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## **Non-State Actors in Education: The Nature, Dynamics and Regulatory Implications of Private Supplementary Tutoring**

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## LIST OF ABBREVIATIONS

AI	Artificial Intelligence
ASP	After-School Programme
AUD	Australian dollar
CAA	Consumer Affairs Agency
CIRIST	Centre for International Research in Supplementary Tutoring
CFPS	China Family Panel Studies
CSR	Corporate Social Responsibility
ECNU	East China Normal University
EBS	Educational Broadcasting System
EEF	Education Endowment Foundation
EFA	Education for All
ESSA	Every Child Succeeds Act
GDP	Gross Domestic Product
GEM Report	Global Education Monitoring Report
GOSC	General Office of the State Council
ICI	Institute of Curriculum and Instruction
JJA	Japan Juku Association
MDG	Millennium Development Goal
METI	Ministry of Economy, Trade and Industry
MEXT	Ministry of Education, Culture, Sports, Science & Technology
MHLW	Ministry of Health, Labour & Welfare
MITI	Ministry of International Trade and Industry
MoE	Ministry of Education
NCLB	No Child Left Behind
NCRHC	National Criminal Record History Check
NDRC	National Development and Reform Commission
NGO	Non-Governmental Organisation
NIRA	National Institute for Research Advancement
NPO	Non-Profit Organisation

NTP	National Tutoring Programme
PPP	Public-Private Partnership
SACMEQ	Southern and Eastern Africa Consortium for Measuring Educational Quality
SAMR	State Administration for Market Regulation
SDG	Sustainable Development Goal
SEC	State Education Commission
SES	Supplemental Education Services
SMEC	Shanghai Municipal Education Commission
STA	Shanghai Tutoring Association
UNESCO	United Nations Educational, Scientific & Cultural Organization
USA	United States of America
WWCC	Working with Children Check
WWII	World War II

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## Executive summary

Recent decades have brought huge expansion of private supplementary tutoring. During the second half of the 20th century it was especially associated with parts of East Asia, and particularly Japan and the Republic of Korea, but has now become a global phenomenon. This tutoring is widely called shadow education because much of its content mimics that in schooling: as the curriculum changes in the schools, so it changes in the shadow.

This study focuses on supplementary tutoring provided on a fee-charging basis at the levels of primary and secondary education. It concerns a range of providers, among which individuals and entrepreneurs running corporate enterprises are the most important. Among the individuals are regular teachers in public schools who undertake tutoring on a part-time basis. This tutoring may be provided one-to-one, in small groups or in large classes. Most is provided in a face-to-face mode, but online tutoring has become increasingly important and is likely to expand further.

Although governments around the world have regulations in place for both public and private schooling, regulations for private supplementary tutoring are much less evident. Following the overall introduction, the study presents a conceptual framework that identifies definitions and parameters, stresses the need to think beyond conventions in the school sector, and notes market dynamics in distinct settings of shadow education. It then presents a five-dimensional model for regulating shadow education, placing laws and regulations in the centre and then considering deployment of the necessary personnel, partnerships of various kinds, self-regulation by tutoring providers, and empowerment of consumers.

Turning specifically to what needs to be regulated, why and how, the study stresses urgency evidenced not only by recent surges in the scale of private tutoring but also by the likelihood of much further expansion. Regulations, the study argues, are needed for social protection in an otherwise potentially exploitative environment. Considerations then address first regulations for companies that provide tutoring and second

supplementary tutoring by teachers and schools. In some settings, public-private partnerships demand consideration.

While the preceding sections draw on examples from a wide range of countries, the next section presents case studies of Japan, China and India. Japan has a long history of private tutoring, aspects of which have been regulated by the Ministry of Economy, Trade and Industry (METI), but with little involvement of the Ministry of Education, Culture, Sports, Science & Technology (MEXT). Yet in recent years, MEXT at the national level and counterparts at the sub-national levels have taken more active roles. The Chinese authorities have also taken active roles, particularly with leadership from the national level. They have found, however, that enactment of regulations may be challenging in ways that had not been anticipated. India provides an instructive contrast from a lower-income setting with a federal system and much internal diversity.

The next section draws threads together to highlight lessons from experience. It commences with summary of commonalities but also some diversities in aspirations, mandates and goals, and then remarks on challenges and successes in moving from vision to enactment. The constraints are mentioned so that planners and policy-makers can play their roles with circumspection and pragmatism.

