

A Comparative Study of the Current Education Disciplinary Regulations in England Versus China

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Abstract

Since the Chinese *Education Disciplinary Rules for Primary and Secondary Schools (Trial)*, i.e., The Trial Rules (TTR) was first put into practice, its implementation has been limited because of teachers' ignorance and misconduct. A comparative study is needed to shed light on these issues and promote TTR policies. As a country based on case law and a centralised educational system, England represents an appropriate reference. The present study compares the history and latest regulations in education between two countries (England and China) in terms of the participants and processes involved in education discipline. It is important to note that TTR has a shorter history than the system in England, and therefore, it provides relatively limited guidance for classroom teachers because there has not been enough practical or theoretical feedback. However, considering the regulations about the education disciplinary process (e.g., deviance, discipline, and feedback), TTR has formed a relatively well-developed stipulations for the latter two steps, while further details must be developed to better address deviance. Overall, more referential cases are needed as guidance for teachers.

Keywords: education disciplinary regulation, student management, education discipline, UK education

1. Study Background

On 01 March 2021, the *Education Disciplinary Rules for Primary and Secondary Schools (Trial)* (hereafter TTR, i.e., The Trial Rules) came into effect in China. This directive guides schools and teachers regarding how to correct student misconduct in the context of basic morality-based education and in the interest of protecting students' legitimate right to receive education (Ministry of Education of the People's Republic of China, 2020). However, the newly announced regulation has not been implemented thoroughly. In fact, most teachers ignore TTR or have not even noticed it, and the teachers who try to follow TTR may not apply the policies in an acceptable way. Under China's current stable education system, which includes school management, classroom teaching, and teacher-student interaction modes, teachers' inadequate habits in terms of education discipline prior to TTR tend to remain in two contradictory ways. On one hand, for fear of gaining the distrust of public opinion and education administration systems, the teachers dare not discipline students, but rather, they allow misconduct, which does not benefit moral education. On the other hand, some teachers apply disciplinary measures in unauthorised ways (e.g., corporal punishment, verbal humiliation, etc.), which can seriously harm students' physical and mental health (Yu, Du, & Li, 2020).

Current problems in education discipline practice require dedicated reflection on TTR; rather than forcing teachers to apply TTR reluctantly, it is better to first ask them to reflect thoughtfully on the document itself. In terms of understanding TTR, which will be improved gradually in the future, a comparative study into a mature disciplinary regulation system will be helpful. The *Behaviour and Discipline in Schools: Advice for Head Teachers and School Staff* (BADIS), which was published by England's Department of Education in 2013, is an ideal comparative object for three reasons.

First, England is a case law country, and therefore, when it comes to discipline in education, a teacher facing a misbehaving student cannot be regarded in the same light as a judge facing a suspect or a doctor facing a patient (Biesta, 2019). Although China is a statute law country, teachers still have significant power during the disciplinary policy implementation. Therefore, relevant laws and regulations regarding education discipline should refer to the spirit of case law, which is more flexible in most real-life scenarios.

Second, the UK and USA are both representative case law countries; however, as a federal country, different states within the USA may show completely different (even contradictory) attitudes towards education discipline. It would therefore be difficult to compare disciplinary regulations at the national level. In contrast, among the four nation constituent political entities of UK, England accounts for 56.550 million people (i.e., 84.3% of the entire UK) (Office for National Statistics, 2020). Thus, we consider England as representative of the UK.

Third, the education system in England operates in a centralised way, which is similar to the system in China, making it a valuable reference for TTR. Since the Education Act of 1986, which came about after more than 30 years of development, England's education system adopted a hierarchical three-tier structure comprising the following: central education department—local education department-- school unit (Lin & Hsu, 2016). With the cooperation between these three levels and disciplinary regulations based on case law spirit, this support system is well suited to enable classroom teachers to deal with students' behaviour problems. Overall, this represents an ideal comparative object for China's education system, with the central Ministry of Education at the core, working in a similar hierarchical structure.

