

Promulgating Teachers Law: A Necessity Viewed from the Practice of Law on Teachers in the World

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Abstract:- Nowadays, due to the primary importance of teachers in improving the quality of education, nations around the world not only pay great attention to the building of a policy system for teachers but also try to institutionalize policies into various legal documents related to teachers. On the basis of clarifying the current practice of laws on teachers in the world, and going into some specific teachers laws, this article pointed out the necessity of promulgating teachers law.

Keywords:- Teacher; Quality Of Education; Teachers Policy; Teachers Law.

I. INTRODUCTION

For the last several decades, teacher policies have been considered by nations in the world to be the most important component of education policy. This is because practice and scientific evidence have come to a unanimous recognition that teachers are the most important internal factor in ensuring and improving the quality of education.

Therefore, today in almost every country, there is a system of policies on teachers, covering all related fields from enrollment to colleges and universities of teacher education, initial training and further training, to teacher recruitment, development, support, and evaluation, compensation, and employment conditions.

In order to organize the implementation of a policy, it is necessary to institutionalize it into law or sub-law. The choice of laws or sub-laws to institutionalize policies is a complex one, depending on many political, economic and social factors. However, usually, if it is a sector-wide policy, it needs to be institutionalized into law; a subsector policy, such as the higher education policy, the vocational training policy, the teachers policy, can be institutionalized into laws or bylaws depending on how it is viewed and evaluated by legislators on the importance of that area; a policy on a specific education issue is often institutionalized into bylaws. However, this is not necessarily the case; for example, the policy on teachers' trade unions was

promulgated by the Republic of Korea into the Act on the Establishment and Operation of Trade Unions for Teachers (Republic of Korea,1999); the policy on teachers working conditions was enacted in the United Kingdom under the School Teachers' Pay and Conditions Act 1991 (UK. 1991)

The institutionalization of policy into law is a solid guarantee for policy implementation. However, this is a complex process, which is time and resources-consuming, even leading to conflict of interest; that is chiefly the reason why lawmakers have to consider.

The shift of teachers policies into teachers law is also a much discussed and debated issue in the world. However, with increasing awareness of the importance of teachers in improving the quality of education, the fact is that countries seek to enact teacher laws in one form or another.

This article wants to clarify the current practice of promulgating teacher-related laws around the world to show why it is necessary to enact teachers laws.

➤ Overview of Teacher-Related Laws in the World

Due to the importance and diversity of teachers policies, in general these policies in many countries around the world are institutionalized into various legal documents related to teachers. Here, the concept of "teacher-related law" is understood as a wide range of laws, from the Law on Teachers, law on specific issues of teachers, to chapters on teachers in Education Codes. Accordingly, the different teacher-related laws can be classified as in the following.

➤ Teachers Law

Within the limits of Google search, we can find the English versions of the following Teachers Laws: Teachers Law of the People's Republic of China; British Columbia Teachers Act; Teaching Profession Act of the Province of Alberta, Canada; Teaching Profession Act of the Province of Ontario, Canada; Philippine Teachers Professionalization Act; Thailand Government Teachers and Education Personnel Act; The Teachers and Educational Personnel Council Act of Thailand; Indonesia Teachers Law ; Taiwan Teachers Act.

Searching on the Eurydice website for European education, some of the following Teachers Law can be found in the native language: Act on Education Staff of the Czech Republic; Education Professions Act in the Netherlands; The Teachers' Charter Act of Poland; Act on Pedagogical Employees and Professional Employees of the

Slovak Republic; Act on Teaching Personnel in Basic Education, Secondary Education, Technical Secondary Education and Continuing Vocational Training of Luxembourg.

➤ *Laws on Some Specific Teachers Policies*

Teachers policies form a system with many dimensions, that is with many teachers specific policy areas. To ensure high and effective enforcement, many policies have been institutionalized into laws.

