

EDUCATION AND DEVELOPMENT PROGRAMME

*The Mechanism of Internal Controls and
Management Style in Public Schools, Georgia*

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ABSTRACT

The rapid change of education system reform vector in Georgia increased the General Education centralization process. During the last two years the changes were passed in the law on General education. The changes reinforced the role of Ministry of Education and Science was in the school management process. The Minister issued decrees, Teachers Professional Code of Ethics, Students Code of Ethics, Standard of School Principle were adopted and enforced in 2010. Based on the new regulations Georgian Public Schools developed and renewed Public School Bylaws.

The School Bylaws reflected the changes entered in force. The General Education system management changed and as a whole it contributed strengthening the zero tolerance tendencies. The school discipline management procedures are strengthened. The School Bylaws determined the inflexible punishable measures connected with the discipline abolishment, though the exact description of the discipline abolishment in the prepared Bylaws is not noticed. The Bylaws define the school management style and control mechanisms. In this article the Georgian Public Schools' Bylaws are studied and identified the needs of systematic changes of Education Policy, in particular, discipline management.

1. INTRODUCTION

After the Rose revolution (2003) the Georgian government started implementation of many reforms and declared the education the country's development priority. The Education System Realignment and Strengthening project "Ilia Chavchavadze" was made more activate, both towards the direction of the school management and its financial capabilities, in order to improve the teaching and learning process. These reforms can be called unexampled consequent to the scales and ambition.¹ The law on the general education adopted in 2005 recognized the democratic school management, its decentralization and accountability.²

The main principles of educational accessibility and equality, accountability, transparency and participation declared in Georgian Constitution were reflected in the law and determined the dimensions Public School development.

¹ Evaluation of the Education System Realignment and Strengthening project "Ilia Chavchavadze", August, 2007, Mark Shapiro, Shiro Nakata, 2008.

² Law on General Education, 2005 article 35.4

2. SCHOOL AS A LEGAL ENTITY OF PUBLIC LAW

In the independent Georgia the legislative changes in the education were made three times, in 1994, 1997 and 2005. In 1994 the law on Non State Schools³ were adopted that regulated state and non state/private schools relation, in 1997, “Education Law” that determined the General Education aims and levels .⁴ The most important was the Law on General Education, adopted in 2005. The Legal Status of School changed and corresponded to the international requirements.⁵ Since the Law on General Education was adopted (2005) the school status and its function rules have been changed. The legislative frame has been formed defining the school management issues and teaching and learning process.

The most important achievement of the reform was giving the autonomy to the public schools.⁶ The changes were passed in a very short time (in 2005 “Law on General Education” was adopted. In 2006 Board of Trustees (BoT) were elected. The members of BoTs elected school principles). In spite of the fact that this change was realized in a very short period, in the whole, all the interested parties – principles, teachers and BoT members - were content with the school autonomy.⁷

The schools representatives were ready to participate into the decision making process. In most cases, school principles and administration declared that they make decision on the base of identified and independently obtained information.

The elected Board of Trustees should have been the guarantee of the transparency and participative decisions in the Georgian public schools . This organ should have provided involvement of the society in the public school life. To assist the Board of Trustees the government made great effort: in 2005-2008 with the support of the USAID “Georgian Educational Decentralization and Accreditation project was implemented.

Since 2008 the process of Board of Trustees assistance and support of school autonomy was reduced . Non-capable eand inexperienced school administration and Board of Trustees remained on the hope of the self poor knowledge and experience. Exactly in 2008-2010 the changes in the law were passed that restricted the school autonomy.

³ Law on “Non State schools”, 1994, Georgian Parliament.

⁴ Georgian Law on education, Tbilisi, 1997, June 27. # 826-II

⁵ Law on General Education, 2005. Article1.1, article 11, right to participate in the school management, part VI. Principles of the general educational establishment, article 35. Responsibility and structure

⁶ Law on General Education, article 31, organizational-legal form of the general educational establishment.

⁷ Evaluation of the “Ilia Chavchavadze” project of reorganization and strengthening of the educational system, Padeco.co LTD, 2007, 4.1 decentralization and management, 4.1.1. General approach towards the school autonomy, 170.

