

Chapter 10

The National Education Act 1999 : Towards the New Century of Learning

Despite greater efforts to improve the provision of educational services in terms of both quantitative and qualitative aspects, there remain weaknesses in the education system preventing significant development of education and training in *Thailand*. Fortunately, the 1997 Constitution introduced challenging guidelines for educational development, particularly the enactment of the national education law. The first National Education Act was promulgated in August 1999 to serve as the fundamental law for the administration and provision of education and training in accord with the provisions in the Constitution. New initiatives and reforms outlined in the National Education Act 1999 and the implementation plan of the Act are presented below.

10.1 Essential Features of the National Education Act 1999

10.1.1 Ensuring Access to Basic Education for All

- All individuals will have equal rights and opportunities to receive basic education of quality and free of charge for at least 12 years.
- Special education will be made available to the disabled and the disadvantaged. Education for the disabled will be provided free of charge at birth or at first diagnosis.
- Education for gifted persons will be provided in appropriate forms according to their abilities.
- Education will be compulsory for 9 years from grade 1 to 9. Children aged 7 are required to enrol in basic education institutions until the age of 16, except those who have already completed Grade 9.

10.1.2 Reform of Curriculum and Learning Process

- Three types of education have been recognized : formal, non-formal, and informal. Credits accumulated by learners will be transferable within the same type or between different types of education, including experiences from non-formal or informal education, vocational training, or from work experience.
- Formal education is divided into two levels : basic education and higher education.
- Early childhood and basic education will be provided in early childhood development institutions, schools, and learning centres organized by non-formal education agencies.
- Higher education will be provided in universities, institutes, colleges or those under other names.
- Vocational education and occupational training will be provided in educational institutions belonging to the government or the private sector, enterprises, or those organized through cooperation of educational institutions and enterprises.

- The establishment and running of all types of lifelong learning sources will be promoted.
- Ministries, bureaus, departments, state enterprises, and other state agencies will be authorized to provide specialized education according to their needs and expertise.
- Core curricula for basic education will be prescribed by the Basic Education Commission. Basic education institutions will be responsible for prescribing curricular substance relating to needs of the community and the society, local wisdom and attributes of desirable members of the family, community, society, and nation.
- Curricula at all levels of education will be diversified, aiming at human development with a desirable balance regarding knowledge, critical thinking, capability, virtue and social responsibility. In addition, higher education curricula will emphasize academic development, with priority given to higher professions and research for the development of bodies of knowledge and society.
- The teaching - learning process will aim at enabling learners to develop themselves at their own pace and to the best of their potential.
- The provision of education will emphasize knowledge, morality, learning process and integration of the knowledge about oneself and the relationship between oneself and society; scientific and technological knowledge and skills; knowledge about religion, art, culture, sports, Thai wisdom, and the application of wisdom; knowledge and skills in mathematics and languages as well as in pursuing one's career and the ability of leading a happy life.
- In organizing the learning process, educational institutions and agencies concerned will
 - (1) provide substance and arrange activities in line with the learners' interest and aptitudes;
 - (2) provide training in thinking processes, management, and how to face various situations ;
 - (3) organize activities for learners to draw from actual experience;
 - (4) achieve a balanced integration of subject matter, integrity, values and desirable attributes;
 - (5) enable instructors to create the environment for learners to learn, to be able to benefit from research as part of the learning process; and
 - (6) enable learning to occur at all times and in all places.
- Educational institutions will develop effective learning processes and will assess learners' performance through observation of their development, personal conduct, learning behaviour, participation in activities and results of the tests. Instructors will also be encouraged to carry out research for developing suitable learning.
- A variety of methods will be used for providing opportunities for further education, and learners' performance will be taken into consideration.

10.1.3 Encouraging Participation and Partnership in Education

- Other than the State, private persons and local administration organizations, individuals, families, community organizations, private organizations, professional bodies, religious institutions, enterprises and other social institutions will have the right to provide basic education. They will be given government support and grants, tax rebates or exemptions in bringing up children and providing basic education.
- Educational institutions in cooperation with all sectors of society will contribute to strengthening the communities by encouraging learning in the communities themselves.

- As providers and partners in educational provision, individuals, families, communities, local administration organizations, private persons, private organizations, professional bodies, religious institutions, enterprises, and other social institutions will mobilize resources, donate properties and other resources to educational institutions and also share educational expenditures.

