

The value analysis of educational disciplinary policy from the perspective of three dimensions

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Abstract: In recent years, "educational punishment" has gradually become a hot issue of social concern, and the policy of educational punishment is constantly advancing. This paper analyzes the value of educational punishment policy from the three dimensions of phenomenon form, ontology form and policy process, and finds that: it is the value choice to solve the problem of "three neglect" of teachers and promote the all-round development of students; Its legitimacy is embodied in the legal existence of educational punishment power and reasonable educational punishment behavior is conducive to the maintenance of teaching order. The effect and room for improvement of educational punishment policy show its effectiveness.

Keywords: educational discipline; value analysis; policy Introduction

1. Introduction

In recent years, "Educational discipline" has gradually become a hot issue of social concern, and educational discipline legislation has also become the most important academic concern, in December 2020, the Ministry of Education officially issued the "Disciplinary rules for primary and secondary education (for trial implementation) " (hereinafter referred to as the "Rules"), which clearly endows schools and teachers with disciplinary powers. However, the current research results, most scholars focus on the educational disciplinary theory, but few research on the policy of educational disciplinary value.

At present, the academic research on educational discipline mainly focuses on the following aspects: first, "The right of teachers to discipline". Most scholars focus on the study of the necessity of teacher discipline, the principle of the exercise of teacher discipline, the implementation of teacher discipline difficulties and path analysis. Second, "Educational disciplinary power". The study of "Educational disciplinary power" can be divided into its legal attributes, power sources, theoretical basis and the subject of exercise, and so on. Third, "Punishment and corporal punishment, disguised corporal punishment" three aspects of the analysis. At present, most of the scholars have made a distinction between the specific implementation of the three, but few scholars have a descriptive definition of the three^[1]. In a word, at present, most of the Scholars' research focuses on the theoretical analysis of educational punishment, and the deepening of the research on educational punishment provides an important theoretical basis for the formulation of educational punishment policy, however, there is little research on the value of educational disciplinary policy, and the value analysis is of great significance to the formulation and improvement of educational policy, which is helpful to clarify the legality and rationality of the policy, furthermore, it has far-reaching significance to solve the difficulties in the implementation of the present educational disciplinary policy. Value analysis is of great significance to the formulation and improvement of educational policy, and helps to clarify the legitimacy and rationality of the policy.

According to Liu Fuxing's point of view, policy analysts can understand and examine any educational policy from three dimensions: phenomenon, noumenon and Policy Process^[2]. Based on the value analysis method of educational policy, this study analyzes the value of the rules from three dimensions to help teachers, school administrators, parents and students understand educational punishment more deeply, promote better implementation of disciplinary policies in education.

2. The value choice of educational disciplinary policy

The decisive factors that affect the value choice of educational policy are the issue of educational

policy and the values of educational policy. The educational policy question refers to the question which the educational policy must solve, is the educational policy value choice concrete content; The values of educational policy are the fundamental understanding of the value relations in educational policy activities by the educational policy makers and the society in which they live, and they are the main content of the value orientation of educational policy. In essence, the value choice of educational disciplinary policy is based on the protection of teachers' legitimate rights and interests in the process of education and teaching, and oriented towards the task of promoting students' all-round development, the value choice of educational disciplinary policy mainly involves the following two aspects:

2.1. The value choice of solving the problem of "Three disregards" of teachers

In recent years, the phenomenon of "Humble teacher" and "Arrogant student" has frequently appeared. When teachers bear too much public opinion and pressure, they often have the psychology of "dare not manage" or "unwilling to manage". In recent years, the endless extreme events of educational punishment have pushed the current problem of educational punishment to another extreme^[3]. The research shows that the external environment for teachers to exercise the power of punishment is not optimistic, and teachers are under great mental pressure. 68.2% of them express the idea of "not daring to punish students for fear of getting into trouble". There are 21.3 respondents who have not disciplined students^[4]. In the final analysis, teachers are afraid to punish students and parents because they are afraid of extreme behavior, and then because they are afraid of the administration and public opinion. In addition, the lack of understanding of disciplinary behavior and methods is the main reason that leads to teachers' "lack of management". At present, the abuse of disciplinary power is also very common, which is manifested in the prevalence of corporal punishment. On the other hand, the disciplinary method cannot be combined with the actual situation, reflecting the "educational" principle of educational punishment. The survey results show that when students disturb the classroom persuasion is ineffective, the teachers of primary and secondary schools usually take the punishment, parents take back 19.6%; Other cases account for 60.5%^[4]. It can be seen that the disciplinary behavior taken by teachers is more arbitrary, and there is no fixed standard, lack of science.