Moreover, a comparison of the education disciplinary regulations in England and China can further contribute to the methodology. Textual analysis of education law is usually applied in a jurisprudential perspective instead of a pedagogical perspective. However, the overarching aim of education overweighs that of disciplinary enforcement and punishments in such regulations. Therefore, the present study provides a pedagogical framework in order to take a deeper look into the regulations, which could inspire future research efforts regarding education disciplinary regulations. Therefore, the research question of this study is the following: from the perspective of participants and in terms of education disciplinary processes, what are the main differences between BADIS and TTR?

2. Literature Review

2.1 The History of BADIS and TTR

2.1.1 The History of BADIS: Three-Phase Development

a) Phase One: Complete Prohibition of Corporal Punishment During the 1980s

England's education disciplinary regulations can be traced back to the *Education Act of 1986* (Department of Education and Science, 1986), which banned all public schools from corporal punishment yet led to 2% of teachers claiming to be insulted by their students (Liu, 2015). Therefore, three years later, *Discipline in Schools: The Elton Report* was implemented to manage chaos in schools and complaints from parents (which typically emphasised the partnership between students and teachers), yet it did not tell teachers what they could do to solve the problem (Li & Ma, 2020).

b) Phase Two: Beginning of Legislation on Education Discipline From the 1990s to the 2000s

Later, the *Education Act of 1996* was announced by the Department for Education and Employment to expressly stipulate how teachers could manage students, thus symbolising the beginning of a movement focused on teachers' rights in education discipline. To help teachers and schools manage students, two more regulations came along. The *Behaviour Improvement Programme of 2002* provided schools with more funding to put towards security and discipline (Lin & Hsu, 2016). Then, the *Education and Inspections Act of 2006* defined the subjects of education discipline as "the faculty members who are paid by the school" instead of only teachers; it also clarified the process for formulating and amending disciplinary rules in schools, which ensured that school administrators, classroom teachers, parents, and students can all participate as members of the school management committee to formulate or amend disciplinary rules (Department for Education and Skills, 2006).

c) Phase Three: Improvements to the Legislation Since the 2010s

The latest *Education Act (2011)* strengthened the disciplinary rights of schools and teachers by authorising them to search and reducing the power of parents and society to interfere in education discipline (Department of Education, 2011). In the same year, *Getting the Simple Things Right: Charlie Taylor's Behaviour Checklists* was published, thus providing school administrators and classroom teachers a self-check list to ensure a more reasonable school management strategy and disciplinary rules for pupils (Department of Education, 2011). Based on these laws and regulations, BADIS was published in 2013 by the Department of Education as the newest official document guiding education discipline; this directive provides teachers and schools numerous tools related to education discipline (Department of Education, 2016). The document has been updated continuously, with the latest update in September 2020.

In short, over the past 30 years, the British Government has carried out a series of legislative explorations, which

have laid a solid legal foundation for the implementation of education discipline in England.

2.1.2 The History of TTR: Three-Phase Development

a) Phase One: Complete Prohibition of Corporal Punishment (1949)

Since the founding of the People's Republic of China, the negative effects of corporal punishment on students' physical and mental development have been widely discussed. As a result, anti-corporal-punishment has become a basic principle of education discipline. However, the reference to "education discipline" in official laws or regulations is still rare. Neither the *Teachers Law of the People's Republic of China of 1993*, nor its amendment in 2009, mentioned teachers' rights in terms of education discipline.

b) Phase Two: Dissemination of Local Regulations on Education Discipline During the 2010s

