

Response to Issues related to the Education (Amendment) Bill 2002

Purpose

This paper sets out the Administration's response to the issues raised by Members of the Bills Committee on the Education (Amendment) Bill 2002 at its meeting held on 27 February 2003.

Historical development of School-based Management (SBM)

2. The Administration was requested to give an account of the historical development of SBM and the scope of consultation conducted in respect of its implementation in public sector primary and secondary schools. A paper on the "background and development of SBM" is at Annex A for Members' information.

Justifications for the Bill

3. The Administration was also asked to explain the justifications for enacting the Bill to give legal backing to the SBM framework. There are both practical and technical reasons for taking the legislative route. Providing for the framework in the Education Ordinance and Education Regulations will set out school governance framework in a comprehensive manner. Several key elements of the scheme can only be effected by statutory provisions. For example, transfer of several statutory functions, school managers' exemption from legal liabilities and vesting of assets and liabilities of existing school management committees in incorporated management committees (IMC).

Powers of school principals and appeal channel in schools with an IMC

4. Some Members expressed concern that if the post of supervisor is abolished, there would be no check and balance in respect of the day-to-day operation of IMC schools to prevent possible abuse of powers by the principal.

5. In fact, the principal is accountable to the IMC which shall be

responsible, as stipulated in the Bill, for formulating education policies, planning and managing financial and human resources. As there will be check and balance on the operation of a school under the supervision of IMC, the principal will not be able to abuse his/her powers.

6. All schools have been advised, through guidelines issued by the Education and Manpower Bureau (EMB) from time to time, to set up proper procedures for handling staff grievances and appeals. Staff members can always approach the IMC or its Chairman if they have any grievances.

7. Under the spirit of SBM, a school will be more accountable for its performance and the use of public funds. Through school self-evaluation, school development plans, annual plans and annual reports, parents and members of the public will be able to monitor the performance of a school. Furthermore, the principal has to report the progress of school operation to the IMC and the internal quality assurance mechanisms of schools are subject to inspections by EMB.

Powers of IMC

8. The proposed sections 40AE(2)(b) and (c) will empower the IMC to employ teaching staff and non-teaching staff as it thinks fit and determine the terms and conditions of service of such staff; and to engage the service of such professionals or other persons as it thinks fit and determine their remuneration. According to the proposed section 40AE(3)(c), the exercise of the power of the IMC in aided schools is subject to the Codes of Aid. However, some Members considered that the Administration should improve the proposed sections 40AE(2)(b) and (c) to provide expressly that the IMCs should be subject to the respective Codes of Aid for primary, secondary and special schools in determining the terms and conditions of employment for their teaching staff under the approved establishments. Given Members' concern, we shall look into the provision again and make corresponding amendments if necessary.

Implementation of SBM

School management committee (SMC) with participation of key stakeholders

9. The numbers of existing SMCs with principal, teachers, parents, alumni or independent members in the SMC are shown at Annex B.

Time-table for implementation and resource implications of supporting measures to be provided to schools in the establishment of IMC

10. If the Bill is passed and the new legislation comes into effect, EMB will take the following supporting measures to help schools fulfil the requirements as soon as possible -

- (a) sample constitution, guidelines on election, training for school managers, etc. will be provided to schools;
- (b) schools which do not have parent-teacher associations will be assisted to set up the associations;
- (c) new schools which were allocated school premises with effect from the School Allocation Exercise 1999 and have started operation will be assisted to incorporate their SMCs as soon as possible;
- (d) schools which have incorporated their SMCs under the Companies Ordinance will be assisted to incorporate their SMC limited companies under the Education Ordinance; and
- (e) the School Development Sections of EMB for the respective districts will provide support and assistance to individual schools to help them overcome any technical difficulties in complying with the requirements of the new legislation the soonest possible during the transition period. EMB will also work with the sponsoring bodies to resolve common problems encountered by schools under their sponsorship.

11. We would absorb the costs of the supporting measures to be provided to schools.

Education and Manpower Bureau
March 2003

Background and Development of School-based Management

Background

In 1989, a study of the roles and relationships of those involved in the delivery of education in schools was conducted in the context of the Government's Public Sector Reform programme. The study recommended changes to clarify roles, re-allocate responsibilities and strengthen management throughout the system. The recommendation was accepted in principle by the Administration.

2. In 1991, the then Education and Manpower Bureau, together with the Education Department, issued a booklet entitled "the School Management Initiative: Setting the framework for quality in Hong Kong schools", which reported on the study results and proposals on the implementation. It was decided that the recommended new management framework be tried out as a pilot scheme in public sector schools. The scheme was known as the School Management Initiative (SMI) and from 1991 to 1997, schools were invited to join SMI on a voluntary basis.