The problems of teachers' "three regardless" are essentially as follows: first, the power of educational punishment cannot be "justified". For a long time, the power of educational punishment has been controversial due to its legitimacy. Even if some local laws have stipulated the power of educational punishment, there is no upper position law as a basis, which indicates that the power of educational punishment lacks its corresponding legitimacy at the legislative level. Second, there is a lack of necessary definition of relevant legal concepts. Necessary explanation and definition of important legal concepts such as "corporal punishment" and "disguised corporal punishment" have not been made, resulting in the difficulties and confusion of the majority of teachers in terms of cognition and operation^[5].

In view of the above problems, the Rule confirms the right through legislation, and the legitimacy of the right of educational punishment is increased to legalization, the essence of which lies in the acquisition of the legalization status of the right of educational punishment and the support, recognition and compliance of the public^[6]. Therefore, a series of educational policies and regulations have "justified" the power of educational punishment, reversed the abnormal phenomenon of teachers' "dare not manage" and "unwilling to manage", and ensured the smooth progress of education. In addition, the "Rules" also defines relevant legal concepts, and makes clear that educational punishment, corporal punishment and disguised corporal punishment are behaviors of different nature. For example, it makes clear that educational punishment "means that schools and teachers manage, discipline or correct students in prescribed ways based on educational purposes. Encourage students to learn from, understand and correct wrong educational behaviors." In order to avoid the confusion of related concepts such as disguised corporal punishment and educational punishment, the Rules divides educational punishment into minor punishment, severe punishment and severe punishment according to different situations of students' violation of discipline. According to the severity of each punishment, there are also several punishment methods, which can be implemented by schools and teachers according to the actual situation of students' violation of discipline.

The promulgation of the educational punishment policy has provided the foundation and guarantee for teachers' rational and lawful use of the power of educational punishment, solved major problems in the field of education, and promoted the construction of the rule of law in education.

2.2. The Value Choice of promoting the all-round development of students

Whether in schools or teachers, the phenomenon of "Abusing" the right of education and punishment and infringing on the legitimate rights and interests of students has always existed in actual teaching, the unreasonable disciplinary methods of schools and teachers not only infringe on the legitimate rights and interests of students, but also do harm to the physical and mental health of students, and cannot achieve good educational results. The introduction of the rules emphasizes the principle of disciplinary education and sets forth the requirement of appropriateness in addition to legality and education, that is, disciplinary measures should be taken in accordance with the actual situation of students and the degree of fault, according to the severity of students' disciplinary violations, disciplinary education will be divided into three levels, deeply reflects the "Punishment of the rational, moderate punishment". It can be seen that the "Rules" from the legislative level to protect the legitimate rights and interests of students, really do a better job to help students, to create a good educational ecology escort.

