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Controversy and Resolution of Paid Tutoring by Basic Education Teachers from the Perspective of Public Ethics

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ABSTRACT
In 2015, the Ministry of Education of the People's Republic of China issued the Regulations on Prohibiting Paid Remedial Classes in Primary and Secondary Schools and by In-service Primary and Secondary School Teachers, which established explicit regulatory norms for the paid private tutoring behavior of basic education teachers. From the theoretical perspective of public ethics, this paper analyzes the professional identity attributes and essential public ethical literacy of basic education teachers, and clarifies the core ethical requirements of impartiality and equality, integrity and self-discipline, and being a model for students imposed by the public nature of compulsory education. Combining the current development status of basic education in China, this study explores the existing causes and practical characteristics of paid private tutoring from three dimensions: teachers, market and policy supervision. Finally, it proposes a three-dimensional resolution strategy, including dredging educational demand through market-oriented means, safeguarding teachers' legitimate rights and interests via a legal path, and consolidating the professional ethical bottom line with regular teacher morality education. This research provides practical insights for standardizing the professional behavior of basic education teachers and safeguarding the public nature of compulsory education in China.

KEYWORDS
Public ethics; Paid private tutoring; Teachers' professional ethics; Basic education; Compulsory education

1 Research Background and Significance

1.1 Research Background

On June 29, 2015, the Ministry of Education issued the Regulations on Prohibiting Paid Remedial Classes in Primary and Secondary Schools and by In-service Primary and Secondary School Teachers. Articles 4 to 6 of the regulation explicitly prohibit in-service primary and secondary school teachers from organizing, recommending or inducing students to participate in paid remedial classes inside or outside schools, engaging in paid remedial classes organized by off-campus training institutions, other teachers, parents or parent committees, and introducing students or providing relevant information for off-campus training institutions or other individuals. Thus, paid private tutoring is defined as an after-school supplementary teaching activity organized by third parties outside state-authorized compulsory education institutions, which is supported or recognized by families with the payment of certain remuneration.

The implementation of this regulation at the local level has sparked intense controversies, focusing on two core aspects: first, whether the prohibition infringes on teachers' legitimate rights to spare time and personal freedom; second, whether the ban on teachers' paid private tutoring—an act of exchanging labor for remuneration—contradicts the spirit of the Labor Law of the People's Republic of China.

Since the implementation of the "Double Reduction" policy in 2021, off-campus training has been standardized and regulated, and students' after-school academic burden has been significantly reduced. However, paid private tutoring by in-service teachers has not been eradicated; instead, it has evolved new characteristics of concealment, individuation and miniaturization. Such tutoring is often carried out under the names of "one-on-one tutoring", "family custody" and "mutual assistance among relatives and friends", which has greatly increased the difficulty of supervision for education administrative departments. At the same time, the progress in solving problems such as teachers' salary and welfare guarantees, career development space and the construction of teacher morality is closely related to the governance effect of paid private tutoring, which remains a key issue in the current governance of basic education in China.

1.2 Research Significance

Against the backdrop of the in-depth implementation of the "Double Reduction" policy and the high-quality development of basic education, analyzing the professional identity and ethical responsibilities of primary and secondary school teachers from the perspective of public ethics, exploring the current situation and practical causes of paid private tutoring, and proposing targeted prevention and governance strategies are of great practical and theoretical significance. This research from the perspective of public ethics helps to alleviate teachers' psychological resistance to the relevant regulations prohibiting paid private tutoring, and provides practical references for education administrative departments to improve the supervision mechanism and optimize governance strategies. It also promotes the transformation of paid

private tutoring governance from "rigid prohibition" to "combining prohibition with dredging", and ultimately realizes the multiple goals of safeguarding the public nature of compulsory education, protecting teachers' legitimate rights and interests, and promoting the all-round development of students.