3. SMI offered a school-based management framework for continuous school improvement geared to the delivery of quality education. Schools participating in SMI were given greater funding flexibility. On the other hand, they had to involve teachers and parents in decision-making and develop systematic procedures for setting school goals and evaluating progress towards these goals. Up till September 1997, when the scheme was no longer offered, 365 schools had joined SMI, representing about 30% of public sector schools at that time.

4. The Education Commission endorsed the spirit of SMI and recommended in its Report No. 7, which was issued in 1997, that all schools in Hong Kong should practise school-based management (SBM) by the year 2000.

5. In early 1999, the Education Department issued a circular requesting all public sector schools to implement SBM by 2000, which covers -

- (a) development of formal procedures for setting school goals and evaluating progress towards these goals;
- (b) provision of documents including a school report, implementation plans and budgets, and means of evaluating progress;
- (c) preparation of a written constitution for the School Management Committee;
- (d) participation of teachers, parents and alumni in school management, development planning, evaluation and decision-making; and
- (e) development of formal procedures and resources for staff appraisal and staff development according to teachers' needs.

Development of School-based Management

6. Since 1999, the Education Department has made arrangements to facilitate schools' implementation of SBM, including the streamlining of administrative procedures and the devolution of more responsibilities to schools in personnel management, financial matters and the design and delivery of curriculum. All these measures are to create more room for schools to develop quality education with their own characteristics and provide schools with more flexibility in the use of public funds.

7. In personnel matters, schools have been given the authority to approve appointment and promotion of teachers, employment of substitute teachers and leave applications, etc. The Government has also provided schools with more resources for the implementation of SBM and school development programmes. Starting from 1999-2000, all government and aided schools have been provided with a Supplementary Grant to cover expenses on additional clerical and administrative support arising from the implementation of SBM. In 2000-2001, the Government introduced a Block Grant funding arrangement for government and aided schools so as to facilitate their implementation of SBM and formulation of longer-term development plans. By consolidating various non-salary recurrent grants, the Block Grant enables schools to deploy their resources more flexibly to implement longer-term strategic planning.

8. Furthermore, starting from the same year, the Government has provided schools with a Capacity Enhancement Grant for contracting out services or

employing additional staff on top of their normal establishment. The purpose is to relieve teachers' workload so that teachers will have enhanced capacity to implement the initiatives of education reform, such as developing school-based curriculum, enhancing students' language proficiency and coping with the diverse and special learning needs of students. Other streamlining arrangements introduced include revising the tendering and purchasing procedures, devolving to schools the autonomy in the use of non-government funds for teaching or school purposes as well as for professional development of staff.

School Governance Framework

9. As more and more responsibilities have been devolved to aided schools in the use of public funds and in keeping with education reform, proper check and balance in school management are necessary. To this end, an Advisory Committee on School-based Management (ACSBM) was set up in December 1998 to draw up an SBM governance framework for aided schools. The ACSBM considered that the key issues of SBM were participatory decision-making, transparency of school management and public accountability.

10. The underlying principles of SBM are two-fold. First, SBM seeks to provide schools with enhanced flexibility and autonomy in managing their own operation and resources according to the needs of their students. Secondly, it seeks to enhance the transparency and accountability in the use of public funds and school operation by providing a participatory decision-making mechanism where all key stakeholders are involved. Based on these principles, the ACSBM issued in February 2000 a document entitled "Transforming Schools into Dynamic and Accountable Professional Learning Communities" for a 2-month public consultation.

Scope of Consultation

11. During the public consultation, a total of 2,909 opinion forms and 140 written and Internet submissions were received, including 33 from School Sponsoring Bodies (SSBs). In addition, five public forums with some 1,500 participants from SSBs, principals, teachers, parents, academics and the media

were held.

12. Some SSBs have expressed the following concerns/problems in opening up the SMCs and their operation -

- (a) schools should be allowed to have a two or more tiers of governance structure instead of just a one-tier governance structure;
- (b) an SSB's vision and mission for its schools may not be upheld when there is a wider participation of stakeholders in the SMC;
- (c) if there are teacher and parent managers, conflicts of interest may arise when the SMC discusses personnel matters, such as the promotion and termination of teachers;
- (d) the appointment and transfer of a principal should be the sole responsibility of the SSB and should not involve the participation of other stakeholders;
- (e) some parent-teacher associations are only newly established and it takes time before they are ready to nominate parent managers;
- (f) not many schools, in particular primary schools, have an alumni association and hence an alumni manager; and
- (g) more people from different background joining the SMC will unavoidably lead to longer time for the SMC to reach decisions and hence affect its operational efficiency.