3. Noumenon form: The legitimacy of educational disciplinary policy

Both at the school level and at the teacher level, "abuse" of the power of educational punishment and infringement of students' legitimate rights and interests also exist in practice. From the teacher level, "abuse" of the power of educational punishment is reflected in the decision of educational punishment beyond the reasonable scope, which constitutes "corporal punishment" and infringes on students' right to health and personal dignity. At the school level, the "abuse" of the power of educational punishment is manifested in the following aspects: first, the establishment of educational punishment measures exceeds the authority; second, the implementation standards of educational punishment measures are vague. Taking school expulsion as an example, as the most typical identity punishment measure, the essence is to restrict or even deprive students of their right to education^[7]. The unreasonable disciplinary methods of schools and teachers not only violate the legitimate rights and interests of students, but also do harm to the physical and mental health of students, arouse the rebellious emotions of students, and cannot achieve a good educational effect. Both teachers and schools should realize that punishment is only a means, and the ultimate goal of educational punishment is to educate students. In the process of implementing educational punishment, schools and teachers should uphold the benevolence and care for students, follow the disciplinary principle, and educate students patiently and carefully. The Rules emphasize the principle of educational punishment. In addition to following the legality and educativeness, it also puts forward the requirement of following the appropriateness, that is, the adoption of disciplinary measures should be adapted to the actual situation and degree of fault of students. According to the severity of students' disciplinary violations, educational punishment can be divided into general educational punishment, heavier educational punishment and serious educational punishment. It profoundly reflects the "justification and degree of punishment". In addition, Article 1 of the Rules emphasizes that the purpose of the policy is to "carry out the fundamental task of cultivating morality and educating people, ensure and standardize schools and teachers to perform their duties of education, teaching and management according to law, protect the legitimate rights and interests of students, and promote the healthy growth and all-round development of students." It can be seen that "Rules" from the legislative level to protect the legitimate rights and interests of students, to build a good education ecology escort.

3.1. The lawful existence of the right to discipline in education

The existence of teachers' disciplinary power is legitimate and educational disciplinary power is one of the necessary powers for teachers to maintain classroom discipline. As professionals performing the duties of education and teaching, teachers are entrusted by the state and society to maintain the normal order of teaching activities and ensure the smooth progress of education and teaching^[8]. Therefore, it is not enough for teachers to complete the tasks of education and teaching only by praising and encouraging students, but also need a certain force as the guarantee of organization, management and order. Secondly, before the introduction of the Rules, teacher education disciplinary behavior was widespread. Although few laws made it clear and standardized, these legal provisions emphasized that teachers had the power to guide and manage students, which to some extent affirmed the power of teacher education disciplinary. For example, the Education Law stipulates: "Schools and other institutions of education shall exercise the right to manage the school roll of educatees and to award or punish them"; Teacher Law stipulates that "teachers have the obligation to stop behaviors harmful to students or other behaviors infringing on students' legitimate rights and interests, and to criticize and resist phenomena harmful to students' healthy

growth". Therefore, roughly speaking, relevant laws of Education Law and Teacher Law seem to be regarded as the basic legal source of teachers' disciplinary power^[5]. The promulgation of the "Rules" is the first time that teachers have the right to educational punishment at the national level. It also stipulates the prohibited behavior of teachers in the implementation level, which is of directive significance for teachers in the implementation of educational punishment.

3.2. Reasonable educational disciplinary action is conducive to maintaining teaching order and promoting students' development

China's education punishment has a long history, and it has already left a deep-rooted impression in people's minds, from "strict teachers produce excellent students" to the appreciation of education; From the natural punishment of "suppressing evil with evil" to the educational punishment of "correcting"^[9], educational punishment gradually realizes the return of virtue through legislation. Nowadays, we believe that the development of high-quality education cannot be separated from reasonable educational disciplinary behavior, which is not the "stick education" or corporal punishment of students in the past, but should follow the principles of education, legality and appropriateness. As a way of external reinforcement, punishment includes positive reinforcement of direct punishment, such as extra homework and detention after class, as well as negative reinforcement of deprivation, including withdrawal of the red flower awarded to students^[8], which effectively avoids the recurrence of students' violations and maintains classroom order. Therefore, reasonable educational punishment behavior is the basic requirement for teachers to conduct teaching management. It is the prerequisite guarantee to maintain the normal order of school education and teaching activities. In addition, reasonable punishment is conducive to the establishment of a harmonious relationship between teachers and students, as well as the promotion of teaching and the growth of students^[8]. Teachers' implementation of necessary punishment on students is conducive to maintaining the dignity of teachers, maintaining the balance between teachers and students, and promoting the healthy development of students. The "Rules" clearly defines the attributes, objects and ways of educational punishment, and emphasizes the purpose of disciplinary behavior, which is to make students understand and correct mistakes, rather than punish for punishment. This will help teachers' disciplinary behavior to play a positive role in education and promote the all-round development of students.