Concluding, the study again observes that much more attention is needed to regulation of tutoring by different types of providers and in different modes, with the goal of harnessing the strengths of non-state actors to serve the common good. Four core messages are identified, namely:

- Shadow education is here to stay, so regulate it before too late.
- Policies for shadow education should encompass multiple reference points.
- Shadow education and schooling must be considered together.
- Partnerships should go beyond the modes of commercial trade.

The study shows the value of comparative analysis to identify not only the objectives but also the strategies to achieve them.

## Introduction

Private supplementary tutoring probably has a history as long as that of schooling itself. For decades and even centuries, it has been a mechanism through which parents have sought to support and enhance their children's school performance, particularly in academic subjects. Until recent times, however, it has been very modest in scale and mostly restricted to upper-class families.

Towards the end of the 20<sup>th</sup> century, private supplementary tutoring became increasingly visible in some countries, especially in East and South Asia (Bray, 1999). During the present century it has expanded further, and is now a global phenomenon (Bray, 2017; Entrich, 2020). Appendix 1 presents data from a wide range of countries, with examples from all continents. The expansion of private supplementary tutoring has shifted the *de facto* balances between private and public, even in societies in which most schools are operated by the state. Private supplementary tutoring is commonly known as shadow education because much of its content mimics that in mainstream schools: as the curriculum changes in the mainstream, so it changes in the shadow (Bray, 1999, 2009; Zhang & Yamato, 2018). The phenomenon now attracts considerable attention because of its scale and significance. Some tutoring contributes to learning and child socialisation, and it provides employment and tax revenues. However, it also demands substantial household expenditures and both maintains and exacerbates social inequalities.

The 2021 issue of UNESCO's Global Education Monitoring (GEM) Report focuses on the roles of non-state actors in education. The Concept Note (UNESCO, 2019, p.6) recognised the importance of supplementary private tutoring, observing (p.6) that the widespread phenomenon "is often overlooked in analyses of non-state activity in education". This study helps to remedy that neglect. It has a particular focus on regulations because they have become increasingly desirable and necessary yet have been neglected in policy discussions, which are dominated by schooling. The document is based on broad survey of regulations in a wide range of countries and more detailed consideration of patterns in three countries, namely Japan, China, and India. These three have been chosen for their diversity in shadow education landscape and regulatory approaches. Japan has a long history of tutorial enterprises known in that country as *juku*. The Ministry of Education,

Culture, Sports, Science & Technology (MEXT) for many decades chose to ignore them, feeling that it was primarily concerned with provision of public schooling and that *juku* were outside its remit. However, although the *juku* were not regulated by MEXT, they were subject to the commercial regulations by the Ministry of Trade and Industry (METI) supplemented by self-regulation by professional associations; and balances in recent years have shifted in instructive ways. The Chinese authorities also ignored the private tutoring sector for some decades but in recent times have introduced stringent regulations on both educational and commercial domains. In contrast to China, India is a country of many systems. Regulations for private tutoring vary greatly among states, in most cases with relatively little intervention from the national government. These three cases are mentioned in this Introduction to illustrate the diversity of circumstances that will be further illustrated with remarks, albeit less detailed, on patterns in other countries.

Overall, the study contributes to analysis for the fourth of the United Nations' Sustainable Development Goals (SDG4) set out in 2015. This is to "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" by 2030 (UNESCO, 2017a). If left to market forces, private supplementary tutoring is likely to be exclusive and *inequitable* and thus to pull in the opposite direction to SDG4. Regulations are therefore needed to harness the sector and to help achieve wider goals of social protection, especially during processes of rapid social change.

With this objective in mind, the study commences with a conceptual framework that explains the definitions and nature of private supplementary tutoring, the market dynamics in different settings, and the types of regulations considered. It then turns to the methods through which data were collected. The next two sections focus first on what needs to be regulated and why, and second on who needs to be regulated and how. The latter section has two main foci, namely companies that provide tutoring and teachers in mainstream schools who provide private tutoring in addition to their main occupations. The three case studies come next, following which the study summarises lessons from failures and successes before wrapping up in conclusion.