Owing to the long-term lack of guiding laws and regulations related to education discipline, various provinces and cities have endorsed their own local regulations. For example, in February 2017, *The Management Measures for Qingdao's Primary and Secondary Schools* were published, representing modernised municipal local laws about education discipline (Zhang, 2021). However, its clauses are too general to stimulate effective practices, and therefore, the implementation of this local law soon failed (Qingdao Municipal Government, 2017). In April 2020, the Standing Committee of the Guangdong Provincial People's Congress passed *The Regulations on School Safety in Guangdong Province*, which was the first province-level document since Qingdao's regulations. The original version of this document contained several regulations encouraging corporal punishment, which were later revised (Ye, 2021).

c) Phase Three: Declaration of National Legislation on Education Discipline (Since 2019)

After a long string of unregulated local laws, the Ministry of Education officially released *The Rules on The Implementation of Education Discipline by Primary and Secondary School Teachers (Exposure Draft)* (hereafter referred to as TED, i.e., The Exposure Draft), which was a preliminary attempt to outline the principles and methods for implementing education discipline at the national level. However, this regulation was highly misleading. For example, TED defines education disciplinary practice as "duty act", "legal authority", and other "administrative act", which significantly weakens its essence as an educational act (Ministry of Justice of the People's Republic of China, 2019). For this reason, after one year of collecting public views, TED was upgraded to TTR in December 2020 and currently represents the latest legal document related to the principles and methods of implementing education discipline in China. One year later, the new *Teachers Law of the People's Republic of China (Revised Draft) (Exposure Draft)* was announced; Clause 9 therein stipulates education discipline as one of various teachers' basic rights (Ministry of Education of the People's Republic of China, 2021).

Thus, after a more than 60-year period without national legislation, the specific regulations on teachers' disciplinary power have been normalised by the Ministry of Education of the People's Republic of China.

2.1.3 Historical Comparison of BADIS and TTR

In general, BADIS and TTR both went through similar three-phase developments: They both started with a complete ban on corporal punishment, then entered a chaotic transition stage when handling objective school management, and finally reached a formal and unified management strategy under the direction of the central education department.

The historical differences between BADIS and TTR lie in the following four aspects.

(1) Previous Legislation

From the effective description of education discipline in the legal provisions, BADIS came from the 17-year-development since *Education Act 1996*, during which classroom teachers had been practicing. However, there was only less than 10 years for TTR. As a result, TTR lacks a solid theoretical and practical foundation compared with BADIS.

(2) Legislative Institution

For England, the entire legal exploration over more than 30 years was completed by the education department under the direction of the Cabinet. Therefore, the development and purpose of relevant laws and regulations are consistent and committed to balancing school management and students' rights. For China, before TED, the provincial and municipal governments made their own laws and regulations, which resulted in chaos in certain regions.

(3) Legislation Process

Before BADIS, education discipline was already one of the teachers' basic rights under the *Education Act of 1996*, as well as several subsequent laws and regulations. In contrast, although teachers have had TTR as a guideline since March 2021, education discipline was not explicitly stipulated as a basic right of teachers until the announcement of the draft of the new *Teachers Law* in November 2021. This led to widespread fear of disciplinary implementation among teachers, even after TTR was published.

(4) Implementation Feedback

BADIS has been in force for nearly 10 years, during which time, classroom teachers have been implementing education discipline. Such implementation has brought feedback on how to best amend BADIS. In contrast, TTR has been in force for less than one year, during which time, teachers were unable to effectively implement its policies because of fear and abuse. Therefore, TTR could not gain useful feedback from classroom teachers under these circumstances.

2.2 Pedagogical Elements of Education Discipline: Participants and Processes

There are three elements of education discipline: the subject of education discipline, the object of education discipline, and the processes of educational punishment. The first two elements can be collectively referred to as the participants of education discipline. The processes can be further divided into three stages: deviance, discipline, and feedback.

2.2.1 Participants of Education Discipline: Teachers and Students

Studies have clearly demonstrated that teachers must emphasise the educational nature of discipline while prioritising the moral development of students (Li & Hu, 2014; Ma & Cao, 2020). Some scholars have further explained that in the process of education discipline, teachers should convey rule consciousness to students, respect students, and trust students (Zhang, 2021).

