

On the status of a teacher

Unofficial translation

Law of the Republic of Kazakhstan dated December 27, 2019 No. 293-VI ЗPK.

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This Law determines the status of the teacher, establishes the rights, social guarantees and restrictions, duties and responsibilities of the teacher.

Article 1. Basic concepts used in this Law

The following basic concepts are used in this Law:

1) teacher - a person who has a pedagogical or other professional education in the relevant profile and carries out the professional activities of a teacher in teaching and feeding students and (or) pupils, methodological support or organizing educational activities;

2) pedagogical ethics - the norms of behavior of teachers established by the legislation of the Republic of Kazakhstan on the status of a teacher;

3) council on pedagogical ethics - a collegial body, created in the organization of education, considering the issues of observance of pedagogical ethics by teachers;

4) mentoring - the activity of a teacher to provide practical assistance in professional adaptation to a person who has first started the professional activity of a teacher in the organization of secondary education.

Article 2. Legislation of the Republic of Kazakhstan on the status of a teacher

1. The legislation of the Republic of Kazakhstan on the status of a teacher is based on the Constitution of the Republic of Kazakhstan, consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those contained in this Law, then the rules of the international treaty shall apply.

Article 3. Scope of this Law

This Law applies to teachers who carry out professional activities in preschool educational organizations, organizations of secondary (primary, basic secondary, general secondary), technical and vocational, post-secondary education, specialized, special educational organizations, educational organizations for orphans and children left behind, without parental care, about the organization of additional education for children, as well as in methodological rooms.

For teachers of military educational institutions, this Law applies with the specifics provided for by the Law of the Republic of Kazakhstan "On military service and the status of military personnel."

Article 4. Status of the teacher

1. The Republic of Kazakhstan recognizes a special status of a teacher, which provides conditions for the implementation of his professional activity.

2. A person has the status of a teacher during the period of professional activity in the field of education and being in labor relations with the relevant organization in the manner established by the legislation of the Republic of Kazakhstan.

3. The list of positions of teachers is approved by the authorized body in the field of education.

Article 5. Pedagogical ethics

1. Pedagogical ethics is based on the principles of legality, conscientiousness, responsibility, respect for the honor and dignity of the individual.

2. Violation of pedagogical ethics is a disciplinary offense and entails disciplinary responsibility of a teacher in accordance with the labor legislation of the Republic of Kazakhstan.

3. Pedagogical ethics is approved by the authorized body in the field of education.

Article 6. Ensuring the professional activity of the teacher

1. The employer provides the teacher with conditions for the implementation of his professional activities in accordance with the labor legislation of the Republic of Kazakhstan.

2. When a teacher carries out professional activities, it is not allowed:

1) engaging him in types of work that are not related to professional duties, with the exception of cases provided for by the laws of the Republic of Kazakhstan;

2) requesting from him reports or information not provided for by the legislation of the Republic of Kazakhstan in the field of education;

3) carrying out inspections not provided for by the laws of the Republic of Kazakhstan;

4) imposing on him the obligation to purchase goods and services.

3. The involvement of teachers of state organizations of secondary education in the implementation of their professional activities in the conduct of events of non-state organizations is not allowed.

Article 7. The rights of a teacher in the exercise of professional activity

1. A teacher in the implementation of professional activities has the right to:

1) free choice of methods and forms of organizing professional activity, subject to the requirements of the state compulsory standard of the corresponding level of education;

2) protection against unlawful interference and obstruction by officials and other persons;

3) respectful attitude towards the profession and proper behavior on the part of students, pupils and their parents or other legal representatives;

4) organizational and material-technical support and creation of the necessary conditions for the implementation of professional activities;

5) the implementation of scientific, research, creative, experimental activities, the introduction of new techniques and technologies in teaching practice;

6) creative initiative, development and application of copyright programs and methods of teaching and upbringing, development and dissemination of new, more advanced methods of teaching and upbringing, subject to the requirements of the state compulsory standard of the corresponding level of education;

7) the choice of teaching aids, materials and other means of teaching and upbringing in accordance with the educational program;

8) participation in the development of educational programs, curricula, teaching materials and other components in educational activities, as well as textbooks, educational and methodological complexes and teaching aids;

9) election and holding of an elective position at the place of work;

10) participation in the discussion of issues aimed at improving the quality of education, including those related to the activities of the educational organization;

11) participation in the work of collegial governing bodies of an educational organization;

12) proficiency enhancement at least once every three years;