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# 1. Conceptual Framework

## 1.1. Definitions and parameters

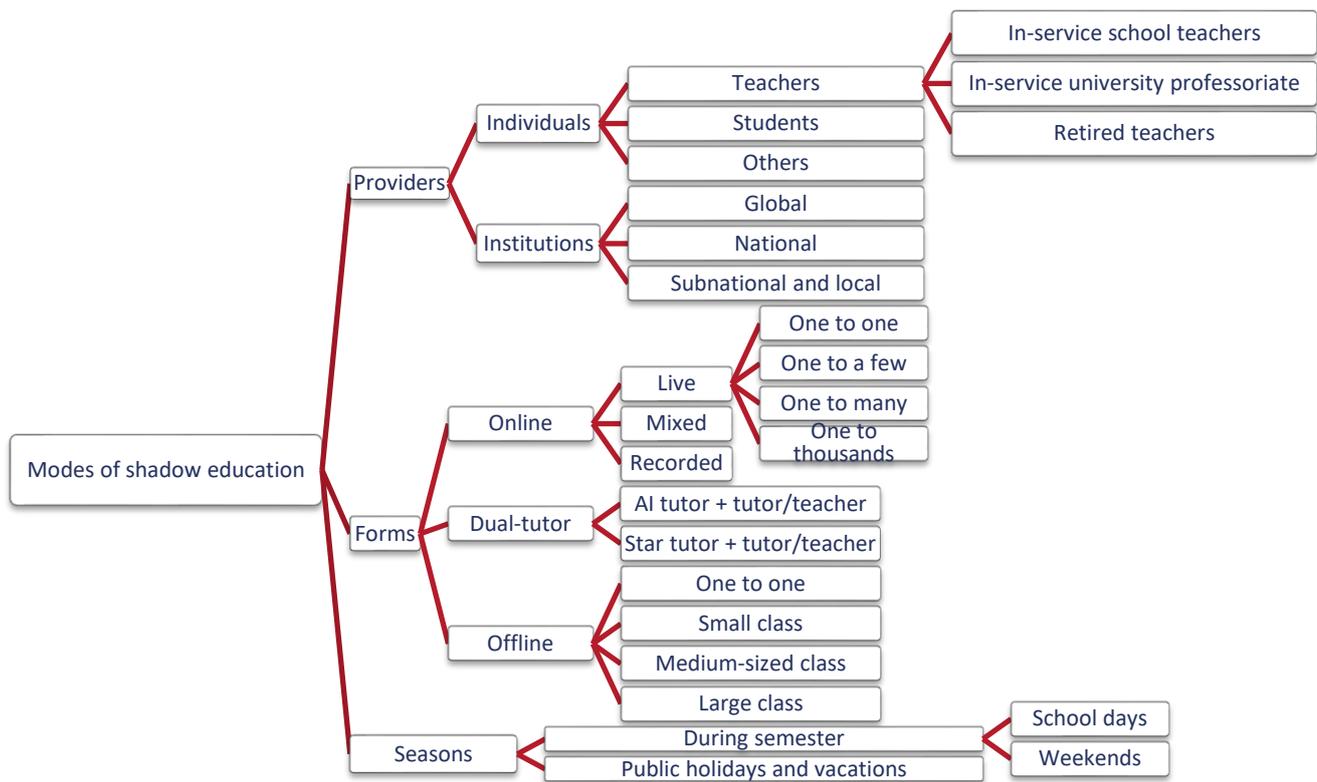
Beginning with the concept of private supplementary tutoring, the discussion in this document is guided by the definition provided by Bray (1999) which has also been followed in many other studies (e.g. Aslam & Atherton, 2014; Lochan & Barrow, 2008; Zhang & Yamato, 2018). This definition has three main components:

- *Supplementation*. The focus is on subjects that are already covered in school, providing repetition and/or elaboration of the content.
- *Privateness*. The focus is on tutoring provided in exchange for a fee. It does not include free tutoring e.g. by relatives or by teachers as part of their school duties.
- *Academic*. The focus is on academic subjects, particularly examinable ones such as languages, mathematics and sciences. It does not include music or sport learned mainly for more rounded personal development.

Concerning levels of education, the study focuses on primary and secondary schooling. Private supplementary tutoring does also exist at pre-primary and post-secondary levels, but they are excluded in order to permit greater depth of analysis.

