

Government Teacher and Education Personnel Act, B.E. 2547 (2004)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 21st Day of December B.E. 2547;

Being the 59th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on government teacher and education personnel;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1

This Act is called the "Government Teacher and Education Personnel Act, B.E. 2547 (2004)".

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette

Section 3

The followings shall be repealed:

- (1) Government Teacher Act, B.E. 2523;
- (2) Government Teacher Act (No. 2), B.E. 2535;
- (3) Government Teacher Act (No. 3), B.E. 2538.

Section 4

In this Act:

"Government teacher and education personnel" means persons who are recruited and appointed to be government officials in accordance with this Act and receiving salary from the State's budget; personnel expenditure item, which is paid by the Ministry of Education, the Ministry of Tourism and Sports, the Ministry of Culture or other Ministries as prescribed by the Royal Decree;

"Government teacher" means a professional who mainly practices in teaching and rendering learning support to learner by whatever methods in education institution of State;

"Academic staff" means a person who mainly performs teaching and conducts research in any higher education institution of State which awards Degree;

"Education personnel" means the administrator of an education institution, the education administrator and the education supporter who renders service or performs any duty in relation to learning and teaching process, supervision, education administration and other duties in education agency;

"Profession" means the teacher profession, the education administration profession and the profession of other education personnel;

"Education area" means the education area as prescribed by the notification of the Ministry;

"Education agency" means;

- (1) Education Institution;

- (2) Office of Education Area;
- (3) Office of Non-formal Education;
- (4) Learning Source as prescribed by the notification of the Office of Education Area;
- (5) Agencies under the law on the administration of the Ministry of Education or the notification of the Ministry or agency as prescribed by the Government Teacher and Education Personnel Committee;

"Education institution" means an early child development establishment, school, special education center, non-formal and informal education center, learning center, college, community college, institution or other State education institutions called otherwise but having the powers and duties or objectives in providing education under the law on national education and under the notification of the Ministry;

"Government agency" means a State agency having the same status as government Department or its equivalent;

"Head of the government agency" means the Permanent Secretary, Secretary-General, Director-General or other equivalent positions called otherwise;

"Ministry" means the Ministry of Education;

"Portfolio Minister" means the Minister of the Ministry to which teacher and education personnel are attached;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 5

All laws, notifications, regulations and other rules that referred to "civil service" shall include government teacher and education personnel, except where there is a law, notification, regulation or other rules that having specific provisions in relation to teacher and education personnel.

Section 6

The Minister of Education shall have charge and control of the execution of this Act.

In the case where there is any dispute, or where an interpretation is required, in relation to the government teacher under the Government Teacher Act, B.E. 2523 and the civil service attached to any Ministry who is a government teacher or education personnel under the provisions of this Act; but not including government teacher and ordinary civil service attached to Rajamangala Institute of Technology, Rajabhat University, Pathumwan Institute of Technology, and such case is not, by the provisions of this Act, within the jurisdiction of the Personnel Administration Committee of Government Teacher and Education Personnel or other organization to render determination or decision to the case, there shall be the power of the Minister to render determination or decision thereto.

CHAPTER I

Personnel Administration Committee of Government Teacher and Education Personnel

Section 7

There shall be a Personnel Administration Committee of Government Teacher and Education Personnel called the "Government Teacher and Education Personnel Committee", to be called in brief as "GTEPC", consisting of the followings:

- (1) Minister of Education, as Chairperson;
- (2) Permanent Secretary of Education, as Vice-Chairperson;

- (3) eight *ex-officio* members, viz. the Permanent Secretary of the Ministry of Tourism and Sports, Permanent Secretary of the Ministry of Culture, Secretary-General of the Civil Service Commission, Secretary-General of the Basic Education Commission, Secretary-General of the Vocational Education Commission, Secretary-General of the Higher Education Commission, Secretary-General of GTEPC and Secretary-General of the Teachers Council of Thailand;⁽²⁾
- (4) nine qualified members to be appointed by the Council of Ministers from persons having apparent knowledge, skill and experience in the field of education, personnel administration, law, public administration, organization administration, special education, business administration or economy, teacher production and development, and information technology or knowledge management or research and assessment, one from each field;⁽³⁾
- (5) nine elected representatives of government teacher and education personnel, viz. a representative of the Directors of the Office of Education Areas, a representative of the administrators of education institutions or the administrators of education institutions called otherwise attached to the education agencies as determined by GTEPC, six representatives of government teacher in which four of them elected from government teacher attached to the Office of Basic Education Commission; one of them elected from government teacher attached to the Office of Vocational Education Commission; and four of them elected from government teacher attached to the Office of Permanent Secretary of the Ministry of Education, the Office of Higher Education Commission, the Ministry of Tourism and Sports and the Ministry of Culture, one from each agency, and a representative of other education personnel.⁽⁴⁾

The rules and procedures for the acquisition of the qualified members under (4) and the representatives of government teacher and educational personnel under (5) shall be prescribed by the Rule of GTEPC.

The Secretary-General of GTEPC shall be secretary and shall have the power to appoint not more than two government officials of the Office of GTEPC to be assistant secretaries.

Section 8

A qualified member shall have the qualifications and not being under the prohibitions as follows:

- (1) being of Thai nationality;
- (2) being not less than thirty-five, but not more than seventy, years of age;
- (3) not holding any political office;
- (4) not being a member of local assembly or local administrator;
- (5) not being an officer, advisor or administrator of political party;
- (6) being recognized of having reputation in honesty and justice and having no bad record in relation to morality, ethics and occupation.

Section 9

A representative of the Directors of the Office of Education Areas shall have the qualifications as follows:

- (1) having professional license and his license has never been suspended or revoked;
- (2) being recognized of having reputation in honesty and justice and having no bad record in relation to morality, ethics and occupation.

Section 10

A representative of the administrators of education institutions or the administrators of education institutions called otherwise attached to the education agencies as determined by GTEPC shall have the qualifications as follows:

- (1) having professional license and his license has never been suspended or revoked;
- (2) having not less than five years of experience as administrator of education institution or administrator of education institution called otherwise attached to the education agency;
- (3) being recognized of having reputation in honesty and justice and having no bad record in relation to morality, ethics and occupation.

Section 11

A representative of government teacher shall have the qualifications as follows:

- (1) having professional license and his license has never been suspended or revoked;
- (2) having teaching experience as expert teacher or equivalent or having not less than fifteen years of teaching experience;
- (3) being recognized of having reputation in honesty and justice and having no bad record in relation to morality, ethics and occupation.

Section 12

A representative of education personnel shall have the qualifications as follows:

- (1) having not lower than Bachelor Degree;
- (2) having not less than fifteen years in rendering education support as a person who renders service or performs any duty in relation to learning and teaching process, supervision, education administration and other duties in education agency;
- (3) being recognized of having reputation in honesty and justice and having no bad record in relation to morality, ethics and occupation.

Section 13

A qualified member and a representative of government teacher or education personnel holds office for a term of four years and may be reappointed or reelected, but shall not be in office for more than two consecutive terms.

If a qualified member or a representative of government teacher or education personnel vacates office, an appointment or election for the fulfillment of the vacancy shall be held within sixty days in accordance with the rule and procedure as prescribed by Section 7 paragraph two; provided that the term of office of such member or representative is less than ninety days, an appointment or election for the fulfillment of the vacancy may not be held. In this case, the newly appointed or elected member or representative shall remain in office for the remaining term of a member or representative he replaces.

During the period the vacancy is not fulfilled through the acquisition under paragraph two, if the number of the remaining members exceeds one-half of the total number of members, the remaining members shall continue their duties.

At the expiration of the term of office under paragraph one, if the newly qualified members have not been appointed and the representatives of government teacher or education personnel have not been elected, the members who vacate office shall remain in office to continue their duties until the newly qualified members and representatives of government teacher or education personnel take office.

Section 14

In addition to vacating office at the end of the term, a qualified member vacates office upon:

- (1) death;

- (2) resignation by submitting a written request for resignation to the Chairperson;
- (3) being bankrupt;
- (4) being incompetent or quasi-incompetent;
- (5) being disqualified or being under any prohibition under Section 8;
- (6) having been sentenced by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (7) being dismissed by the Council of Ministers.

Section 15

In addition to vacating office at the end of the term, a representative of government teacher or education personnel vacates office upon:

- (1) death;
- (2) resignation by submitting a written request for resignation to the Chairperson;
- (3) not being government teacher or education personnel;
- (4) being disqualified under Section 9, Section 10, Section 11 or Section 12;
- (5) being dismissed by the Minister upon the resolution of GTEPC of not less than two-thirds of the total number of members if it appears that he has inappropriate behavior amounting to malfeasance in office or intentionally performs wrongdoing or unjustified act or abuse of powers and duties. Prior to the dismissal, the Minister shall have to establish an inquiry committee to conduct inquiry thereon;
- (6) not holding office of, or being the administrator of, education institution, education administrator, teacher in education agency or other education personnel in which he is elected.⁽⁵⁾

Section 16

At a meeting of GTEPC, the presence of not less than one-half of the total number of members shall constitute a quorum.

In the case where the Chairperson is unable to attend the meeting, or is unable to perform his duty, the Vice-Chairperson shall preside over at the meeting. If the Vice-Chairperson is absent, or is unable to perform his duties, the members shall select one among themselves to preside over at the meeting.

In the case where the matter under consideration is relevant to any member, or where it is prescribed by law that any member has interest therewith, such member is unable to attend the meeting.

A decision shall be made by a majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the person who presides over at the meeting shall cast an additional vote as a casting vote.

Section 17

The GTEPC shall have the power to appoint an extraordinary subcommittee, to be called in brief as "GTEPC extraordinary subcommittee", to perform any act for and on its behalf or to perform the same duties as other subcommittees as prescribed by this Act.

In case where the GTEPC extraordinary subcommittee is appointed to consider the matter dealing with discipline, dismissal from official duty, appeal and petition, its members shall consist of at least two qualified members of GTEPC and at least one-third of the total number of members of the subcommittee shall be members of GTEPC who are representatives of government teacher or education personnel. In this case, Section 13, Section 14, Section 15 and Section 16 shall apply *mutatis mutandis*.

Section 18

Subject to Section 17, no government teacher or education personnel shall simultaneously be member of GTEPC, member of GTEP subcommittee in education area or member of other subcommittees under this Act; unless in case of *ex-officio* member.⁽⁶⁾

Section 19

GTEPC shall have the powers and duties as follows:

- (1) to give advise and recommendation to the Council of Ministers in relation to the policy on the increase of, and personnel administration of, government teacher and education personnel under this Act;
- (2) to lay down policy, plan and rule on available post of government teacher and education personnel and to give approval on number and level of position of government teacher and education personnel of education agency;
- (3) to give advise and recommendation 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 or education personnel is inappropriate;
- (4) to issue the Rule of GTEPC, regulation, requirement, rule, procedure and condition for personnel administration of government teacher and education personnel. The Rule of GTEPC shall be approved by the Council of Ministers and it shall come into force upon its publication in the Government Gazette;
- (5) to consider, decide and interpret any issue arising from the execution of this Act and all education agencies are bound to comply with the resolution of GTEPC;
- (6) to develop rule, procedure and standard on personnel administration and maintain merit protection system of government teacher and education personnel;
- (7) to determine employment procedure and condition for the recruitment and appointment of person to be teacher and education personnel in education agency and to determine their salary or allowance rate;
- (8) to promote and support development and encouragement of, and to bestow an honor to, government teacher or education personnel;
- (9) to promote and support the provision of welfare and other benefits to government teacher and education personnel;
- (10) to appoint GTEP subcommittee in education area and other subcommittees to perform the duties as entrusted by GTEPC;
- (11) to promote, support and coordinate with, and to give advise, recommendation and clarification to, education agency in relation to personnel administration;
- (12) to lay down standard and to consider and give advise in the matter dealing with discipline, discharge from official service, appeal and petition as prescribed by this Act;
- (13) to supervise, monitor, follow up, examine and evaluate the result of personnel administration of government teacher and education personnel so as to ensure the justification and standard of personnel administration and to examine and execute in compliance with this Act. In this regard, GTEPC shall have the powers to summon document and evidence from education agency, to summon representative of education agency, government official or any other person to give statement, to issue rule and regulation, and to order any government agency, education agency, government official or any person to report on personnel administration of government teacher or education personnel under its powers and duties to GTEPC.