13) continuous professional development and the choice of forms of professional development ;

14) early assignment of a qualification category;

15) individual pedagogical activity in the manner established by the legislation of the Republic of Kazakhstan;

16) encouragement for success in professional activity;

17) deferral from conscription for military service in accordance with the Law of the Republic of Kazakhstan "On military service and the status of military personnel";

18) internship under the international scholarship " Bolashak " to maintain and improve professional skills in the manner and under the conditions determined by the legislation of the Republic of Kazakhstan;

19) appeal against the acts, actions and decisions of the head of the organization taken against him to higher officials or to the court;

20) respect for honor and dignity on the part of students, pupils and their parents or other legal representatives;

21) other rights provided for by the legislation of the Republic of Kazakhstan.

2. The exercise of the rights of a teacher, provided for in paragraph 1 of this article, must not violate the rights and freedoms of other persons.

Footnote. Article 7 as amended by Law No. 118-VII of the Republic of Kazakhstan dated May 03, 2022 (shall be enacted ten calendar days after the date of its first official publication)

Article 8. The right of a teacher to material security

1. The system of remuneration, official salaries, additional payments, allowances and other payments of a stimulating nature to a teacher carrying out professional activities in state

organizations, are determined in the manner prescribed by the legislation of the Republic of Kazakhstan.

Remuneration for the work of teachers who carry out professional activities in private educational institutions is determined by their founders or by an authorized person in accordance with the legislation of the Republic of Kazakhstan.

2. The rules for calculating the wages of teachers of state organizations are approved by the authorized body in the field of education in agreement with the authorized state body for labor.

3. To calculate the monthly salary of teachers who carry out professional activities in state educational organizations, a normative teaching load per week is established:

1) 16 hours - for organizations of secondary education;

2) 18 hours:

for educational organizations implementing educational programs of technical and professional, post-secondary education;

for organizations of additional education of students and pupils;

for specialized and special educational organizations;

3) 24 hours:

for preschool organizations, preschool groups of preschool education and training, preschool classes of educational organizations;

for children's youth sports educational organizations;

4) 30 hours - for teachers of boarding institutions, holiday camps, hostels organizations of technical and professional, of post-secondary education;

5) 25 hours - for educators of special educational organizations and educational organizations for orphans and children left without parental care.

4. The teacher of state organizations at the main place of work is paid an additional payment for:

the degree of Doctor of Philosophy (PhD), Doctor of Specialization - in the amount of 17 times the monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year;

the academic degree of Candidate of Sciences - in the amount of 17 times the monthly calculation index, Doctor of Science - in the amount of 34 times the monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year;

organising extra-curricular sporting activities - 100 per cent of the basic salary.

5. A teacher carrying out professional activities in a public secondary education organization as well as in a curriculum office, at his/her main place of employment, shall be paid a supplement for a master's degree in scientific-pedagogical direction in the amount of 10 times the monthly calculation index established by law on the national budget and in effect as of January 1 of the relevant fiscal year.

6. Local executive bodies have the right to establish additional incentive payments to teachers in the form of remuneration in the amount of at least 300 times the monthly calculation index established by the law on the republican budget and effective as of January 1 of the corresponding financial year.

Footnote. Article 8 as amended by Law of the RK No. 399-VI of 02.01.2021 (shall be enacted on 01.01.2021).

Article 9. The right of the teacher to encouragement

1. For conscientious work and exemplary performance of their professional duties, incentives are applied to the teacher, provided for by the legislation of the Republic of Kazakhstan, as well as by the internal regulations of the organization.

2. For outstanding achievements and special contribution to the Republic of Kazakhstan he assigned state awards, including the title of "Қазақстанның еңбек сіңірген ұстазы", in accordance with the Law of the Republic of Kazakhstan "On state awards of the Republic of Kazakhstan."

The teacher awarded the honorary title of "Қазақстанның еңбек сіңірген ұстазы", receives a lump sum payment in the amount of 1000 times the monthly calculation index established by the law on the national budget and acting on 1 January of the fiscal year.

3. The teacher who has trained the winner, medalist of international olympiads, contests and sports competitions among students and pupils according to the list determined by the authorized body in the field of education, at the expense of savings on the activities of the relevant state educational organization, shall be paid a one-time remuneration in the amount of three official salaries.

A teacher, who has trained a winner, a prize-winner of the international Olympiads on general educational subjects as per the list provided by the competent educational authority, shall be encouraged by a lump-sum award from the budget funds as prescribed by the Law of the Republic of Kazakhstan "On Education".