The Government and local administration organizations will encourage and provide incentives for mobilization of these resources by promoting, providing support and applying tax rebate or tax exemption measures as appropriate and when necessary.

- Private education institutions are allowed to provide education at all levels and of all types. The Government will define clear – cut policies and measures regarding participation of the private sector in the provision of education.

10.1.4 Restructuring of Educational Administrative Structure

A. Public Educational Administration and Management

Public education will be administered and managed at three levels aiming at decentralization of authority to local organizations and educational institutions as follows:

1) At the National level

The Ministry of Education, Religion and Culture will be established within 3 years to oversee all levels and types of education, religion, art and culture; formulate education policies, plans and standards; and mobilize resources for education. It will also take charge of monitoring and performance evaluation of the Ministry.

The new Ministry will consist of four organizations as follows:

(1)National Council for Education, Religion and Culture will be responsible for proposing national education policies, plans and standards; policies and plans for religious , artistic and cultural affairs; mobilization of resources; evaluation of the provision of education; assessment of management of religious, artistic and cultural affairs; as well as scrutinizing various laws and ministerial regulations.

(2)The Commission for Basic Education will be responsible for proposing policies, development plans, standards and core curricula for basic education in line with the National Scheme for Education, Religion, Art and Culture; mobilization of resources; monitoring; inspection; and evaluation of basic education provision.

(3)The Commission for Higher Education will take charge of proposing policies, development plans and standards for higher education in line with the National Scheme of Education, Religion, Art and Culture; mobilization of resources; monitoring; inspection and evaluation of the provision of higher education.

(4)The Commission on Religion and Culture will be responsible for proposing policies and development plans for religion, art and culture in accord with the National Scheme for Education, Religion, Art and Culture; mobilization of resources, monitoring, inspection, and evaluation of work in the fields of religion, art and culture.

2) At the Level of Educational Service Area

- The administration and management of basic education and higher education at lower-than-degree level will be based on the educational service areas, taking

into consideration the number of educational institutions and the size of population as well as other appropriate criteria.

- In each educational service area, there will be an Area Committee for Education, Religion and Culture and its Office to take charge of overseeing educational institutions at the basic and lower-than-degree levels; establishment, dissolution, amalgamation or discontinuance of educational institutions; promotion and support for local private educational institutions, local administration organizations, education provided by individuals, families, community and private organizations, professional bodies, religious institutions, enterprises and other social institutions, as well as overseeing the units responsible for religious, artistic and cultural affairs in the area.

- The Area Committee will be comprised of representatives of community, private and local administration organizations; teacher and educational administrator associations; parent-teacher associations; religious leaders; and scholars in education, religion, art and culture. The director of the Office for Education, Religion and Culture of the educational service area will serve as a member and secretary of the Committee.

3) At the Educational Institution Level

- In each institution providing basic education and that of lower-than-degree level, there will be a board supervising and supporting the management of the institution. The board will comprise representatives of parents; those of teachers, community and local administration organizations, alumni of the institution and scholars. The administrator of the educational institution will serve as a member and secretary of its board.

- The Ministry of Education, Religion and Culture will decentralize authority in educational administration and management regarding academic matters, budget, personnel and general administration directly to the Committees and Offices of the educational service areas and the educational institutions in the areas.

B. Educational Administration and Management by Local Administration Organizations

Local administration organizations will have the right to provide education at all levels according to readiness, suitability and requirements of the local areas. The Ministry of Education, Religion and Culture will prescribe the criteria and procedure for assessing the readiness to provide education of the local administration organizations and will coordinate and promote the capability of those organizations to provide education in line with the policies and standard required. It will also advise on the budgetary allocations for education provided by those organizations.

C. Educational Administration and Management by the Private Sector

- Education by the private sector will be administered and managed independently with the government's overseeing, monitoring and assessment of educational quality and standards following the same rules for assessment as those for public institutions.

- Private education institutions will establish their own boards comprising private education administrators, representatives of parents, those of teachers and alumni, and scholars.

- Effects on private education will be considered in formulating policies and implementing plans of education provided by the government, educational service areas or local administration organizations.

- Private institutions providing education at degree level will be allowed to function with freedom, develop their own system of administration and management,

flexibility, and academic freedom. They will be under the supervision of their own council according to the Act on Private Higher Education Institutions.