First, education discipline is not just intended to maintain order. It is necessary for teachers to appropriately intervene when students are misbehaving in order to cultivate their free will. The idea that "freedom" deviates from the rules of discipline and morality is false and hollow. Education discipline represents a contract between teachers and students, i.e., education discipline can serve to develop students' rule consciousness only when students clearly understand and approve of the rules, and the rules are legitimate.

Second, when implementing education discipline, teachers must respect students; this is a key premise of education discipline. Some scholars have pointed out that truly effective education discipline must be carried out with the goal of developing students, while respecting and loving students (Zhou & Peng, 2018).

Finally, trust in students comes from teachers' expectations regarding the students' "possibility of growth", and therefore, teachers' disciplinary behaviour is the practice of this trust. The teachers should use their trust in this possibility to guide students to the right track using education discipline.

2.2.2 Processes of Education Discipline: Deviance, Discipline, and Feedback

There are three stages of a complete education discipline situation: deviance, discipline, and feedback.

a) Deviance

Deviance is the first process of a complete education discipline event. Teachers and schools must publicise school and classroom regulations before they come into practice. As a precaution, teachers should provide related moral education and explanations of the rules. In other words, students should know what they are allowed to do and what is off limits.

Teachers choose the method of education discipline based on the level of deviance. The deviance can be classified into four levels (Lao, 2003): (i) in the lowest level, the behaviour does no good to the student him/herself, but does not influence others (e.g., not finishing homework); (ii) in the second level, although the behaviour does not influence others, it causes severe results (e.g., vandalism); (iii) in the third level, the behaviour does harm to others and causes severe results; and (iv) in the most serious level, the behaviour is illegal or even involves a crime. In the last two situations, the outcome is so serious that the method of discipline is decided by the outcome, whereas in the first two types of situations, students' objective and subjective factors should be taken into account.

b) Discipline

As the second stage of a complete education discipline event, discipline involves (i) the judgement made by the teacher regarding how to discipline and (ii) the actual act of discipline.

The teacher makes a judgement based on the level of deviance in addition to two more factors: students' individual differences and motivations. Teachers should consider the different physical and mental situations of students. It has been proposed that for younger students who are sensitive about teachers' evaluations, verbal reprimands should be employed frequently. As students grow up and become less sensitive to teachers' verbal reprimands, methods such as confiscation, exclusion, and labour discipline are more effective because they directly influence the students' interests (Wang & Dai, 2021). If teachers can pay enough attention to students' unique backgrounds and experiences, they should be able to recognise different motivations (Ma, & Cao, 2020). For example, students may be disciplined because of non-intentional mistakes, e.g., occasionally being late for school, being too noisy because of excitement, or getting into a small quarrel with classmates. Additionally, deviant behaviours sometimes aim to attract teachers' and students' attention to seek love and care; this is typically observed in students who are habitually ignored. In other cases, deviance may be a deliberate challenge to authority or the mainstream culture, manifesting as a desperate complaint or even confusing their own identity. Similar behaviours may be the results of completely different motivations. Therefore, after judging a student's potential motivation, the teacher's chosen discipline method should match it well. For example, seclusion is only useful when the student really cares about being in class (Noguera, 2003), otherwise exclusion even could be viewed as a kind of reward.

For the implementation of discipline, teachers must be prudent with their choice of a suitable method. Considering England's and China's documents and studies (Lao, 2003), Table 1 summarises seven types of education discipline.