2 Professional Attributes of Basic Education Teachers from the Perspective of Public Ethics

2.1 Public Service Attributes of Basic Education Teachers

Under China's current institutional system, primary and secondary school teachers are included in the establishment of public institutions. According to the Interim Regulations on the Registration and Administration of Public Institutions issued in 1998, a public institution refers to a social service organization established by state organs or other organizations using state-owned assets for the purpose of social public welfare, engaging in activities such as education, science and technology, culture and health. Such institutions shall meet the following requirements: undertaking social public welfare service tasks stipulated by the government, providing public welfare services to the society free of charge, not allocating resources through the market, and being supervised and administered by state administrative organs.

Under China's current system, although the establishment of public institutions is not the government administrative establishment and does not have the nature of exercising state will with public power, compulsory education institutions, as a category of public welfare-oriented public institutions, undertake public education services with the public function of entrusted execution of state will by public power. In addition, Article 25 of the Teacher Law of the People's Republic of China stipulates that "the average salary level of teachers shall not be lower than or higher than that of national civil servants and shall be gradually raised". Article 29 stipulates that "teachers shall enjoy the same medical treatment as local national civil servants; regular physical examinations shall be conducted for teachers, and rest and recuperation shall be arranged for them according to local conditions". This indicates that although primary and secondary school teachers in China are not civil servants in the strict sense, their legitimate rights and interests are protected with reference to civil servants, which fully reflects the distinct public service characteristics and public responsibility of their professional identity.

2.2 The Inherent Public Nature of Compulsory Education

The public nature of education is one of the essential and inherent attributes of compulsory education. The so-called public nature refers to the publicity, sharing and commonality possessed by public subjects and affairs such as public organizations, public power, public affairs, public goods, public services and public interests. Primary and secondary education in China belongs to compulsory education, which is a fundamental public welfare cause of the state and a public affair involving national and social public interests with extensive and lasting social influence.

Educational activities are often regarded as a career that relies on professional ethics and moral consciousness, and the quality of teaching is directly related to teachers' own sense of professional responsibility. Educational responsibility of teachers stems from the love for the teaching profession, the high recognition of professional identity, the dedication and conscientiousness to one's own work, the consciousness of setting an example through words and deeds, and the constant pursuit of educational ideals and the firm belief in educational work.

2.3 Essential Public Ethical Literacy of Basic Education Teachers

Based on the inherent public nature of compulsory education and the public service attributes of teachers, public ethics delineates the basic ethical boundaries for the professional behavior of basic education teachers. Impartiality and equality, integrity and self-discipline, and being a model for students have become the core public ethical literacy that teachers must possess, as well as the basic code of professional conduct for teachers in carrying out teaching activities.

First, impartiality and equality. Teachers should treat all students equally in teaching activities and avoid engaging in nepotism or abuse of public power for personal gain. They should explain all key knowledge points carefully and comprehensively in class, instead of reserving core teaching content for paid private tutoring. Only when teaching activities are carried out in an absolutely fair and impartial manner can the basic quality of compulsory education be guaranteed.

Second, integrity and self-discipline. As an important part of the social professional group, teachers should maintain a high sense of self-discipline in the face of various material temptations, abide by relevant national laws, regulations and professional rules, and carry out teaching work with an image of abiding by the law and being honest and upright, so as to enhance their professional image and social status in the minds of students and society.

Third, being a model for students. Teachers should not seek improper personal gains by taking advantage of their professional positions and influence. To be a model for students, teachers need to set a good example in words and

deeds, and influence every student through their personal charisma, professional ethics and daily words and deeds.

3 Practical and In-depth Causes of Paid Private Tutoring from the Perspective of Public Ethics

3.1 Teacher Dimension: The Dual Influence of Professional Demands and Cognitive Biases

From the perspective of teachers, the main causes of paid private tutoring are reflected in three aspects:

First, carrying out paid private tutoring out of the pursuit of educational ideals. Not all teachers engage in paid private tutoring for economic purposes. On the premise of ensuring the quality of their formal school teaching, many teachers use their spare time to provide paid private tutoring for students and parents who are willing to take extra classes within their capacity. This behavior not only helps students improve their academic performance but also brings additional income to teachers. More importantly, such teachers aim to impart knowledge to more children and realize their educational ideals through private tutoring.