- (14) to suspend any act of any government agency, GTEPC subcommittee in education area, subcommittee or a person having duties to act in compliance with this Act if it appears that they fail to comply with this Act or act incorrectly and improperly or act in contrary to, or inconsistent with, law, Rule of GTEPC, regulation, rule and procedure and condition as prescribed by GTEPC. All government agencies, education agencies, GTEPC subcommittees in education areas, subcommittees or person having duties to act in compliance with this Act shall then act in compliance with the resolution of GTEPC;⁽⁷⁾
- (15) to certify qualification of a person holding Degree, vocational diploma or other qualifications for the purpose of recruitment and appointment of government teacher and education personnel and to determine their appropriate rate of salary or allowance;
- (16) to determine rate of fee for the execution of any act as prescribed by this Act;
- (17) to systemize and maintain personnel record of, to amend date, month and year of birth in personnel record of, and to control retirement of, government teacher and education personnel;
- (18) to perform other duties as prescribed by this Act or other laws.

Section 20

There shall be the Office of Government Teacher and Education Personnel Committee, to be called in brief as "GTEPC Office", having the Secretary-General of the Government Teacher and Education Personnel Committee, to be called in brief as "Secretary-General of GTEPC", acting as Director-General, to be superior official of, and to be responsible for the administration of, the Office of Government Teacher and Education Personnel Committee.

GTEPC Office shall have the powers and duties as follows:

- (1) to be responsible for the performance of duties of GTEPC;
- (2) to conduct analysis and research in relation to personnel administration of government teacher and education personnel and the administration of education agency;
- (3) to conduct study and analysis in concerning with standard, rule and procedure for personnel administration of government teacher and education personnel;
- (4) to develop information system and to establish personnel management plan of government teacher and education personnel;
- (5) to conduct study and analysis on, to submit policy on, and to coordinate and proceed with, the development of government teacher and education personnel;
- (6) to conduct study, analysis and research and to manage fund as well as welfare of government teacher and education personnel;
- (7) to supervise, monitor and inspect all education agencies and education areas to get in compliance with this Act;
- (8) to prepare annual report in relation to personnel administration of government teacher and education personnel to GTEPC;
- (9) to perform other duties as prescribed by this Act or other laws or as entrusted by GTEPC.

Section 21 ⁽⁸⁾

There shall be a Subcommittee of Government Teacher and Education Personnel in Education Area, to be called in brief as "GTEPC subcommittee in education area" and followed by name of each education area, consisting of:

- (1) Chairperson as elected among the members of the subcommittee from the qualified members;

- (2) two *ex-officio* members, *viz.* a representative of GTEPC and a representative of the Teacher Council which are selected from persons having knowledge, skill or experience in personnel administration, education, law or finance;
- (3) four qualified members selected from persons having knowledge, skill or experience in personnel administration, education, law or finance and other fields that may be beneficial to personnel administration of education area, one from each field;
- (4) five representatives of government teacher and education personnel in education area, *viz.* each representative of government teacher providing primary education and government teacher providing secondary education, each representative of the administrators of education institutions providing primary education and education institutions providing secondary education and a representative of other education personnel.

The Director of the Office of Education Area shall be member and secretary.

A member under (2) who is a representative of GTEPC and a member under (3) shall not be government teacher or education personnel, a member under (2) who is a representative of the Teacher Council shall be member of the Teacher Council and shall have professional license under the law on teacher and education personnel council. Neither members under (2) nor (3) shall hold political position, or being members of local assemblies or being local administrators, officers, consultants or administrators in political party.

Other qualifications, rule and procedure for acquisition, term of office and vacation from office of a member under (2) (3) and (4) shall be in accordance with the rule and procedure as prescribed by GTEPC.

Section 22 ⁽⁹⁾

Section 16 shall apply *mutatis mutandis* to the meeting of GTEP subcommittee in education area.

Section 23

GTEP subcommittee in education area shall have the powers and duties as follows:

- (1) to lay down policy on personnel administration of government teacher and education personnel within its education area, and to determine number and level of position of and adjust available post in compliance with policy, personnel administration, rule, regulation and procedure as prescribed by GTEPC;
- (2) to give approval to the recruitment and appointment of government teacher and education personnel within its responsible area;
- (3) to give approval to the result of performance assessment of the administrators of education institutions, education administrators of education agencies and government teacher and education personnel within its responsible area;
- (4) to consider the matter dealing with discipline, discharge from official service, appeal and petition as prescribed by this Act;
- (5) to promote and support development and encouragement of, to maintain merit protection system of, to provide welfare to, and to bestow an honor to, government teacher and education personnel of education agency within its responsible area;
- (6) to supervise, monitor, follow up and evaluate the result of personnel administration of government teacher and education personnel of education agency within its responsible area;
- (7) to prepare and develop database of government teacher and education personnel of education agency within its responsible area;

- (8) to submit annual report in relation to personnel administration of government teacher and education personnel of education agency to GTEPC;
- (9) to give approval on the matters dealing with personnel administration within its responsible area which are not the powers and duties of the administrator or education agency;
- (10) to perform other duties as prescribed by this Act or other laws, or as entrusted by GTEPC.

Section 24

The Director of the Office of Education Area shall be responsible for the administration of the Office of Education Area and shall be superior official of government teacher and education personnel within its responsible area, and shall have the powers and duties as follows:

- (1) to be responsible for official duties being under the powers and duties of GTEP subcommittee in its responsible area and duties as entrusted by GTEP subcommittee in its responsible area;
- (2) to give advise on the recruitment and appointment and on other personnel administration matters under the powers and duties of GTEP subcommittee in its responsible area;
- (3) to conduct performance assessment of the administrators of education institutions, education administrators of education agencies within its responsible area and of government teacher and education personnel of the Office of Education Area;
- (4) to prepare and promote development of government teacher and education personnel of education agencies within its responsible area;
- (5) to maintain record of government teacher and education personnel within its responsible area;
- (6) to lay down quality standard of job, minimum requirement of job and rule for assessment of performance of government teacher and education personnel of the Office of Education Area;
- (7) to evaluate and report quality of personnel administration to GTEP subcommittee in its responsible area for further submission to GTEPC;
- (8) to perform other duties as prescribed in this Act, other laws or as entrusted by GTEPC.

Section 25

In any government agency other than the Office of the Basic Education Commission, GTEPC shall appoint the GTEP subcommittee to conduct personnel administration of government teacher and education personnel attached therewith. In this regard, the appointment, vacating office and powers and duties of the subcommittee shall be prescribed by GTEPC.

All provisions of this Act or other laws as referred to GTEP subcommittee in education area shall mean GTEP subcommittee appointed by GTEPC under paragraph one, unless otherwise prescribed by GTEPC.

The provisions of paragraph one and paragraph two shall apply to any education agency which requires the appointment of its GTEP subcommittee specifically.

In the case where the government agency under paragraph one is not attached to any Ministry, GTEPC shall have the power to lay down the rule for personnel administration thereof in compliance with the performance of official duties of government teacher and educational personnel.

Section 26

The Education Institution Board shall have the powers and duties in relation to personnel administration of government teacher and education personnel in education institution as follows:

- (1) to supervise and monitor personnel administration in education institution to be in accordance with policy, Rule, regulation, requirement and rule and procedure as prescribed by GTEPC and GTEP subcommittee in education area;
- (2) to propose requirement on the number and level of positions of government teacher and education personnel in education institution to GTEP subcommittee in education area for consideration;
- (3) to give suggestion in relation to personnel administration of government teacher and education personnel in education institution to the administrator of education institution;
- (4) to perform other duties as prescribed by this Act or other laws or as entrusted by GTEP subcommittee in education area.

The provisions of Section 16 shall apply *mutatis mutandis* to the Educational Institution Board.

Section 27

The administrator of education institution shall be superior official of the government teacher and education personnel in education institution and shall have the powers and duties as follows:

- (1) to control and supervise the personnel administration of education institution to be compliant with policy, Rule, regulation, requirement, rule and procedure as prescribed by GTEPC and GTEP subcommittee in education area;
- (2) to conduct performance assessment of government teacher and education personnel in education institution;
- (3) to promote and support government teacher and education personnel in education institution to get development continuously;
- (4) to lay down standard and requirement of job of government teacher and education personnel in education institution;
- (5) to conduct performance assessment of government teacher and education personnel in education institution and report to GTEP subcommittee in education area;
- (6) to perform other duties as prescribed by this Act or other laws or as entrusted by GTEP subcommittee in education area or Education Institution Board.

Section 28

The administrator of education agency called otherwise as determined by GTEPC shall be superior official and shall be responsible for administration of the education agency, and the provisions of Section 27 shall apply *mutatis mutandis* to the person holding such position.

CHAPTER II General Provisions

Section 29

The execution of this Act shall be in accordance with the principle of good public governance with due regard to merit system, equality among persons and the principle of fair and equal treatment and protection of rights.

Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, physical or health condition, personal status, economic or social standing, religious belief, education or view shall not be permitted.

Section 30

Subject to the provisions of the law on teacher and education personnel council in relation to practicing of teacher and education personnel profession, a person who serves as government teacher or education personnel shall have the general qualification as follows:

- (1) being of Thai nationality;
- (2) being not less than eighteen years of ages;
- (3) being enshrined in the democratic regime of government with the King as Head of State under the Constitution of the Kingdom of Thailand;
- (4) not holding any political office, or not being a member of local assembly or local administrator;
- (5) not being incompetent or not having mental infirmity or disease as prescribed by the Rule of GTEPC;
- (6) not being under the order suspending from official duties or the order discharging from official service temporarily under this Act or other laws, or his professional license has been suspended or revoked under the rules as prescribed by the laws establishing such profession organization;
- (7) not being deficient in good moral as required for practitioner of teacher and education personnel profession;
- (8) not being an administrator or officer of political party;
- (9) not being bankrupt;
- (10) not having been sentenced by a final judgment to a term of imprisonment, except for an offence committed through negligence or a petty offence;
- (11) not having been expelled, dismissed or removed from State enterprise, public organization or other State agencies or international organizations;
- (12) not having been expelled, dismissed or removed on the grounds of breach of discipline under this Act or other laws;
- (13) not having conducted a fraudulent act in the admission for official service or for the performance of duties in State agency.

Section 31

The rates of salary, academic standing allowance and position allowance of government teacher or education personnel shall be in accordance with the law on salary, academic standing allowance and position allowance of government teacher or education personnel.

The schedule on the rates of salary and position allowance of the civil service shall apply *mutatis mutandis* to the rates of salary and position allowance of education personnel under Section 38 C (2).

The academic standing allowance and position allowance are not salary.

Section 32

For the purpose of saving of government teacher and education personnel, the Council of Ministers may lay down rule and procedure empowering the Ministry of Finance to deduct salary of government teacher and education personnel as savings and the interest to be paid for such savings shall not less than the rate of interest for the fixed account of commercial bank.

The savings and its incurred interest may be returned, or may be lent under the welfare for government teacher and education personnel scheme, in accordance with the regulation as prescribed by the Ministry with approval of the Council of Ministers.

Section 33

The government teacher and education personnel holding extraordinary office may be entitled to additional allowance as prescribed by the Rule of GTEPC with approval of the Council of Ministers.

Section 34

The government teacher and education personnel may be entitled to temporally living allowance to meet with current economic conditions in accordance with the rule and procedure as prescribed by the Royal Decree.

Section 35

Working days and period, traditional public holidays, annual public holidays and leaves of absence of government teacher and education personnel shall be determined by GTEPC. If there is no such determination, the rules applied to the civil service on such matter shall apply *mutatis mutandis*.