4. Local executive bodies have the right to establish additional incentives for teachers through the establishment of local insignia and honorary titles with or without the payment of a one-time remuneration and other forms of incentives, including by holidays established in the Republic of Kazakhstan.

The description, procedure for assigning local insignia and honorary titles, including the amount of lump sum payments, are determined by the local executive body.

5. Annually, at the expense of the republican budget, the holder of the title "Best Teacher" is paid remuneration in the amount and in the manner determined by the Government of the Republic of Kazakhstan.

Footnote. Article 9 as amended by Law No. 118-VII of the Republic of Kazakhstan dated May 03, 2022 (shall come into effect ten calendar days after the date of its first official publication).

Article 10. Pedagogical retraining

1. Persons with vocational education who do not have pedagogical education, who for the first time start the professional activity of a teacher in the corresponding profile, undergo pedagogical retraining on the basis of higher and (or) postgraduate education organizations.

2. The procedure for pedagogical retraining is determined by the authorized body in the field of education.

3. The provisions of this article do not apply to persons who carry out the professional activities of a teacher in educational programs of additional education.

Article 11. Restriction of access to professional activities of a teacher

Persons are not allowed to the professional activity of a teacher :

1) deprived of the right to carry out the professional activity of a teacher in accordance with a court verdict that has entered into legal force;

2) recognized as incapable or partially incapable in the manner prescribed by the laws of the Republic of Kazakhstan;

3) those with medical contraindications, as well as those with mental and behavioural disorders (illnesses), including those related to the use of psychoactive substances, who are registered with organisations providing medical assistance in the field of mental health;

4) who do not have documents on technical and professional, post-secondary , higher or postgraduate education;

5) on the basis of other restrictions provided for by the Labor Code of the Republic of Kazakhstan.

Footnote. Article 11 as amended by Law of the RK No. 361-VI of 07.07.2020 (shall take effect ten calendar days after the date of its first official publication).

Article 12. Social guarantees

1. Teachers are guaranteed:

1) dwelling place, including service and (or) dormitory, in accordance with the legislation of the Republic of Kazakhstan;

2) land plots for individual housing construction in the manner prescribed by the legislation of the Republic of Kazakhstan.

For teachers carrying out professional activities in rural settlements, the provision of land plots for individual housing construction is carried out in a priority manner, provided for by the legislation of the Republic of Kazakhstan;

3) paid annual labor leave of 56 calendar days;

4) a health improvement allowance in the amount of at least one official salary once a calendar year when they are granted regular leave.

2. The peculiarities of the working hours and rest hours of the teacher are determined by the rules approved by the authorized body in the field of education in agreement with the authorized bodies of the relevant industry.

3. Places in preschool organizations at the place of residence are provided to children of teachers by local executive bodies as a matter of priority.

4. The teacher has social guarantees of ensuring the rights in the field of healthcare in accordance with the legislation of the Republic of Kazakhstan in the field of healthcare.

5. For a teacher carrying out professional activities in a rural settlement:

1) by decision of local representative bodies, salaries and tariff rates increased by at least twenty-five percent are established in comparison with the rates of teachers who carry out professional activities in urban conditions;

2) social support is provided for paying for utility services and purchasing fuel from budget funds in the manner and amount approved by local representative bodies.

6. A teacher who has arrived to carry out professional activities and live in rural settlements, according to the decision of local representative bodies, is provided with a lifting allowance and social support for the purchase or construction of housing.

7. Local executive bodies have the right to establish compensation payments to the teacher for renting (rent) housing and utilities, full or partial payments for the purchase of vouchers for sanatorium treatment and recreation, as well as other benefits aimed at social support of the teacher.

Article 13. Mentoring

1. For a teacher who first started professional activity in the organization of secondary education, for a period of one academic year, a teacher is assigned to provide mentoring.

For the implementation of mentoring, the teacher is paid an additional payment in the manner prescribed by the legislation of the Republic of Kazakhstan.

2. The procedure for organizing mentoring and the requirements for teachers who carry out mentoring are determined by the authorized body in the field of education.

Article 14. Assessment of teachers and assignment (confirmation) of qualification categories to teachers

Teachers shall undergo an assessment, following the result of which qualification categories shall be awarded (confirmed) in the manner prescribed by the competent authority in the field of education.

Footnote. Article 14 as reworded by Law of the RK No. 24-VII of 31.03.2021 (shall be enacted ten calendar days after the date of its first official publication).