Second, heavy economic pressure forcing teachers to participate in paid private tutoring. The main direct reason for most teachers to engage in paid private tutoring is the heavy economic pressure they face. Especially for young teachers with low professional titles, they can only rely on the basic salary to live, which is far from sufficient to support a series of economic pressures such as their children's education, housing loans and daily living costs. Therefore, paid private tutoring has become the most convenient and direct choice for teachers to obtain additional income by virtue of their professional capabilities.

Third, the lack of awareness in teacher morality construction and professional development. If teachers only regard teaching work as a simple means of making a living or an ordinary occupation, ignoring the profound spiritual pursuit and social responsibility it contains, and not actively pursuing their own professional development in the teaching industry, they will naturally focus more on how to seek greater economic benefits from the teaching profession, which will lead to the weakening of their professional ethical consciousness and the violation of professional norms.

3.2 Market Dimension: The Sustained Drive of Educational Demand and Social Inertia

From the market perspective, the formation of paid private tutoring market is driven by two core factors:

First, the market is driven by the personalized and diversified educational needs of parents and students. Since the implementation of the "Double Reduction" policy, the demand for collective off-campus remedial classes has been effectively curbed, but the rigid demand for personalized academic tutoring still exists and even shows a growing trend. On the one hand, the proportion of dual-income families in China remains high. Due to busy work, parents lack the time and ability to take care of their children after school and tutor their academic studies, and they hope to solve their children's academic problems through professional tutoring while ensuring their after-school safety. On the other hand, there are obvious individual differences in students' ability to accept knowledge in the compulsory education stage. Some students with learning difficulties need targeted remedial tutoring, and some outstanding students with learning potential need personalized enrichment and expansion training. However, in-school classroom teaching is mainly oriented to all students, making it difficult to fully meet the personalized learning needs of all students. In addition, after the rectification of off-campus training institutions, a large number of unqualified institutions have been banned, and parents still have great doubts about the teaching quality and professional ability of the teaching staff of the remaining compliant institutions. They are more willing to trust in-service basic education teachers who are familiar with students' learning situation and have professional teaching capabilities, which provides a huge market space for teachers' paid private tutoring.

Second, the social inertia of exam-oriented education has not been completely eliminated. Although China has long advocated and promoted quality-oriented education, emphasizing the all-round development of students in morality, intelligence, physical education, aesthetics and labor education, and the "Double Reduction" policy has further weakened the impact of off-campus academic training, the senior high school entrance examination and college entrance examination, as the core evaluation and selection mechanisms of China's basic education at the present stage, still have obvious characteristics of achievement orientation. Examination results are still the most important factor affecting students' further education and future development, which leads to the high attention of schools, parents and students to academic performance. Against the background of the large class size in public primary and secondary schools in China (most classes have 40 to 50 students), teachers find it difficult to fully take into account the learning progress and individual needs of each student in class. In order to improve their children's competitiveness in further education, parents of some underachieving students take the initiative to seek paid tutoring from in-service teachers, forming a stable market demand for paid private tutoring, which is also a concrete embodiment of the social inertia of exam-oriented education in the field of basic education in China.

3.3 Government Dimension: Imperfections in Institutional Construction and Supervision Mechanism

From the government governance perspective, the long-term existence of paid private tutoring is mainly due to the imperfections in institutional construction and supervision mechanism, which are reflected in three aspects:

First, the low level of legislation and insufficient law enforcement intensity. At present, China's regulations on paid private tutoring by in-service basic education teachers are mainly based on departmental rules and regulations of the Ministry of Education and local laws and administrative rules, which have not been elevated to the national legal level. This results in the limited legal effect of relevant regulations, the lack of national unified norms for the definition, identification standards and punishment criteria of paid private tutoring behavior, and the problems of understanding deviations and inconsistent implementation standards in the implementation process in various regions. At the same time, paid private tutoring behavior has shown obvious characteristics of concealment after the "Double Reduction" policy, making it difficult to discover, investigate and obtain evidence, which greatly increases the difficulty of law enforcement for education administrative departments. In addition, the law enforcement work in some regions has the problems of "cracking down on typical cases only and going through the motions", and the punishment for discovered paid private tutoring behavior is relatively light, which is difficult to form an effective legal deterrent effect.