Section 36

The uniform of government teacher and education personnel and regulation thereon shall be in accordance with the law or regulation on such matter.

Section 37

Gratuity and pension of government teacher and education personnel shall be in accordance with the law on such matter.

CHAPTER III

Determination of Position, Academic Standing and Provision of Salary, Academic Standing Allowance and Position Allowance

Section 38

The positions of government teacher and education personnel are classified into 3 categories as follows:

A. The positions with teaching duty in education agency, *viz.*

- (1) Assistant Teacher;
- (2) Teacher;
- (3) Lecturer;
- (4) Assistant Professor;
- (5) Associate Professor;
- (6) Professor.

The positions under (1) and (2) may be determined in any education agency, but the positions under (3) to (6) shall be determined in education agency which awards Degree;

B ⁽¹⁰⁾ The positions of administrator of education institution and education administrator, *viz.*

- (1) Deputy Director of Education Institution;
- (2) Director of Education Institution;

- (3) Deputy Director of the Office of Education Area;
- (4) Director of the Office of Education Area;
- (5) Positions called otherwise as determined by the GTEPC.

The positions under (1) and (2) shall be determined in education institution and education agency as prescribed by the notification of the Ministry and the positions under (3) and (4) shall be determined in the Office of Education Area.

The law on civil service in higher education institution shall apply *mutatis mutandis* to the determination of level of position, salary and academic standing of the administrator of education agency which awards Degree; provided that otherwise prescribed by GTEPC;

C. Other positions, *viz.*

- (1) Educational Supervisor;
- (2) Positions called otherwise as determined by the GTEPC or positions of government officials that are determined as positions of government teacher and education personnel under this Act by GTEPC.

The determination of level of position and the provision of salary and position allowance of other education personnel under C (2) shall be prescribed by the Rule of GTEPC. In this regard, the law on civil service in relation to the determination of level of position and the provision of salary and position allowance of ordinary civil service shall apply *mutatis mutandis*.

Section 39

The following positions of government teacher and education personnel are positions with academic standings:

A. Teachers having academic standings as follows;

- (1) Skilled Teacher;
- (2) Experienced Teacher;
- (3) Expert Teacher;
- (4) Specialist Teacher;

B. Administrators of education institution having academic standings as follows;

- (1) Skilled Deputy Director;
- (2) Experienced Deputy Director;
- (3) Expert Deputy Director;
- (4) Skilled Director;
- (5) Experienced Director;
- (6) Expert Director;
- (7) Specialist Director;

C. Education Administrators having academic standings as follows;

- (1) Experienced Deputy Director of the Office of Education Area;
- (2) Expert Deputy Director of the Office of Education Area;
- (3) Expert Director of the Office of Education Area;
- (4) Specialist Director of the Office of Education Area;

D. Educational Supervisors having academic standings as follows;

- (1) Skilled Educational Supervisor;

- (2) Experienced Educational Supervisor;
- (3) Expert Educational Supervisor;
- (4) Specialist Educational Supervisor;

E. other positions called otherwise that prescribed by GTEPC to have academic standings.

Section 40 ⁽¹¹⁾

The positions of academic staffs as follow are academic positions:

- (a) Lecturer;
- (b) Assistant Professor;
- (c) Associate Professor;
- (d) Professor.

The law on civil service in higher education institution shall apply *mutatis mutandis* to the determination of level of position, salary and position allowance.

Section 41

The number and specific qualifications of any position of government teacher and education personnel in any education agency shall be prescribed by GTEPC.

Section 42

GTEPC shall, for the performance of its duties, lay down standard of all positions, academic standings and academic position of government teacher and education personnel with due regard to professional standard, education, training, experience, period of work, quality of work or outcome arising from the performance of duties.

In laying down standard of all positions, it shall be classified into categories and divisions in accordance with nature of works whereby the works having the same or similar nature shall be classified into the same category or division or into the same group. In this regard, the name, powers and responsibility of each position and its nature of work as well as specific qualifications of a person holding such position shall be specified.

Section 43

GTEPC or its authorized person shall examine the appropriateness of the determination and employment of the positions of government teacher and education personnel. GTEPC or its authorized person shall, upon the changing of nature of duties and responsibilities, workload, quality of work of any position of government teacher or education personnel, adjust the determination of such position as appropriate in accordance with the rule and procedure as determined by GTEPC.

Section 44

The government teacher and education personnel is entitled to salary, academic standing allowance and position allowance under the law on salary, academic standing allowance and position allowance of government teacher and education personnel.

The appointment of any person to any position and academic standing and to be entitled to salary at any rate under Section 31 shall be in accordance with the determination of GTEPC. In this regard, such person shall be entitled to salary at the lowest level of any rank. The appointed person may be entitled to salary at the higher or lower level than the lowest or highest level of any rank in accordance with the rule and procedure as prescribed in the Rule of GTEPC.

CHAPTER IV

Recruitment and Appointment

Section 45

The recruitment of a government teacher and education personnel so as to appoint to any position shall be made from a person who passes the examination for that position in order.

The provisions of paragraph one shall not apply to the recruitment and appointment of person to official service under Section 50, Section 51, Section 52, Section 58, Section 64, Section 65, Section 66 and Section 67.

Section 46

The candidates in the examination for the recruitment and appointment of the government teacher and education personnel to any position shall have general qualifications under Section 30 and specific qualifications for that position in accordance with Section 42.

A person holding the office under Section 30 (4) or (8) may be candidate in the examination, but he is entitled to be recruited and appointed as government official upon the vacation from that office.

Section 47

GTEP subcommittee in education area shall have the duty to conduct the examination for the recruitment and appointment of the government teacher and education personnel.

In the case where any education agency is qualified under the rule and procedure as prescribed by GTEPC, GTEP subcommittee in education area shall entrust such education agency to conduct the examination.

The scope of, and methods and procedures for, examination, the rule for making decision and listing of successful candidates, the rule for transferring the successful candidates in one list to be that of another list and the cancellation of the list of successful candidates shall be determined by GTEPC.

Section 48

GTEP subcommittee in education area or education agency may conduct the examination only for person having special qualifications in any field, provided that the candidates shall have special qualifications in that field as determined by GTEPC.

Section 49

If it appears later that a person who is recruited and appointed as government teacher or education personnel under Section 45 paragraph one, Section 50, Section 51, Section 58, Section 64, Section 65, Section 66 and Section 67 has no general qualifications or has no qualifications under standard of position under Section 42 or has no specific qualifications under Section 48, or such person has been accused of having no qualifications and that fact has been verified later, the authority under Section 53 shall discharge such person from official service at once.

Such discharge from official service shall not prejudice to any act done by that person during the performance of his powers and duties and to the receipt and the right to receive of salary or other benefits prior to the date of discharge, and if it appears that such person apply for official service in good faith, such discharge is deemed to be the discharge from official service for gratuity and pension under the law on gratuity and pension of government official.

Section 50

In case of necessity or there is special circumstance preventing GTEP subcommittee in education area to conduct an examination or such examination may be unable to recruit the required person, GTEP subcommittee in education area may recruit and appoint person as government teacher or education personnel by other means in accordance with the rule and procedure as prescribed by GTEPC.

Section 51

Any education agency having justification and necessity to recruit and appoint, for the benefit of official service, a person with high knowledge, ability, experience or skill as government teacher or education personnel may request approval in so doing from GTEP subcommittee in education area and GTEPC. If GTEPC has a resolution to recruit and appoint such person to any position, academic standing and salary, the authority under Section 53 shall proceed the recruitment and appointment in accordance with the rule and procedure as prescribed by GTEPC.

Section 52

In addition to the recruitment and appointment of person as government teacher or education personnel, GTEPC may, in accordance with the Rule as prescribed by GTEPC with consent of the Ministry of Finance, determine any position of government teacher or education personnel to be relied on employment contract upon yearly or specific period basis, or to be government employee in stead of government official.

In the case where the recruited or appointed person under paragraph one is the outsider but having status as government official upon the determination of GTEPC, such person shall, during contractual period, be entitled to rights, duties and other benefits as same as government teacher or education personnel under this Act, provided that otherwise specified in the contract.

The provisions of this Act in relation to general qualifications, specific qualifications for each position, acquisition and recruitment and appointment of government teacher or education personnel shall apply *mutatis mutandis*, in accordance with the Rule of GTEPC, to a person holding the position with conditions under paragraph one or paragraph two.

Section 53

Subject to Section 45 paragraph one, Section 50, Section 51, Section 58, Section 64, Section 65, Section 66 and Section 67, the authority having power to make recruitment and appointment order are as follows:

- (1) the recruitment and appointment of a person to the position with specialist academic standing; the superior official of the government agency to which such person is attached shall, upon approval of GTEPC, have the power to make recruitment order and the Portfolio Minister shall propose the matter to the Prime Minister for further submission to the King for appointment;
- (2) the recruitment and appointment of a person to the position of the Deputy Director of the Office of Education Area, the Experienced Deputy Director of the Office of Education Area, the Expert Deputy Director of the Office of Education Area, the Director of the Office of Education Area and the Expert Director of the Office of Education Area; the Secretary-General of the Basic Education Commission shall, with approval of GTEPC, have the power to make recruitment and appointment order;⁽¹²⁾
- (3) the recruitment and appointment of a person to the position of the Deputy Director of Education Institution, the Director of Education Institution, other administrators called otherwise under Section 38 B (5), the Educational Supervisor, other education personnel under Section 38 C (2) in the Office of Education Area, the position with skilled academic standing, the position with experienced academic standing and the position with expert academic standing; the Director of the Office of Education Area shall, with approval of GTEP subcommittee in education area, have the power to make recruitment and appointment order;⁽¹³⁾
- (4) the recruitment and appointment of a person to hold a position of Assistant Teacher, Teacher and other education personnel under Section 38 C (2) in education institution; the Director of Education Institution shall, with approval

of GTEP subcommittee in education area, have the power to make recruitment and appointment order;

- (5) the recruitment and appointment of a person to be government teacher or education personnel which is not attached to education area; the superior official of the government agency to which such person is attached shall, with approval of GTEPC or GTEP subcommittee as entrusted by GTEPC, have the power to make recruitment and appointment order, except for a position with specialist academic standing which shall be in accordance with (1) *mutatis mutandis*;
- (6) the recruitment and appointment of a person to hold a position of Lecturer, Assistant Professor, Associate Professor and Professor under Section 38 A (3) to (6); the law on civil service in higher education institution shall apply *mutatis mutandis*. In this case, the Council of higher education institution shall act as GTEPC or GTEP subcommittee as appointed by GTEPC, as the case may be; provided that otherwise prescribed by GTEPC ⁽¹⁴⁾

There shall be a Committee for the Selection of the Director of the Office of Education Area under (2) of paragraph one, consisting of the Permanent Secretary of Education as Chairperson, Secretary-General of the Education Council, Secretary-General of the Basic Education Commission, Secretary-General of the Vocational Education Commission, Secretary-General of the Higher Education Commission, Secretary-General of the Teachers Council as members, and Secretary-General of GTEPC as member and secretary, having duty to select appropriate persons for recruitment and appointment as the Directors of all Office of Education Areas.

The qualifications and rule and procedure for selection shall be prescribed by GTEPC.

The provisions of this Act as referred to the authority under Section 53 shall mean the authority having the duty to make recruitment order under (1) of paragraph one or the authority having the duty to make recruitment and appointment order under (2), (3), (4), (5) or (6) of paragraph one, as the case may be.

Section 54

The entitlement of academic standing and the promotion thereof shall be made in accordance with the academic standing standard under Section 42 to the government teacher or education personnel who passes an assessment with due regard to behavior dealing with discipline, moral, general ethics, professional ethics, experience, quality of work, skill, experience and output arising from studying and teaching in accordance with the rule and procedure as prescribed by GTEPC.

Section 55

The assessment of the position and academic standing with professional license shall be made, from time to time, so as to maintain of knowledge, ability, skill or experience of position and academic standing as recruited or appointed in accordance with the rule and procedure as specified by GTEPC.

