. *Standards on teaching profession.* Retrieved 30 December 1997 from: http://www.moe.go.th/nu/teach1.htm

Tiebout, C. 1956. "A pure theory of local expenditures." In: *Journal of Political Economy*, *64*.

Transparency International. 2003. *Global corruption report 2003*. Berlin: Transparency International.

Transparency International, India and ORG-MARG Research Pvt. Ltd. 2002. *Corruption in India: an empirical study*. New Delhi: Transparency International.

Tuohy, C.J.; Wolfson, A.D. 1976. "The political economy of professionalism: A perspective". In: Consumer Research Council Canada (Ed.), *Four aspects of professionalism* (pp. 41-86). Ottawa, Consumer Research Council Canada.

UNESCO. 2003. *EFA Global Monitoring Report 2003/04*. Paris: UNESCO.

UNESCO. 1996. *Learning: the treasure within*. Report to UNESCO of the International Commission of Education for the Twenty-first Century, Paris: UNESCO.

UNDP. 2004. *Human development report 2004*. New York: Oxford University Press.

Urbanski, A.; Darling-Hammond, L. 1997. "Teacher professionalism and teacher accountability: toward a genuine teaching profession". In: *Journal of the Rochester teachers' association*. Spring/Summer 1997 (26-31).

Uttar Pradesh Basic Education Board. 2002. *Niyam Sanghrah (Compilation of rules and regulations), August 1972 to April 2002*. Allahabad: Neelam Publishers.

Van Nuland, S. 1998. *The development of the Ontario college of teachers*. Unpublished doctoral thesis. Toronto: University of Toronto.

Van Nuland, S. 2004. *Standards for the teaching profession – the Ontario experience*. Unpublished paper.

Wade, R. 1997. "How infrastructure agencies motivate staff: canal irrigation in India and the Republic of Korea". In: Ashok Mody (Ed). *Infrastructure strategies in East Asia*.

Wei, S-J. 1998. *Corruption in economic development: Beneficial grease, minor annoyance, or major obstacle*. Boston: Harvard University and National Bureau of Economic Research.

World Bank. 2002. *Poverty in India: the challenge of Uttar Pradesh*. Washington, DC: World Bank.

World development report 2004: making services work for poor people. 2003. Washington, DC: World Bank.

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