Second, the imperfect supervision mechanism and the absence of social supervision. The governance of paid private tutoring is a systematic social project, and it is difficult to achieve full coverage and effective supervision by relying solely on the supervision of education administrative departments. However, China has not yet established a comprehensive and multi-dimensional supervision mechanism linked by education administrative departments, schools, parents, students and social media. As the main body of teacher management, schools lack effective supervision means and channels for teachers' behavior in their spare time; as direct participants in paid private tutoring, some parents and students are unwilling to cooperate with supervision and investigation due to their own educational needs, and even intentionally conceal the tutoring behavior for teachers; the supervision of social media and the public lacks normalized reporting and supervision channels, making it difficult to discover and expose concealed paid private tutoring behavior in a timely manner, which leads to many loopholes in the whole supervision system.

Third, the imperfect governance system combining prohibition with dredging. The current governance of paid private tutoring in China is still dominated by "rigid prohibition", lacking effective dredging and guidance for the personalized educational needs of parents and students, and also lacking full protection of teachers' legitimate professional interest demands. On the one hand, the quality and coverage of in-school after-school services still need to be further improved. The after-school services of some schools are mainly based on simple homework tutoring and daily custody, lacking personalized academic enrichment and remedial tutoring, which is difficult to effectively meet the diversified learning needs of students. On the other hand, there are still obvious shortcomings in the protection of teachers' legitimate rights and interests in some regions. The problems such as low teachers' salary and welfare, narrow career development space and heavy work burden have not been completely solved, which leads some teachers to still have a strong motivation to seek additional economic benefits through paid private tutoring.

4 Resolution Strategies for Paid Private Tutoring from the Perspective of Public Ethics

4.1 Dredging Educational Demand by Market-oriented Means and Standardizing the Order of the Private Tutoring Market

The market demand for paid private tutoring has its objective rationality, which stems from the personalized educational needs of students and the deep social inertia of exam-oriented education. Simple and rigid prohibition cannot fundamentally eliminate this market demand; instead, it will lead to its more concealed development and increase the difficulty of governance. Therefore, we should respect the basic laws of the market economy, effectively dredge the personalized educational demand of parents and students by market-oriented means, and incorporate the paid private tutoring behavior into a standardized and institutionalized market management system.

First, support the high-quality development of compliant off-campus training institutions. Education administrative departments should strengthen the standardized supervision and management of off-campus training institutions, strictly examine and approve the establishment qualifications, standardize the professional requirements of teaching staff, and scientifically delimit the charging standards and service scope. At the same time, it is necessary to support a number of off-campus training institutions with legal qualifications, strong teaching staff and high teaching quality through policy guidance and financial support, focus on developing personalized and diversified tutoring services in the compulsory education stage to meet students' personalized educational needs such as remedial tutoring and enrichment training, provide parents and students with legal, reliable and high-quality off-campus tutoring options, and gradually replace the non-standard paid private tutoring by in-service teachers.

Second, standardize the market boundary of teachers' off-campus part-time work. On the premise of strictly

prohibiting in-service teachers from carrying out paid private tutoring by taking advantage of their professional positions and influence, we should actively explore the establishment of a standardized and institutionalized management system for teachers' off-campus part-time work. It is allowed for teachers to carry out teaching part-time activities related to their own majors in compliant off-campus training institutions with the official record of education administrative departments in their spare time, and their part-time behavior, service content and remuneration standards should all be incorporated into the unified market supervision system. This measure not only protects teachers' legitimate right to obtain reasonable labor remuneration by using their professional capabilities, but also effectively prevents teachers from violating professional ethics by carrying out non-standard paid private tutoring in private.

Third, comprehensively improve the quality and coverage of in-school after-school services. It is necessary to further implement the requirements of the "Double Reduction" policy, promote all public primary and secondary schools to improve and perfect the in-school after-school service system, reasonably extend the after-school service time, and rich the after-school service content. In addition to the basic homework tutoring and daily custody services, it is necessary to add personalized academic tutoring, interest specialty training and quality-oriented education services according to the individual learning needs of students. Schools should organize in-service teachers to participate in after-school services on a voluntary basis, and give them reasonable and sufficient remuneration for after-school services in accordance with relevant national regulations, so as to meet students' personalized educational needs as much as possible on campus and reduce the social demand for off-campus paid private tutoring from the source.

