

(ตราพระบรมราชโองการ)

TEACHERS AND EDUCATIONAL PERSONNEL COUNCIL ACT

B.E. 2546 (2003)

BHUMIBOL ADULYADEJ REX

GIVEN ON THE 24TH DAY OF MAY B.E. 2546 (2003)

BEING THE 58TH YEAR OF THE PRESENT REIGN

Phrabat Somdet Phra Paramintharamaha Bhumibol Adulyadej is graciously pleased to proclaim that:

It is deemed necessary to promulgate a law governing a teachers and educational personnel council.

This Act contains certain provisions relating to restrictions on people's rights and liberties, which Section 29 in conjunction with Section 39 and Section 50 of the Constitution of the Kingdom of Thailand B.E. 2540 (1997) allowed by virtue of provisions of law.

His Majesty the King therefore has proclaimed His Royal assent for the promulgation of this Act in accordance with the recommendation and consent of the National Assembly as follows:

Section 1 This Act shall be cited as the "Teachers and Educational Personnel Council Act B.E. 2546 (2003)."

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Section 3 The following Acts shall be repealed:

- (1) Teachers Act B.E. 2488 (1945);
- (2) Teachers Act (No. 2) B.E. 2495 (1952);
- (3) Teachers Act (No. 3) B.E. 2509 (1966);
- (4) Teachers Act (No. 4) B.E. 2519 (1976);

(5) Teachers Act (No. 5) B.E. 2521 (1978); and

(6) Teachers Act (No. 6) B.E. 2523 (1980).

All other laws, rules, regulations and orders that are now stipulated in this Act or that are contrary to or inconsistent with the provisions of this Act shall be superseded by this Act.

Section 4 In this Act,

“Ministry” means the Ministry of Education.

“Profession” means educational profession with the primary duty relating to the teaching and learning process, and promotion of learning among learners through various methods, including responsibility for the administration of public and private Educational Institutions at early child, basic and higher education levels below a degree level; and education administration outside Educational Institutions at the educational district level; as well as education support; provision of services or undertaking of activities in relation to the teaching and learning process, supervision and education administration in various Educational Agencies.

“Professional Educators” means Teachers, Educational Institution Administrators, Education Administrators and Other Educational Personnel who are granted Licenses to practice the Profession under this Act.

“Teachers” means such persons whose primary Profession relates to the teaching and learning process, and promotion of learning among learners through various methods in public and private Educational Institutions at early child, basic and higher education levels below a degree level.

“Educational Institution Administrators” means such persons who act in the capacity of administrators of Educational Institutions in educational districts, and other public and private Educational Institutions at early child, basic and higher education levels below a degree level.

“Education Administrators” means such persons who act in the capacity of administrators outside Educational Institutions at the educational district level.

“Other Educational Personnel” means such persons who perform the duties to support education, provide services or undertake activities in relation to the teaching and learning process, supervision and education administration in Educational Agencies, and whose educational qualifications must meet the requirements set forth by such Educational Agencies.

“Educational Agencies” means such other Educational Institutions or agencies having the duty to supervise, monitor, support, promote and provide services relating to the administration of public and private basic and higher education levels below a degree level.

“Educational Institutions” means public or private early child development establishments, schools, colleges, institutions, universities, Educational Agencies or other organizations, having the powers and duties or objectives for education administration.

“Licenses” means licenses to practice the Profession issued to those acting in the capacity of Teachers, Education Institution Administrators, Education Administrators and Other Educational Personnel under this Act.

“Competent Authority” means such persons appointed under this Act.

“Minister” means the Minister who governs the execution of this Act.

Section 5 The practice of the Profession shall require Licenses under this Act.

Section 6 The Minister of Education shall govern the execution of this Act and have the power to issue ministerial regulations, rules and notifications to ensure compliance with this Act, including the authority to interpret and make final decisions on any issues relating to performance, the powers and duties of authorized persons or agencies as stipulated in the Transitory Provisions of this Act.

Such ministerial regulations, rules and notifications shall come into effect upon their publication in the Government Gazette.

CHAPTER 1

TEACHERS AND EDUCATIONAL PERSONNEL COUNCIL

PART 1

GENERAL PROVISIONS

Section 7 A teachers and educational personnel council shall be established and shall be called the “Teachers Council of Thailand”, having such objectives, powers and duties as provided for in this Act, and shall be a legal entity under the supervision of the Ministry of Education.

Section 8 The objectives of the Teachers Council of Thailand shall be as follows:

(1) To determine Professional standards, issue and revoke Licenses, supervise and monitor the compliance with the Professional standards and code of ethics, including Professional development;

- (2) To determine Professional development plans and policies;
- (3) To coordinate the promotion of education and research relating to the practice of the Profession.

Section 9 The Teachers Council of Thailand shall have the powers and duties as follows:

- (1) To determine Professional standards and code of ethics;
- (2) To supervise the conduct and performance of Professional Educators to ensure compliance with the Professional standards and code of ethics;
- (3) To issue Licenses to applicants to practice the Profession;
- (4) To suspend or revoke Licenses;
- (5) To support the Professional development and promotion in line with the Professional standards and code of ethics;
- (6) To promote, support, commend and uphold the honor of the Professional Educators;
- (7) To certify degrees, diplomas or certificates of various institutions in accordance with the Professional standards;
- (8) To certify Professional knowledge and experience, including expertise in the practice of the Profession;
- (9) To promote education and research relating to the practice of the Profession;
- (10) To represent Professional Educators in Thailand;
- (11) To issue regulations of the Teachers Council of Thailand governing:
 - (a) the designation of prohibited characteristics pursuant to Section 13;
 - (b) the issuance, term, suspension and revocation of Licenses, as well as certification of Professional knowledge, experience and expertise in the practice of the Profession;
 - (c) the criteria and procedures for License application;
 - (d) the qualifications and prohibited characteristics of License applicants;
 - (e) Professional code of ethics, as well as misconduct which may bring dishonor upon the Profession;
 - (f) Professional standards;

(g) the procedures for recruitment, selection, election and appointment of the Teachers Council of Thailand Board and the Professional Standards Committee;

(h) the composition, criteria and procedures for selection of a recruitment committee;

(i) the criteria and procedures for recruitment of the Secretary General of the Teachers Council of Thailand;

(j) any act stipulated by this Act;

(12) To provide consultation or recommendation to the Council of Ministers regarding policies or problems relating to Professional development;

(13) To provide recommendation or opinions to the Minister regarding the practice of the Profession or issuance of ministerial regulations, rules and notifications;

(14) To establish a board to take any action within the scope of authority and duty of the Teachers Council of Thailand;

(15) To take action in line with the objectives of the Teachers Council of Thailand.