The representatives of Local Self Government and Ministry of Education and Sciences, school Resource Officer obtained the right to participate in the Board of Trustees activities. In spite of the changes passed in the law, the public school keeps the definite form of autonomy up to now,⁸ the Board of Trustees are functioning are schools and besides the above mentioned persons the members are the teachers and parents.

The functions of Board of Trustees are important and define e the school autonomy. Below there are those functions of the Board of Trustees that are important for analysis of the school control mechanisms and management style:

The functions of the **Board of Trustees**

- ✓ ensure election of the school principal;
- ✓ control expenditure of the finances and disposal of the property by the school management;
- ✓ approve the list of textbooks to be used by the teachers during the scholastic year according to the stages and subjects and upon the recommendation of the teachers' council;
- ✓ upon the recommendation of the school principal, approve the school budget and annual report prepared by the principal;
- ✓ upon the recommendation of the principal, according to the national curriculum, approve the school curriculum and payroll, make adjustments to it not later than 1 week before the start of the scholastic year;
- ✓ approve the school Bylaw. School Bylaw fully determines disciplinary codes and disciplinary measures, and student's mobility.
- ✓ The members of Board of Trustees elect Disciplinary committee for the reviewing the discipline abolishment issues according to the school regulations. The members of Disciplinary committee are teachers, parents and high school students.. The Board of Trustees is responsible to review all decisions of Disciplinary Committee or establish the appeal committee.

⁸ Law on General Education, article 38, functions of Board of Trustees

3. ROLE OF THE SCHOOL BYLAW ACCORDING TO THE LAW ON GENERAL EDUCATION

According to the Law on General Education school Bylaw is developed by School Principle and approved by the Board of Trustees.

In the Law on General Education is written that School Bylaws regulate the discipline, abolishments and disciplinary measures. Correspondingly, the role of the Bylaw is quite limited. In 2005 when the Law on General Education was adopted, the Students Code of Ethics, Teachers Professional Code of Ethics were not developed. The codes were adopted in July- August of 2010.⁹

The law on General Education declares that during the discipline persecution the school is obliged to explain to the student or teacher the main point of the committed discipline abrogation. The disciplinary measures must be reflected in the School Bylaw.

Members of Students' self-governance organ have a right to participate in the School Bylaw development process. (Law on General Education, chapter X, article 48) and is authorized to fulfill the recommendations.¹⁰ The School Bylaw is approved by the Board of Trustees which members are teachers and parents, correspondingly their participation in the School Bylaw fulfillment process is ensure.

The School Bylaw is a very important school legal document.. It is very difficult to obtain these documents, as: the majority of schools do not contain web site, or the School Bylaw is not published in the web site. Since the May of 2012 the Education Management Informational System¹¹ was activated, the web includes data of Public Schools¹². The school data contains the school web site. But only a very small number of School Bylaws are published on web..

The cooperation schools and Civil Society organization are restricted by the Minister's Special Decree N837. Every decision made by the Public Schools needs to be approved by the Ministry of Education and Sciences or the regional representatives of Ministry, Education Resource Centers.

The Schools Bylaws includes the following Legal Documents listed below:

1. Students code of ethics;
2. Teachers Professional Code of Ethics;
3. School Principle Code of ethics;
- 4 Teachers Professional standards;

⁹ Code of the teacher's professional ethic, minister's order N^o 57/6, July 14, 2010, pupil's behavior code, minister's order N^o 79/N, school director's code, August 30, 2010, minister's order N^o 8/6.

¹⁰ Law on General Education, article 48.a. Students' Self-Govrnment functions

¹¹ www.emis.ge

¹² <http://catalog.edu.ge>

5. Employment contracts;
6. Employment instructions;
7. Resource Officers Statute

4.1. RESEARCH DESIGN

At first, it was planned to select schools using the Random Sampling, based on the number of students, regions and municipality number, It was not fulfilled because of the following reasons:

- ✓ The Ministry of Education and Science have not provided us with school database;
- ✓ The database of schools published on the Ministry's web site was not complete;¹³
- ✓ In May 2012 the Education Management Information System was activated where the school data is incomplete. In May the system did not include the complete number of students and teachers, only the students and teachers ratio was presented; the number of pupils and teachers was added to the system in June 2012.
- ✓ Request of the School Bylaws from the schools is a difficult process as the public schools do not obey the terms of the request of public information determined by the Law, any information given by the school is informally approved by the Ministry of Education and Sciences. The Center for Social Sciences addressed in the written form to the Head of the Education Management Information System. We requested Public Schools' web-sites, the number of students and teachers¹⁴. The requested information was not received.