13. The Legislative Council Panel on Education was briefed in November 2000 of the outcome of the public consultation exercise and the principles in implementing school-based management followed by the ACSBM. The Panel also met deputations from SSBs, teachers' associations and parents' groups in December 2000. The ACSBM submitted its final recommendations to the Director of Education in January 2001 and the Board of Education was briefed of the final recommendations, which it supported. On receiving the final recommendations of the ACSBM, the Panel invited in February 2001 deputations from SSBs, teachers' associations and parents' groups again to hear

their views.

14. Some of the key recommendations of the ACSBM were as follows-

- (a) Each school should have its own SMC responsible for decisions on major school policies, procedures, and practices;
- (b) The SMC should be registered as an incorporated body with limited liability under the Education Ordinance;
- (c) The SMC should comprise -
 - i. managers nominated by the SSB: up to 60% of the total voting membership;
 - ii. the principal (an ex-officio member);
 - iii. teacher manager(s): one or more (In the case of one teacher manager, there should also be an alternate teacher manager. Apart from the voting right, the alternate manager will have the same rights and responsibilities as regular managers.);
 - iv. parent manager(s): one or more (In the case of one parent manager, there should also be an alternate parent manager. Apart from the voting right, the alternate manager will have the same rights and responsibilities as regular managers.);
 - v. alumni manager(s): one or more;
 - vi. independent manager(s): one or more;
- (d) Schools should adopt the proposed governance framework as soon as they were ready but they would be allowed a maximum of five years to do so;
- (e) The Education Ordinance should be amended to reflect the SSBs' rights to set out the vision and mission for schools under their sponsorship and to handle their assets and private funds; and
- (f) Each manager should in principle serve on no more than five schools.

15. In coming up with its final recommendations, the ACSBM endeavoured to balance the interests and aspirations of all stakeholders (including SSBs, parents and teachers), whilst upholding the principles of SBM, i.e. participatory decision-making, increased transparency and accountability. Some SSBs insisted that they should be allowed to adopt a two-tier management structure with parents and teachers joining the second tier, which is advisory in function. The ACSBM considered that whether a school had a one-tier or multi-tier governance structure was not the issue. Rather, the issue was that all key

stakeholders (SSBs, parents, teachers, alumni and community members) should have meaningful participation at the decision-making level. Schools might, depending on their own circumstances, set up advisory bodies to advise on aspects of school operations or policies. The spirit of SBM was that all stakeholders participate in important decisions of the school management to enhance the transparency and accountability of school governance.

The Education (Amendment) Bill 2002

16. To take forward the recommendations of the ACSBM and to give them the necessary legal backing, the Education (Amendment) Bill 2002 was introduced into the Legislative Council in December 2002. Five briefing sessions on the Bill were held in November and December 2002 for SSBs, school managers, principals, teachers, parents and alumni.

Education and Manpower Bureau
March 2003

資助學校的校董會資料
Information on SMCs of Aided Schools

(所有引用的資料都是取自二零零二年四月的調查結果)
(All figures quoted are based on a survey conducted in April 2002)

參與調查的資助學校總數

Total number of aided schools participated in the survey : 940

校董會的組成

SMC Composition

校董會已加入以下持份者 SMCs with the following stakeholder(s)	學校數目 No. of schools	百分比(總數為 940) Percentage (out of 940)
校長 Principal	364	38.7%
教師 Teacher(s)	164	17.4%
家長 Parent(s)	97	10.3%
校友 Alumni	128	13.6%
獨立人士 Independent members	211	22.4%
校長及教師 Principal and teacher(s)	141	15.0%
教師及家長 Teacher(s) and parent(s)	91	9.7%
校長、教師及家長 Principal, teacher(s) and parent(s)	89	9.5%
校長、教師、家長及校友 Principal, teacher(s), parent(s) and alumni	34	3.6%

官立學校的學校管理委員會資料

Information on SMCs of Government Schools

現時全港共有四十一所官立小學及三十六所官立中學。在一九九九年九月，所有官立學校已成立學校管理委員會，成員包括校長、教師、家長及獨立人士，主席則由教統局的首長級官員出任。在四十一所官立小學中，四所已設有校友委員；而在三十六所官立中學中，除了三所外，其餘的都已設有校友委員。

There are 41 government primary schools and 36 government secondary schools. In September 1999, they set up their individual SMCs, which consist of the principal, teachers, parents and independent members. The Directorate officers of the Education and Manpower Bureau serve as the SMC Chairmen. Of the 41 primary schools, four have alumni members in their SMCs. As for the 36 secondary schools, all except three of their SMCs have alumni members.