Teacher pre-service and in-service training is a much focused policy area. Therefore, in many countries, the Law on Teacher Training has been promulgated. For example, there are the Teacher Education Act 1972 of Western Australia; the Act on the Education and Recruitment of Teachers and Head Teachers in Pre-School, Compulsory School and Upper Secondary School 2008 of Iceland; the National Council for Teacher Education Act 1993 of India; Teacher Training Legislation of the Lander in Germany; the Teacher Training Act 2015 of Luxembourg; the School Teacher Training Act 1999 of Finland; the Federal Act on the New Teacher Training Scheme 2013 of Austria; the Federal Act on Schools for the Initial Training of Physical Education Teachers and Sports Instructors of Austria; the Federal Law on Training and Professional Requirements of Kindergarten Teachers 1968 of Austria.

Attention is also paid to policy aiming to promote teaching as a profession. This policy is also institutionalized into law such as the Teachers Registration and Standards Act 2004 in South Australia; the Teacher Registration Act 2012 in Western Australia; the Teachers' Professional Agreement and Classroom Improvements Act 2017 in Nova Scotia, Canada; the Law for Licensing Educational Personnel 1949 in Japan.

Concerning the professionalism of teaching profession, in England, Wales, Scotland and Ireland, there is the Teaching Council Act which provides for the establishment of a teaching council responsible for teacher registration, promotion of teaching as a profession, and regulation of the teachers professional development. South Africa has a similar law which is the Council for Educators Act 2000.

Policies on teachers salaries and working conditions have also been institutionalized into law, such as the School Teachers' Pay and Conditions Act 1991 in England and Wales; the Federal Act on Employment and Payment of Teachers 2013 of Austria; the Law on Teachers' Service Conditions 2003 of Liechtenstein; the Law concerning Special Measures for Salaries and Other Working Conditions of Educational Personnel in National and Local Public Compulsory and Other Schools 1971 of Japan; the Teacher Remuneration Act 2015 of Taiwan.

In addition, there are laws aimed at regulating a number of other specific issues, such as the Act on the Establishment and Operation of Trade Unions for Teachers 1999 of the Republic of Korea; the Teacher Tenure Act 1964 of Michigan State, USA; the Teachers Service

Commission Act 2012 of Kenya; the Federal Act of the Teaching Assignment of Federal Teachers of Austria; the Law on Upgrading of Teacher Role 2010 of Greece; the Law on the Statute of the University Teaching Career 2010 of Portugal; the Law on Training and Examination for the Director of Primary School, Secondary School, Pupils' Dormitories and Opened Civil University for Lifelong Learning 2015 of the Republic of Macedonia; the Employment of Educators Act 1998 in South Africa; the Law to Secure Ordinary Operations of Education during Maternity Leave before and after the Childbirth of Female Educational Personnel in National and Local Public Schools 1961 of Japan.

Examining the above laws from the perspective of a Teachers Law, we can see the following points:

1. There are countries like England, Japan, Austria enacting various laws on teachers; the combination of these laws institutionalizes almost all policies related to teachers as a full teachers law.
2. There are laws not entitled Teachers Law but their contents are very close to that of a Teachers Law, for example the South Australia Teachers Registration and Standards Act 2004 which object 'is to establish and maintain a teacher registration system and professional standards for teachers to safeguard the public interest in there being a teaching profession whose members are competent educators and fit and proper persons to have the care of children'.

➤ *Chapters on Teachers in the Education Code*

In some countries with developed legal systems, the integration of all various legal documents in the field of education led to the establishment of a unified system of laws which is the Education Code.

For example, the French Education Code consists of two parts: the legislative part and the regulatory part; each part includes 9 books as follows:

- Book 1: General principles of education
- Book 2: Administration of education
- Book 3: Organization of school education
- Book 4: General education institutions
- Book 5: School life
- Book 6: Organization of higher education
- Book 7: Higher education institutions
- Book 8: University life
- Book 9: Educational personnel

Book 9 can be considered as the Teachers Law of France with the scope of regulation covering all teachers from preschool to university.