Correspondingly the decision was made to use those Bylaws for the research that were available on the school web site.

From the internet web sites we managed to get the following schools Bylaws

Tbilisi public schools N11, 45, 51, 53, 115, 150, 155, 69; Samtredia Public School N2, Kutaisi Public School N40.

The absolute majority of the obtained Bylaws have the same structure and content.

4.2 QUALITATIVE ANALYSIS OF SCHOOL BYLAWS

The School Bylaws is worked out based on the following Legislative Documents:

¹³ Letters written to the EMMIS and ministry

¹⁴ Letters written to the Head of Education Management Information System N12/15, February 10, 2012, N 12/22, March 6 2012

1. Georgian Constitution (http://tpdc.ge/uploads/saqarTvelos_konstitucial.pdf seen in 2012 March 5),
2. ["Law about the general education"](http://tpdc.ge/uploads/news/zogadi_ganatilebis_Sesaxeb_kanoni.pdf)
http://tpdc.ge/uploads/news/zogadi_ganatilebis_Sesaxeb_kanoni.pdf
3. [Civil Code](http://tpdc.ge/uploads/samoqalaqo_kodeqsi.pdf) http://tpdc.ge/uploads/samoqalaqo_kodeqsi.pdf
4. [Labour Code](http://tpdc.ge/uploads/Sromis_kodeksi.pdf) , http://tpdc.ge/uploads/Sromis_kodeksi.pdf,
5. ["on Legal Entity of Public Law"](http://www.mof.ge/show_law.aspx?id=197) http://www.mof.ge/show_law.aspx?id=197
6. School Regulation

The School Bylaws consists of the following sections:

1. General regulation;
2. Educational process organization;
3. Rule of hiring and dismissing the workers forms of encouragement;
4. Basic rights and obligations of teachers and students;
5. Terms of moving students from one grade to another, dismissing and excluding from schools;
6. Rules of protections the labor terms, teaching and learning process, Students Assessment based on the National Curriculum requirements. (This section of the Bylaws is not reviewed because of the aim of the article).

The School Bylaws also includes the ethic code of teachers and pupils as an appendix.

4.2.1 EDUCATIONAL PROCESS ORGANIZATION

Corresponds to the National Curriculum, in particular, the following:

- ✓ Number of terms;
- ✓ Number of staff;
- ✓ Number of the educational days (180 days);
- ✓ Beginning of the Academic Year;
- ✓ Duration of the lesson (45 minutes);
- ✓ Duration of breaks (5 minutes and 10 minutes)
- ✓ Inventory¹⁵

¹⁵ In this section special importance carries the description of the property inventory procedures. In the School Bylaws there is a detailed description of its conduct's terms, participatory parties, catalogue forming and necessary inventory assignation to the curators of the subject departments, cabinet managers. *This model of inventory can be positively estimated as on the one hand the rules of the educational resources evaluation and on the other hand possibilities of its effective use are considered.*