If any government teacher or education personnel fails to meet the requirement for assessment in accordance with the rule and procedure as specified by GTEPC, the following measures shall be taken as appropriate:

- (1) developing such official so as to perform his works effectively and efficiently which may enable him to meet the requirement for assessment;
- (2) taking measures related to the promotion of salary of government teacher or education personnel under Section 73 or suspending position allowance or academic standing allowance, as the case may be;
- (3) the authority under Section 53 discharges expel such person from official service under Section 110 (6) in the case where he is unable to meet the requirement of work effectively and efficiently.

The provisions of paragraph two shall be carried out under the rule and procedure as prescribed by GTEPC.

Section 56

A person who is recruited and appointed to be an official as government teacher or education personnel and being appointed to the position under Section 45 paragraph one or Section 50 shall work in that position during the probation period. If such person is recruited and appointed to the position of Assistant Teacher, he shall be prepared and developed intensively for the period of two years prior to be appointed as Teacher. Working during the probation period and intensive preparation and development shall be in accordance with the rule and procedure as specified by GTEPC. ⁽¹⁵⁾

During the probation period or the period for intensive preparation and development, as the case may be, if the authority under Section 53 is of opinion that any government teacher or education personnel behaves improperly or has no or unsuitable knowledge or the result of probation assessment or intensive preparation and development is lower than the standard as specified by GTEPC and such person is not suitable to be in official service, he has the power to discharge such person from official service without regard to the completion of probation period or the period for intensive preparation and development. If the probation period or the period for intensive preparation and development is expired and the authority under Section 53 is of opinion that such person should be in official service, he has the power to order such person to perform duties in the position or academic standing as appointed and he shall then report the head of the government agency, the Director of the Office of Education Area or GTEP subcommittee in education area, as the case may be.

A government teacher or education personnel who is discharged for military service under Section 66 during the probation period or the period for intensive preparation and development, as the case may be, and it appears thereafter that such person should be discharged under paragraph two or other Sections, the authority under Section 53 or the authority under that Section, as the case may be, shall have the power alter the discharge order under Section 66 to be discharge order under paragraph two or that Section.

If a person working under the probation period or the period for intensive preparation and development in any position is appointed to any other position, he shall work under the probation period or the period for intensive preparation and development in the new position he is appointed.

If a person is accused, with reasonable ground, for criminal offense or in breach of discipline during the probation period or the period for intensive preparation and development, the superintendent of such person shall take disciplinary action as prescribed by this Act, or if such person has to be discharged from official service under paragraph two or paragraph three or other Sections, the authority under Section 53 or the authority under that Section shall take disciplinary action against such person or discharge him from official service, as the case may be.

If any person has been discharged from official service under paragraph two or paragraph three or other Sections during the probation period or the period for intensive preparation and development and such discharge from official service is not the dismissal or removal from office, it shall be deemed that such person has never been government teacher or education personnel but it is not prejudice to his performance of official duties or the intensive preparation and development or the receipt, or right to receive, of salary or other benefits from official service during the probation period or the period for intensive preparation and development.

Section 57

The changing of position of any government teacher or education and the rotation and transfer of any government teacher or education personnel shall be in accordance with the determination of GTEPC.

If a professional license under the law on teacher and education personnel council of any government teacher or education personnel has been suspended, such person may be change to another position or may be rotated under paragraph one, except where he has been suspended from official service or has been discharge from official service temporarily or has been discharged from official service temporarily in the cases as prescribed in Section 119.

Section 58

The transfer of a local government employee under the law on local personnel administration other than extraordinary employee, and the transfer of any other government official who is neither government teacher or education personnel under this Act nor political official, to be recruited and appointed as a government teacher or education personnel may be done upon voluntary basis of such person. In this regard, the authority under Section 53 of the education agency which is an acceptance unit shall agree with the authority having the power to make recruitment order of the government agency to which such person is attached and submit the matter to GTEPC or GTEP subcommittee in education area, as the case may be, for approval with due regard to the benefit of such education agency. The recruitment and appointment of such person to any position and academic standing and to receive salary at any level shall be determined by GTEPC. In this regard, such level of salary shall not exceed that of government teacher or education personnel having equal qualifications, capability, skill or experience; provided that such transfer is made under paragraph two.

The transfer of a local government employee under the law on local personnel administration and any other government official who is a successful candidate in any examination, or who is selected, to be recruited and appointed as government teacher or education personnel shall be in accordance with the rule and procedure as prescribed by GTEPC.

For the purpose of calculation of public service period, the public service period or working period of a person who is transferred under this Section while being a local government employee under the laws on administration of local personnel or being other government official is deemed to be public service period of government teacher or education personnel under this Act.

GTEPC shall prepare standard for the comparison of positions of government officials under different personnel administration organizations for the purpose of recruitment and appointment of transferred person to be government teacher or education personnel at any position, academic standing and to receive salary at any level. In this regard, such level of salary shall not exceed that of government teacher or education personnel having equal qualifications, capability, skill or experience; except the transfer as specified by the Rule of GTEPC.

Section 59

The rotation of any government teacher or education personnel to any position at another education agency within the same government agency or within the same or different education area shall be approved by GTEP subcommittee in education area or GTEP subcommittee as appointed by GTEPC to which a person who desires to rotate is attached and to which the agency which is an acceptance unit is attached, as the case may be. The education institution, through its education institution board, shall give advice for the consideration of GTEP subcommittee in education area or GTEP subcommittee as appointed by GTEPC. In this regard, the authority under Section 53 shall, upon approval of GTEP subcommittee in education area or GTEP subcommittee as appointed by GTEPC, have the power to make recruitment and appointment order.⁽¹⁶⁾

The rotation of the Director and Deputy Director of the Office of Education Area shall be made by the Secretary-General of the Basic Education Commission with approval of GTEPC.⁽¹⁷⁾

The rotation of the ordinary civil service to be recruited and appointed as government teacher or education personnel shall be approved by GTEPC, but the rotation to be recruited and appointed to the position which has not been determined by GTEPC shall be made when that position is determined by GTEPC.

The rule and procedure for rotation under paragraph one and paragraph two shall be determined by GTEPC.

Section 60

Subject to Section 57 and Section 59, GTEPC shall cause rotation or relocation of government teacher or education personnel holding the position of Director of the Office of Education Area or other administrative positions as determined by GTEPC on the ground that the term of those offices shall not exceed than four years. In reasonable and necessity case and for the benefit of official service, that person may be permitted, in accordance with the rule and procedure as prescribed by GTEPC, to continue his duties for a period of one year each time, but the total period shall not exceed six years.

Section 61

The promotion of education personnel holding nonacademic standing position to be entitled to salary at higher level shall be made through competitive examination, selective examination, selection or assessment by other means.

The promotion and appointment of those who pass the competitive examination, selective examination, selection or assessment by other means shall be in accordance with the rule and procedure as prescribed by GTEPC.

The competitive examination shall be in accordance with Section 47, but the selective examination or selection shall be conducted by GTEPC subcommittee in education area or education institution. The scope of and procedure for selective examination, the qualifications of the examinee or candidate in the selection, the rule for making decision, listing of successful candidates and cancellation of the list of successful candidates, the selection process, rule and procedure for selection and the assessment of performance of work or academic work shall be determined by GTEPC.

Section 62

The appointment of education personnel under Section 61 for successful candidates in competitive examination shall be made in order of successful candidates in the list.

The appointment of successful candidates in selective examination or selected person shall be made as appropriate with due regard to behavior dealing with discipline, moral, general ethics, professional ethics, capability, experience, skill, specialist, quality of work and public service records.

Section 63

A teacher or education personnel who is appointed or promoted to any position or academic standing which he is not fit for standard of that position or academic standing or the procedure of such promotion does not comply with the law or rule and procedure as prescribed by GTEPC or the authority acts incorrectly or *ultra vires*, the authority under Section 53 shall, at once, have order to reinstate that person to his former position or academic standing. Such order shall not prejudice to any act in which that person have done in the performance of his powers and duties and to salary or other benefits in which that person has received or entitled to receive on account of such promotion, provided that the promotion to such position or academic standing is approved by GTEPC.

The person who has been ordered to be reinstated at his former position or academic standing under paragraph one shall be entitled to salary to be paid for his former position or academic standing, including the right to the assessment of the performance of his duties for the past year for his former position or academic standing. In this case, it shall be deemed that such person dose not have, and never have, any status in relation to such promoted position or academic standing.

In the case where the authority under Section 53 fails to comply with the provisions of paragraph one, the superintendent of the authority under Section 53 shall have the power to do so.

Section 64

If a government teacher or education personnel who has been discharged from official service other than the discharge of official service during probation period applies to be a government teacher or education personnel and the official service agreed to accept such person, the authority under Section 53 shall recruit and appoint such person as a government teacher or education personnel at the position and academic standing and salary rate in accordance with the rule and procedure as specified by GTEPC.

Section 65

If a government teacher or education personnel who, with approval of the Council of Ministers, has been discharged from official service so as to perform other works whereby the working period thereof is deemed to be the period for the calculation of gratuity and pension under the law on gratuity and pension of government official resumes official service within the period as approved by the Council of Ministers, but not exceeding four years as from the date he has been discharged from official service, the authority under Section 53 shall recruit and appoint such person as a government teacher or education personnel at the position and academic standing and salary rate in accordance with the rule and procedure as specified by GTEPC.

Section 66

In the case where a government teacher or education personnel who has been discharge for military service under the law on military service has later been discharged from military service without causing any serious damage to official service during the period for military service or causing gross misconduct and he is not disqualified under Section 30 and not being under the order issued under Section 114 paragraph two to be discharged from official service under other Sections desires to resume official service as government teacher or education personnel at his former education agency, he shall apply for the resume of official service within one hundred and eighty days as from the date he has been discharged from military service. In this case, the authority under Section 53 shall recruit and appoint such person as a government teacher or education personnel at the position and academic standing and salary rate in accordance with the rule and procedure as specified by GTEPC.

The government teacher or education personnel who has been recruited under paragraph one shall be entitled to calculate his period of work before expulsion, period of work for military service and period of work after resumed recruitment continuously for the purpose of this Act and the law on gratuity and pension of government official as if such person has never been discharged from official service.

Section 67

If a local government employee under the law on local personnel administration other than extraordinary employee or a government official or employee who has been discharged from official service during probation period or government official which is not a government teacher or education personnel and not being political official, extraordinary official or official who has been discharged from official service during probation period who has been discharged from work or official duties applies for official service as government teacher or education personnel and the official service agrees to accept such person, the authority under Section 53 desiring to accept such person shall submit the matter to GTEPC or a person entrusted by GTEPC for approval with due regard to benefit of official service.

The recruitment and appointment of such person as government teacher or education personnel to any position and academic standing and salary rate shall be determined by GTEPC, but shall not be higher than that of government teacher or education personnel having similar capability, skill or experience.

For the purpose of calculation of public service period, the public service period of a person recruited and appointed under paragraph one while being local government employee under the law on local personnel administration, or while being government official under the law relating to personnel administration of that government official, shall be calculated as public service period of that person as government teacher or education personnel under this Act.

Section 68

Under the law on administration of the Ministry of Education, the authorities under Section 53 shall, upon the vacancy of the office any government teacher or education personnel or where a person holding any office is unable to perform his duties, order any government official or education personnel to serve *ad interim*.

The acting person under paragraph one shall have the same powers and duties as a person holding such office. If there is any other law, by-law, rule, regulation, resolution of the Council of Ministers, resolution of any committee established by law or order of the superintendent that appoints a person holding such office to be member of the committee or to have any specific power and duty, the acting person shall be a member of that committee or shall have such power and duty during acting period, as the case may be.

Section 69

GTEPC may, if it is necessary for official service, give recommendation to the head of the government agency to order any government official to perform duties in any education agency temporarily.

The Director of the Office of Education Area, with approval of GTEPC subcommittee in education area, shall have the power to order any government teacher or education personnel to perform duties in its education areas temporarily.