- The government will provide support in terms of grants, tax rebates or exemptions and other benefits as well as academic support to private education institutions.

10.1.5 Enhancing Educational Standards and Quality Assurance

- There will be a system of educational quality assurance to ensure improvement of educational quality and standards at all levels, comprising of both internal and external quality assurance.

- Quality assurance systems will be established in educational institutions as part of educational administration which must be a continuous process. Annual reports of each educational institution must be submitted to parent organizations, agencies concerned and made available to the public and external quality assurance.

- An Office for National Education Standards and Quality Assessment will be established as a public organization responsible for the development of criteria and methods of external evaluation.

- All educational institutions will receive external quality evaluation at least once every five years. The evaluation results will be submitted to the relevant agencies and made available to the public.

- In cases where the results of the external evaluation reveal that an educational institution has not reached the standards required, the Office for National Education Standards and Quality Assessment will recommend measures for that institution to improve its functions. If those measures are not implemented, the Office for National Education Standards and Quality Assessment will report to the Commission for Basic Education or the Commission for Higher Education so that necessary remedial action can be taken.

10.1.6 Reform of Teachers, Faculty Staff, and Educational Personnel

- The Ministry of Education, Religion and Culture will promote the development of a system, including production and refinement, for teachers and educational personnel so that teaching will become a highly respected profession.

- An Organization for Teachers and Educational Administrators will be established as an independent body administered by a professional council under the supervision of the Ministry of Education, Religion and Culture. It will be responsible for setting professional standards; issuing and withdrawal of licenses; overseeing maintenance of professional standards and ethics; and development of the profession of teachers and educational administrators.

- Teachers, administrators of educational institutions, educational administrators and other educational personnel of both the public and private sector, with the exception of faculty staff, educational institution administrators and educational administrators for higher education at degree level, are required to have professional licenses. This will not include those providing informal education and education organized in learning centres, administrators at the educational levels above education service areas, and specialized resource persons.

- There will be a central organization responsible for administering personnel affairs of teachers. All teachers and educational personnel will be civil servants under this

organization. The personnel administration will be decentralized to educational service areas and institutions.

- There will be a law with regard to salaries, remuneration, welfare and other benefits for teachers and educational personnel.

- A Fund for Promotion and Development of Teachers, Faculty Staff and Educational Personnel will be established to be used for grants for innovations, outstanding achievements and rewards to teachers, faculty staff and teaching personnel. Sufficient funds will also be allocated for establishing the Fund for Development of Teachers, Faculty Staff, and Educational Personnel.

10.1.7 Mobilization of Resources and Investment for Education

- Resources and investment for education in terms of budgetary allocation, financial support and properties will be mobilized from the government, local administration organizations, individuals, families, communities, community organizations, private sector, professional bodies, religious institutions, other social institutions, and foreign countries.

- The government and local administration organizations will be authorized to levy educational taxes as appropriate.

- Public educational institutions will be empowered to take charge of, oversee, maintain, utilize and earn interest from their properties, earn income from their services and charge tuition fees.

- The government will be responsible for distribution of general subsidies for per head expenditure of those receiving compulsory and basic education provided by the government and the private sector.

- Grants will be distributed in terms of loans for those from low-income families.

- Budgetary allocations and other special resources will be distributed for educational provision for those with special needs.

- General subsidies will be allocated for public degree-level institutions which are legal entities and are state-supervised or public organizations.

- Low-interest loans will be distributed to private educational institutions.

- The State and Private Education Development Fund will be established.

- Government subsidies will be distributed for education provided by individuals, families, communities, community organizations, professional bodies, religious institutions, enterprises and other social institutions.

- There will be a system for auditing, following-up and the evaluation of efficiency and effectiveness in utilization of the educational budget.

10.1.8 Utilization of Technologies for Education

- The government must arrange for radio broadcasting, television, telecommunication radio and other media of communication for use in provision of education.

- The government will promote and support the production and refinement of textbooks, other publications, materials and technologies for education by ensuring fair competition.

- Steps will be taken for the development of both producers and users of technologies for education.

- Learners will have the right to develop their technological capabilities for acquiring knowledge.

- The government will promote research and development , production and refinement of technologies for education.
- The Technology for Education Development Fund will be established through mobilization of resources.
- A central unit will be established to take charge of proposing policies, plans, promotion and coordination of research, development and utilization of technologies for education.