Such regulations of the Teachers Council of Thailand pursuant to (11) shall require approval of the Minister, and shall come into effect upon its publication in the Government Gazette.

Any draft of such regulations of the Teachers Council of Thailand may be proposed only once the Teachers Council of Thailand Board has approved such draft. In this regard, the Chairperson of the Teachers Council of Thailand Board shall without delay propose such draft regulations to the Minister. The Minister may object to such draft regulations only if the reason for such objection is clear. In the absence of any such objection within thirty days from the date of receipt of the draft regulations it shall be deemed that the Minister has approved such draft regulations. Should the Minister object to any draft regulations, the Teachers Council of Thailand Board shall convene a meeting within thirty days from the date of receipt of such objection. In the subsequent meeting, should said draft regulations be confirmed by no less than two thirds of the votes of all Board members, the Chairperson of the Teachers Council of Thailand Board shall resubmit such draft regulations to the Minister. Should the Minister fail to grant approval within fifteen days from the date of receipt thereof, such draft regulations shall be deemed approved by the Minister.

In addition to the powers and duties under paragraph one, the Teachers Council of Thailand shall also have the authority to undertake various activities within the scope of the following objectives:

(1) To own or hold possession of property or undertake any act in relation to such property, and accept donated property;

(2) To execute any legal transactions, contracts or agreements;

(3) To borrow funds to facilitate activities in line with the objectives of the Teachers Council of Thailand;

(4) To support activities of other relevant authorities.

Section 10 The Teachers Council of Thailand may derive revenue from the following sources:

(1) Fees under this Act;

(2) National budgetary allocations;

(3) Gains from property management and operations of the Teachers Council of Thailand;

(4) Funds and property donated to the Teachers Council of Thailand;

(5) Interest accrued on such funds and property under (1), (2), (3) and (4).

Revenue of the Teachers Council of Thailand is not required to be remitted to the Ministry of Finance under the laws governing treasury balance and budgetary procedures, and is not subject to taxation laws.

Section 11 Fees under this Act shall be in accordance with the notifications of the Minister, provided that such fees shall not exceed the rates attached to this Act.

PART 2

TEACHERS COUNCIL OF THAILAND BOARD

Section 12 A board shall be established to be called the Teachers Council of Thailand Board, comprising:

(1) The Chairperson of the Board to be appointed by the Council of Ministers from those who are highly qualified, knowledgeable, skillful and experienced in the fields of education, humanities, social science or law;

(2) Ex-officio members comprising the Permanent Secretary for Education, the Secretary General of the Education Council, the Secretary General of the Basic Education Commission, the Secretary General of the Higher Education Commission, the Secretary General of the Vocational Education Commission, the Secretary General of the Teachers and Educational Personnel Civil Service Commission, the Director of the Administrative Office of the Private Education Promotion Commission, and the Head of the Office of the Local Administrative Personnel Standards Commission;

(3) Seven qualified members to be appointed by the Council of Ministers from those who are highly knowledgeable, skillful and experienced in the respective fields of education administration, vocational education, special education, humanities, social science, science and technology, and law, representing at least

three persons who previously or presently are Teachers, Educational Institution Administrators or Education Administrators;

(4) Members self-appointed from among the deans of the faculties of teaching or educational science or education, three from public higher educational institutions and one from private higher educational institution;

(5) Nineteen members elected from among Professional Educators, representing Teachers, Educational Institution Administrators, Education Administrators and Other Educational Personnel, proportionately from among educational districts, vocational educational institutions, private Educational Institutions and local administrative organizations.

The Secretary General of the Teachers Council of Thailand shall serve as secretary.

Criteria and procedures for recruitment of the Chairperson and the qualified members, criteria and procedures for selection of representatives of higher educational institutions, and criteria and procedures for election of Professional Educators shall be in accordance with the regulations of the Teachers Council of Thailand.

Section 13 The Chairperson and the qualified members shall possess the general qualifications and have no prohibited characteristics as follows:

(a) General qualifications

- (1) Having Thai citizenship;
- (2) Having an age of fully thirty five years or older;
- (3) Having a reputation of integrity and justice;

(b) Prohibited characteristics

- (1) Being bankrupt without discharge by the court;
- (2) Being incompetent or quasi-incompetent;
- (3) Having a record of immorality, improper ethics and practice of the Profession;
- (4) Holding a position in politics, local council or local administration, a directorship or office responsible for political party management, advisor to or officer of a political party;
- (5) Being an officer or employee or advisor or expert under employment contract with the Secretariat Office of the Teachers Council of Thailand or the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(6) Having previously been sentenced by final judgment to imprisonment, except for penalties for offenses committed by negligence or misdemeanors;

(7) Having a vested interest in activities to be undertaken by the Teachers Council of Thailand or the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(8) Having other prohibited characteristics as set out in the regulations of the Teachers Council of Thailand.

Should any person appointed as Chairperson of the Board or a qualified member have prohibited characteristics pursuant to (b) (4) or (b) (5), such person shall, within fifteen days from the date of appointment, resign from the existing position prior to assuming the position of Chairperson of the Board or qualified member. Should such person fail to so resign, such person shall be deemed to have never been appointed as Chairperson of the Board or qualified member, and the Minister shall request the Council of Ministers to appoint the runner-up appointee to fill the vacancy.

Section 14 In addition to the provisions of Section 13, members from Professional Educators who are Teachers shall have the following specific qualifications:

(1) Holding a License that has never been suspended or revoked under this Act;

(2) Having an aggregate of not less than ten years teaching experience or holding an instructor 3 position or accreditation as expert Teacher or higher.

Section 15 In addition to the provisions of Section 13, members from Professional Educators who are Educational Institution Administrators or Education Administrators or Other Educational Personnel shall have the specific qualifications pursuant to Section 14 (1) and shall have an aggregate of not less than ten years experience in teaching and in their respective positions of Educational Institution Administrators or Education Administrators or Other Educational Personnel.