Section 70

The head of the government agency or the Director of the Office of Education Area shall, if there is reasonable and necessary, have the power to discharge a government teacher or education personnel attached to any government agency or the Office of Education Area, as the case may be, from office temporarily in accordance with the rule and procedure as specified by the Rule of GTEPC.

The provision of salary, appointment, raising of salary, disciplinary procedure and discharge from official service of government teacher or education personnel under paragraph one shall be in accordance with the rule and procedure as specified by the Rule of GTEPC.

Section 71

The head of the government agency or the Director of the Office of Education Area shall, if there is reasonable and necessary, have the power to discharge a government teacher or education personnel from office and from salary paid to that position so as to receive salary of reserve as determined by GTEPC in accordance with the rule and procedure as specified by the Rule of GTEPC.

The discharge from official office, provision of salary, appointment, raising of salary, disciplinary procedure and discharge from official service of government teacher or education personnel under paragraph one shall be in accordance with the rule and procedure as specified by the Rule of GTEPC.

CHAPTER V

Efficiency Enhancement

Section 72

The superintendent shall have the duty to conduct performance assessment of government teacher and education personnel with due regard to suitable practicing of, and efficiency

and apparent effectiveness in the performance of duties of, government teacher and education personnel. A government teacher or education personnel who meets such requirements is deemed to have achievement and shall be entitled to reward which may be in form of complimentary note, reward, honorary award or raising of salary or other forms in relation to personnel administration in accordance with the rule and procedure as specified by GTEPC.

Section 73

The superintendent shall appoint a committee having duty to consider the matter relating to the raising of salary of government teacher or education personnel. In the consideration of the committee, regard shall be had to, under Section 74, the principle of merit, justification, openness and transparency and the result of the performance of duties shall be considered primarily in conjunction with the compliance with discipline, merit, general ethics and professional ethics.

In rising of salary under paragraph one, the result of the performance of duties that benefits learners in accordance with the guideline for education management under the law on national education shall be taken into consideration.

The rule and procedure for the raising of salary shall be in accordance with the Rule of GTEPC.

In the case where the superintendent has an order not to raise salary of any government teacher or education personnel, he shall inform that order together with justification to such person.

If the rule and procedure for the raising of salary of government teacher and education personnel under paragraph three have been fulfilled, the authority under Section 53 shall have the power to have order in rising of salary.

Section 74

GTEPC shall determine level of salary of government teacher and education personnel having academic standing so as to enhance the performance and achievement of work to meet with official standard of work in accordance with the rule and procedure as specified by GTEPC.

Section 75

The related Ministry, government agency and education agency shall bestow honorary award on a government teacher and education personnel having initiative and outstanding performance as appropriate.

GTEPC may, in order to encourage a government teacher or education personnel in the performance of their duties, award "Witthaya Phat" allowance in accordance with the Rule of GTEPC as approved by the Council of Ministers to a government teacher or education personnel who have outstanding result or performance of work or who has been bestowed honorary award.

Section 76

The government agency and education agency shall have the duty to provide welfare to government teachers and education personnel as appropriate to meet their social and professional status as incentives for their efficient performance.

Section 77

In the case where a government teacher or an education personnel passes away on account of the performance of duties, his family shall be entitled to welfare in accordance with the rule and procedure as specified by GTEPC with approval of the Council of Ministers.

The Council of Ministers may specially raise level of salary of such person for the benefit of calculation of his gratuity and pension.

Section 78

Before giving an assignment to a government agency or an education personnel who has been recruited and appointed under Section 45 or Section 50, the superintendent of such person shall, in accordance with the rule and procedure as specified by GTEPC, notify him of his duties, quality standard of work, professional standard, code of conducts, rules for performance assessment, pattern as well as rules and regulations for the performance of official service and roles of government official as good subject.

Section 79

The superintendent shall prepare himself as role model of his subordinates and shall have the duty to develop his subordinates to have suitable knowledge, skill, attitude, merit, general ethics and professional ethics for the effectiveness, efficiency and achievement in the performance of official service in accordance with the rule and procedure as specified by GTEPC.

Section 80

The development program shall be provided for government teacher and education personnel before appointing them to some positions or academic standings in order to strengthen their suitable knowledge, skill, attitude, merit, general ethics and professional ethics for the effectiveness, efficiency and achievement in the performance of official service in accordance with the rule and procedure as specified by GTEPC.

Section 81

The superintendent shall have the duty to promote and support his subordinates to get study, training and study visit or to conduct research and development in accordance with the Rule of GTEPC.

If there is necessary or there is a requirement of government agency to develop educational or professional quality or there is an inadequacy of personnel in some fields, the superintendent may, with approval of GTEPC or GTEP subcommittee in education area as entrusted, send or allow government teacher or education personnel to study, to get training or to conduct research as if he is performing his official service and such person shall, subject to Section 73 paragraph three, be entitled to the raising of salary during the period of study, training or research, as the case may be.

CHAPTER VI

Discipline and Adherence to Discipline

Section 82

Government teacher and education personnel shall firmly adhere to discipline as prescribed in this Chapter.

Section 83

Government teacher and education personnel shall authentically uphold the democratic regime of government with the King as Head of State under the Constitution of the Kingdom of Thailand and shall have the duty to establish the fundamental of that regime of government.

Section 84

Government teacher and education personnel shall perform their duties with integrity, equality and justice, diligence, industriousness, attention and protection of official interests and shall behave in compliance with standard and professional ethics strictly.

No person shall exercise, or allows other persons to exercise, his official powers and duties, whether directly or indirectly, so as to seek benefits for him or any other person.

Any wrongfully exercise or omit to exercise of his powers and duties so as to accept for him or any other person of any illicit benefit is deemed to be malfeasance in office and being serious breach of discipline.

Section 85

Government teacher and education personnel shall perform their duties in accordance with law, regulation and pattern of official service and education agency, resolution of the Council of Ministers or government policy.

In this case, regard shall be had to maximize benefit of learners without causing damage to official service.

The exercise of powers and duties with an intention to breach the law, regulation and pattern of official service and education agency, resolution of the Council of Ministers or government policy or through negligence or without care that causes damage to official service shall constitute serious breach of discipline.

Section 86

Government teacher and education personnel shall act in compliance with, with no objection, the order of their superintendents made in accordance with laws and regulations and pattern of official service on course of official duties. If a government teacher or education personnel foresees that the compliance with that order may cause damage to official service or may be unable to maintain benefits of official service, he may request, in writing, his superintendent to review that order within seven days. If the superintendent, upon receiving of that request, confirms that order in writing, the subordinate shall act in compliance with that order.

Any resistance or avoidance of order of the superintendent made in accordance with laws and regulations and pattern of official service on course of official duties that causing gross damage to official service shall constitute serious breach of discipline.

Section 87

Government teacher and education personnel shall be punctual and shall be dedicated to official service and learners. No person shall leave or abandon his duties without reasonable ground.

Leaving or abandon of duties without reasonable ground that causing gross damage to official service, or leaving of duties for more than fifteen consecutive days each time without reasonable ground or with circumstances stating an intention to violate regulation of official service, shall constitute serious breach of discipline.

Section 88

Government teacher and education personnel shall behave as role model for learners, community and society and shall be polite, maintain unity, provide assistance to learners and among government officials as well as their colleagues, and shall welcome, facilitate and fairly treat learners and the people in contact for official service.

Teasing, insult, disdain, oppression or mistreat against learners or people in contact for official service shall constitute serious breach of discipline.

Section 89

No government teacher and education personnel shall accuse or complain any other person without reasonable ground.

Any act under paragraph one shall constitute serious breach of discipline if it causes serious damage to other persons.

Section 90

No government teacher and education personnel shall seek or allow any other person to seek benefit which may be detrimental to justice or integrity of their office.

If an act under paragraph one has been done with a view to be the selling or buying of, or for the acquisition of, any position or academic standing illegally or being the offer or acquisition of other properties or benefits in order to enable the person committed such act or any other person to be recruited and appointed illegally or to act unjustly, it shall constitute serious breach of discipline.

Section 91

No government teacher and education personnel shall unduly copy or imitate academic works of others, or use academic works of others, or hire, ask or employ other persons to produce academic work, for use together with the request for improvement of position or for promotion to higher position, academic standing or position allowance. The violation of the aforesaid principle shall constitute serious breach of discipline.

A government teacher or education personnel who supports an unduly copy or imitation of academic works of others or who agrees to produce academic work for others, with or without consideration, with a view to enable that person to use as mentioned in paragraph one shall be in breach of discipline.

Section 92

No government teacher and education personnel shall be managing director or manager or holding any other position of similar nature in any partnership or company.

Section 93

Government teacher and education personnel shall, in the performance of duties and in any other act related to the public, be politically impartial and shall not exercise their powers and duties in the manner that is partial to, or promote, assist or support any person, group of persons or political party.

Neither government teacher nor education personnel shall involve in any fraudulent act in relation to voting in an election of members of the National Assembly, members of local assemblies, local administrators or any other election that enhancing the democratic regime of government nor promote, support or induce any other person in so doing. The violation of the aforesaid principle shall constitute serious breach of discipline.

Section 94

Government teacher and education personnel shall uphold their reputation and integrity of their offices by refraining from doing any act which may cause them as wrongdoers.

The commission of a criminal offense in which a person who commits that offense has been sentenced by the final judgment to a term of imprisonment or more severe punishment, except for an offense committed through negligence or a petty offense, or any other act which causing him as wrongdoer shall be constitute serious breach of discipline.

A government teacher or education personnel who uses or instigates any other person to use narcotics or habitually gambles or commits sexual harassment against learner or student under or not being under his supervisory is deemed to be in serious breach of discipline.

Section 95

The superintendent shall have the duties to enhance and develop his subordinates to adhere to discipline, to prevent his subordinates from doing any act which may give rise to the breach of discipline and to take disciplinary action against his subordinates who is accused in breach of discipline.

In order to enhance and develop discipline of subordinates, the superintendent shall behave as role model and shall provide training, encouragement, incentive or other acts which may be able to enhance and develop attitude, accountability and behavior of subordinates in adhering with discipline.

To prevent subordinates from breaching of discipline, regard shall be had to the attention and observation to be paid to, and the elimination of, any cause which may give rise to the breach of discipline and may be able to prevent.

If there is a reasonable ground, together with supporting evidence, to accuse that any government teacher or education personnel is in breach of discipline, the superintendent shall take disciplinary action against that person at once.

If there is an accuse, with the presence of the accuser, or there is suspicious, that any government teacher or education personnel is in breach of discipline without supporting evidence, the superintendent shall conduct without delay the primary investigation or consideration as to whether there is a reasonable ground to accuse that such person is in breach of discipline. If no such reasonable ground, the accused shall come to an end, but if there is such reasonable ground, the disciplinary action shall then be taken at once.

The disciplinary action to be taken against the subordinate in the case where there is a reasonable ground to accuse that such person is in breach of discipline shall be in accordance with the provisions as prescribed in Chapter VII.

A superintendent who fails to comply with the duties under this Section and the duties as prescribed in Chapter VII, or acts with a view to protect or assist his subordinate from disciplinary action or performs his duties in bad faith is deemed to be in breach of discipline.

Section 96

Any government teacher or education personnel who violates the prohibitions or fails to comply with any requirement as prescribed in this Chapter is deemed to be in breach of discipline and shall be liable to disciplinary action; except in case of exemption as prescribed in Chapter VII.

There are 5 disciplinary actions, *viz.*

- (1) Probation;
- (2) Salary cut;
- (3) Lower salary level;
- (4) Dismissal;
- (5) Removal.

Any person who is dismissed from office shall be entitled to gratuity and pension as if he resigns from office.

Section 97

Disciplinary action to be taken to government teacher and education personnel shall be made in form of written order. The making of such order shall be in accordance with the Rule of GTEPC. In this regard, disciplinary action to be taken shall have proportionality with the result of breaching of discipline and the person making such order shall have no vengeance, bias or resentment on such matter and no disciplinary action shall be taken without guilt. The disciplinary action order shall clarify that a person under such order is in breach of discipline in which case and under which Section together with justification in taking such action.