10.2 Implementation of the National Education Act 1999

Following the promulgation of the National Education Act 1999, all agencies concerned are required to take the following action as provided by the Act including its transitory provisions.

1. Action to be taken immediately :

1.1 Establishment of an Education Reform Office as an ad hoc public organization by virtue of a royal decree as provided by the Public Organizations Act, with a nine-member Executive Committee of the Education Reform Office.

The Executive Committee is composed of a chairperson and members appointed by the *Council of Ministers* from among those with knowledge, capability, experience and expertise in educational administration; state affairs administration, personnel administration; budgetary, monetary, and financial systems; public laws; and educational laws.

The Secretary - General of the *Education Reform Office* will serve as a member and secretary of the Executive Committee. Both the Executive Committee and the Secretary – General will have a single term of office of three years, at the end of which their tenures will be terminated and the *Education Reform Office* will be dissolved.

The responsibilities of the *Education Reform Office* are to :

- propose the structures, organs and division of responsibilities as provided in Chapter 5 of the Act ;
- propose systems of teachers, faculty staff, and educational personnel ;
- propose mobilization of educational resources and investment ;
- submit proposals to the *Council of Ministers* regarding the necessary bills ;
- submit to the *Council of Ministers* proposals regarding amendments to legislations, rules, regulations, statutes and orders ; and
- carry out other functions as provided by the Public Organizations Act.

1.2 Establishment of a fifteen – member Nominations Committee for the *Executive Committee of the Education Reform Office* to propose twice the number of the chairperson and members of the Executive Committee from among those qualified for submission to the *Council of Ministers* for appointment.

2. Actions to be taken within one year of the enactment date (by 20 August 2000)

2.1 Issuance of the ministerial regulations to differentiate the levels and types of basic education.

2.2 Issuance of the ministerial regulations for differentiation or equivalence of the various levels of non-formal or informal education.

3. Actions to be taken within three years of the enactment date (by 20 August 2002)

3.1 Educational rights and duties :

1) All individuals will have equal rights and opportunities to receive basic education provided by the State free of charge for at least 12 years.

2) Education will be compulsory for 9 years, requiring children aged 7 to enrol in basic education institutions until the age of 16 with the exception of those who have already completed grade 9.

3.2 Educational Administration and Management

1) Mergence of the *Ministry of Education, Ministry of University Affairs*, and the *Office of the National Education Commission* to be established as the *Ministry of Education, Religion, and Culture*.

2) Establishment of an *Office for National Education Standards and Quality Assessment* as a public organization.

3) Establishment of the *National Council for Education, Religion, and Culture; Commission Basic for Education; Commission for Higher Education; and Commission for Religion and Culture*. Their secretariat offices will be established as legal entities.

4) The state educational institutions providing education at degree level will be legal entities and enjoy the status of government or state-supervised agencies except those providing specialized education.

5) The administration and management of basic education and higher education at lower – than – degree level will be based on the educational service areas.

6) Decentralization of educational administration and management.

7) Educational administration and management by local administration organizations.

8) Educational administration and management by the private sector.

3.3 Development of a system, including production and further refinement, for teachers and educational personnel.

1) Establishment of the *Fund for Development of Teachers, Faculty Staff, and Educational Personnel*.

2) Establishment of an *Organization for Teachers, Educational Institution Administrators, and Educational Administrators* as an independent body administered by a professional council under the supervision of the *Ministry of Education, Religion, and Culture*.

3) Establishment of a central organization responsible for administering personnel affairs of teachers.

4) Provision of a law on salaries, remuneration, welfare and other benefits.

5) Amendments of the Teachers Act 1945 and Teachers Civil Service Act 1978.

4. Actions to be taken within five years of the enactment date (by 20 August 2004)

- Amendments of all legislations, rules, regulations, statutes, announcements, and orders pertaining to education, religion, art, and culture applicable on the enactment date of the National Education Act 1999 to be in line with the Act.

5. Actions to be taken within six years of the enactment date (by 20 August 2005)

- The *Ministry of Education, Religion, and Culture* will have completed the first round of external evaluation of all educational institutions.

In conclusion, the first National Education Act 1999 is paving the way for true comprehensive reform of education in Thailand. The Act has introduced new initiatives and reforms of Thai education which has been moving into a new era of national education in the 21st century. The next important step to be taken is the implementation of educational reform in accord with the National Education Act.