

Educational Law in Thailand from 1999 to 2003: Impact on Teacher Practices

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1. Introduction

Legislation sets the foundation for education. It lists priorities, introduces guidelines, creates structures, and allocates resources. This directly influences the practice of teachers in anticipated and sometimes unanticipated ways. In the United States, for example, No Child Left Behind (NCLB) and the Individuals with Disabilities Education Act (IDEA) focused education on core subjects and created opportunities for students including those with disadvantages. Beyond the anticipated results of this legislation, unanticipated influences on teacher satisfaction and perceptions of cooperation were also seen. (Grissom, 2015)

From 1999 to 2003 Thailand enacted three laws concerning education which have had anticipated and sometimes unanticipated influence on the practice of teachers. This article details three laws: the National Education Act (1999), the Teacher and Educational Personnel Council Act (2003), and the Child Protection Act (2003). First, the National Education Act is discussed in the following section.

2. National Education Act (1999)

The National Education Act (NEA) has been described as the “most significant educational reform” in Thai education since the reforms of King Rama IV (1868-1910) who is considered the founder of modern Thai education (Sirindhorn, 2018, p. 10). The NEA introduced a wide range

of initiatives including the following:

- a focus on student centered learning
- lifelong education for all
- participation of all segments of society in developing education
- opportunity for twelve years of education for all
- decentralization of educational administration
- standards and professional development for teachers

This section focuses on the last three: opportunity for twelve years of education for all, decentralization of educational administration, and standards and professional development for teachers.

(1) Opportunity for Twelve Years of Education for All

Currently, fifteen years of free education in Thailand is divided into preschool, primary, lower secondary, and upper secondary. This started with the NEA. Section 10 of the NEA states “in providing education, the State shall provide equal right and opportunity for a person to receive basic education for not fewer than twelve years with quality and without cost.” From 2002, these twelve years of free education were increased to fourteen. Finally, in 2009, an additional year of preschool was added to bring the available total of free education in Thailand to its current fifteen

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years.

An unanticipated result of this increase in free education was a shift away from local and often informal resources to government funded schools which often covering a wide geographic region particularly in rural areas. Students in these rural areas have had difficulty accessing these schools due to poverty and a lack of transportation infrastructure since the NEA does not cover transportation for students (OECD, 2016).

(2) Decentralization of Educational Administration

Bangkok is the capital and the administrative hub of Thailand. Before the passage of the NEA, Bangkok also administered the schools in all of Thailand's seventy-six provinces. These provinces encompass a vast array of local cultures, for example, there are seventy-one different languages spoken in Thailand¹⁾. Near the border with Myanmar Karen languages are in use, while next to Laos and Cambodia both Lao and Khmer are spoken. In order to better address local needs, the NEA created Educational Service Areas (ESA) which are local educational administrative bodies. Schools within Thailand were divided into 175 ESAs in order to provide more regional control over education. Bangkok was divided into three ESAs and 172 were located in the provinces. Each ESA was responsible for about 200 schools and 300,000 to 500,000 students. In 2008, the number of ESAs was increased to 185 just before the three in Bangkok merged to settle at 183 ESAs.

ESAs are responsible for teacher administration including hiring, promotion, and pay raises. Promotion within this system requires teachers to apply to their governing ESA. Teachers self-report based approximately on the following categories and weightings: standardized test

scores and student grades account for 10% of the evaluation while teaching skills is weighted 30%, and finally ethics and research accounts for 60%. Due to the inclusion of standardized test scores, some criticism has been raised that this policy could discourage teachers from working in low achieving schools.

For salary increases, teachers self-report directly to their school principal based upon two categories. The first category involves teaching skills and accounts for 30% of the total evaluation. The second category is ethics and research and accounts for 70% of the evaluation. Unlike promotions, evaluations for salary increases do not consider student outcomes.

The introduction of ESAs have provided local areas more control over teacher hiring, promotion, and raises which may permit a more flexible response to local needs. Unfortunately the decentralization of these services has strained resources. ESA offices have supervisors who are intended to provide support for teachers, but "many supervisors are not adequately trained, are involved with project management and paperwork at the ESA office, have little budget to carry out their supervisory roles such as school visits, and teacher coaching and mentoring" (Shaeffer, 2018, p. 114).

(3) Standards and Professional Development for Teachers

In order to formalize standards for teachers, the NEA created a body focusing on teacher standards which would later develop into the Teacher Council of Thailand (TCT) [*Khurusa-pha* in Thai]. The TCT is a powerful professional standards board which regulates professional development, certifies university programs related to licensure, and issues and revokes licenses. It also certifies degrees and teaching programs. The call for standards and professional development for teachers with the NEA has led to the Teacher

1) The NEA states that the Thai language has priority

and Educational Personnel Council Act of 2003 which is discussed in the following section.

3. The Teacher and Educational Personnel Council Act of 2003 (TEPCA)

Thailand has a long history of teacher education. The first teacher training school started in 1892 and Chulalongkorn University offered the first university-based teacher education program in 1917 (Pruet, 2018). However, teacher licensing was not a component of teacher preparation until its introduction with the Teacher and Educational Personnel Council Act of 2003. It declared that the teaching profession is a licensed profession for both Thai and foreign nationals. The licensing system was formally introduced in 2005 by the TCT.

Before the institution of licensing, a person wishing to take a teaching position needed a 4-year degree with 24 credits in education or to take an exam. TEPCA expanded the requirements for licensure. Currently in order to become licensed teachers, need to:

- be at least 20 years old
- have a degree in education or an equivalent degree as determined by the TCT.
- have completed one year of practical training
- be determined by the TCT to not have bad characteristics such as improper behavior, immorality, or a prior history of imprisonment²⁾

In addition to the new requirements, teacher administrators are required to hold a masters' degree. Licenses are for five years and require renewal at the end of that period. In order to provide a clearer vision of licensing and license

renewal, the TCT defined three standards for the teaching profession. These are standards of professional knowledge and practice, standards of performance, and standards of conduct.