Chapter VII **Disciplinary Procedure**

Section 98

In the case where there is a reasonable ground to accuse that any government teacher or education personnel is in breach of discipline, the superintendent of such person shall,

without delay, appoint an inquiry committee to inquire into fact upon fairness basis. In an inquiry, an accusation and summary of its supporting evidence as appears at that time, with or without name of witness, shall be informed to the accused so as to enable him to defense and present evidence against the accusation.

If the accused is charged with serious breach of discipline, the authority under Section 53 shall have the power to appoint the inquiry committee and there shall also be a reasonable ground of serious breach of discipline, except where many government teachers or education personnel jointly breach of discipline and the authority under Section 53 of any accused person is more sonority than that of the others, such senior authority shall have the power to appoint the inquiry committee of all accused persons.

In the case where government teachers or education personnel of different education institutions or education areas jointly breach of discipline, the authority under Section 53 of each accused person shall consult with others for the agreement in the appointment of an inquiry committee.

In the case where there is a problem or contradiction related to the appointment of inquiry committee under paragraph three, if it occurs among the authorities under Section 53 of the same education area, the Director of the Office of Education Area of that education area shall have decision thereon, but if it occurs among the authorities under Section 53 of different education areas, the Secretary-General of the Basic Education Commission shall have decision thereon, and if it occurs among different government agencies, the Minister shall have decision thereon. If there is reasonable and necessary for the benefit of official service or for the effectiveness and fairness of the case, the person having the power to have decision as aforesaid shall have the power to appoint an inquiry committee instead.

The Prime Minister as head of the government or the Portfolio Minister shall have the power to appoint the inquiry committee under paragraph two.

The rule and procedure of inquiry shall be in accordance with the Rule of GTEPC.

In explicit case as prescribed by the Rule of GTEPC, disciplinary action may be taken without inquiry.

Section 99

Upon the completion of inquiry, if it appears that the accused person does not breach of discipline, the matter shall come to an end, but if it appears that he is in breach of discipline, Section 100 shall apply. In case of serious breach of discipline, disciplinary action to be taken is dismissal or removal, except where there is a reason for reduction of disciplinary action, but the disciplinary action to be taken in the case shall not less than dismissal.

Section 100

In the case where a government teacher or education personnel is in breach of discipline, the superintendent shall impose probation, salary cut or lower salary level as appropriate. If there is a reason for reduction of disciplinary action, it shall be taken into consideration. Probation shall be imposed in case of petty breach of discipline or where salary cut is not appropriate to be imposed.

In petty breach of discipline and there is a reason for omitting disciplinary action, a written promise of good behavior or warning is required instead.

A superintendent who has the power to impose any disciplinary actions under paragraph one and scope of the action to be imposed shall be prescribed by the Rule of GTEPC.

If the inquiry committee or the person having power to appoint the inquiry committee, as the case may be, is of opinion that any government teacher or education personnel is in serious breach of discipline and that person should be dismissed or removed, the followings shall be taken:

- (1) in the case where that person holding the position of President, Director of the Office of Education Area, any position with specialist academic standing or

Professor, including person holding any position with or without any academic standing who jointly breach of discipline with the person holding the aforesaid position, or being the superintendent of the Director of the Office of Education Area under paragraph six, or being a person who the Prime Minister or Portfolio Minister appoints the inquiry committee under Section 98 paragraph five; the matter shall be submitted to GTEPC for consideration;

- (2) in case of a government teacher or education personnel other than (1); the matter shall be submitted to GTEP subcommittee in education area to which the accused is made.

In an implementation under paragraph one or paragraph four, where government teachers or education personnel of different education agencies or education areas jointly breach of discipline and the person having power to appoint the inquiry committee or GTEP subcommittee in education area to which each accused person is attached, as the case may be, render different opinions, if that different opinions made by the persons having power to appoint the inquiry committee of the same education area, the matter shall be take into consideration of GTEP subcommittee in education area, but if that different opinions made by the persons having power to appoint the inquiry committee in different education areas or by GTEP subcommittee in different education area, the matter shall be taken into consideration of GTEPC. The decision of GTEP subcommittee in education area or GTEPC is bound the authority under Section 53 or the person having power to appoint the inquiry committee to have order or act accordingly.

If the authority under Section 53 fails to comply with Section 98 paragraph two, the superintendent of that authority shall have the power to proceed with Section 98 paragraph two or this Section.

In the case where the superintendent appoints the inquiry committee to inquire into fact on the matter that the accused person is in serious breach of discipline while another inquiry committee has been appointed to conduct inquiry under Section 110 (4) or Section 111 and the inquiry committee under such Sections has already conducted the inquiry, the newly appointed inquiry committee may use the inquiry report produced under such Sections as its inquiry report and giving its opinion upon the findings appear therein as if the inquiry under this Chapter has been done, but an accusation and summary of its supporting evidence as appears at that time, with or without name of witness, shall be informed to the accused so as to enable him to defense and present evidence against the accusation.

Section 101

A member of the inquiry committee shall be competent official under the Penal Code and shall have the same power as the inquiry official under the Criminal Procedure Code in relation to the powers and duties of the inquiry committee, and shall also have the powers as follows:

- (1) to summon any Ministry, Sub-ministry, Department, government agency, State enterprise, other State agencies or partnership or company to give statement, to prepare related document and evidence and to send its representative or its attached person to give statement in relation to the matter under investigation;
- (2) to summon the accused or any person to give statement or to send document and evidence in relation to the matter under investigation.

Section 102

A government teacher or education personnel who is accused of acting or omitting any act which is in serious breach of discipline and that accusation is made in writing to his superintendent or to a person having duty to inquire or investigate under the law or official regulation or that accusation is made in writing by his superintendent or he is charged with, or accused of, criminal offense other than an offense committed through negligence which is not connected with official service or petty offense, the authority under Section 53 shall, despite such person has been discharged from official service by any reason other

than his death, have the power to investigate or consider under Section 95 with a view to take disciplinary actions under this Chapter as if he is in official service; provided that, the result of inquiry or consideration appears that disciplinary action to be taken to such person is probation, salary cut or lower salary level, no disciplinary action shall be taken.

Section 103

In the case where a government teacher or education personnel has been accused of serious breach of discipline and the inquiry committee has been established to inquire thereto or where he has been sued in criminal case or has been charged with criminal offense other than an offense committed through negligence or petty offense, the authority under Section 98 paragraph two, paragraph four or paragraph five, as the case may be, shall have the power to suspend or temporarily discharge such person from official service until the decision on that matter is given. If the given decision clarify that such person has no guilty or disciplinary action to be taken is less than dismissal or removal from official duties and there is no other reasons to discharge him from official service, such authority shall have the power to reinstate that person to his former position and academic standing or to another position and academic standing which fit for qualifications of that person. In this case, Section 100 paragraph six shall apply *mutatis mutandis*.

After having an order to suspend or temporarily discharge any government teacher or education personnel from official service under paragraph one, if it appears that such person is accused in serious breach of discipline in any other case, the authority under Section 98 paragraph two, paragraph four or paragraph five or Section 115, as the case may be, shall have the power to inquire or consider under Section 95 and to appoint the inquiry committee under Section 98 paragraph two as well as to conduct disciplinary procedure as prescribed in this Chapter.

In ordering the person who has been temporarily discharged from official service to reinstate in official service or to be discharged from official service by any reason other than the case where he is in serious breach of discipline, such person shall continue the status of government teacher or education personnel through the period of temporary discharge as if he is suspended from official service.

Salary, other money paid upon monthly basis and other assistance money and the payment of those money of a person suspended or temporarily discharged from official service shall be in accordance with the law or regulation on such matter. In this case, the person temporarily discharged from official service is, if there is no such law or regulation, deemed to be a person suspended from official service.

The rule and procedure in relation to the suspension or temporary discharge from official service, period of suspension and temporary discharge from official service and action to be taken in accordance with the result of inquiry or consideration shall be in accordance with the Rule of GTEPC.

Section 104

In the case where the disciplinary procedure or inquiry against any government teacher or education personnel has been taken or where any government teacher or education personnel have been dismissed from official service, his superintendent shall act as follows:

- (1) in case of breach of discipline of the superintendent lower than the head of the government agency or the Director of the Office of Education Area; the superintendent shall, after taking disciplinary procedure, report to the superior of the government agency or the Director of the Office of Education Area, as the case may be. If the head of the government agency or the Director of the Office of Education Area is of opinion that the settlement of the matter, omitting of disciplinary action or imposing of disciplinary action is incorrect or improper, he shall have the power to omit the disciplinary action, reduce or increase disciplinary action, alter the existing order or take any additional action so as to inquire into fact and to provide justice as he thinks appropriate. If he is of

opinion that it is the case of serious breach of discipline, he shall have the power to appoint the inquiry committee or if he is of opinion that the matter is beyond his powers and duties, he shall inform or report the matter to the superintendent having powers and duties over the matter for further action. The head of the government agency or the Director of the Office of Education Area shall then report his action to GTEP subcommittee in education area for consideration. GTEP subcommittee in education area shall then, after consideration, report to the head of the government agency. If the head of the government agency does not agree with the resolution of GTEP subcommittee in education area, he shall submit the matter to GTEPC for consideration;

- (2) in case of serious breach of discipline of the superintendent lower than the head of the government agency or the Director of the Office of Education Area; the superintendent shall, after taking disciplinary procedure, report to the head of the government agency or the Director of the Office of Education Area, as the case may be. The head of the government agency or the Director of the Office of Education Area shall then report his action to GTEP subcommittee in education area and GTEPC respectively for consideration.

As for the disciplinary action against the superintendent higher than the head of the government agency or the Director of the Office of Education Area, if it is not taken in accordance with the resolution of GTEP subcommittee in education area, it shall be reported to GTEPC for consideration.

In the execution under this Section, if GTEP subcommittee in education area or GTEPC has a resolution under this Section, the authority under Section 53 or the head of the government agency or the Director of the Office of Education Area, as the case may be, shall proceed with such resolution.

Reporting under this Section shall be in accordance with the regulation as prescribed by GTEPC.

Section 105

In the case where the superintendent has taken any disciplinary action or has had an order discharging any government teacher or education personnel from official service, GTEPC shall, if it deems appropriate to conduct re-inquiry or additional inquiry with a view to rendering of justification or for controlling the education agency to act in compliance with Chapter VI and this Chapter correctly and properly, have the power to conduct re-inquiry or additional inquiry as appropriate. In this case, GTEPC may conduct that inquiry itself or entrust GTEP extraordinary subcommittee in so doing or may order the inquiry committee to do so or may send the required issue or matter to the inquiry committee appointed by the superintendent to conduct additional inquiry.

In the case where GTEPC appoints GTEP extraordinary subcommittee to consider the matter related to disciplinary procedure or dismissal from official service on its behalf, that GTEP extraordinary subcommittee shall have the power to conduct re-inquiry or additional inquiry. In this case, it may conduct that inquiry itself or appoint the new inquiry committee in so doing or may send the required issue or matter to the inquiry committee appointed by the superintendent to conduct additional inquiry.

In re-inquiry or additional inquiry, if GTEPC or GTEP extraordinary subcommittee deems appropriate to send the required issue or matter to be inquired at different locality or education area, GTEPC or GTEP extraordinary subcommittee, as the case may be, shall have the power to send that issue or matter to the head of the government agency or education agency in that education area to conduct inquiry on its behalf.

In case of serious breach of discipline, if GTEPC or GTEP extraordinary subcommittee appoint the inquiry committee to conduct re-inquiry or additional inquiry or send the required issue or matter to the inquiry committee or the head of the government agency or education agency to conduct inquiry on its behalf under paragraph one, paragraph two or

paragraph three, the rule and procedure relating to inquiry and consideration under Section 98 paragraph six shall apply *mutatis mutandis*.

Section 101 shall apply to the execution under this Section *mutatis mutandis*.