Article 15. Duties of the teacher

1. The teacher is obliged:

1) have the appropriate professional competencies in their activities;

2) comply with the pedagogical principles of education and upbringing, ensure the quality of education and upbringing is not lower than the requirements stipulated by state compulsory education standards;

3) continuously improve their professional skills, research, intellectual and creative level, including raising (confirming) the level of the qualification category at least once every five years;

4) observe pedagogical ethics;

5) undergo mandatory periodic medical examinations in the manner established by the legislation of the Republic of Kazakhstan;

6) respect the honor and dignity of students, pupils and their parents or other legal representatives;

7) educate children in the spirit of respect for the law, human and civil rights, freedoms, parents, elders, family, historical and cultural values, state symbols, high morality, patriotism, respect for the environment;

8) develop in students and pupils life skills, competencies, independence, creativity and form a culture of a healthy lifestyle;

9) immediately inform the management of the educational organization about the facts of identifying a child in a difficult life situation;

10) immediately inform the law enforcement agencies and the management of the educational organization about the facts of actions (inaction) by minors or in relation to them, containing signs of a criminal or administrative offense, including those that became known to him in connection with professional activities outside the educational organization;

11) advise parents or other legal representatives on the training and education of students and pupils.

2. The teacher does not have the right to use the educational process for political agitation, forcing students and pupils to accept political, religious or other beliefs or reject them, to incite social, racial, national or religious hatred, agitation that promotes exclusivity, superiority or inferiority citizens on the basis of social, racial, national, religious or linguistic affiliation, their attitude to religion, including by informing students of unreliable information about the historical, national, religious and cultural traditions of the nations and peoples of the Republic of Kazakhstan, as well as encouraging students to take action, contradicting the Constitution of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan.

Article 16. Council on Pedagogical Ethics

1. The activity of the Council on Pedagogical Ethics is carried out in the manner determined by the educational organization on the basis of the standard rules for organizing the work of the Council on Pedagogical Ethics, approved by the authorized body in the field of education.

2. The decisions of the Council on Pedagogical Ethics are of a recommendatory nature.

The decision to bring a teacher to disciplinary responsibility is made by an act of the head of the educational organization, taking into account the recommendation of the Council on Pedagogical Ethics.

3. When considering the issue of compliance with pedagogical ethics, the teacher has the right to:

1) obtaining written information about the issue under consideration;

2) familiarization with all materials on the issue under consideration;

3) protection of their rights and legitimate interests by all means that do not contradict the law, personally or through a representative in the manner prescribed by the legislation of the Republic of Kazakhstan;

4) obtaining a decision in writing;

5) appeal against the adopted decision in the manner prescribed by the legislation of the Republic of Kazakhstan.

4. Proceedings against a teacher and decisions taken on their basis may be made public only with his consent.

Article 17. Professional training of a teacher

1. Professional training of a teacher is carried out in educational organizations that implement educational programs of technical and professional, post-secondary, higher and (or) postgraduate education.

2. Educational programs for the professional training of teachers are developed on the basis of the requirements of the professional standard of a teacher.

Article 18. Professional development of a teacher

1. In order to maintain and develop previously acquired professional competencies, the teacher takes advanced training courses, the order of which is determined by the authorized body in the field of education.

2. In order to improve the qualifications of a teacher, training in educational programs of additional education is carried out simultaneously or in stages through the development of certain areas and disciplines (modules), as well as through an internship under the international scholarship "Bolashak".

3. In order to put into practice the knowledge gained by teachers, organizations conducting advanced training courses provide free post-course support for the activities of teachers in the manner determined by the authorized body in the field of education.

Article 19. Responsibility for violation of the legislation of the Republic of Kazakhstan on the status of a teacher

Violation of the legislation of the Republic of Kazakhstan on the status of a teacher entails liability in accordance with the laws of the Republic of Kazakhstan.

Article 20. Transitional provisions

To suspend until September 1, 2021 the effect of the second paragraph of subparagraph 2) of paragraph 3 of Article 8 of this Law, establishing that during the suspension period this paragraph is valid in the following wording:

"For organizations of secondary education and educational organizations that implement educational programs of technical and vocational, post-secondary education;"

Article 21. Procedure for the entry into force of this Law

This Law shall enter into force upon the expiration of ten calendar days after the day of its first official publication, with the exception of subparagraph 1) of paragraph 3 of Article 8, which shall come into force on September 1, 2021.

