

# Review of Research on Educational Disciplinary Authority: From Theoretical Controversy to Institutional Construction

Xinbin Guo

College of Basic Education, Guangdong Polytechnic Normal University

\*Corresponding author, E-mail:[xinbin@gpnu.edu.cn](mailto:xinbin@gpnu.edu.cn)

## Abstract

*As a core issue in educational governance, the authority to discipline within education has garnered significant academic and societal attention in recent years. This paper systematically analyzes domestic and international research since 2000, focusing on the historical evolution, theoretical controversies, practical dilemmas, and institutional innovations surrounding educational disciplinary authority. The analysis reveals persistent core controversies concerning its legal attributes, boundary definition, and implementation mechanisms, while ambiguities in legislation, procedural deficiencies, and home-school conflicts constitute key practical challenges. Through a comparative analysis of institutional experiences in China and abroad, this review proposes that future research should strengthen interdisciplinary integration, empirical investigation, and the construction of long-term mechanisms. This will provide theoretical support for building an educational disciplinary system characterized as “educational, rule-of-law, and humanized.”*

## Keywords

*educational disciplinary authority; jurisprudential attributes; practical dilemmas; institutional innovation; home-school collaboration*

## 1 Historical Evolution: Paradigm Shift from Parental Prerogative to State Governance

### 1.1 Origins of Traditional Educational Discipline

The history of educational discipline traces back to the ancient “authority to instruct,” deriving its legitimacy from the ethical order of “heaven, earth, ruler, parents, and teachers.” The Qing Dynasty’s teacher disciplinary system exemplified a “Confucian-Legalist coexistence,” integrating Confucian ethics with Legalist legal frameworks to create a “Confucian surface, Legalist substance” approach to indoctrination. Teacher dignity was maintained through the moral discipline of “restoring oneself to propriety” and institutionalized disciplinary measures (Shi Kegan & Cheng Chunyu, 2023). This traditional model utilized “karma” as a psychological deterrent and prioritized “encouraging self-rehabilitation” as its core value orientation, emphasizing discipline’s corrective function over mere punishment.



## ***1.2 The Modern Transfer of Disciplinary Authority***

Following the Industrial Revolution, education gradually shifted from the familial to the public sphere. Through legislation, the state supplanted parental authority, establishing a model of *parens patriae* (Zhang Chenghao, 2024). Since the 1980s, global trends towards educational democratization and heightened rights awareness have led to “de-disciplining.” However, excessive leniency has often disrupted educational order. In China, policy momentum accelerated notably with the 2019 Opinions on Deepening Educational Reform and Comprehensively Improving the Quality of Compulsory Education, which explicitly called for “clarifying teachers’ authority to discipline.” The subsequent introduction of the Rules on Educational Discipline in Primary and Secondary Schools (Trial Implementation) in 2020 marked a crucial transition from “informal governance” to “institutionalized empowerment” of educational disciplinary authority.

## ***1.3 Reconstructing the Value of Discipline in Contemporary Education***

Contemporary research predominantly emphasizes the intrinsically “educational” nature of disciplinary authority, rejecting its reduction to mere administrative power or punishment. Educational discipline should serve students’ moral growth and social development. Through the dual mechanisms of discipline (control of body and behavior) and indoctrination (internalization of values), it can realize “teaching through punishment” and “caring discipline” (Gu, Cong, & Zhang, 2025; Zhang, 2024). This value shift necessitates that disciplinary measures balance procedural justice with educational effectiveness, avoiding the erosion of meaning by instrumental rationality.

# **2 Theoretical Controversy: Multidimensional Debates on Jurisprudential Attributes and Institutional Logic**

## ***2.1 Fundamental Divergence on Legal Nature***

Scholarship presents three primary views on the legal attributes of educational disciplinary authority:

**Administrative Authority Theory:** Views educational discipline as an extension of the state’s right to education, constituting a legal power delegated to schools or teachers, subject to administrative law principles like due process and proportionality (Duan Binbin, 2024; Zhang Yuanzhao & Xiong Yongxian, 2021). This perspective emphasizes state control over educational order and advocates legislative clarification of authority and responsibility.