Section 106

If a government teacher or education personnel who formerly be a local official and transferred to be government teacher or education personnel under the law on local employee personnel administration or formerly be other official and transferred to be government teacher or education personnel under Section 58 has been accused in breach on discipline prior to the transferring date, the superintendent of such government teacher or education personnel shall take disciplinary action under this Chapter *mutatis mutandis*. In the case where the matter is under inquiry or investigation of former superintendent prior to the transferring date, that inquiry or investigation procedure shall be continued until its completion and the matter shall then be submitted to the superintendent of such government teacher or education personnel for further proceed in accordance with this Chapter *mutatis mutandis*. If disciplinary action is required to be taken, offence and disciplinary action under the law on local personnel administration or the law on personnel administration of such official shall be applied analogically.

Chapter VIII

Discharge from Official Service

Section 107

A government teacher or education personnel discharges from official service upon:

- (1) death;
- (2) discharge from official service under the law on gratuity and pension of government official;
- (3) resignation and permission thereon has been given or the resignation takes effect under Section 108;
- (4) being expelled under Section 49, Section 56 paragraph two, paragraph three or paragraph five, Section 103, Section 110, Section 111, Section 112, Section 113, Section 114 or Section 118;
- (5) being dismissed or removed;
- (6) revocation of professional license; provided that he is appointed to the position which the professional license is not required under Section 109.

The date of discharge from official service under (4), (5) and (6) shall be in accordance with the Rule of GTEPC.

The extension of the period of official service of a government teacher or education personnel discharged from official service under (2) so as to enable that person to continue his official service shall not be made.

Section 108

In any case other than the case as prescribed in paragraph four, a government teacher or education personnel who desires to resign from official service shall submit his written request for resignation to his superintendent. In this case, the authority under Section 53 shall have the power to grant permission thereon.

If the authority under Section 53 is of opinion that it is beneficial for official service, he may suspend the request for resignation for the period of not exceeding ninety-days as from the resignation date as requested, but he shall inform that suspension together with justification to the person who submits such request. At the expiration of the suspended

period, the resignation shall come into effect as from the day following the date of that expiration.

If the authority under Section 53 grants no permission to the request for resignation under paragraph one and no suspension for resignation is made under paragraph two, the resignation shall come into effect as from the requested date as specified therein.

In the case where any government teacher or education personnel desires to resign from official service so as to be appointed as, or being a candidate in an election for a member of the National Assembly, local assembly or local administrator or being a candidate in any other election which its nature is to strengthen the democratic regime of government, he shall submit a written request for resignation to his superintendent and that resignation shall come into effect on the requested date as specified therein.

The rule and procedure on resignation, the granting of permission for resignation and the suspension of resignation under paragraph one, paragraph two and paragraph four shall be in accordance with the Rule of GTEPC.

Section 109

Subject to Section 119, in the case where a professional license of any government teacher or education personnel has been revoked and he has never discharged from official service under other Sections of this Act, the superintendent who is the administrator of an education agency may, within thirty days as from the date such revocation has reached to the education agency to which that person is practiced and it appears that there is an unoccupied position or a position which the professional license is not required, propose GTEP subcommittee in education area or GTEPC, as the case may be, for approval to recruit and appoint such person to that position if he is of opinion that such person is suitable for that position and having qualifications under Section 30 and Section 42. In this case, Section 57 paragraph one shall apply *mutatis mutandis*.

In the case where the education agency under paragraph one has no vacant position or position which may be relocated for appointment and the superintendent who is the administrator of an education agency under paragraph one is of opinion that such person is suitable for the recruitment and appointment to any other position which the professional license is not required at any other education agency, if any other education agency has an unoccupied position or a position which may be relocated for appointment, within thirty days as from the date the government agency or the Office of Education Area has received the matter from the education agency under paragraph one, and GTEP subcommittee in education area or GTEPC, as the case may be, is of opinion that such person is suitable to be appointed to that position, the provision of Section 59 shall apply *mutatis mutandis*.

Within the period of thirty days under paragraph one and paragraph two, if no education agency has an unoccupied position or a position which may be relocated for appointment or GTEP subcommittee in education area or GTEPC, as the case may be, grant no approval, the authority under Section 53 shall discharge such person from official service at once in accordance with the Rule of GTEPC on Discharge from Official Service.

Section 110

The authority under Section 53 shall have the power to discharge a government teacher or education personnel from official service to receive gratuity and pension under the law on gratuity and pension of government official if that law prescribes that such person is entitled to gratuity and pension, but the discharge from official service on account of long-term service shall be done in the case as prescribed by the Rule of GTEPC. The discharge from official service so as to receive gratuity and pension as compensation shall be done in the case as prescribed by this Act and the law on gratuity and pension of government official as well as in the following cases:

- (1) in the case where a government teacher or education personnel is regularly sick and unable to perform his official duties; if such authority thinks it is appropriate, he may discharge that person from official service;

- (2) in the case where a government teacher or education personnel leaves to perform another service upon official requirement; such authority shall discharge that person from official service;
- (3) in the case where a government teacher or education personnel lacks of qualifications under Section (1), (4), (5), (7), (8) or (9); such authority shall discharge that person from official service;
- (4) in the case where a government teacher or education personnel is accused or suspected that he lacks of general qualifications under Section 30 (3) and the authority under Section 53 is of opinion that such accusation or suspect bases upon a reasonable ground; such authority shall appoint the inquiry committee at once and the provisions of Section 111 shall apply *mutatis mutandis*. If the GTEPC or GTEP subcommittee in education area has a resolution that such person lacks of general qualifications under Section 30 (3), such authority shall discharge that person from official service;
- (5) in the case where the government ends or dissolves any position; the authority under Section 53 shall discharge the government teacher or education personnel holding such position in accordance with the rule and procedure as prescribed by GTEPC;
- (6) in the case where a government teacher or education personnel is unable to perform his official service effectively and efficiently as required by the government; the authority under Section 53 shall discharge that person from official service in accordance with the rule and procedure as prescribed by GTEPC.

Section 111

If a government teacher or education personnel is accused or suspected that he lacks of ability in the performance of official service, being of deficiency in official service or behaves improperly with integrity of his position or duties and the authority under Section 53 is of opinion that such accusation or suspect bases upon a reasonable ground and allowing such person to continue his official service may be detrimental to official service, such authority shall appoint the inquiry committee at once. In an inquiry, an accusation and summary of its supporting evidence as appears at that time, with or without name of witness, shall be informed to the accused so as to enable him to defense and present evidence against the accusation. In this case, Section 98 paragraph two, paragraph five and paragraph seven, Section 100 paragraph four and Section 101 shall apply *mutatis mutandis*.

In the case where GTEPC or GTEP subcommittee in education area has a resolution to discharge that person from official service, such the authority shall discharge that person from official service so as to receive gratuity and pension as compensation under the law on gratuity and pension of government official.

In the case where the superintendent has appointed the inquiry committee so as to conduct inquiry to the accused person under Section 98 on the matter under paragraph one and the inquiry committee under Section 98 has prepared the inquiry report, the authority under paragraph one may use that report for further consideration without regard to the appointment of the inquiry committee under paragraph one.

Section 112

In the case where a government teacher or education personnel has been inquired by the inquiry committee under Section 98 paragraph two and the inquiry committee or the authority under Section 98 paragraph two, paragraph four or paragraph five or Section 104 (1), as the case may be, is of opinion that there is a reasonable ground to suspect that such person is in breach of discipline, if the result of inquiry is not apparent to indicate the ground for taking serious disciplinary action, but allowing such person to continue his official service may be detrimental to official service, the matter shall be submitted to GTEPC or GTEP subcommittee in education area, as the case may be, for consideration. In

this case, Section 100 paragraph four shall apply *mutatis mutandis*. In the case where GTEPC or GTEP subcommittee in education area has a resolution to discharge that person from official service on account of being disgrace in relation to the matter under inquiry, the authority under Section 53 shall discharge that person from official service so as to receive gratuity and pension as compensation under the law on gratuity and pension of government official.

Section 113

In the case where a government teacher or education personnel has been sentenced by an order, or a final judgment, of the court to imprisonment through an offense committed through negligence or petty offense, despite the aforesaid is inadequate ground to dismiss or remove that person from official service, the authority under Section 53 shall have the power to discharge that person from official service so as to receive gratuity and pension as compensation under the law on gratuity and pension of government official.

Section 114

In the case where a government teacher or education personnel is absent for military service under the law on military service, the authority under Section 53 shall discharge that person from official service.

If a person has been discharged from official service under paragraph one and it appears later that that person has to be discharged from official service in accordance with any other Section prior to military service absent, the authority under Section 53 shall have the power to amend the discharge order from the ground under paragraph one to be the ground under such any other Section.

Section 115

If the authority under Section 53 fails to comply with this Chapter or Section 49 or Section 56 paragraph two, paragraph three or paragraph five, the superintendent of that authority shall have the power to act in compliance with this Chapter or Section 49 or Section 56 paragraph two, paragraph three or paragraph five, as the case may be.

Section 116

In the case where the head of the government agency or the Director of the Office of Education Area receives the report under Section 104 (1) or (2) and he is of opinion that it is appropriate to discharge any government official or education personnel from official service under Section 110 (4) or Section 111, the head of the government agency or the Director of the Office of Education Area shall act in compliance with Section 110 (4) or Section 111. If the inquiry committee under the aforesaid Sections or Section 98 paragraph two has been established to conduct inquiry in case of serious breach of discipline, the matter shall be submitted to GTEP subcommittee in education area or GTEPC, as the case may be, for consideration.

Section 103 shall apply *mutatis mutandis* to the reinstatement of a person discharged from official service.

When the superintendent discharges any government teacher or education personnel from official service or exercise the powers under Section 110 (4) or Section 111, he shall report to GTEPC or GTEP subcommittee in education area under the regulation on report on disciplinary action and discharge from official service as prescribed by GTEPC.

Section 117

In the case where the superintendent has taken any disciplinary action against or has discharged any government teacher or education personnel from official service, if the GTEPC is of opinion that it is appropriate to conduct re-inquiry or additional inquiry for fairness or for the benefit of its supervision over education agency to act in compliance with this Chapter or Section 49 or Section 56 paragraph two, paragraph three or paragraph five correctly and fairly, GTEPC shall have the power to conduct re-inquiry or additional

inquiry in that matter as necessary. In this regard, Section 105 shall apply *mutatis mutandis*.

In the case where GTEPC or GTEP extraordinary subcommittee appoints the inquiry committee to conduct re-inquiry or additional inquiry or send the required issue or matter to the inquiry committee appointed by the superintendent to conduct additional inquiry, or to the superior official of a government agency or the administrator of the education agency in the same or different education area to conduct inquiry on its behalf, in relation to the matter under Section 110 (4) and Section 111, the rule and procedure in connection with an inquiry under Section 98 paragraph six shall apply *mutatis mutandis*.

Section 118

If a government teacher or education personnel who formerly be a local official and transferred to be government teacher or education personnel under the law on local employee personnel administration or formerly be other official and transferred to be government teacher or education personnel under Section 58 may be dismissed or discharged from official service under the law on local employee personnel administration or the law on personnel administration of that official prior to the transferring date, the superintendent of that government teacher or education personnel shall have the power to act in accordance with this Chapter or Section 49 *mutatis mutandis*. In the case where the matter is under inquiry or investigation of former superintendent prior to the transferring date, that inquiry or investigation procedure shall be continued until its completion and the report shall then be submitted to the superintendent of such government teacher or education personnel for further proceed in accordance with this Chapter or Section 49, as the case may be, *mutatis mutandis*. If disciplinary action is required to be taken, disciplinary action under the law on local personnel administration or the law on personnel administration of such official shall be applied analogically.

Section 119

Subject to Chapter VII and Chapter IX, a government teacher or education personnel may be suspended or temporarily discharged from official service in other cases as prescribed by the Rule of GTEPC.

Section 120

The discharge from official service of a government agency and education personnel holding position appointed by the Royal Command shall be presented to the King for His acknowledgement, except the discharge from official service under Section 107 (1).