The word 'tutoring' should also be explained. Sometimes this word is taken to imply one-to-one instruction. This type of activity is certainly included, but so are activities in small groups, full classes and even large lecture theatres. Further, much private supplementary tutoring is now provided over the internet as well as face-to-face. Figure 1 illustrates diverse modes of shadow education (viewed as a synonym for private supplementary tutoring) that may be considered. It includes hybrid models such as the dual-tutor mode which blends online and offline tutoring. Dual tutoring employs live tutors or AI tutors operating through the internet in conjunction with teaching assistants in classrooms many kilometres away.

Figure 1: Understanding the Diversity of Shadow Education



Source: Zhang & Bray, 2020, p.328

## 1.2. Thinking beyond the box of schooling

Unlike formal schooling, which is relatively standardised, uniform, stable and slow in change, private tutoring is diverse, fluid and adaptive to change. Thus, standard assumptions about effective regulations in schooling may not apply to shadow education. Regulations that neglect the diversity and fluidity of shadow education may be counterproductive in implementation.

Different providers, forms and seasons of tutoring have different implications for policy and practice. The Introduction mentioned that much of the present study is concerned with companies and with regular schoolteachers who provide private tutoring as an extra activity. Other providers include university students seeking pocket money, retirees, and various other categories of people desiring extra incomes from informal or semi-formal work. Individuals in these groups may be self-employed or work for tutoring companies. The activities of self-employed tutors cannot easily be regulated in a top-down way, but empowerment of consumers can encourage such providers to engage in self-regulation and still be held accountable (Bray & Kwo, 2014, pp.53-55). In-service teachers who provide supplementary tutoring may have their main employment in either public or private schools, with the latter in effect implying private plus more private provision.

Companies are the major institutional providers, but recent years have seen increasing involvement of non-profit organisations (NPOs), partly as a result of expanding publicly-funded tutoring. Tutoring enterprises vary greatly in size. The smallest could be run by just one tutor without assistance, while the largest operate with franchises across the globe. Technological advances have also brought significant organisational changes. Tutoring through the internet no longer requires the tutors and tutees to be in the same location, and indeed they may not even be in the same country.

Large companies commonly find themselves under more pressure to comply with regulations since they attract more attention from both governments and consumers. Such companies are also more likely to have professional legal consultants to help interpret laws and regulations for both compliance and circumvention. Transnational, national and sub-national companies operating across geographical boundaries devise institutional policies according to the government policies of jurisdictions in which they operate. To regulate such companies, governments can benefit from partnerships across jurisdictions, especially in precautions against child abuse, privacy infringement, and business failure.

Further diversity is evident not only in modes of tutoring but also in locations. It can take place at home, in classrooms, in public libraries, and in coffee shops as well as via the internet. One-to-one and small-group tutoring in private venues make tutees more vulnerable to tutors and to issues of inappropriate sexual or other behaviour. Online live tutoring also brings risks of exposing children to sexual and violent content, and is especially difficult to trace and regulate. However, some authorities are catching up with these matters. The Chinese government, for instance, has established national and local online systems for registration, supervision and information disclosure; and for self-regulation, the largest company has devised a monitoring system using Artificial Intelligence (AI) to oversee tutor and tutee behaviour and to report problematic content online (Tomorrow Advancing Life, 2020).

The schedules for tutoring are the reverse of those of schooling, i.e. the shadow sector is quiet when the schools are in session and is active when the schools are out of session. Scheduling variations have implications not only for the venues of tutoring, but also for the deployment of personnel in policy enforcement. Concerning venues, Cambodia and Mauritius are among countries in which school premises are commonly used by teachers for private tutoring after official school hours. And concerning personnel deployment, inspectors in South Korea work late in the evenings to oversee tutoring centres 'compliance with curfew regulations.

### **1.3. Market dynamics in the distinct settings of shadow education**

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tutoring after official school hours. And concerning personnel deployment, inspectors in South Korea work late in the evenings to oversee tutoring centres 'compliance with curfew regulations.

#### **1.4. A five-dimensional model for regulating shadow education**

Turning to the matter of regulations, core questions concern the roles of the state and the market, their respective limitations, and their interactions and balances. Many governments have adopted a *laissez faire* approach to the tutoring sector (Bray, 2009, 2011; Bray & Kwo, 2014). Some that have woken up to the importance of regulating have found that the phenomenon has become too normalised, widespread and complicated for the policies to be readily effective. Japan presents a slightly different example of modest state interventions supplemented by strong self-regulation and consumer supervision. The marketplace has played a major role in regulating the industry and its professional development. Nevertheless, some participants and observers have frowned at the perceived price of institutionalisation of tutoring in the society, described as 'the second schooling' for the private good, and following the two decades of market disorder as the industry expanded in 1960s and 1970s. A few countries and jurisdictions such as the Republic of Korea, Taiwan and Mainland China (since 2018) have been characterised by strong state interventions in regulation.