**Professional Rights Theory:** Considers educational discipline part of teachers’ professional autonomy, falling under civil law, grounded in pedagogical freedom but bounded by civil liability (Chen Spin, 2023; Liu Xudong, 2020). This view prioritizes teachers’ professional judgment and the contextual specificity of education.

**Dual Attributes Theory:** Proposes that educational discipline possesses dual characteristics: “power” (the duty to manage students) and “right” (teachers’ professional rights and interests), requiring balance within public and private law frameworks (Zuo Guanchun, 2021; Zhu Maolei, 2022). This theory attempts to reconcile legal regulation with educational flexibility.

## 2.2 The Core Challenge of Boundary Definition

**Distinguishing Discipline from Corporal Punishment:** While the Rules on Educational Discipline (Trial) explicitly prohibit corporal punishment, conceptual ambiguity hinders practical application. Japanese experience demonstrates that reasonable use of physical force can be differentiated from corporal punishment through case-by-case judgment and guiding precedents (Wu Dongshuo, 2022; Zheng Chao, 2020). Chinese scholars suggest clarifying boundaries using a three-dimensional standard: legitimacy of purpose, necessity of means, and proportionality between result and fault (Liu Xiaowei, 2020; Guan Hua & Huang Yanna, 2021).

**Regulating Discretion:** Current rules grant teachers significant discretion but lack detailed standards. Research advocates adopting a “Discretionary Benchmark System” to transform vague provisions into operable criteria. This could involve grading disciplinary violations (Liu Ning & Liu Yang, 2021) and establishing a dual framework of “situational refinement + effect characterization.”

## 2.3 Balancing Ethical and Jurisprudential Tensions

The legitimacy of educational discipline must address both educational ethics and legal norms. Ethically, discipline should respect student personality, integrate punishment with education, and avoid emotional abuse or discrimination (Wang Linlin, 2018; Shao Chengzhong, 2021). Jurisprudentially, preventing the alienation of disciplinary power requires dual mechanisms of rights protection and power constraints. Examples include establishing student complaint mechanisms, teacher liability exemption clauses (Guan Hua, 2021; Yu Min, 2021), and clarifying schools’ vicarious liability as responsible entities (Duan Binbin, 2024).

# 3 Practical Dilemmas: Analyzing Institutional Deficiencies and Implementation Conflicts

## 3.1 Structural Deficiencies in the Legislative Framework

**Insufficient Statutory Foundation:** Existing education laws (e.g., Education Law, Teachers Law) lack clear definitions of the nature and boundaries of disciplinary authority, leading to disputes over the legitimacy of the Rules on Educational Discipline (Trial) (Zhang Maocong & Li Yujiao, 2020; Zhan Zhongle & Kang Snapdragon, 2020). Scholars recommend amending the Teachers Law to incorporate disciplinary measures within teachers’ statutory authority and building a hierarchical normative system (“laws > regulations > rules”) (Zhu Maolei, 2022; Liu Xudong, 2020).

**Lack of Operational Guidance:** Existing rules provide generalized descriptions of disciplinary methods (e.g., suspension), procedures (e.g., hearings, complaints), and monitoring mechanisms. This vagueness results in teacher apprehension and reluctance to exercise control (Ma Jiansheng & Zhang Fangzhuo, 2025; Yang Yu & Qi Chunmei, 2023). Research calls for developing segmented and scenario-specific implementation guidelines, such as differentiating disciplinary approaches for compulsory education versus high school (Qin Xinxin, 2020).



### ***3.2 Crisis of Confidence in Home-School Collaboration***

**Conflicting Perceptions and Insufficient Participation:** Parental attitudes towards discipline vary significantly, with lower-educated parents and rural families often exhibiting lower acceptance and insufficient involvement in formulating school rules (Tang et al., 2024; Tian Rui, 2021). This divergence leads to frequent home-school conflicts and public relations crises.