Section 16 Members pursuant to Sections 12 (1), (3), (4) and (5) shall hold office for four years and may be reappointed, but shall not hold office for more than two consecutive terms.

Should any member under paragraph one vacate office prior to expiry of the term, the replacement member shall hold such office for the remaining term of the vacating member unless the remaining term of such member is less than one hundred eighty days, in which case, such replacement appointment shall be optional.

Upon expiry of the term of office in paragraph one, the vacating member shall remain in office until the replacement member assumes such office.

Section 17 Other than by rotation, members pursuant to Sections 12 (1), (3), (4) and (5) shall vacate office upon:

- (1) Death;
- (2) Resignation;
- (3) Dismissal by the Minister with approval of the Council of Ministers for misconduct of duty, improper behavior or incompetence;
- (4) Disqualification or possession of any one of the prohibited characteristics pursuant to Section 13, 14 or 15, as the case may be.

Section 18 Not less than ninety days prior to expiry of the term of office pursuant to Sections 12 (1), (3), (4) and (5), the Minister shall appoint a recruitment committee of eleven members, comprising five members from the Teachers Council of Thailand Board pursuant to Section 12 (2), and six members self-elected from representatives of educational academic or professional councils which are legal entities. The recruitment committee shall have the duty to recruit persons appropriate for appointment as Chairperson and qualified members of the Teachers Council of Thailand Board pursuant to Sections 12 (1) and (3) and shall convene a meeting of the deans of the faculties of teaching, educational science and education to elect from among themselves members pursuant to Section 12 (4), including arrangement for election of members from Professional Educators to the Teachers Council of Thailand Board pursuant to Section 12 (5).

The committee under paragraph one shall elect one member to act as chairperson, and the recruitment and election of the chairperson shall be conducted in accordance with the regulations of the Teachers Council of Thailand.

The Secretariat Office of the Teachers Council of Thailand shall be responsible for the administrative affairs of the committee under paragraph one.

Section 19 Should any member of the Teachers Council of Thailand Board pursuant to Sections 12 (1) and (3) vacate office prior to expiry of the term of office, the Council of Ministers may appoint the runner-up appointee to fill the vacancy. The replacement member shall hold such office for the remaining term of the vacating member.

Should any member of the Teachers Council of Thailand Board pursuant to Sections 12 (4) and (5) vacate office prior to expiry of the term of office, the selected or elected runner-up may hold such office for the remaining term of the vacating member.

Should the list of appointees be insufficient to serve as members pursuant to paragraphs one and two, the recruitment, selection or election shall be conducted pursuant to Section 18, as the case may be.

Should any members pursuant to Sections 12 (1), (3), (4) and (5) vacate office prior to expiry of the term, the other members of the Teachers Council of Thailand shall remain in office until the replacement members are appointed. Should the Chairperson of the Board vacate office prior to expiry of the term, the remaining members shall elect a temporary chairperson.

Section 20 The Teachers Council of Thailand Board shall have the powers and duties as follows:

(1) To administer and take action in accordance with the objectives within the scope of authority and duties of the Teachers Council of Thailand as stipulated in this Act;

(2) To provide consultation and recommendation to the Professional Standards Committee;

(3) To consider and make decisions on appeals of orders of the Professional Standards Committee pursuant to Section 54;

(4) To accelerate the performance by officials of government agencies or the Professional Standards Committee within the scope of authority and duties as stipulated by law;

(5) To appoint subcommittees to take any action within the scope of authority and duties of the Teachers Council of Thailand Board;

(6) To supervise and monitor the general operation and administration as well as to issue regulations, rules, notifications or requirements governing the Secretariat Office of the Teachers Council of Thailand in the following matters:

(a) Division of work units of the Secretariat Office of the Teachers Council of Thailand and the scope of duties of each respective work unit;

(b) Determination of positions, specific qualifications, salary, wage and other remuneration rates for Teachers Council of Thailand officials;

(c) Selection, employment, appointment, removal, discipline and disciplinary action, discharge, grievances and appeals of disciplinary actions of the Competent Authority, including procedures and conditions of employment of Teachers Council of Thailand officials;

(d) Administration and management of finance, procurement and property of the Teachers Council of Thailand;

(e) Determination of powers, duties and regulations relating to the performance of duties by internal auditors;

(7) To formulate policies on administration and to grant approval for operational plans of the Secretariat Office of the Teachers Council of Thailand;

(8) To take any other action as stipulated by law within the scope of authority and duties of the Teachers Council of Thailand Board;

(9) To consider or take action in other matters as delegated by the Minister.

PART 3

PROFESSIONAL STANDARDS COMMITTEE

Section 21 A Professional Standards Committee shall be established to comprise:

(1) The Chairperson of the Committee to be appointed by the Minister from qualified members of the Teachers Council of Thailand Board;

(2) Ex-officio members comprising the Secretary General of the Basic Education Commission, the Secretary General of the Vocational Education Commission, the Secretary General of the Teachers and Educational Personnel Civil Service Commission;

(3) Four qualified members recruited by the Teachers Council of Thailand Board from those who are highly qualified, knowledgeable, skillful and experienced in the fields of education, administration and law;

(4) Two members self-appointed from among instructors from public and private faculties of teaching, educational science or education teaching at the degree level in the fields of teaching, educational science or education;

(5) Six members elected from among Professional Educators, representing Teachers with not less than ten years teaching experience, or holding an instructor 3 position or accreditation as an expert Teacher or higher level, Educational Institution Administrators with not less than ten years experience in such capacity, Education Administrators with not less than ten years experience in such capacity, and Other Educational Personnel with not less than ten years experience in such capacity.

The Secretary General of the Teachers Council of Thailand shall serve as a member and secretary.

Establishment of other Professional standards committees shall be in accordance with the regulations of the Teachers Council of Thailand.

Section 22 The recruitment, selection, and election of members of the Professional Standards Committee pursuant to Sections 21 (3), (4) and (5) shall be in accordance with the regulations of the Teachers Council of Thailand.

Section 23 Members of the Professional Standards Committee pursuant to Sections 21 (3), (4) and (5) shall possess the general qualifications and have no prohibited characteristics pursuant to Sections 13, 14 and 15, as the case may be.