Policy embraces both text and processes, and its enactment rarely leads to simple answers about what is implementable and successful (Ball, 2006; Lingard & Ozga, 2009; Ball et al., 2012). Policy is non-linear, interactive and multidirectional (Lingard & Sellar, 2013). This general statement also applies in the specific domain of private supplementary tutoring (see e.g. Bray, 2009, 2011; Bray & Kwo, 2014; Zhang, 2019). The literature explores what works/fails in what contexts, to what extent, with whom and how, and shows that policy texts can send different messages to different actors according to their interpretations. Actors in the tutoring market are not merely passive subjects who implement policies or get implemented upon. Rather, they interpret and respond to the policies with varied capacities and agendas, and, even in the context of strong states, make active decisions of non-compliance, mediation or contestation (Ball et al., 2012). In addition to the tutoring suppliers who are the target to be regulated, families on the demand side are also key actors in the enactment processes.

The above paragraphs are mainly concerned with government policies, but the principles can also apply to institutions. Thus, companies and schools providing tutoring have written and/or unwritten policies on ways to manage their operations, and professional associations may have written and/or unwritten policies for their members and the wider industry. Thus analysis can usefully embrace not only laws that could lead to legal action in courts in the case of infringement and regulations that have a softer framework and can be issued by Ministries of Education and comparable bodies rather than by parliaments and other legislatures, but also institutional policies of various kinds. All such analyses should be considered in their contexts, as depicted in Figure 2.

Figure 2: Themes and Links for Comparative Analysis of Laws and Regulations for Shadow Education



Source: Zhang & Bray, 2020, p.332.

Also needing recognition is that full enactment of laws and regulations requires deployment of government personnel to monitor compliance and take action if necessary. Further, this component requires not only an adequate number of personnel but also sufficient competence and access to information. To assist in enactment, governments may engage in partnerships with schools, teachers' unions, the media, and community bodies. They may also encourage tutoring providers to engage in self-regulation through industry professional associations and other ways; and they may seek to empower consumers so that these consumers can acquire pertinent information on tutoring providers and their behaviour.

## 2. Methodology

This study draws on a wide array of written materials in multiple languages. Chief among these materials are the regulations themselves and commentaries on both the content and the implementation (or non-implementation) in the academic literature, newspapers, and websites. The report also draws on the author's interviews, observations, case studies, and related professional interactions with personnel in tutorial companies, governments and professional associations at national and subnational levels, families, and schools in China, Japan, the Republic of Korea, USA, Denmark, Cambodia, and Myanmar. The study further draws on the author's surveys of parents, students and teachers in China, and on dialogues with colleagues who have conducted parallel work in other contexts.

The study is based on a combination of existing literature and the author's independent conceptual work. It aims to assist the readers to distinguish tutoring from schooling, in order to extend understanding of policies. Figure 1 shows dimensions that two decades of shadow education research show ought to be taken into consideration in policy making and implementation. However, policy makers do not always think in such a framework. Analysis in the following parts shows that some regulations do reflect awareness of the nature and diversity of shadow education, for instance considering seasonal changes and categories of providers; but some dimensions are mostly neglected, such as forms of delivery, especially the expanding online tutoring and the emerging dual tutor mode.

Similarly, Figure 2 shows an ideal framework for effective regulations, but in reality many governments have not even done enough in the basic dimensions of laws and regulations. At the same time, dynamics of the five dimensions may defer in different contexts. In China where the state is strong in regulating tutoring, laws and regulations greatly influence the other four dimensions. Japan in contrast has a long tradition of little state intervention in the tutoring market. In that country, self-regulation via hundreds of tutoring associations and partnerships have played an important role in the history of regulating tutoring.

Among the major thrusts of this analysis is first what the regulations (do not) say, and second how they have (not) been enacted. Even cursory review shows that regulations are commonly ignored, which raises questions about their purpose that require attention. With one of the foci of SDG4 in mind, the study is especially interested in matters of social equity. The author also has a particular interest in regulations on innovative tools for teaching and learning, including the nature and uses of technology. Issues of moving targets also require consideration. Regulatory systems are commonly slow to keep up with reality, and even schools do not always know how to handle technology in ways that have sufficient safeguards e.g. of privacy.