Table 1. Seven types of education discipline

Verbal reprimand
Extra assignment
Labour
Negative reinforcement
Detention
Isolation
Exclusion

Importantly, verbal reprimands should not be moral sadism (Clarke et al, 2021). Humiliation is the opposite of respect and trust towards students. Similarly, public warnings and recordings in files should not be methods of education discipline because both strategies bring more shame and humiliation than educational benefit. Additionally, applying isolation or exclusion must not deprive students of their basic right to education, because this could risk introducing academic gaps and other cumulative negative effects (Gazeley, 2010). Moreover, the value of labour and extra assignments should be clarified in practice because the stigmatisation of learning and labour should be avoided. Finally, it has become common sense that corporal punishment is forbidden because it causes direct harm to students' bodies and can also bring mental problems. However, it has been shown that corporal punishment still exists mainly because of a lack of alternative techniques (Alyahri & Goodman, 2008). In educational practice, these methods are usually implemented together. For example, when a student is in isolation, they may also receive verbal reprimands and extra work, e.g., a writing task.

c) Feedback

The final stage of a disciplinary event is feedback, which occurs after the implementation of education discipline. This process serves both educational and administrative purposes.

The educational objective of discipline is based on the idea that restorative practice-based education replaces a zero-tolerance mentality. Restorative education discipline can be explained in two dimensions: receptive attitude and effective communication. For example, if a student feels unaccepted after being disciplined, he or she will regard education discipline as punitive rather than as a tool that helps him or her grow (Lynch, Schleider, & McBean, 2020). Educators should therefore emphasise that discipline is not removing a "bad" individual away from the others (Noguera, 2003). Instead, the student who makes a mistake should still be well accepted by the class and the school. Meanwhile, teachers must communicate with the student to complete the educational process. Specifically, they should check whether the student accepts the discipline and finds it reasonable and

deserved. The insights gained from such interactions will indicate how the student might behave in similar future situations. Education discipline should focus more on the long-term development of students, rather than the issue itself. Effective feedback presents an opportunity to avoid students' and parents' appeals or even litigation. With teacher's implementing a restorative style, accepting attitude, and educational communication, the feedback serves as the start of a new round of education.

In terms of the administrative process of education discipline, if the disciplined students and their parents are not satisfied with the way the teacher disciplines, they will need a way to appeal, meaning the school must set a commission to judge. If such an appeal is unreasonable, the same commission must protect the teacher from being framed.

3. Comparison Between BADIS and TTR Based on Participants of Education Discipline

Discussions of participants have typically been limited to the education disciplinarians, because the disciplined subjects mainly refers to students' misbehaviour; the latter is explained in detail in Section 4. The BADIS and TTR regulations are discussed herein in the context of three requirements for teachers: conveying rule consciousness to students, respecting students, and trusting students.

3.1 Regulations in BADIS

To cultivate rule consciousness, BADIS proposes that one of the main purposes of education discipline is to promote students' self-discipline. This idea is also reflected in off-campus disciplinary powers. Teachers can discipline and educate students outside of school, thus comprehensively improving students' self-discipline (Department for Education, 2016).

In terms of respecting and trusting students, BADIS stipulates that all disciplinary actions must aim to safeguard and promote the welfare of the students. When disciplining, teachers must always pay attention to whether students are suffering or gaining educational improvements (Department for Education, 2016).

3.2 Regulations in TTR

Clause 3 of TTR explicitly states that the implementation of education discipline should cultivate students' rule consciousness and responsibility (Ministry of Education of the People's Republic of China, 2020).

In terms of respecting and trusting students, Clauses 2 and 4 of TTR clearly state that education discipline must be based on the "educational purpose" and must meet the requirements of education, i.e., to encourage students to take warnings and cognise and correct misbehaviours (Ministry of Education of the People's Republic of China, 2020).

3.3 Differences Between BADIS and TTR

The main difference between BADIS and TTR therefore lies in how to specifically integrate educational purpose and rule consciousness. Although TTR includes a definition of discipline, the document provides little guidance for teachers' methods of implementation. In contrast to BADIS, TTR is presented in a more formal way, with 20 specific clauses. In terms of content, although the educational significance and purpose of disciplinary behaviour are emphasised in both documents, the systematic expression of TTR is relatively hollow for certain operational content.