Section 24 Members of the Professional Standards Committee pursuant to Sections 21 (1), (3), (4) and (5) shall hold office for four years and may be reappointed, but shall not hold office for more than two consecutive terms.

Upon expiry of the term in paragraph one, the vacating member shall remain in office until the replacement member assumes such office.

Should any member as per paragraph one vacate office prior to expiry of the term, the provisions of paragraph two of Section 16 shall apply *mutatis mutandis*.

Other than by rotation, members of the Professional Standards Committee pursuant to Sections 21 (1), (3), (4) and (5) shall vacate office upon:

- (1) Death;
- (2) Resignation;
- (3) Dismissal by the Minister with approval of the Council of Ministers for misconduct of duty, improper behavior or incompetence;
- (4) Disqualification or possession of any prohibited characteristics pursuant to Section 13, 14 or 15, as the case may be;
- (5) Dismissal by the Teachers Council of Thailand Board with two thirds of the votes of all existing members for misconduct of duty, improper behavior or incompetence.

Section 25 The Professional Standards Committee shall have the powers and duties as follows:

- (1) To consider issuance, suspension or revocation of Licenses to Professional Educators;
- (2) To monitor the compliance with the standards and code of ethics applicable to Professional Educators;
- (3) To promote, develop and provide recommendation to the Teachers Council of Thailand Board in determining the standards and code of ethics in the practice of the Profession;
- (4) To promote, commend and develop the Profession to ensure excellence in various fields as stipulated in the regulations of the Teachers Council of Thailand;
- (5) To appoint advisors, subcommittees or delegate any member of the Professional Standards Committee to take any action within the scope of authority and duties of the Professional Standards Committee;

(6) To take any other action as stipulated by law within the scope of authority and duties of the Professional Standards Committee;

(7) To consider or take action in other matters as delegated by the Minister or the Teachers Council of Thailand Board.

The Professional Standards Committee shall submit annual operational reports to the Teachers Council of Thailand Board in accordance with the regulations set forth by the Teachers Council of Thailand Board.

PART 4

OPERATIONS OF THE TEACHERS COUNCIL OF THAILAND

Section 26 The Teachers Council of Thailand Board shall convene a meeting at least once a month requiring a quorum of not less than half of all members of the Teachers Council of Thailand Board.

Resolutions of the meeting shall be passed by a majority of votes. Each member shall have one vote. In case of a tie vote, the chairperson of the meeting shall have an additional deciding vote.

Section 27 In a meeting, if the Chairperson of the Teachers Council of Thailand Board is not present or is unable to act in such capacity, the meeting shall elect a member to act as chairperson of the meeting.

Section 28 The Minister may attend meetings of the Teachers Council of Thailand Board to clarify and express opinions or submit written opinions on any matters to the Teachers Council of Thailand.

Section 29 The provisions of Sections 26 and 27 shall apply *mutatis mutandis* to the meeting of the Professional Standards Committee or any subcommittee.

Section 30 In the performance of their duties under this Act, members of the Teachers Council of Thailand Board, the Professional Standards Committee, subcommittees or Competent Authority supervising the practice of the Profession shall act in the capacity of competent officials under the Penal Code.

Section 31 The Teachers Council of Thailand Board and the Professional Standards Committee shall have the authority to summons any person to give statements or require any person to deliver documents or evidence necessary for the operations in line with their powers and duties.

Written summons to give statements or notice requiring delivery of documents or evidence pursuant to paragraph one shall also specify the matter in relation to which statements are to be given or documents or evidence are to be delivered.

Section 32 Members of the Teachers Council of Thailand, the Professional Standard Committee, subcommittees and workgroups shall receive a meeting allowance and other benefits in accordance with the regulations stipulated by the Minister with approval of the Council of Ministers.

Section 33 Members of the Teachers Council of Thailand pursuant to Sections 12 (3), (4) and (5) shall not concurrently hold offices pursuant to Sections 21 (3), (4) and (5) and Sections 64 (3) and (4), as the case may be.

Section 34 The Secretariat Office of the Teachers Council of Thailand shall be established and have the following duties:

- (1) To assume responsibility for the operations of the Teachers Council of Thailand;
- (2) To coordinate and take action relating to other matters as delegated by the Teachers Council of Thailand;
- (3) To prepare annual reports on operations for submission to the Teachers Council of Thailand.

Section 35 The Secretariat Office of the Teachers Council of Thailand shall have the Secretary General administer the business of the Secretariat Office of the Teachers Council of Thailand, including such actions as delegated by the Chairperson of the Teachers Council of Thailand Board, the Teachers Council of Thailand Board, the Chairperson of the Professional Standards Committee or the Professional Standards Committee.

The Teachers Council of Thailand Board shall have the power to recruit, appoint and remove the Secretary General of the Teachers Council of Thailand.

The criteria and procedures for recruitment of the Secretary General of the Teachers Council of Thailand shall be in accordance with the regulations of the Teachers Council of Thailand.

Section 36 The Secretary General of the Teachers Council of Thailand shall be available to perform full time work for the Secretariat Office of the Teachers Council of Thailand and shall possess the general qualifications and have no prohibited characteristics as follows:

- (a) General qualifications
 - (1) Having Thai citizenship;
 - (2) Having an age of fully thirty five years or older, but not to exceed sixty five years;

(3) Having knowledge and capabilities appropriate to the affairs of the Teachers Council of Thailand as described in the objectives and the powers and duties pursuant to Sections 8 and 9;

(b) Prohibited characteristics

(1) Having any one of the prohibited characteristics pursuant to Section 13 (b) (1), (2), (3) or (4);

(2) Having previously been sentenced by final judgment to imprisonment, except for penalties for offenses committed by negligence or misdemeanors;

(3) Having a vested interest in activities to be undertaken by the Teachers Council of Thailand.

Section 37 The Secretary General of the Teachers Council of Thailand shall hold office for four years and may be reappointed, but shall not hold office for more than two consecutive terms.

Section 38 Other than by rotation, the Secretary General of the Teachers Council of Thailand shall vacate office upon:

(1) Death;

(2) Resignation;

(3) Dismissal by the Teachers Council of Thailand Board for misconduct of duty, improper behavior or incompetence;

(4) Termination as agreed between the Teachers Council of Thailand Board and the Secretary General of the Teachers Council of Thailand;

(5) Possession of any one of the prohibited characteristics pursuant to Section 36.