In the United States, education governance is primarily the responsibility of the state government. The authority to enact education laws belongs chiefly to the states and, in general, state education laws are also incorporated into the Education Code. For example, the Texas State Education Code consists of 6 Titles, in which the Title 2 on Public Education provides for the detailed regulation of educators in chapter 21. This chapter consists of 170 A4 pages, 167 articles, stipulating almost every issue related to teachers in

public schools. This can be considered as the Teachers Law of Texas, USA.

II. TEACHERS LAWS OF SOME COUNTRIES IN THE WORLD

➤ *Teachers Law of the People's Republic of China*

China has embarked on the development of education legislation since 1986 with the promulgation of the 9-year Compulsory Education Law. To date, this legal framework includes the following: Teachers Law 1993; Education Law 1995; Vocational Education Law 1996; Higher Education Law 1998; Law on the Standard Spoken and Written Chinese Language 2001; Law on Promotion of Non-Public Schools 2003.

Looking at the above-mentioned law-making process, it can be seen that in the context of building a rule-of-law state with a lot of work to do, China has made a priority choice and really values the role of teachers in innovating and improving the quality of education.

China's education laws are essentially relatively detailed framework laws. That is also the case of the Teachers Law which consists only of 9 chapters, 43 articles, but has important provisions to ensure that the teaching profession is a respected profession in society; and the legitimate rights and interests of teachers at all levels, with all qualifications, and in all modes of education are safeguarded.

Article 1 affirms: 'This Law is formulated for the purpose of safeguarding teachers' legitimate rights and interests, building up a contingent of teachers who are sound in moral character and good in professional competence, and promoting the development of socialist education' (The People's Republic of China, 1993).

To this end, the Teachers Law has quite specific provisions on state management, rights and obligations, qualifications and employment, training and cultivation, remuneration, benefits, rewards, and legal liability for teachers. These regulations cover all areas of teacher policy, with a focus on teacher status, teacher training and cultivation, material benefits and legal liability for teachers.

Regarding material benefits, the regulations have institutionalized policies on salaries, allowances, housing, medical care, and retirement, with the explicit purpose of attracting good students into teaching and retaining good teachers in the profession. Regarding the legal liability for teachers, the regulations clearly reflect the respect and protection policy for teachers. Article 35 provided as follows: 'Anyone who insults or assaults a teacher shall be given an administrative sanction or penalty depending on the different circumstances; those who have caused losses or injury shall be ordered to compensate for the losses; and if the circumstances are serious enough to constitute a crime, the offender shall be investigated for criminal responsibility according to law'.

Thus, it can be seen that, although being only a relatively detailed framework law, the China Teachers Law has created a legal corridor so that the status of teachers is truly respected in reality.

➤ *Teachers Act of British Columbia, Canada*

In Canada there is no national ministry of education. The authority to govern education rests with the ministries of education of each province and territory. However, to share experiences and to achieve high standards of education, the ministries of education work together through a Council of Ministers of Education. Therefore, the major education policies of the provinces and territories are similar and work towards building a body of qualified teachers, considering it as strength of Canadian education.

British Columbia (BC) is a province with an education system recognized as successful in the world. The legal framework for BC education includes: School Act 1996; University Act 1996; Institutes and Colleges Act 1996; Independent Schools Act 1996; University Foundation Act 1996; University Endowment Land Act 1996; Music Teachers (Registered) Act 1996; Teacher Retirement Act 1996; Public Education Labor Relations Act 1996; Library Act 1996; Degree Authorization Act 2002; Teachers Act 2011.