4. Policy Process: the effectiveness of educational disciplinary policy

The so-called legitimacy of education policy means that the value selection of education policy conforms to some universal rules and norms, such as laws, social values, ideologies, traditional models and even social habits, and is thus recognized, accepted and observed within the social scope^[2]. Generally speaking, educational disciplinary policies have a high legitimacy, mainly reflected in the following two aspects:

4.1. The effectiveness of educational disciplinary policy

At present, China's educational disciplinary policy has achieved some results, which are mainly reflected in the development process of the educational disciplinary policy itself. In June 2019, the Opinions of the CPC Central Committee and The State Council on Deepening Education and Teaching Reform and Comprehensively Improving the Quality of Compulsory Education put forward requirements on clarifying the power of educational disciplinary and formulating detailed rules for the implementation of educational disciplinary policies. On November 22, 2019, the Ministry of Education issued the draft Rules on the Implementation of Educational Punishments for Primary and Secondary School Teachers, which provides a legal basis for the implementation of punishments. It stipulates that "educational punishments are the necessary means and legal authority for teachers to fulfill their duties of education and teaching"; On December 23, 2020, the Ministry of Education officially announced the "Disciplinary Rules for Primary and Secondary Education (Trial Implementation)", which clearly entrusts schools and teachers with the educational disciplinary power and will come into force on March 1, 2021. The introduction of the "Rules" has great significance for the theory and practice of Chinese legislation, and fills the gap in the legislation of educational disciplinary. Lay a good foundation for promoting the codification of our education law in the future. Up to now, various measures have been taken at the same time to ensure the implementation of educational punishment rules. For example, Tianjin issued the Implementation Rules of Tianjin Primary and Secondary School Education Punishment Rules (Trial) based on local conditions, in which the scope of "school" is further detailed and it is clear that "school"

includes public and private primary schools, junior middle schools, regular senior high schools and secondary vocational schools. Excluding kindergartens and special education schools; Xi 'an guides primary and secondary schools to carefully sort out the provisions and requirements in the Rules based on the actual conditions of schools, and establishes a school Rules and discipline implementation committee composed of teachers, parents of students and vice principals of law and order to supervise the effective implementation of the Rules. All parts of the country carry out the spirit of the policy of disciplinary education, urge the implementation of the normative work of disciplinary education, the measure makes the policy system of disciplinary education enriched and supplemented in the horizontal and vertical. The policy of disciplinary education has initially built a relatively system and a complete system, so that the development of the policy itself has a strong effectiveness.

4.2. The space for improvement of educational disciplinary policy

The educational disciplinary policy focuses on the "empowerment" of teachers. In this context, the policy does not provide necessary responses to prevent students' violations of discipline. It only provides provisions for teachers to take disciplinary measures in different situations, and the policy is still "heavy punishment, light prevention". From the experience of the implementation of supportive punishment in the United States, prevention is the best means to avoid students' violations of discipline and regulations. Teachers and schools can effectively avoid and reduce the incidence of students' violations of discipline and regulations by teaching and strengthening students' implementation of positive behaviors^[10]. In the future, our educational disciplinary policy should be further perfected in preventative aspect.

In addition, the policy should also focus on repairing relationships damaged by students' disciplinary violations. Educational disciplinary measures, such as one-hour standing penalty, one-week suspension and warning, have distinct punitive properties and are not conducive to students' understanding of the harm caused by their own behavior^[10]. Disciplinary measures should be combined with the actual situation of students and aimed at correcting and repairing the relationship between individual behaviors of students. Therefore, educational disciplinary policies should pay more attention to student groups. Adhere to the student-oriented, education first, punishment as a supplement.

5. Conclusions

The policy of educational punishment embodies the value choice of protecting the legitimate rights and interests of teachers and students and pursuing a better education, and has higher legitimacy and validity.

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