4.2.2. HIRING AND DISMISSING WORKERS

The teacher's qualification is important for the effective organization educational process at school. In Georgia teacher's profession is regulated. The Law on General Education describes entrance into the teaching profession (to obtain teacher's certificate) and certificate renewal process. (Law on General Education, article 21.1.,¹⁶ in 2010 the certification system was began, the teachers participate in the certification exams. In case of passing exams they get the status of the certified teacher meaning that the teachers affirmed their own qualification and their knowledge corresponds to the teacher's professional standard. (Teacher's professional standard, 2010). In spite of the fact, that the certification process is obligatory from the 2014. Law on General Education, article 61.2.).¹⁷ Also since 2011 the professional development scheme was activated that gives the opportunity to certified teachers to accrue credits during the professional activities in school and out of the school according to the teachers professional development scheme requirements.¹⁸ To involve high professional teachers and protect the interests of the students and parents it's very important to announce the competition for the hiring the teachers in cases of vacancy, (especially in the capital city and district centers). On the teacher's vacancy web site <http://teacherjobs.ge/> only 48 vacancies were published on June 28, 2012. 23 vacancies in Tbilisi, 18 vacancies in Shua Khevi region, 1 in Ozurgeti, 6 in Kutaisi (<http://teacherjobs.ge/> is seen in June 28). In the reviewed School Bylaws workers hiring is conducted with the following procedures:

a) Workers hiring main requirements are submitting the necessary documents

- ✓ Labor note-book
- ✓ Diploma
- ✓ Medical record noticed that there are no "brake conditions"
- ✓ In case of combination with another job the record about employment indicating the position and work schedule.

Hiring process is registered officially.

During hiring process or submit another position administration is obliged to present the following documents:

¹⁶ The teacher's certification includes obtaining the certified teacher's status and its renewal. The certified teacher's status based on this law includes the following: meeting the qualification demands determined by the teachers professional standard, passing the teacher's certification exam. Teachers professional development is core issue of certificate the renewal process according to the Law on General Education.

¹⁷ Up to the end of 2014 all the teacher working at school are obliged to pass the certification exams to get the teacher's status.

¹⁸ Teachers professional development scheme,

http://www.tpdg.ge/uploads/folder/profesiuli_ganvitarebis_sgema.pdf (seen in June 28, 2012)

a) School regulation

b) School Bylaws

All workers have the personal case consisting of the following:

- ✓ Personal records;
- ✓ Auto biography
- ✓ Confirming copies Diplomas and Certificates;
- ✓ Medical records;

- ✓ Record of the appointment;
- ✓ Record about promotion, encouragement and dismissal.

The personal case is kept at school during 5 years after the worker's dismissal.

- ✓ The employee's private case regulation during the hiring and promotion can be evaluated positively.

Some requirements of the presented in this part are unclear and incomplete, in particular:

- ✓ It is said that the employee have to submit a medical record to the new job, that there are no "brake conditions" though there is not exactly pointed what kind of illness can be estimated under the brake condition;

Hiring procedures reflect only the list of documents considered by the law, the School Bylaws don't include the school policy describing the ways of attractng good professional in schools (vacancy announsmnt, interview)

School Bylaws describes the worker's dismissal procedures. This section is based on Labor Codes requirements (article 37¹⁹ and article 38²⁰). The studied School Bylaws are identical. Especially is underlined the issue of the teacher's discipline responsibility considering the following measures:

- ✓ Notice;
- ✓ Warning;
- ✓ Strict warning;
- ✓ Dismissal from the job;

¹⁹ article 37basis of quitting Labor relation

²⁰ Article 38. Labor contract disorder

Schedule N1 GROUNDS OF DISCIPLINE' MEASURE

DISCIPLINE MEASURE	GROUND
NOTICE	For being late two or more times or cutting the lesson
	For abrogation of the teacher or collegiate ethic codes
	For abrogation the security rules
WARNING	For receiving the second notice
	For being late five or more times, or cutting more than one lesson with inadequate reason
	For rude abrogation of the teacher's ethic codes
	For the oral or physical offence of the student or colleague
	For the school's material damage (imprudently)
	For rude abrogation of the security rules
	For cutting teachers council with inadequate reason
	For failure to appear to the parents meeting
STRICT WARNING	For failure to execute the annual plan or not having it at all
	For failure to execute the tutor's functions
	For receiving two or more reprimands or prevention and reprimand
	For being late systematically or cutting more than 10 lessons
	For oral or physical offence of the pupil or colleague
	For failure to execute the curriculum obligations or for rude imprudence
	For intended damage of school property
	For putting out the lesson

DISMISSAL	For committing such actions after receiving the strict warning that deserves the discipline measure
	For especially rude abrogation of the pedagogical ethic codes
	For intended offence of the student or colleague
	For systematically being late or cutting classes
	For considerable damage of the school property
	For such rude abrogations of the security rules that can become the cause of the student's or colleague's injury.