A resolution of the Teachers Council of Thailand Board to dismiss the Secretary General of the Teachers Council of Thailand pursuant to (3) shall require not less than two thirds of the votes of all existing members.

Section 39 The Secretary General of the Teachers Council of Thailand shall have the duty to administer the business of the Secretariat Office of the Teachers Council of Thailand in accordance with the laws, objectives of the Teachers Council of Thailand, regulations, rules, requirements, policies, resolutions and notifications of the Teachers Council of Thailand Board, and shall also oversee all positions of officials, except internal auditors who report directly to the Chairperson of the Teachers Council of Thailand Board in accordance with the regulations stipulated by the Teachers Council of Thailand Board, and shall have the following duties:

- (1) To maintain the register of License holders;
- (2) To supervise the Teachers Council of Thailand property;
- (3) To submit annual reports on the results of various operations of the Secretariat Office of the Teachers Council of Thailand, including financial and accounting reports, as well as proposing operational, financial and budgetary plans for the following year to the Teachers Council of Thailand Board for consideration;
- (4) To offer opinions to the Teachers Council of Thailand Board for the improvement of business and operations to ensure efficiency and compliance with the objectives of the Teachers Council of Thailand.

The Secretary General of the Teachers Council of Thailand shall be responsible to the Teachers Council of Thailand Board for administering the affairs of the Secretariat Office of the Teachers Council of Thailand.

Section 40 The Secretary General of the Teachers Council of Thailand shall have the following powers:

- (1) To employ, appoint, promote, reduce or cut salaries or wages, impose disciplinary action on officials, as well as dismiss any officials, subject to the regulations stipulated by the Teachers Council of Thailand Board;
- (2) To set regulations relating to the operations of the Secretariat Office of the Teachers Council of Thailand, provided that such regulations shall in no way be contrary to or inconsistent with the regulations, rules, requirements, policies, resolutions or notifications imposed by the Teachers Council of Thailand Board.

Section 41 In any affairs relating to third parties, the Secretary General of the Teachers Council of Thailand shall represent the Teachers Council of Thailand. The Secretary General of the Teachers Council of Thailand may authorize another person to take any particular action on its behalf subject to the regulations stipulated by the Teachers Council of Thailand Board.

Section 42 The Teachers Council of Thailand Board shall determine the salary and other benefit rates for the Secretary General of the Teachers Council of Thailand subject to approval of the Council of Ministers.

PART 5

PRACTICE OF LICENSED PROFESSION

Section 43 The Profession of Teachers, Educational Institution Administrators and Education Administrators shall be a licensed Profession under this Act. Other licensed Professions shall be as stipulated in ministerial regulations.

No one shall practice a licensed Profession without a License under this Act, except in any of the following cases:

- (1) Those occasionally providing knowledge to learners in any Educational Institution as guest educational lecturers;
- (2) Those whose primary Profession does not relate to the teaching and learning process, but has the occasional duty to teach;
- (3) Students, trainees or those with a practical training license apprenticing or training under the supervision of Professional Educators, subject to the criteria, procedures and conditions set forth by the Teachers Council of Thailand Board;
- (4) Those arbitrarily offering educational courses;
- (5) Those teaching in any learning center under the law governing national education or learning establishments arbitrarily operated by nonformal educational agencies, individuals, families, communities, community organizations, local administrative organizations, private organizations, Professional organizations, religious institutions, business establishments, hospitals, medical institutions, charitable shelters and other social institutions;
- (6) Public and private instructors, Educational Institution Administrators and Education Administrators at the higher education level;
- (7) Education Administrators of a level higher than educational districts;
- (8) Other persons as designated by the Teachers Council of Thailand Board.

Section 44 Applicants for Licenses to practice a licensed Profession shall possess the qualifications and have no prohibited characteristics as follows:

- (a) Qualifications
 - (1) Having an age of fully twenty years or older;
 - (2) Having an education degree or equivalent or other educational qualification accredited by the Teachers Council of Thailand;
 - (3) Having completed a practical training in an Educational Institution in accordance with an educational curriculum of not less than one year and having passed the practical training requirements in accordance with the criteria, procedures and conditions as set out by the Teachers Council of Thailand Board;
- (b) Prohibited characteristics
 - (1) Having improper behavior or immorality;
 - (2) Being incompetent or quasi-incompetent;

(3) Having previously been sentenced to imprisonment in any case, which, in the opinion of the Teachers Council of Thailand, may bring dishonor upon the Profession.

Section 45 Application for, issuance, terms, renewal of Licenses and application for and issuance of substitute Licenses shall be in accordance with the criteria, procedures and conditions as stipulated in the regulations of the Teachers Council of Thailand.

Any applicant for License, applicant for renewal of License or applicant for substitute License, whose application is rejected by the Professional Standards Committee under paragraph one may appeal such order with the Teachers Council of Thailand Board within thirty days from the date of receipt of notice of such rejection, which in the interim shall not prevent the applicant from continuing to practice the licensed Profession, until the Teachers Council of Thailand Board has given its final decision.

Section 46 No one shall act in any manner so as to cause others to believe that he or she is entitled or qualified to practice the Profession without a License from the Teachers Council of Thailand. No Educational Institutions shall employ those without Licenses to practice the licensed Profession in their Educational Institutions, except with permission of the Teachers Council of Thailand.

Section 47 Those holding Licenses shall practice the Profession subject to the restrictions and conditions in accordance with the regulations of the Teachers Council of Thailand.

Section 48 Those holding Licenses shall conduct themselves in accordance with the Professional standards and code of ethics as stipulated in the regulations of the Teachers Council of Thailand.

Section 49 Regulations on Professional standards shall be established to comprise:

- (1) Standards of Professional knowledge and experience;
- (2) Standards of performance;
- (3) Standards of conduct.

The determination of Professional practice quality standards under paragraph one shall be in accordance with the regulations of the Teachers Council of Thailand, provided that such quality standards of License holders shall be evaluated on a continual basis to ensure the retention of knowledge, capabilities and expertise at the Professional practice quality standards in accordance with the criteria and procedures as stipulated by the Teachers Council of Thailand.

Section 50 Standards of conduct shall be in the form of regulations governing Professional code of ethics, comprising:

- (1) Personal ethics;
- (2) Professional code of ethics;
- (3) Client centered ethics;
- (4) Collegial ethics;
- (5) Societal ethics.