The presentation of rule consciousness also differs in these two documents. The TTR text lacks specific instructions for using this principle, whereas BADIS uses off-campus discipline as an example to concretely guide the cultivation of rule awareness. From a longer-term perspective, BADIS attempts to manage students' behaviour with maximal freedom and minimal order. The full text of BADIS seeks to cultivate students' rule consciousness based on promoting self-discipline and respect. In contrast, TTR places more restrictions on students with itemised documents. For example, punishment is set as a method to let students know their mistakes in a given situation, which may only be helpful to cultivate their self-discipline abilities.

4. Comparison Between BADIS and TTR Based on the Processes of Education Discipline

4.1 Regulations on Deviance

4.1.1 Regulations in BADIS

The precautions before discipline outlined in Clauses 5-6 of "The school behaviour policy" require schools and teachers to publicise clear regulations to staff, parents, and pupils at least once per year in writing. This approach also protects teachers, in case of students who try to make malicious accusations against school staff (Department for Education, 2016).

In terms of regulations on deviance, BADIS does not clearly stipulate the range of misbehaviours. Explanations

of what may lead to disciplining are discussed throughout BADIS; the most common causes are outlined in “Pupils’ conduct outside the school gates – teachers’ powers”, “Confiscation of inappropriate items”, and “Power to use reasonable force” (Department for Education, 2016).

Clause 25 of “Pupils’ conduct outside the school gates – teachers’ powers” authorises teachers to discipline students when there are repercussions for the orderly running of the school or if the student threatens others or adversely affects the reputation of the school.

Clause 35 of “Confiscation of inappropriate items” authorises teachers to search without consent for “prohibited items”, such as knives, alcohol, drugs, and pornographic images. Clause 36 regards knives and child pornography as illegal items that should be handed over to the police.

Clause 38 of “Power to use reasonable force” authorises teachers to use reasonable force to prevent students from committing an offence, injuring themselves or others, or damaging property.

4.1.2 Regulations in TTR

The precautions before discipline are first mentioned in TTR in Clause 3, which requires the educational administrative department to support, guide, and supervise the schools and teachers in matters of discipline in accordance with the rules. Clause 5 presents the administrative procedures for setting rules in public. Meanwhile, Clause 6 requires the regulation to be officially announced and formally explained. Similar to BADIS, Clause 15 of TTR protects the teachers by indicating that the teacher without fault must not be punished for implementing disciplinary measures (Ministry of Education of the People’s Republic of China, 2020).

There are two levels of regulations concerning deviance in TTR.

First, Clause 7 of TTR outlines three levels of deviance (Ministry of Education of the People’s Republic of China, 2020). The first level includes violations of school rules and discipline, including five cases: (i) deliberately not completing the teaching task requirements; (ii) disturbing the normal teaching order; (iii) violating student rules (e.g., smoking or drinking); (iv) harming their own or others’ physical or mental health; and (v) infringing on the legitimate rights and interests of others (e.g., beating or scolding others). The second level of deviance includes violations of the Juvenile Delinquency Act, and the third level includes illegal behaviours that constitute a crime. For the first two levels, TTR authorises teachers to discipline students, whereas in the last level, the disciplining is transferred to the public security systems in accordance with the law.

Second, Clauses 8-10 of TTR categorise the outcome of deviant behaviours into three levels (i.e., minor, serious, or severe), which each require distinct methods of education discipline. Teachers may deal with minor events by giving verbal reprimands, instituting public service requirements, asking to stand in the corner, or issuing detention. In serious situations, teachers are authorised to take away privileges or put students in an isolation room. Severe cases authorise teachers to exclude students within a week or expel them permanently.

4.2 Regulations on Discipline

4.2.1 Regulations in BADIS

In terms of teachers’ judgements, Clauses 14 and 15 of “Punishing poor behaviour” in BADIS clearly states that teachers should consider the student’s age, any disability they may have, special educational needs, race, religious requirements, and other equalities and human rights aspects (Department for Education, 2016). However, BADIS does not include any regulations for how teachers can assess students’ motivations for misbehaviours.