It can be seen that the Teachers Act was promulgated relatively slow. In fact, the precursor to the Teachers Act 2011 was the Teaching Profession Act, which was enacted in 1996. The Teaching Profession Act in BC as well as in other Canadian provinces aimed to prioritize the promotion of education, improve the status of the teaching profession, enhance the interests of teachers and ensure the best conditions for teaching. By 2011, the Teaching Profession Act in BC was replaced by the Teacher Act. This act also aims to prioritize the promotion of professionalism in teaching through the establishment of a Teachers' Council whose objects are 'to establish standards for the education of applicants for certificates of qualification; and to establish standards for the conduct and competence of applicants for certificates of qualification and certificate holders' (British Columbia, Canada, 2011, Article 10).

The Teachers Act 2011 is a detailed law, consisting of 9 parts with 125 articles, specifying the organizational structure, members, objects and responsibilities, powers and duties, and working procedures of the Teachers Council; the election of Council members; the relationship between the Council and the Minister of Education; the establishment of the Disciplinary and Professional Conduct Board; the certification, suspension or cancellation of certificate of teachers; the procedures related to disciplinary and professional conduct inquiries and certification appeals; the responsibilities of teachers in detecting and reporting violations of professional ethics; the organization and certification of teachers' continuous professional development; the establishment of a register of all certificate holders, and an online registry for the purpose of providing the public necessary information about each authorized person.

Thus, despite untitled Teachers Act but this act has a narrow scope of regulation, focusing chiefly to the professionalism of the teaching profession. The provisions related to the functions, duties, rights and powers of teachers are stipulated in other acts, concerning educational institutions, such as schools, colleges and universities. As for the salary policy and working conditions of public school teachers, according to the Public Education Labor Relations Act 1996, there is collective bargaining between education boards and teacher unions. Accordingly, the salary and working conditions of Canadian teachers are quite attractive, ranging among the highest within the OECD countries.

➤ *Teachers Act of Thailand*

At the end of the 20th century, Thailand entered the education reform considered to be the most comprehensive and the most significant in the history of Thai education. The legal basis for this reform is the National Education Act 1999, also known as the Education Reform Act for Further Development of the Thai People. This act dedicates a chapter with 6 general provisions about teachers.

On that basis, the Teachers and Educational Personnel Council Act 2003 was enacted (Thailand National Assembly, 2003). This Act replaced the Teachers Act 1945 (amended and supplemented in 1952, 1966, 1976, 1978, and 1980). The scope of regulation of the Act covers all teachers and educational personnel in public and private educational institution sat early child, basic and higher education levels below a degree level. The purpose of the Act is to develop the teaching staff as professionals in the teaching profession. This is a detailed law with two chapters, 90 articles, with the ambition to set up a legal corridor for the development of a staff of qualified, professional and dedicated teachers.

It should be noted that, in addition to the above Teachers Act, Thailand has another Teachers Act with the scope of regulation being only teachers and education personnel in public educational institutions. It is the Government Teacher and Education Personnel Act 2004, in which “government teacher and education personnel” means persons who are recruited and appointed to be government officials in education institutions of State and/or education agency and receiving salary from the State’s budget (Thailand National Assembly, 2004).

The purpose of this Act is to clarify the rules of state management of public teachers and education personnel as government officials. To this end, the Act provides for the establishment of the Government Teacher and Education Personnel Committee chaired by the Minister of Education. The mission of this Committee is to lay down policies, plans and rules to develop a contingent of qualified public teachers; to give advice and recommendations to the Council of Ministers so as to adjust salary, academic standing allowance, position allowance, living allowance, welfare or benefits of government teacher and education personnel in the case where the cost of living has changed considerably or where the existing welfare or benefits of government teacher and education personnel is

inappropriate; to develop rule, procedure and standard on personnel administration and maintain merit protection system of government teacher and education personnel; to determine employment procedure and conditions for the recruitment and appointment of person to be teacher and education personnel in education agency and to determine their salary or allowance rate; to promote and support the encouragement of, and the provision of welfare and other benefits to, government teacher and education personnel.

Thus, it can be seen that the Government Teacher and Education Personnel Act 2004 is the necessary legal document to have appropriate regulations for public teachers which are beyond the scope of regulation of the Civil Service Act.