The formulation of a model code of Professional ethics under paragraph one shall be in accordance with the regulations of the Teachers Council of Thailand.

Section 51 Any person who sustains injury arising from any violation of the Professional code of ethics by a License holder is entitled to file an accusation with the Teachers Council of Thailand against such License holder.

Members of the Teachers Council of Thailand Board, the Professional Standards Committee or other persons are entitled to file a denunciation with the Teachers Council of Thailand against those practicing the Profession for violations of the Professional code of ethics.

The right to file an accusation under paragraph one or the right to file a denunciation under paragraph two must be exercised within one year from the date the injured party or the denunciator became aware of the Professional code of ethics violation and the identity of the violator.

Withdrawal of an accusation or denunciation previously submitted shall not cease any proceedings undertaken in accordance with this Act.

Section 52 Upon receipt by the Teachers Council of Thailand of such accusation or denunciation under Section 51, the Secretary General of the Teachers Council of Thailand shall without delay submit such matter to the Professional Standards Committee.

Section 53 The Chairperson of the Professional Standards Committee shall give written notice of such accusation or denunciation and delivery of a copy of a statement of accusation or denunciation, to the accused or denounced License holder at least fifteen days prior to commencement of any hearing.

The accused or denounced party is entitled to submit clarification or present evidence to the Professional Standards Committee or subcommittee within fifteen days from the date of receipt of notice from the Chairperson of the Professional Standards Committee or within such time as stipulated by the Professional Standards Committee.

Section 54 The Professional Standards Committee shall have the authority to make any of the following final decisions:

- (1) Dismissal of the charge;
- (2) Warning;
- (3) Probation;
- (4) Suspension of the License for an appropriate term not to exceed five years;
- (5) Revocation of the License.

Section 55 License holders against whom the Professional Standards Committee issues final decisions pursuant to Section 54 (2), (3), (4) or (5) may appeal such decisions with the Teachers Council of Thailand Board within thirty days from the date of receipt of such decisions.

Appeals shall comply with the criteria and procedures as stipulated in the regulations of the Teachers Council of Thailand.

Final decisions of the Teachers Council of Thailand Board shall be in the form of Teachers Council of Thailand orders, indicating the reasoning upon which the final decisions are based.

Section 56 Those whose Licenses are suspended shall not be allowed to practice the licensed Profession or misrepresent themselves by any means so as to cause others to believe that they are entitled or qualified to practice the licensed Profession from the date such License holders are informed of the suspension orders.

Section 57 Those whose Licenses are revoked shall not be allowed to reapply for a License until a lapse of five years from the date of such revocation.

PART 6

MEMBERS OF THE TEACHERS COUNCIL OF THAILAND

Section 58 There are two classes of Teachers Council of Thailand members as follows:

- (1) Ordinary members;
- (2) Honorary members.

Membership registration shall be as stipulated by the Teachers Council of Thailand.

Section 59 Ordinary members shall have no prohibited characteristics pursuant to Sections 13 (b) (1), (2) and (3), and shall hold Licenses under this Act.

Honorary members shall be qualified persons appointed by unanimous resolution of the Teachers Council of Thailand Board.

Section 60 Rights and duties of ordinary members shall be as follows:

- (1) To express opinions and make inquiries in writing to the Teachers Council of Thailand Board for consideration regarding the affairs of the Teachers Council of Thailand;
- (2) To elect, accept election or appointment as Board members pursuant to Section 12 or 21;
- (3) To pay fees in accordance with the notifications of the Teachers Council of Thailand;
- (4) To uphold the honor of the Profession and comply with this Act.

Honorary members shall have the same rights and duties as those of ordinary members with the exception of such rights and duties pursuant to (2) and (3).

Section 61 Membership shall cease upon:

- (1) Death;
- (2) Resignation;
- (3) Discharge of ordinary membership by resolution of the Teachers Council of Thailand Board due disqualification pursuant to Section 59;
- (4) Removal from honorary membership by resolution of the Teachers Council of Thailand Board;
- (5) Revocation of the License.

CHAPTER 2

COMMITTEE FOR PROMOTION OF THE BENEFITS AND WELFARE OF TEACHERS AND EDUCATIONAL PERSONNEL

PART 1

GENERAL PROVISIONS

Section 62 A Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall be established to have the duty to administer the affairs of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, having the objectives as follows:

- (1) To promote benefits, welfare, other privileges and the security of Professional Educators and educational practitioners;
- (2) To promote harmony among and uphold the honor of Professional Educators and educational practitioners;
- (3) To promote and support the management of education by the Ministry in connection with teaching and learning materials, educational equipment and materials and other matters relating to the management of education;
- (4) To promote and support education and research relating to development, welfare and benefits, as well as upholding the honor of Professional Educators.

Section 63 The Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall have the powers and duties as follows:

- (1) To make arrangements relating to benefits, welfare, other privileges and security of Professional Educators and educational practitioners;
- (2) To promote, support, commend and uphold the honor of Professional Educators and educational practitioners;
- (3) To ensure that Professional Educators and educational practitioners receive various benefits as appropriate;
- (4) To offer opinions, consultation and recommendation to relevant authorities relating to the promotion of benefits, welfare, privileges and security of Professional Educators and educational practitioners;
- (5) To make arrangements and administer the benefit procurement organization of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;
- (6) To issue regulations and criteria for operations in line with the powers and duties of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;
- (7) To appoint a committee or subcommittee or authorize members of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel to take any action on its behalf;
- (8) To recruit and appoint the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;
- (9) To take action in line with the objectives in the administration of the affairs of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 64 The Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall comprise:

- (1) The Permanent Secretary for Education as chairperson;
- (2) Ex-officio members comprising the Secretary General of the Education Council, the Secretary General of the Basic Education Commission, the Secretary General of the Higher Education Commission, the Secretary General of the Vocational Education Commission, the Secretary General of the Teachers Council of Thailand, and the Secretary General of the Teachers and Educational Personnel Civil Service Commission;
- (3) Three qualified members to be appointed by the Council of Ministers from those who are highly knowledgeable, skillful and experienced in the respective fields of social welfare, business administration, and law;

(4) Twelve members elected from among Professional Educators, representing educational districts, vocational educational institutions, private Educational Institutions and local administrative organizations.

The Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall serve as a member and secretary.

Criteria and procedures for recruitment of qualified members, and criteria and procedures for election of representatives of Professional Educators shall be in accordance with the regulations of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 65 Members of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel pursuant to Sections 64 (3) and (4) shall possess the general qualifications and have no prohibited characteristics pursuant to Sections 13, 14 and 15, as the case may be.

In regards to the holding of office and vacancy of members of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel pursuant to Sections 64 (3) and (4), the provisions of Section 24 shall apply *mutatis mutandis*.

Section 66 In respect of meetings of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, the provisions of Sections 26 and 27 shall apply *mutatis mutandis*.

PART 2

OFFICE OF THE COMMITTEE FOR PROMOTION OF THE BENEFITS AND WELFARE OF TEACHERS AND EDUCATIONAL PERSONNEL

Section 67 An Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall be established as a legal entity under the supervision of the Ministry of Education, with the powers and duties as follows:

(1) To assume responsibility for the operations of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(2) To coordinate and take action relating to other matters as delegated by the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(3) To prepare annual reports on operations for submission to the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

In addition to the powers and duties under paragraph one, the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall also have the authority to undertake various activities within the scope of objectives, including the following powers and duties:

- (1) To own or hold possession of property or undertake any act in relation to such property, and accept donated property;
- (2) To execute any legal transactions, contracts or agreements;
- (3) To jointly invest with other legal entities in any activities for administrative purposes of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;
- (4) To borrow funds to facilitate activities in line with the objectives of the administration of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;
- (5) To support activities of other relevant authorities.

Section 68 The Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel may derive revenue from the following sources:

- (1) National budgetary allocations;
- (2) Dues and fees;
- (3) Gains from investment and procurement of benefits;
- (4) Funds contributed by the private sector or other organizations, including from overseas, or international organizations and donated funds or property;
- (5) Benefits from property management and operations of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;
- (6) Interest accrued on such funds and property under (2), (3), (4) and (5).

Revenue of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel is not required to be remitted to the Ministry of Finance under the laws governing treasury balance and budgetary procedures.

Section 69 The Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall have the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel administer the business of the Office, including such actions as delegated by the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

The Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall have the power to recruit, appoint and remove the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 70 The Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall be available to perform full time work for the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel and shall possess the general qualifications and have no prohibited characteristics pursuant to in Section 36.

The Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall hold office for four years and may be reappointed, but shall not hold such office for more than two consecutive terms.

Other than by rotation, the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall vacate office upon:

- (1) Death;
- (2) Resignation;
- (3) Dismissal by the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel for misconduct of duty, improper behavior or incompetence;
- (4) Termination as agreed between the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel and the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;
- (5) Possession of any one of the prohibited characteristics pursuant to Section 36.

A resolution of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel to dismiss the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel under (3) shall require not less than two thirds of the votes of all existing members.

Section 71 The Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall have the duty to administer the business of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel in accordance with the laws, objectives, regulations, rules, requirements, policies, resolutions and notifications of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, and shall also oversee all positions of officials, except internal

auditors who report directly to the Chairperson of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel in accordance with the regulations stipulated by the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, and shall have the following duties:

(1) To supervise property of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(2) To submit annual reports on the results of various operations of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, including financial and accounting reports, as well as proposing operational, financial and budgetary plans for the following year to the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel for consideration;

(3) To offer opinions to the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel for the improvement of business and operations to ensure efficiency and compliance with the objectives.

The Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall be responsible to the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel for administering the affairs of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 72 The Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall have the following powers:

(1) To employ, appoint, promote, reduce or cut salaries or wages, impose disciplinary action on officials, as well as dismiss any officials, subject to the regulations stipulated by the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(2) To set regulations relating to the operations of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, provided that such regulations shall in no way be contrary to or inconsistent with the regulations, rules, requirements, policies, resolutions or notifications imposed by the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 73 In any affairs relating to third parties, the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall represent the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel. The Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel may authorize another person to take any particular action on its behalf subject to the regulations stipulated by the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 74 The Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel shall determine the salary and other benefit rates of the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel subject to approval of the Council of Ministers.

CHAPTER 3

SUPERVISION

Section 75 The Minister shall have the powers and duties as follows:

(1) To monitor and supervise the operations of the Teachers Council of Thailand and the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, including the government budgetary allocations to the Teachers Council of Thailand and the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(2) To give written order requiring members to clarify facts relating to the activities of the Teachers Council of Thailand and the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, and may also require delivery of documents relating to the operations or minutes of the meetings of the Teachers Council of Thailand Board and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(3) To give written orders for the Teachers Council of Thailand and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel to discontinue or amend any activities which appear to be contrary to the objectives of the Teachers Council of Thailand and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel, laws, or regulations of the Teachers Council of Thailand and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 76 The Teachers Council of Thailand shall submit annual reports on the results of various operations of the Teachers Council of Thailand, including financial and accounting reports, as well as proposing operational, financial and budgetary plans for the following year to the Council of Ministers for information;

Section 77 The Office of the Auditor General of Thailand shall audit the financial and accounting performance of the Teachers Council of Thailand on a yearly basis, the results of which shall be reported to the National Assembly for information.

CHAPTER 4

PENALTIES

Section 78 Any person violating Section 43 shall be subject to imprisonment not to exceed one year or a fine not to exceed Baht Twenty Thousand, or both.

Section 79 Any person violating Section 46 or Section 56 shall be subject to imprisonment not exceed three years or a fine not to exceed Baht Sixty Thousand, or both.

TRANSITORY PROVISIONS

Section 80 In the interim, the existing administrative committees of the Teachers Council of Thailand pursuant to the Teachers Act B.E. 2488 (1945) shall perform the duties of the Teachers Council of Thailand Board and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel pursuant to this Act. The Minister shall appoint a committee to have the duty to arrange for establishment of the Teachers Council of Thailand Board pursuant to Section 12 and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel pursuant to Section 64 within one hundred eighty days. Such committee shall comprise:

(1) Five representatives of the relevant authorities, namely, the Permanent Secretary for Education, the Secretary General of the Education Council, the Secretary General of the Basic Education Commission, the Secretary General of the Higher Education Commission, and the Secretary General of the Vocational Education Commission;

(2) Five qualified members who are highly knowledgeable, skillful and experienced in the respective fields of education, humanities, social science, science and technology, and law;

(3) Five representatives of Professional educational associations, which are legal entities, elected from among themselves.