The disciplinary implementation methods mentioned in BADIS can be classified according to the eight types of education discipline presented in Table 2.

Table 2. Types of disciplinary methods in BADIS

Types of Education Disciplinary Methods	Methods in BADIS
Verbal reprimand	A verbal reprimand
Extra assignment	Repeating unsatisfactory work
	Written tasks
Labour	School-based community service
Negative reinforcement	Confiscation of inappropriate items

	Loss of privileges Missing break time
Detention	Detention Regular reporting
Isolation	Seclusion/isolation rooms
Exclusion	Temporary or permanent exclusion

4.2.2 Regulations in TTR

In terms of teachers' judgements, Clauses 3 and 4 of TTR emphasise that teachers must consider students' physical and mental development (e.g., age, living environment, personal experience, and other objective factors) and respond based on these individual differences (Ministry of Education of the People's Republic of China, 2020). However, TTR does not include any regulations for how teachers can evaluate students' motivations for misbehaviours.

The disciplinary implementation methods mentioned in TTR can be classified according to the eight types of education discipline shown in Table 3. These methods are further classified into three levels based on the outcome of minor, serious, or severe deviance, as shown in Table 4.

Table 3. Types of disciplinary methods in TTR

Types of Education Disciplinary Methods	Methods in TTR
Verbal reprimand	Reprimand by classroom teacher
	Reprimand by moral education teacher
	Reprimand by principal
Extra assignment	Verbal or written apology
	Extra school rules lesson
	Counselling from a psychological institution
Labour	Extra public service in classroom
	Extra public service in school
Negative reinforcement	Confiscation of inappropriate items
	Prohibition of off-campus group activities
Detention	After-class tutoring
	Academic probation
Isolation	Stand in the corner during a lesson
	Exclusion within a week
	Transfer to a special education facility
Exclusion	Expulsion (only for senior high school)

Table 4. Levels of disciplinary methods in TTR

Levels of Education Disciplinary Methods	Methods in TTR
Minor	Reprimand by classroom teacher
	Verbal or written apology
	Stand in the corner during a lesson
	After-class tutoring
	Extra public service in classroom

	Confiscation of inappropriate items
Serious	Reprimand by moral education teacher
	Extra school rules lesson
	Extra public service in school
	Prohibition of off-campus group activities
Severe	Exclusion within a week
	Reprimand by principal
	Counselling from psychological institution
	Academic probation
	Expulsion (only for senior high school)
	Transfer to a special education facility

4.3 Regulations on Feedback

4.3.1 Regulations in BADIS

BADIS does not guide teachers on what to do after students are disciplined, nor does it indicate how schools should respond if parents appeal. The only relevant statement is Clause 2 of “The school behaviour policy”, which asks headteachers to arrange “pastoral care for staff accused of misconduct” (Department for Education, 2016).

4.3.2 Regulations in TTR

For educational purposes, Clause 13 of TTR requires teachers to communicate with and help students after disciplining them. For example, they should praise and encourage students when they behave themselves.

Considering the administrative process, Clauses 14-19 detail what types of follow-up steps can be taken by the school or parents if the disciplinary action is inappropriate (e.g., punishment, appeal, administrative litigation, etc.) (Ministry of Education of the People’s Republic of China, 2020).

4.4 Differences Between BADIS and TTR

4.4.1 Comparison in the Context of Deviance

The statements related to deviance in TTR are relatively hollow and unfledged, especially in terms of the grading system for levels of deviance compared with BADIS.

The deviance precautions in both BADIS and TTR outline detailed administrative procedures regarding the formulation, amendment, and announcement of school disciplinary rules.