Standards of professional knowledge and practice includes the knowledge, capabilities, and experience of teachers. Teachers should hold appropriate degrees, certifications, and licenses. For new teachers in Thailand this also includes their one-year teaching practicum. Overall this seems to have been effective as teachers in Thailand have been lauded in an international comparative educational context.

“Thailand and the United States represent exceptions—their data indicate that at both the elementary and secondary levels, most school teachers hold a baccalaureate degree, many hold a master’s degree or higher, and most hold certificates. Indeed, in each nation elementary teachers actually are slightly more likely to hold certificates. Among the Asian nations, Thailand also stands out for its high level of degree holders at the elementary level“ (Ingersoll, 2007, p. 8).

Standards of performance include continued self-development and the requirement to show improvement. License renewal every five years requires teachers to complete at least three professional development activities in order to show self-improvement. Non-Thai nationals have a requirement to show evidence of improvement in regards to Thai language and culture. Finally, all teachers pay a 200-baht (using the exchange rate of 1 baht = ¥3.4 the fee would be ¥680) fee. Despite these requirements for professional development, criticism of teaching methodologies continues. “The adoption of modern teaching methods appears to be slow in most schools, with lectures and rote learning remaining prevalent—especially in upper secondary education, where

2) Improper behavior or immorality has not been clearly defined.

teaching can be narrowly focused on university entrance examinations” (UNESCO Bangkok, 2011).

Standards of conduct for teachers is described as upholding the status and dignity of their position. Ethical violations can be punished with increasing levels of severity with warnings, probation, suspension of license for up to five years, or revocation, but even with revocation, individuals can reapply after five years. Ethics is suggested as requiring teachers to “adhere to the democratic regime of government and the King.”

TCT stipulated the punishment for teaching without a license. Individuals could be incarcerated for up to one year in prison, face a fine of 20,000 baht (using the exchange rate of 1 baht = ¥3.4 the fine would be ¥68,529), or both. Schools could be fined up to 60,000 baht (¥204,000 using the same exchange rate) for allowing individuals to teach without a license.

TEPCA has required licensing for all teachers, set standards of conduct and practice, and detailed penalties for failure for follow licensing requirements and ethical standards. However, there are still problems. Licenses are not linked to content areas creating situations where teachers are placed in positions outside of their area of expertise. “In Thailand, about one quarter of those teaching math, social studies and Thai language do not hold majors in those fields” (Ingersoll, 2007, p. 10).

4. The Child Protection Act of 2003 (CPA)

In 2020 the World Health Organization stated “half of the world’s children, or approximately 1 billion children each year are affected by physical, sexual or psychological violence” (WHO, 2020). Children are vulnerable to various types of abuse such as mental and physical due to their weaker position in relation to the adults around them. This abuse could be difficult to detect, so mandatory reporting laws are prevalent

throughout the world. A mandatory reporter is a person who has regular contact with vulnerable people and is therefore legally required to ensure a report is made when abuse is observed or suspected.

CPA required teachers to be mandatory reporters in order to protect children, who in Thailand are defined as any person under 18 years of age. Article 29 of the Child Protection Act of 2003 states a

teacher, instructor or employer having the duty to take care of a child who is his or her student or employee, shall report immediately to a competent official or person having duty to protect a child’s safely according to Article 24, or an administrative official or police officer if it is suspected that the child has been tortured or is sick due to unlawful care.

The use of the word torture seems to be a high standard, but the law continues:

Torture means any commission or omission of acts which the deprivation of freedom of, or mental or physical harm to, a child; sexual abuses committed against a child; inducement of a child to act or behave in a manner which is likely to be mentally or physically harmful to the child, unlawful or immoral, regardless of the child’s consent.

Thailand is known for strict defamation laws where the burden of proof lies with the defendant. If a court action is undertaken, the defendant must prove their statements are true. This makes it very easy to file defamation charges. In 2020, an American was jailed for giving a hotel a bad one-star review on the travel website TripAdvisor. This website allows users to post reviews on travel experiences such as hotels, restaurants, and tours. According to its website, TripAdvisor

hosts more than nine hundred and eighty-eight million reviews related to travel in twenty-two different languages (TripAdvisor, 2021).

Wesley Barnes visited the Sea View Resort on the island of Koh Chang. He posted a negative review of the hotel on the website TripAdvisor after an unpleasant experience during his stay when he was asked to pay a corkage fee for alcohol he brought into the hotel. Wesley wrote the review in June. Hotel management tried to negotiate, but was unsuccessful, so they file charges with the police. He was charged with criminal defamation and faced up to two years in prison because of his negative review of the hotel. The hotel agreed to drop the charges if he apologized. (Paddock, 2020). Wesley withdrew his negative review and the charges were dropped. This example shows the power of defamation laws in Thailand.

In order to avoid fear of reporting suspected cases of abuse the CPA provides protection for mandatory reporters. It states “persons notifying or reporting in good faith under this Article shall receive appropriate protection and shall not be held liable for any civil, criminal, or administrative action arising from there from.”

5. Conclusion

The NEA, TEPCA, and CPA have influenced the practice of teachers in Thailand. The NEA has increased access to education, decentralized educational administration, and created standards for teachers. This led to the TEPCA which has detailed the requirement’s for teacher licensure and for license renewal. Finally, the CPA has provided teachers protection in an environment of harsh defamation laws. Despite some unanticipated results, these laws have greatly improved the situation for teachers within the Kingdom of Thailand.

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