➤ *Teachers Law of France*

France is a country with a developed legal system of education in general, and for teachers in particular. A great deal of legal documents on French education were issued over time, and in 2000 were incorporated into the Education Code (Legifrance, 2020).

As above-stated, the French Education Code consists of 9 books, in which book 9 has a scope of regulation covering all teachers, public and private, at all levels of education and training. This book consists of 7 titles, 29 chapters and 98 articles regulating in detail the duties, rights, responsibilities, salaries and other benefits of teachers and educational personnel in the French education system. As such, book 9 can really be considered as the Teachers Law of France.

In the beginning of the general provisions, Article L911-1 shows the need of this Law when it asserts that in addition to the law on public services, officials in the field of public education services must also comply with the provisions of this Law. Also in the general provisions, Articles L911-2 and L911-3 stipulate that the minister in charge of education is responsible for publishing the annual plan for recruitment of educational personnel.

This is followed by general provisions on teacher responsibilities; teacher's pedagogic freedom; teacher continuing professional development; the right of teachers to participate in technology innovation and technology transfer activities. For personnel at private educational institutions, there are general provisions under which private teachers also follow the same regulations on initial training, continuing training, recruitment, employment and promotion as public teachers.

Regarding specific provisions, the Titles 2, 3 and 4 of Book 9 provide for tasks, salaries and benefits of primary school teachers, secondary school teachers (general and technical), technical and career-guidance personnel, supervisors and inspectors; encourage the mobility of employees from public and private companies towards educational institutions, and teaching staff towards companies.

Title 5 deals with higher education personnel, with the provisions concerning teacher initial training and continuing training; higher education institution's right to recruit and manage its personnel; duties and rights of university lecturers; faculty titles and the appointment of these titles; disciplinary measures. Title 6 deals with personnel in specialized institutions. Finally, Title 7 deals with the application for special regions of France, including the islands of Wallis and Futuna, Mayotte, Polynesia and New Caledonia.

Thus, it can be seen that in addition to the regulations on public services that French public school teachers, as officials, must follow, Book 9 on educational personnel in the French Education Code has established a detailed legal framework to regulate duties, rights, responsibilities, salaries and other benefits of teachers and other educational personnel in their specific activities of the teaching profession.

➤ *Teachers Act of Texas, USA*

The United States is also a country with a long-standing developed legal system of education. In the US institutional model, education governance at the system level of the federal government is limited in developing policies to encourage competition and improve the quality of education; the rest is under the authority of the states. Each state is responsible for regulating educational institutions within its state, developing education laws, and usually integrating these laws into the state Education Code.

As for teachers, Texas and other states, are trying to develop contingents of qualified teachers through the deployment of a policy system covering eight broad areas: 1) Pre-service training policies; 2) Licensure and certification policies; 3) Tenure policies; 4) Professional development policies; 5) Recruitment, retention, and assignment incentives policies; 6) Salary structure policies; 7) Teacher association policies 8) Teacher retirement policies (Loeb & Miller, 2006).

The Texas Education Code, consisting of 3362 pages of A4 size, applies to all educational institutions supported in whole or in part by state tax funds unless specifically excluded by this code. In addition to Title 1 on general provisions, the Code includes Title 2 on public education, Title 3 on higher education, Title 4 on compacts, Title 5 on other education, including driver and traffic safety education, and Title 6 on benefits consortiums.

In Title 2 on public education, the regulations for teachers are stipulated in details in chapter 21 untitled "Educators".

Chapter 21 includes 15 subchapters, 167 articles, institutionalizing almost every area of policy related to public teachers from recruitment, teacher certification, and teacher contracts to teacher duties and benefits, appraisals and incentives, staff development and other teacher development programs.