However, the grading system for levels of deviance in TTR lack specificity. For example, TTR classifies students’ misconduct into only three levels (i.e., minor, serious, or severe), and there are no specific classification standards. This could lead to arbitrary judgements. Although BADIS does not clearly regulate the grading standard for deviance, it does indicate different levels of the severity of misconduct with two examples (e.g., off-campus discipline and possession of prohibited items), which provides better guidance for schools and teachers.

4.4.2 Comparison in the Context of Discipline

In terms of discipline, TTR and BADIS emphasise different aspects of implementation.

Considering the judgement before discipline, TTR addresses respect for students’ growth patterns but does not explain how to implement discipline. In contrast, BADIS extends judgement factors to age, disability, race, religion, and others, thereby extending consideration to the specific needs of students from different backgrounds. Surprisingly, neither TTR nor BADIS includes a specific discussion on the motivation for students’ deviant behaviour, which is the most essential factor when administering education discipline in real-life scenarios.

The opposite is true for the implementation of discipline. There are two main differences between the evaluated approaches. Disciplinary methods in TTR are much more specific than in BADIS. For example, TTR breaks down “verbal reprimand” into three levels (“reprimand by classroom teacher”, “reprimand by moral education teacher”, and “reprimand by principle”), whereas BADIS only has a single general category for verbal

reprimands. Additionally, TTR groups all methods according to deviance outcomes, whereas BADIS does not state which method(s) should be used in specific situations.

4.4.3 Comparison in the Context of Feedback

In terms of feedback, TTR proposes that teachers and schools should communicate with the punished student after the incident to satisfy the educational purpose of discipline. TTR also describes how parents and students can appeal if they are dissatisfied with the situation.

In contrast, the only relevant clause in BADIS says nothing about how schools should handle complaints from parents or how teachers should treat the students being disciplined.

5. Conclusions and Suggestions

5.1 Conclusion: A Significant Process but Lacking Details

The comparison of participants and processes presented herein highlights the core differences between BADIS and TTR. Overall, TTR provides a detailed process for implementing education discipline, yet it lacks sufficient details.

Compared to the “reference manual” format of BADIS, TTR is very standardised in its presentation and provides a thorough explanation of the administrative process involved in education discipline in three specific ways. First, TTR defines in detail the methods and conditions that can be used. Second, TTR specifically states that teachers must provide educational remedies to students after disciplinary action has been taken, so that discipline becomes part of education. Third, TTR specifies the ways in which students and parents can appeal against unjustified disciplinary action, thus ensuring their rights.

However, TTR is too vague and juvenile in its detailing of the specific disciplinary processes and their prerequisites. First, TTR lacks concrete examples of what teachers should do to show “respect and trust” and “cultivate rule consciousness”, in contrast to BADIS. Second, in terms of deviance, although TTR classifies deviance into three levels with corresponding disciplinary methods, it does not explain how teachers should grade deviance in actual situations, which may lead to reckless actions by teachers. In contrast, BADIS drops the grading but clarifies the criteria for teachers through the case of “possession of prohibited items”. Third, TTR does not specifically explain “students’ growing patterns” in relation to individual students, whereas BADIS outlines all the factors that teachers should consider in detail.

5.2 Suggestions: Providing Referable Cases

Because TTR is a pilot version of the Education Disciplinary Rules for Primary and Secondary Schools, the suggestions of this study focus on how to improve the current version. Reference could be made to case law by issuing a series of referable cases to accompany the regulations. These cases should be kept up to date. Based on the aforementioned differences between TTR and BADIS, these cases should provide information in four key areas. First, they should demonstrate how teachers should protect the dignity of students in the process of issuing disciplinary measures. Second, they should use specific cases of deviance to illustrate which situations are considered minor vs. serious vs. severe. Third, they should describe how to differentiate between individual students according to various factors, including but not limited to age, gender, ethnicity, physical condition, family background, and motivation for the deviant behaviour. Finally, the specific process and basis for the teacher’s selection of a disciplinary method for a given situation based on all of the aforementioned differentiating factors and according to the specifics of each case.

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