4.2 Safeguarding Teachers' Rights and Interests through a Legal Path and Strengthening Institutional Constraints

Perfect legal system and institutional constraints are the fundamental guarantee for the effective governance of paid private tutoring. We should adhere to the combination of rights protection and institutional constraints, and build a sound legal and institutional system for the governance of paid private tutoring from two aspects:

First, improve the legislative system for the protection of teachers' legitimate rights and interests. It is necessary to accelerate the revision and improvement of relevant national education laws and regulations, elevate the safeguard measures for basic education teachers' salary and welfare, professional allowances, career development and work burden reduction to the national legal level, clearly define the safeguard responsibilities of governments at all levels, and establish a scientific and dynamic adjustment mechanism for teachers' salary and welfare. It is necessary to strictly implement the relevant provisions of the Teacher Law, ensure that the average wage income level of compulsory education teachers is not lower than and gradually higher than that of local civil servants, and focus on ensuring the full implementation of salary and welfare policies for teachers in economically underdeveloped regions and young teachers, so as to fundamentally alleviate the economic pressure of teachers. At the same time, it is necessary to actively explore the establishment of a national educational civil servant system, incorporate public basic education teachers into the standardized educational civil servant management system, further clarify their public service attributes and professional status, fully protect their legitimate rights and interests, and enhance teachers' professional honor, sense of belonging and social recognition.

Second, raise the legislative level of regulations on paid private tutoring and strengthen legal constraints. It is necessary to formulate a unified national Law on the Professional Code of Conduct for Basic Education Teachers as soon as possible, clearly define the legal definition, identification criteria, punishment standards, law enforcement subjects and law enforcement procedures of paid private tutoring behavior, and fully incorporate the paid private tutoring behavior of in-service teachers into the scope of national legal supervision, so as to significantly enhance the legal effect of relevant regulations. For teachers who carry out paid private tutoring by taking advantage of their professional positions, seriously affect the normal teaching order of schools and damage the fairness of compulsory education, they shall be given corresponding administrative penalties and professional sanctions in accordance with the law; for those with serious circumstances and bad social influence, their teacher qualification certificates shall be revoked in accordance with the law, and they shall be banned from engaging in education and teaching work for life, so as to form a strong legal deterrent effect.

4.3 Consolidating the Professional Bottom Line with Regular Teacher Morality Education and Strengthening Ethical Consciousness

The enhancement of teachers' public ethical literacy relies on regular teacher morality education to strengthen their ethical consciousness. First, construct a diversified and regular teacher morality education system, integrate public ethics and professional ethics into the entire process of teachers' professional development, and guide teachers to recognize the harms of paid private tutoring through case warnings, situational simulations and other methods. Second, strengthen

teachers' professional identity and sense of honor, and guide them to adhere to the public welfare ideal of education and gain professional accomplishment from teaching and educating people by setting up models of teacher morality and improving the evaluation and recognition mechanism. Third, incorporate the performance of teacher morality into the core of teacher assessment, implement a "one-vote veto system" for teacher morality, clarify the orientation of rewards and punishments, and drive teachers to consciously uphold the professional bottom lines of impartiality and equality, integrity and self-discipline, and being a model for students.

In summary, compulsory education is a public undertaking through which the state allocates educational resources equitably among all citizens. Its public nature embodies the national wellbeing and the fundamental interests of citizens, rather than the interests of small groups or individuals. State power is the supreme embodiment of public nature, and its responsibility is to safeguard citizens' fundamental rights and interests. In the context of compulsory education, state power ensures citizens' basic right to education, and state administrative departments shall take it as their bounden duty to protect this fundamental right when exercising the will of the state. Compulsory education delivered by primary and secondary school teachers is authorized by state power, which endows teachers with corresponding educational rights and obligations. This requires teachers to be devoted to their profession, loyal to the people's cause of education, set a good example for students, impart knowledge and cultivate virtues, and never regard profit-making as the primary goal of their career.

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