Regarding the duties and benefits of teachers, there is a stipulation that the salary of a teacher will be increased every year and can reach the highest salary after 20 years. In addition, there are regulations on the deployment of grant programs to encourage teachers to improve their qualifications; establishment of a staff development account, including gifts, grants, donations, and property, for teachers development.

It can be seen that even though it is only one chapter in the Education Code, the chapter 21 on educators can be considered as the Teachers Law of Texas.

III. NECESSITY OF PROMULGATING THE TEACHERS LAW

➤ *General Comments from the Practice of Teacher-Related Laws in the World*

From the aforementioned presentation on legal documents related to teachers in countries around the world, some following comments can be drawn:

1. Due to the important role of teachers for improving the quality of education, every country has a policy system for teachers. The institutionalization of policy into law takes many forms, either the law on teachers or the law concerning one or several teachers policies.
2. In fact, the Teachers Law is not necessarily a legal document named the teachers law. It may be a legal document with a different title but the content covers the system of teacher policies; may be a legal document on one or several teacher policies; may be a group of legal documents on various teacher policies; and may be a book or a chapter detailing every teacher's policy in the education code.
3. The institutionalization of teachers policies into the Teachers Law depends on a lot of factors. However, the most important factor is the awareness of the importance of teachers policy and the political determination of country leaders in turning policy into law to create the most effective legal framework for the implementation of teachers policies.
4. Depending on the specific situation of each country's legal system, the Teachers Law may be a framework law or a detailed law. In the scope of this study, we only see China enacting the Teachers Law in the form of a framework law, perhaps because China needs to enact such a law so as to establish soon a legal framework for education development in the early stages of building a rule of law state.
5. The Teachers Law, even if it is a detailed law, does not necessarily institutionalize all teachers policy areas. The institutionalization of any policy area is up to the priority of that field in the specific context of the country.
6. The scope of regulation of a Teachers Law may include both public and private teachers (such as the one of France), but may be limited to public teachers (such as the one of Texas, USA). In particular, Thailand has two laws regarding teachers; a general governing law for both private and public teachers and a separate governing law for public teachers with the purpose of clarifying specific government policies for public teachers, as government officials.

7. In the laws related to teachers, in addition to the regulations on teachers, there are regulations about education managers and other school personnel such as supervisors and career-guidance personnel.

8. For countries with developed legal systems, the development of a legal framework for teachers is a process through which various legal documents on teachers are issued. The collection of these legal documents constitutes the Teachers Law as we see it today in the French Education Code as well as the Education Code of Texas, USA.

Based on the above observations, the following is the analysis of the need to promulgate the Teachers Law from different perspectives.

➤ *The Teachers Law should be Promulgated to Create a Solid Foundation for Improving the Quality of Education*

Improving the quality of education is now a top priority in every country's educational development strategy. But, how to improve the quality of education? Analyzing the factors within the education system, many studies have come to the conclusion that the quality of an education system cannot exceed the quality of its teachers (Barber & Mourshed, 2007; Schleicher, 2015)

Therefore, the problem of improving the quality of education now focuses on the problem of improving the quality of teachers. But, how to improve the quality of teachers? Current studies come to a conclusion: The quality of the teaching staff cannot surpass the quality of the teachers policy system (OECD, 2018),

There are many ways to improve and implement teachers policy. However, either way, the first thing is to institutionalize policy. There are two ways to institutionalize, either by law or by sub-law. Institutionalization by sub-law will be faster, less labor-consuming and less resource-consuming, but often less efficient and less effective. On the contrary, the institutionalization by law is more expensive in terms of time, effort and resources, but creates a higher legal framework to ensure an efficient and effective implementation (UNESCO, 2015). Each country will base on specific conditions of resources, socio-economic context, and the possibility of conflicts of interests, to choose the way of institutionalization. However, if together with the awareness of the important role of the teaching staff is the political determination of policy makers in improving the quality of education, then the best option is to develop and enact the Teachers Law.