Notice: in studied the School Bylaws also described the discipline measure-tax-income detention, but not more than 30% of the total sum.

The determination of the discipline measures and their grounds can be estimated positively.

The gap of the School Bylaws is that it only includes the list of the disciplinary measures and its grounds.. The encouragement procedures are not described.

Teacher: the following encouragements are used for successful professional development and other achievements:

- ✓ appreciation;
- ✓ Giving valuable gift;
- ✓ Premium or money award and so on.

There are no definitions what is particularly meant under the successful professional development and other achievements; also there are no indications about the role of the pedagogical council, students' self-government and Board of Trustees in the successful teacher nomination process.

4.2.3. TEACHERS AND STUDENTS RIGHTS AND OBLIGATIONS

Teachers and students rights and obligations are based on Teachers Professional Codes of Ethics and Students Code. The studied School Bylaws include the copies of the codes as an attachment.

This section includes the detailed instruction about the student’s obligations in order to keep discipline at school. For example: when the student cuts a lesson he/she must present the official explanation to the teacher, the terms of presenting the explanation is not indicated.

There are also such records: “to keep order and silence at school”, “to be recovered school damage by the parents”. “The student is forbidden to struggle, cry and quarrel” and so on.

The pupil can be charged with the disciplinary measures for the discipline abolishment or the special form of measure – exclusion.

The student’s discipline actions are the following:

- ✓ Notice;
- ✓ Warning;
- ✓ Strict warning;
- ✓ Exclusion from School;

Such forms of the disciplinary actions as spending additional hours at school library, or accomplishing any kind of work is not noticed in either School Bylaws, also the procedures of informing the parents’ are not indicated. The School Bylaws does not reflect the disciplinary measures upon such facts as bullying.

Schedule N2 GRAUNDS OF TEACYHERS’ DISCIPLINARY ACTION

DISCIPLINARY ACTION	GROUND
NOTICE	For light discipline abolishment at the lesson of interval
	For abolishment of the security rules
	For friend’s abuse
	For being late two or more times or cutting the lesson (without adequate reason)
	For superficial connection towards the studies
	For damaging the school property
WARNING	For receiving notice repeatedly

	For abolishment of the discipline at the lesson or interval
	For rude abolishment of the security rules
	For friend's abuse or small physical offence
	For teacher's abuse
	For being late five or more times, or cutting more than one lesson with inadequate reason
	For superficial connection towards the educational process
STRICT WARNING	For rude abolishment of discipline during receiving the notice or warning, or two warnings
	For cutting more than ten lessons without adequate reason
	For the friend's physical offence
	For systematic superficial connection towards the studies
EXCLUSION FROM SCHOOL	After receiving the severe reprimand he/she commits the action deserves the disciplinary action.
	Systematically abolishes rudely the discipline
	Systematically cuts classes without adequate reason
	To offence or threaten the teacher in any form
	Offences the student rudely
	Appears at school drunkard or being under the drug influence (how can be checked the drug influence is not described).
	Damages the school property
	If the criminal law verdict comes into force against him

In the School Bylaws quite thoroughly are described the disciplinary actions. We can positively consider that, besides actions the procedures of informing the parents also are described: "master teacher cooperated to the student's parent, conversation with him/her

and making the corresponding official record affirmed with the official signature of the parent.”, the oral notice is not represented in the student’s private case.

Disciplinary Actions should be announced with teacher’s submission or/and without it. School Principal’s written notice/warning must be affirmed with the signature by the parent. The School Principle announces the written notice/warning to the student in which the point of the committed action will be explained, time of notice/warning and other circumstances. The parent affirms it by his/her signature.

In School Bylaws there are no criteria for the definition of abolishment category (light or heavy). the repetition of abolishment may be ground of student’s exclusion from school, the procedures of the discipline actions does not reflects the psychologist’s, social worker’s role.

Informing the employees about the principle’s decrees is conducted by the posting it in school, announcing it at the meeting or through the administration members.