The committee under paragraph one shall elect a member to act as chairperson and another member to act as secretary to the committee.

Section 81 The Teachers Council of Thailand Board pursuant to Section 12 and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel pursuant to Section 64 shall arrange for appointment the Secretary General of the Teachers Council of Thailand, and the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel within thirty days from the date of appointment of the Teachers

Council of Thailand Board and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 82 In the interim, the Secretary General of the Teachers Council of Thailand under the Teachers Act B.E. 2488 (1945) shall perform the duties of the Secretary General of the Teachers Council of Thailand and the Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel under this Act, and the Deputy Secretary General of the Teachers Council of Thailand under the Teachers Act B.E. 2488 (1945) shall perform the duties of the Deputy Secretary General of the Teachers Council of Thailand and the Deputy Secretary General of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel under this Act until the appointment of the Secretary Generals pursuant to Section 81 have taken effect.

The competent authority and officials of the Teachers Council of Thailand under the Teachers Act B.E. 2488 (1945) shall be transferred to serve as the Competent Authority and officials of the Teachers Council of Thailand and of the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel under this Act, as the case may be. The transfer shall be completed within ninety days, provided that the offices held, salaries, wages and benefits shall not be lower than those existing on the date of enforcement of this Act.

Criteria and procedures for transfer of competent authority and officials shall comply with the requirements of the administrative committee of the Teachers Council of Thailand, taking into account the suitability in relation to the missions of the Teachers Council of Thailand and the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel.

Section 83 All activities, funds, property, debts and rights of the Teachers Council of Thailand under the Teachers Act B.E. 2488 (1945) shall be transferred as follows:

(1) The Kurusapa Business Organization and investment or welfare units shall be transferred to the Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel;

(2) Units other than those specified in (1) shall be transferred to the Teachers Council of Thailand.

This shall be in accordance with notifications of the Minister.

The administration and management of the Kurusapa Business Organization shall be reengineered to be consistent with the changes and to foster efficiency and competitiveness.

Section 84 Any Teacher who is a member of the Teachers Council of Thailand under the Teachers Act B.E. 2488 (1945) prior to the enforcement of this Act shall be entitled to a License under this Act. The criteria and procedures for

issuance of Licenses to practice the Profession of Teachers shall be in accordance with the regulations of the Teachers Council of Thailand.

The provisions of Section 43 shall not apply until the Teachers Council of Thailand has issued regulations governing the criteria for issuance of Licenses to practice the Profession of Teachers.

Section 85 In the interim, the Teachers Council of Thailand shall issue Licenses to practice the Profession of Teachers to Professional Educators who are Teachers, Educational Institution Administrators, Education Administrators and Other Educational Personnel. Licenses to practice the Profession of Educational Institution Administrators, Education Administrators and Other Educational Personnel shall be issued within three years from the date of enforcement of this Act in accordance with the regulations of the Teachers Council of Thailand, provided that such practitioners shall be entitled to Licenses under this Act.

Section 86 In the interim, the provisions of Section 14 (1) shall not apply to members of the Teachers Council of Thailand and the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel until the Teachers Council of Thailand commences the issuance of Licenses.

Section 87 At the initial stage of the selection of members who are representatives of the deans of faculties of teaching or education, four representatives shall be selected from public and private higher educational institutions. Once there are a total of three private higher educational institutions, the selection of such representatives pursuant to the provisions of Section 12 (4) shall occur.

Section 88 Educational degrees or other degrees stipulated by the Office of the Teachers Civil Service Commission as educational qualifications for employment and appointment of Teacher civil servants prior to the date of enforcement of this Act shall serve as educational qualifications in the application for Licenses under this Act, for a period not to exceed three years from the date of enforcement of this Act.

Section 89 Members of the Teachers Council of Thailand under the Teachers Act B.E. 2488 (1945) who enjoy certain rights, benefits and welfare prior to the enforcement of this Act shall continue to enjoy such rights, benefits and welfare.

Section 90 During the period in which no orders, notifications or regulations in the performance of this Act have been issued, such orders, notifications or regulations issued under the Teachers Act B.E. 2488 (1945), to the extent they are not contrary to or inconsistent with this Act, shall apply *mutatis mutandis*.

Countersigned

Pol. Lt. Col. Thaksin Shinawatra
Prime Minister

FEE RATES

- | | | |
|-----|---|----------------------|
| (1) | Registration of Professional Practice License Fee | Baht 600 per copy |
| (2) | Renewal of Professional Practice License Fee | Baht 200 per renewal |
| (3) | Certificate of Registration of Professional Practitioner Fee | Baht 300 per copy |
| (4) | Approval or Certificate of Knowledge and Expertise in Professional Practice Fee | Baht 400 per copy |
| (5) | Substitute License Fee | Baht 200 per copy |

Remarks: The rationale for promulgation of this Act is that teachers, educational institution administrators, education administrators and educational personnel play major roles in national education management. It is, therefore, essential for these persons to be highly knowledgeable, capable and skilled in practicing the profession, adhere to morals and ethics as well as to comply with the professional code of ethics. They also should meet the quality and standards as appropriate to an honorable profession; hence this Act has been enacted with an aim:

1. To develop the teaching profession pursuant to Section 81 of the Constitution of the Kingdom of Thailand B.E. 2540 (1997) and to promote professional standards of teachers and educational personnel pursuant to Section 9 (4) of the National Education Act B.E. 2542 (1999);

2. To convert such agencies within the Ministry of Education pursuant to the Teachers Act B.E. 2488 (1945) to be teachers professional organizations pursuant to Section 53 of the National Education Act B.E. 2542 (1999) and in compliance with Section 73, namely:

2.1 A teachers and educational personnel council, called the "Teachers Council of Thailand" which shall have the powers and duties to set professional standards, issue and revoke licenses to practice the profession, monitor and supervise the compliance with professional standards and code of ethics, and professional development;

2.2 The Office of the Committee for Promotion of the Benefits and Welfare of Teachers and Educational Personnel which shall have the powers and duties to promote benefits and welfare, security of professional educators and educational practitioners, including the promotion and support of education management by the Ministry of Education;

3. To chronicle the history of and intent in establishing the Teachers Council of Thailand to serve as a professional teaching council.