➤ *The Teachers Law should be Promulgated to Confirm the Status of Teachers and Regulate the Specific Labor of the Teaching Profession*

The ILO / UNESCO recommendations concerning the status of teachers in 1966 and the status of higher education teaching personnel in 1997 (ILO, 2016) showed that confirming the status of teachers means confirming the role and importance of the teaching staff as well as individual teachers in preparing future generations for the country. This should be concretized through the setting of a legal

framework to ensure that good people want to enter the teaching profession, and teachers are assured with the profession, progressed in the profession and dedicated to the profession. The Teachers Law is the very legal framework to confirm the status of teachers.

Along with the status of teachers, studies today show that teachers' work belongs to the category of complex work. To clarify this concept, OECD researchers have drawn a comparison between simple, complicated and complex tasks (Burns & Koster, 2016). A simple task is one that is based on an existing solution or procedure. A complicated task is one that the implementation requires a lot of effort in finding the solution, but once the solution has been found, it can be successfully applied in all similar cases. Complex tasks are tasks that implementation always requires finding solutions for each specific case even though the cases are similar. In that sense, teacher's work is a complex work because the success of teaching to a certain student or a certain class, does not guarantee that it will continue to succeed for another student, another class.

In general, teachers' work is complex because it aims to build and develop the competencies and values of learners. This is a kind of work without a given solution, and therefore even though the teacher is a subject expert and a professional in teaching, he always has to find an appropriate solution when embarking on an educational task. This is why, even though public teachers are officials, countries still have to regulate public teachers by teachers laws to specify their initial training, continuing training, recruitment, employment, promotion, and remuneration, instead of the general provisions in the civil servants laws.

The promulgation of such a Teachers Law, as in the case of Thailand, is also intended to ensure that there are provisions on remuneration commensurate with the status of teachers and the specific labor of the teaching profession. In some cases, as in Japan in 1974, to attract capable youths into the teaching profession, the Japanese government enacted the "Law Concerning Special Measures for Securing Capable Educational Personnel in Compulsory Education Schools", which stipulated that 'the salary of the teachers in compulsory education schools must be treated more favorably than the salary level of the general civil servant' (Saito, 2013). The implementation of that policy has made a fundamental change, making teaching profession a priority choice among young Japanese.

➤ *The Teachers Law should be Promulgated to Regulate the Teaching Staff as the most Important Human Resource in the Nation's High Quality Human Resources.*

If a high-quality worker is understood as a person with good conduct and intensive training at the university level, then in any country, teachers (both public and private) form the largest high quality human resource. Limiting particularly within the domain of civil servants, public teachers usually account for 70% to 80% of the total. That is about the size of the teaching staff; as for its mission, this staff has a great mission of preparing the future generation

of the country, educating and training young people, and even adults to become capable and valuable workers, meeting the country's socio-economic development requirements.

Such a staff is considered to be the most important of the nation's high quality human resources (Pochard, 2008). The problem for all countries is the need for an appropriate legal framework to manage this staff. The answer depends on the purpose of the management. If the purpose is limited to personnel management, that is to set rules for public teachers to comply as civil servants, then the Civil Servants Law or the Public Services Law is sufficient. If the purpose is for the development of future generations of the country, it is necessary to shift from personnel management to human resources development, and then to have a suitable legal framework to create both motivation and capacity for teachers.

Studying the management of teachers in France, which is well known for its way of managing teachers (even private teachers) like civil officials, a state-level commission stated that managing teachers cannot be done like managing tax office staff. Applying uniform and mass thinking in managing the nation's most important human resources led to a rigid, mechanical and impersonal mechanism that resulted in binding the teacher's professionalism, breaking their creative capacity, and stealing their motivation and love for their profession. Teachers' management needs a sophisticated and specialized legal framework in which teachers, both public and private, see themselves, their careers, their missions, their paths of advancement, and so bring success for learners and satisfaction for society (Pochard, 2008)

With such awareness, besides the legal corridor created by the Civil Servants Law or the Public Services Law, many countries have seen the necessity to enact the Teachers Law to establish an appropriate and flexible legal framework for teacher career development, both public and private, in view of the ultimate goal of student success.