Chapter IX

Appeal and Petition

Section 121

A government teacher or education personnel who is subjected to probation, salary cut or lower salary level order shall have the right to appeal to GTEP subcommittee in education area, GTEP extraordinary subcommittee as appointed by GTEPC or GTEPC, as the case may be, within thirty days as from the date of receiving of that order.

Section 122

A government teacher or education personnel who is subjected to expel, dismissal or removal order shall have the right to appeal or petition, as the case may be, to GTEPC within thirty days as from the date of receiving of that order. In this case, GTEPC shall have a decision thereon within thirty days.

Section 123

A government teacher or education personnel who is of opinion that he is treated unfairly or feels uncomfortable due to an act of his superintendent or from the appointment of an

inquiry committee shall have the right to petition to GTEP subcommittee in education area, GTEP extraordinary subcommittee as appointed by GTEPC or GTEPC, as the case may be.

In the case where a government teacher or education personnel is of opinion that GTEP subcommittee in education area or GTEP extraordinary subcommittee as appointed by GTEPC has incorrect or unfair resolution, he shall have the right to petition to GTEPC. ⁽¹⁸⁾

The resolution of GTEPC under paragraph two shall be final. ⁽¹⁹⁾

Section 124

The rule and procedure on appeal and appeal procedure and on petition and petition procedure under Section 121, Section 122 and Section 123 shall be prescribed by the Rule of GTEPC.

In any appeal or petition, when GTEP subcommittee in education area, GTEP extraordinary subcommittee as appointed by GTEPC or GTEPC, as the case may be, has a resolution, the authority under Section 53 shall have order or act in compliance therewith.

In ordering the appellant or petitioner to reinstate in official service, Section 103 shall apply *mutatis mutandis*.

Section 125

In the case where GTEP subcommittee in education area, GTEP extraordinary subcommittee as appointed by GTEPC or GTEPC, as the case may be, rendering decision on the appeal or petition under Section 121 or Section 122 and a government teacher or education personnel is of opinion that he is treated unfairly or where the right to appeal or petition is not prescribed in this Chapter, that person shall have the right to bring his case to the Administrative Court within the period as prescribed in the law establishing the Administrative Court and administrative case procedure.

Upon the judgment or order of the Administrative Court, the superintendent shall amend the order accordingly.

Section 126

In the case where a government teacher or education personnel who formerly be a local official and transferred to be government teacher or education personnel under the law on local employee personnel administration or formerly be other official and transferred to be government teacher or education personnel under Section 58 is subjected to the disciplinary action order prior to the transferring date and that person has the right to appeal under law on local employee personnel administration or the law on personal administration of such official, if he has not yet exercised the right to appeal under the aforesaid law, he shall have the right to appeal under this Chapter. If such person has exercised that right, but the appeal procedure is still in process on the transferring date, the authority under Section 121 shall have the power to consider an appeal.

Transitional Provisions

Section 127

In the absence of the GTEPC, the Government Teacher Committee under the Government Teacher Act, B.E. 2523 shall be GTEPC under this Act until the appointment of Interim GTEPC and Interim GTEP subcommittee in education area under Section 128, but not exceeding thirty days as from the date this Act come into force.

The Government Teacher Committee acting GTEPC under paragraph one shall act as GTEP subcommittee in education area or GTEP extraordinary subcommittee as necessary for personnel administration under this Act. In this case, it may appoint *ad hoc* subcommittee to act on its behalf.

In the case where a member of the Government Teacher Committee is vacant, the Government Teacher Committee under paragraph one shall consist of the remaining members, except where the remaining member is less than one-half of the total number of members. In this regard, the Minister shall appoint appropriate persons to be members of the Government Teacher Committee in the numbers as required by the Government Teacher Act, B.E. 2523 so as to perform the duties during the period as prescribed in paragraph one.

Section 128

The Government Teacher Committee acting GTEPC under Section 127 shall select and nominate appropriate persons to the Minister so as to be appointed as Interim GTEPC and Interim GTEP subcommittee in all education areas. In so doing, regard shall be had to the composition of GTEPC and GTEP subcommittee in education area under this Act, provided that otherwise is necessary.

The interim GTEPC shall have the same powers and duties as GTEPC under this Act and shall also have the powers to make Rule of GTEPC under Section 7 paragraph two and Section 21 paragraph three and paragraph four as well as to do any act which is necessary for the establishment of GTEPC and GTEP subcommittee in education area under this Act.

The Interim GTEP subcommittee in education area shall have the same powers and duties as GTEP subcommittee in education area under this Act as well as other duties as entrusted by Interim GTEPC.

The Interim GTEPC and Interim GTEP subcommittee in education area as appointed under paragraph one shall perform their powers and duties until the establishment of GTEPC and GTEP subcommittee in education area under this Act, but not exceeding one hundred and eighty days as from the date this Act come into force.

Section 129

Any education agency as prescribed by the Government Teacher Act, B.E. 2523 (1980) shall be deemed to be an education agency under this Act, provided that otherwise prescribed by the law on the administration of the Ministry of Education or by GTEPC.

Section 130

A government teacher under the Government Teacher Act, B.E. 2523 (1980) holding office on the date this Act comes into force shall be deemed to be a government teacher and education personnel under this Act and shall be in the position or academic standing as prescribed by GTEPC.

During the period the position or academic standing under paragraph one has not yet determined, the government teacher being in the position shall be entitled to salary, position allowance as well as other rights as determined by the former Act or related Acts temporarily.

If the position or academic standing under paragraph two has been determined, but the schedule of salary rate, academic standing allowance or position allowance of government teacher and education personnel under the law on salary, academic standing allowance and position allowance of government teacher and education personnel have not been prescribed to be in accordance with the determination of position or academic standing of government teacher and education personnel under this Act, the government teacher and education personnel shall be entitled to salary and position allowance of government teacher under the law on salary and position allowance temporarily. The determination of government teacher and education personnel at any position to be entitled to any level of salary or academic standing allowance shall be made by GTEPC. If any position being the position with academic standing under this Act, it shall be deemed to be position with position allowance under the aforesaid law. Any academic standing that may be entitled to any level of position allowance shall be prescribed by GTEPC.

The government teacher attached to the Ministry of Tourism and Sports or the Ministry of Culture, as the case may be, shall be the government teacher and education personnel

under this Act and the provisions of paragraph one, paragraph two and paragraph three shall apply *mutatis mutandis*. In this case, the personnel administration of such government teacher and education personnel shall be prescribed by GTEPC.

Section 131

A person who is an ordinary civil service under the Civil Service Act, B.E. 2535 (1992) attached to any government agency or unit under any Ministry on the date this Act comes into force shall still be an ordinary civil service. If that government agency or unit has been determined as an education agency or as a government agency or unit under responsibility of the education area, such person shall be deemed to be a government teacher or education personnel under this Act and shall hold the position as determined by GTEPC.

Section 132

In the absence of the law determining the government teachers attached to *Rajamangala* Institute of Technology, *Rajabhat* University and *Pathumwan* Institute of Technology to be civil service in higher education institution, they shall be deemed as government teachers and education personnel under this Act.

In this case, Section 131 shall apply *mutatis mutandis*.

GTEPC shall appoint GTEP extraordinary subcommittee to conduct personnel administration of government teachers and education personnel of each education institution under paragraph one. In this case, the GTEP extraordinary subcommittee shall have the powers and duties as same as GTEP subcommittee in education area, except where otherwise provided by GTEPC.

Section 133

In the absence of the Royal Decree or in the case where the Rule, regulation, rule, standard of positions, academic standings or any other determination under this Act has not been prescribed or determined by GTEPC, the existing Royal Decrees, Rules of the Civil Service Commission, Rules of the Teacher Committee, resolutions of the Civil Service Commission, resolutions of the Teacher Committee, resolutions of the Council of Ministers, regulation, standard of positions or determination of the Government Teacher Committee or the Civil Service Commission shall apply *mutatis mutandis*.

The GTEPC shall have the power to have final decision on any problem arising from the execution in accordance with paragraph one.

In the case where the execution under this Act shall be in accordance with the Rule of GTEPC, if that Rule is absent and the provisions of paragraph one is inapplicable, the Interim GTEPC acting GTEPC shall have the power to establish in interim rule on such matter.

Section 134

In the case where a government teacher or an ordinary civil service who is a government teacher or education personnel under this Act is in breach of discipline or should be discharged from official service prior to the date this Act comes into force, the superintendent under this Act shall have the power to take disciplinary action to that person or to discharge that person from official service under the law on government teacher or the law on civil service, as the case may be, which is applicable at that time, but the inquiry and consideration, the disciplinary action to be taken or the discharge from official service shall be in accordance with this Act; provided that,

- (1) in the case here the inquiry in accordance with the applicable law at that time has been conducted under legal order of the superintendent prior to the date this Act comes into force; if that inquiry still in process, it shall be continued under that law until completion;
- (2) if the inquiry in accordance with the applicable law at that time has been completed prior to the date this Act comes into force; that inquiry or consideration, as the case may be, is deemed to be completed;

- (3) in the case where the report, matter or file has been submitted to the Government Teacher Subcommittee attached to the Department acting Civil Service Sub-commission attached to the Ministry or the Civil Service Sub-commission attached to the Ministry, as the case may be, for consideration in accordance with the applicable law at that time; if that consideration is in process, the GTEP subcommittee in education area, GTEP subcommittee appointed by GTEPC or GTEPC, as the case may be, shall continue consideration until completion.

Section 135

In the case where a government teacher or education personnel who formerly be a local official and transferred to be government teacher or education personnel under the law on local employee personnel administration or formerly be other official and transferred to be government teacher or education personnel under Section 58 prior to the date this Act comes into force is in breach of discipline or should be discharged from official service or work under the law on local employee personnel administration or the law on personnel administration of that official prior to the date this Act comes into force, the superintendent under this Act shall have the power to take disciplinary action against that person or to discharge him from official service. In this case, Section 106 and Section 118 shall apply *mutatis mutandis*.

Section 136

A person whom disciplinary action has been imposed under the Government Teacher Act, B.E. 2523 (1980) or the Civil Service Act, B.E. 2535 (1992) or Section 135 of this Act shall have the right to appeal under Section 121 or Section 122, as the case may be.

Section 137

A person who has been discharged from official service under Section 43 or Section 56 of the Government Teacher Act, B.E. 2523 (1980) or Section 110, Section 117, Section 118, Section 119, Section 120, Section 121 or Section 126 of the Civil Service Act, B.E. 2535 which are applicable to the government teacher *mutatis mutandis* or a person who is discharged from official service under the Civil Service Act, B.E. 2535 (1992) or Section 135 of this Act shall have the right to petition under Section 122.

Section 138

All pending acts under the Government Teacher Act, B.E. 2523 (1980) or the Administration of the Ministry of Education Act, B.E. 2546 (2003); particularly to personnel administration in relation to government teacher attached to the Ministry of Education, the Ministry of Tourism and Sports and the Ministry of Culture on the date this Act comes into force shall be continued in accordance with the determination of GTEPC.

Section 139

Any act as prescribed by the Government Teacher Act, B.E. 2523 (1980) or the Administration of the Ministry of Education Act, B.E. 2546 (2003) prior to the date this Act comes into force; but it is not prescribed by this Act, may be continued in accordance with the determination of GTEPC if it is not contrary to, or inconsistent with, this Act.

Section 140

In the case where the Government Teacher Committee has appointed Government Teacher extraordinary subcommittee and *ad hoc* extraordinary subcommittee to perform duties on its behalf under the Government Teacher Act, B.E. 2523 (1980), the Government Teacher extraordinary subcommittee and *ad hoc* extraordinary subcommittee shall perform their entrusted duties until completion, provided that otherwise prescribed by GTEPC.

Countersigned by

Wissanu Krea-ngam

Deputy Prime Minister

Note

- (2) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (3) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (4) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (5) As added by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (6) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (7) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (8) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (9) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (10) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (11) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (12) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (13) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (14) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (15) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (16) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (17) As amended by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (18) As added by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).
- (19) As added by the Government Teacher and Education Personnel Act (No. 2), B.E. 2550 (2008).

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