There are no special regulations about the information parents on Principle’s Decrees. Neither School Bylaws includes the mechanisms of communication between the school and society. The relation with parents is explained with such general phrases as: “the school principle promotes the parents’ involvement into the educational process”, “gives instructions to the parents about the school educational process in case of the parents’ desire”, “collaborates with the parents, in case of need conducts with them individual meetings”, “directs the communication with the parents politely and in a manner of collaboration” and so on.

For the immaculate behavior, high academic results and successful achievement in other activities the student is awarded with:

- ✓ grant scholarship;
- ✓ deed;
- ✓ Diploma;
- ✓ Money premium;
- ✓ Other awards.

There are no instructions by what criteria can be measured the students’ success or who must announce the successful student!

CONCLUSIONS

The School Bylaws have the same form and content, includes the complete text of the teacher's, student's and principle's code of ethic;

School Bylaws recognize the values declared by the National Education Aims (2005).

School Bylaws are oriented towards the discipline control and administration's responsibility;

All activities describe the reaction procedures and not intervention.

The role of Board of Trustees and disciplinary Committee is not represented in order to react upon the disciplinary actions;

In School Bylaws procedures of public relations and school community participation are not represented.

The participatory management of Public Schools by the School Administration, Board of Trustees, Teachers' Council and Students' Self-governance is not represented in the Schools Bylaws.

The procedures of the school accountability do not include the disciplinary actions monitoring.

RECOMMENDATIONS

1. In the process of the disciplinary decisions must be considered: (1) age and grade of the student; (2) special needs of the student (for example, special educational needs (3) crimes seriousness; (4) crime's conditions; (5) records of the crime committed by the student before; (6) the student's socio-emotional development; (7) the crime's result upon the school members and community; (8) observation, in particular, how the student learns, whether participates in the school activities, possesses the parents' and community's support or not.

2. Punishable and unpunishible abrogations must be determined, their management strategies must be developed. For non-punishable abolishment management the schools must use: the oral notice, consultation with the teachers and specialists (psychologists, social workers, though the schools do not have a psychologist and a social worker) consultation with the administration, involvement into different programs.

In order to manage the punishable abolishment the following disciplinary actions must be used: imposing conducting the out of class obligation, abolishment of the privileges (participation restriction in different activities), modified school day, separation of the

special place where the student will work or be involved in educational activities, addressing to the outward institutions or/and legal organs, compensation, exclusion.

3. Representatives of the school administration with the participation of Board of Trustees, Teachers' Council and Students' Self Governance have to develop/select student behavior management strategies according to the school needs. They have to gain knowledge and develop skills for categorization of abolishment (punishable and non punishable) and its management.

4. During teachers' evaluation school administration must take into consideration teachers' qualification and achievements, in particular, to encourage teachers involvement in the certification and certificate renewal process.

ABOUT THE AUTHOR

Tamar Moiashvili cooperates with CSS since 2012. She is an Education Specialist, Education Program Manager of Civic Development Institute. She is an author and manager of education projects implemented by the Civic Development Institute. The projects aim to improve the teacher's qualification, teaching process and democratic culture in Georgian Schools. In the frames of the educational projects the second chance education model for primary school children and alternative education policies was developed. She supervises the education projects "Basic Numeracy, Literacy and Life Skills for Primary School Children, New Educational Opportunities for Educationally Deprived Children", Safe School Program Monitoring", "Advocacy for Child Friendly School" and "Towards the Bologna Process". In 2001-2008 Tamar was involved in the Education System Realignment and Strengthening Project "Ilia Chavchavadze" as a school consultant and trainer. In 2005-2008 she was an Education Specialist in Georgian Education Decentralization and Accreditation Project (AED/USAID). She prepared and provided training for the Education Resource Center (ERCs); developed policy documents related to the ERC establishment, conducted consultation and advisory services to the ERC staff in order to develop their facilitation skills and support professional development of the staff; worked with Ministry team. In 2009-2010 she worked at Teacher Professional Development Centre as Certification Coordinator. She developed Teacher Certification Statute, and Teachers professional Development Scheme (draft). She is an author of publications on education management and teaching and learning process, and alternative policies and regulations.

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