**Ineffective Remedy Mechanisms:** Student complaint channels are inadequate, and judicial intervention criteria are ambiguous. For instance, students lacking civil capacity face difficulties gathering evidence, while teachers lack adequate protection when imposing justified discipline (Yu Min, 2021; Chen Fei & Lin Lihong, 2022). Recommendations include establishing a three-tier relief system (school complaints, administrative reconsideration, judicial review) and clarifying burden-of-proof allocation.

### ***3.3 Capacity Challenges in Teacher Implementation***

**Lack of Professionalism and Emotional Labor:** Teachers generally lack professional training in disciplinary education, leading to extremes of abuse or “laissez-faire” neglect (Cheng Long, 2022; Li Junyi, 2022). Emotional challenges during discipline (e.g., fear of punishment, unwillingness to punish) exacerbate burnout, requiring mitigation through psychological capital enhancement and organizational support (Cheng Long, 2022).

**Power-Responsibility Imbalance:** Fear of legal risks makes teachers overly cautious or leads to abdication of managerial duties. Studies suggest clarifying teacher liability exemptions for compliant actions (Guan Hua & Huang Yanna, 2021; Wang Fei, 2021) and improving school-level risk-sharing mechanisms.

## **4 Institutional Innovation: Pathways from International Experience to Local Practice**

### ***4.1 Insights from International Regimes***

**Japan:** Categorizes educational discipline into “special measures” (requiring strict procedures) and “general measures” (allowing moderate teacher discretion). Boundaries are clarified through guiding cases issued by the Ministry of Education (MEXT) (Wu Dongshuo, 2022; Zheng Chao, 2020). This “legislative framework + case supplementation” model offers an operational reference for China.

**Germany:** Bases discipline on educational guidance first, with disciplinary punishment as a safeguard. It emphasizes student participation, parental consultation, and resolution by professional committees to avoid unilateral decisions (Wu Rui & Wang Shiyue, 2021). Its prudent procedural design (e.g., escalation from informal to formal measures) is noteworthy.

**UK & USA:** Have shifted from “legitimacy regulation” towards hybrid “performance management + rights response” models. “Managed autonomy” balances disciplinary authority with student rights, allowing teachers professional judgment but strengthening ex-post supervision (Wu Liang, 2023; Dai P. & Ma Z., 2019).

## 4.2 Innovative Local Practices in China

**Local Legislative Pioneering:** Cities like Qingdao and provinces like Guangdong have explored clarifying teachers' disciplinary rights through local regulations, stipulating specific measures (e.g., admonishment, reflection writing, appropriate isolation) and establishing "negative lists" prohibiting corporal punishment (Zhou Yong, 2017; Zhang Kelai, 2016). These practices offer valuable experience for national legislation.

**School-Level Mechanisms:** Some schools implement "flexible discipline" and "cozy classroom rules," involving students in developing disciplinary codes and establishing "calm corners" as alternatives to punishment (Zhou Yong, 2020; Guo Min, 2020). These reflect a blend of educational and normative approaches.

**Institutionalizing Home-School Collaboration:** Studies advocate establishing home-school collaboration committees, enhancing consensus through parent training and joint rule-making (Tian Rui, 2021; Zhang Jun, 2021). Research in Province S demonstrated that parental participation in school rule development significantly increased acceptance of disciplinary measures (Tang et al., 2024).

## 4.3 Need for Improved Judicial Review Standards

**Expanding Review Scope:** While Article 18 of the Rules on Educational Discipline (Trial) allows some disciplinary disputes into administrative litigation, judicial practice remains dominated by civil cases (Chen Fei & Lin Lihong, 2022). Clarification is needed that actions impacting significant student rights (e.g., expulsion, suspension) are subject to administrative litigation.