➤ *The Teachers Law should be Promulgated to Contribute to the Improvement of Education Legislation*

Education legislation is a system of legal documents aimed at creating a legal framework for the movement and development of education. This system is developed over time, usually consisting beforehand an education law and then gradually complementing by other laws for related fields of education.

In a research paper on the development of education law in the United States (Mawdsley & Visser, 2007), the authors pointed out that the condition required to enact a new law in a certain field is to have the convergence of at least four factors: 1) the number of sub-law documents in that field has already reached a critical mass; 2) if no law is enacted, it is still necessary to issue further bylaws for that field; 3) the number of the existing bylaws and the new ones will lead to the overlapping, fragmentation, and lack of consistency in the management of the field; 4) organizations

and individuals involved in that field find it necessary to have a law document to systematize and unify necessary regulations.

Obviously, with the current inadequacies of Vietnam educational legal system, the system of sub-laws to guide the implementation of education-related laws is very large. This can be seen clearly in the field of teachers and education managers. The Report of the Committee for Culture, Education, Youth, Teenagers and Children of the Nation Assembly on monitoring the implementation of policies and laws related to teachers and education managers for the period 2010-2016 showed that the system of state management documents for teachers has 169 documents; the content of regulation is relatively comprehensive; but 'there is overlap in regulations due to the issuance by many authorities, leading to confusion when searching and applying in specific cases. Besides, even though there are nearly 200 documents regulating teachers, there is still a lack of specific regulations on management and policies for teachers in non-public educational institutions and foreign educational institutions' (Committee for Culture, Education, Youth, Teenagers and Children of the Nation Assembly, 2017)

Actually the bylaws for the field of teachers in Vietnam is already at a critical mass, the risk of overlapping and inefficiency in teacher management is visible, and the demand for a Teachers Law has already been proposed from the highest level long ago. Therefore, as above mentioned, the convergence of necessary factors has been met for the enactment of the Teachers Law, thus contributing to the improvement of Vietnam education legislation.

IV. CONCLUSION

The improvement of the education legal system, in any country, is always considered as an additional process. The additional sequence depends on how legislators see the priority of each field. To some countries mentioned in this report, it can be seen that China enacted the Teachers Law shortly after the 9-Year Compulsory Education Law was promulgated; Thailand has promulgated the Teachers Act long ago, from 1945, amended and supplemented it several times, and replaced it by a new one right after the National Education Act was enacted; the province of British Columbia of Canada enacted in the same year the Teachers Act with the School Act, the University Act and a number of other educational related acts. In France and Texas, USA, the Teachers Law is incorporated from many laws and sub-laws on teachers issued over the years.

In Vietnam, the need of promulgating the Teachers Law to contribute to improving the educational legal system has been set up by the Party Central Secretariat in the Directive No 40 dated June 15, 2004 on building and improving the quality of teachers and education managers. For many reasons, this law has not yet been enacted.

Therefore, currently in our country's educational legal system, there are only the Education Law, the Vocational Education Law, and the Higher Education Law. Such a legal framework can only be suitable for a system of education in which the scale is not large, the complexity is not high, and education policies are not diverse.

Meanwhile, the education system we have today has become much larger, more complex and diverse than before with a network of educational institutions across the country, with a multi-layered structure, with the participation of many actors, with higher requirements for quality and efficiency, and with a rich system of policies and open international relations. This system requires a more complete legal system with new laws for areas that can no longer be governed by by-laws.

From the practice of laws on teachers in the world, it is now time to overcome the divergence of awareness to recognize that the promulgation of the Teachers Law is particularly necessary in improving the effectiveness and efficiency of the country educational legal system in many respects, especially in response to the breakthrough requirement for rapid development of high quality human resources in the context of the fourth industrial revolution.

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