**Refining Review Criteria:** Courts should apply standards assessing legality, subject competence, purpose legitimacy, procedural due process (notification, hearing, appeal), and proportionality of means to fault (Chen Fei & Lin Lihong, 2022; Zheng Chao, 2020). Japan's three-element test (necessity, proportionality, legitimacy of purpose) for physical force offers a model (Wu Dongshuo, 2022).

# 5 Research Trends: Interdisciplinary Integration and Long-Term Mechanism Construction

## 5.1 Theoretical Paradigm Innovations

**Multidisciplinary Integration:** Current research exhibits a divide between pedagogy (focusing on educational effects) and jurisprudence (emphasizing legal regulation) (Tong Yunfeng, 2021). Future work requires integrating sociology (e.g., trust theory, conflict theory), psychology (e.g., emotional labor, rule-consciousness cultivation), and public administration (e.g., policy implementation, collaborative governance) to build a comprehensive analytical framework.

**Localized Theory Construction:** While drawing on Western models (e.g., state control, private autonomy), future research should integrate China's tradition of respecting teachers and the characteristics of family-school-society collaboration. This could yield culturally resonant theoretical models like "educative



authority” or “ethical-juridical dual constraints” (Ma Huanling & Chen Mei-Ai, 2021; Shao Cheng-Zhong, 2021).

## 5.2 Methodological Improvements

**Deepening Empirical Research:** Existing literature relies heavily on theoretical discussion or isolated case studies, lacking large-scale research, longitudinal tracking, and evaluation. Recommendations include: national surveys providing quantitative support for policy optimization (e.g., Province S data on 130,000 teachers/students, Tang et al., 2024); experimental studies comparing disciplinary method efficacy; big data analyses for public opinion monitoring and risk warning.

**Expanding Historical and Comparative Research:** Beyond Japan and Germany, future studies should explore systems in France and Scandinavia. Research should also strengthen analysis of the modern transformation of China’s traditional disciplinary culture, such as the relevance of Qing Dynasty’s Confucian-Legalist synergy for contemporary home-school collaboration (Shi Kekan & Cheng Chunyu, 2023).

## 5.3 Long-Term Mechanism Construction

Legislative System Optimization:

- Statutory Clarity:** Promote revisions to the Teachers Law to explicitly include educational disciplinary authority within teachers’ duties. Add a dedicated chapter on maintaining educational order in the Education Law.

- Refined Implementation Rules:** Develop operational guidelines segmented by school level and specific scenarios (e.g., special measures for bullying, cyber-misconduct) (Zhang Maocong & Li Yujiao, 2020; Wen Hui & Chen Liang, 2020).

- Case Guidance System:** Establish a national repository of educational discipline cases to unify adjudication standards and enhance rule predictability through precedents (Wu Dongshuo, 2022; Zheng Chao, 2020).

Implementation Mechanism Innovations:

- Teacher Capacity Building:** Integrate disciplinary education into pre-service and in-service training, developing dedicated modules on “educational discipline” to improve legal literacy and communication skills (Li Junyi, 2022; Wang Fei, 2021).

- Digital Governance:** Utilize technologies like blockchain for depository and smart contracts to ensure disciplinary process transparency and traceability. Employ data analysis for early risk warning (Zhang Xiaoyu & Qi Zhanyong, 2023).

- Cultivating Supportive Culture:** Foster rational and tolerant public opinion through media campaigns and parent schools to reduce the stigmatization of justified discipline (Wang Fei, 2021; Zhou Hongyu & Fang, 2021).



## 6 Conclusion

Research and practice regarding educational disciplinary authority reflect the broader transformation of educational governance from “empirical management” towards “jurisprudential governance.” Future efforts, grounded in the essential principle of “educativeness,” must construct a modern educational disciplinary system characterized by clear boundaries, appropriate procedures, and multi-party collaboration. This requires legislative refinement, procedural optimization, and cultural reshaping. The significance of this endeavor extends beyond maintaining school order; it critically involves protecting student rights, supporting teacher professional development, and optimizing the overall educational ecosystem, making it a pivotal issue in advancing the modernization of educational governance.

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