### **3. What Needs to be Regulated, Why and How?**

An initial answer to the question about what needs to be regulated lies in the contours and scale of shadow education. The diversity of types tutoring was shown in Figure 1, alongside discussion about definitions and parameters. This section presents some estimates of scale. It then turns to the principal justification for regulation, namely social protection in the context of inequalities, backwash on regular schooling, and other issues. From these themes the section turns to specifics on regulation, addressing separately regulation of companies that provide tutoring, and of teachers and schools. The final section discusses some issues in Public-Private Partnerships (PPPs).

#### **3.1. An expanding phenomenon**

Various publications have documented the scale of shadow education around the world (e.g. Aurini et al., 2013; Bray, 2021a, 2021b; Bray & Lykins, 2012; Entrich, 2020; Park et al., 2016), and Appendix 1 presents some details from

countries in all continents. In view of the expansion and changing nature of shadow education, an updated version of Bray's (2009, p.24) grouping of countries is useful for understanding the global picture.

- *East Asia* is among the regions where tutoring is most prevalent and deeply rooted, and with a particularly long history in Japan and the Republic of Korea. Tutoring in Hong Kong and then Mainland China became evident at a later stage, but scaled up rapidly. East Asian societies are highly competitive and hierarchical. Shadow education in such societies has been driven by high-stakes examinations and the differential impact of cultural traditions that value diligence, emphasise family obligations and uphold elitism, combined with neoliberal changes (Zhang & Yamato, 2018).

Most countries have significant internal disparities among different geographic regions. In Mainland China, for example, data on private tutoring received by primary and secondary students (Grades 1-12) from the nationwide representative sample in the China Family Panel Studies (CFPS) indicated that 46.8% of students with urban residence and 16.9% of students with rural residence received tutoring (Liu & Bray, 2017).<sup>1</sup> Disparities in East Asia are also very evident across income groups (Kim & Park, 2010; Entrich, 2018; Zhang & Bray, 2016). Moreover, the quality of tutoring varies greatly depending on the forms and tutors. Effective tutoring is more accessible for affluent families and those with greater social capital.

- Private tutoring is also significant in many *other lower-income Asian countries* such as Bangladesh, Vietnam, India, and Cambodia. In these settings it has particularly been driven by low teachers' incomes, accompanied, especially in India, by marketization of the sector (see e.g. Joshi, 2021; Punjabi, 2020).
- In *former Soviet countries and Eastern Europe*, private tutoring already existed before the political transitions in late 1980s and early 1990s, but pressures on teachers to supply tutoring – and then to engineer demand – expanded as a result of the collapse of economies and sharp decreases in the purchasing power of teachers' salaries (see e.g. Ahmadova, 2015; Khaydarov, 2020; Mikhaylova, 2019; Silova, 2010; Silova et al., 2006; Št'astný, 2016). Once private tutoring had become established, it remained a social norm.
- *African countries* have seen an increase in demand for private tutoring, which is greatly driven by underpaid mainstream teachers (Bray, 2021b). Egypt has a long history of the phenomenon, with regulations dating from 1947 (Egypt, 1947), i.e. even earlier than the counterpart regulations in the Republic of Korea (Lee et al., 2010). Mauritius also has a long history of policy concern (see e.g. Foondun, 1992; Joynathsing et al., 1988), but elsewhere in sub-Saharan Africa the existence of large-scale private tutoring is more recent.
- In *North America, Australasia and Western Europe* private tutoring has also been long evident but limited in scope, in part because schooling has been perceived to be able to meet the main needs. However, increasing social competition has significantly changed pictures (Aurini et al., 2013; Bray, 2021a; Buchmann et al., 2010; Dooley et al., 2020). The participation rate in some Western European countries has grown substantially since the turn of the century with the increase in competition and social acceptance of the phenomenon.

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<sup>1</sup> However, this picture changes dramatically with the introduction of tight regulations in 2021 – see section 5.2.

- Demand for tutoring has also long been high in parts of *Southern Europe*. In Greece, for example, a 2000 survey of 3,441 first-year university students found that 80% had attended preparatory tutoring schools, half had received one-to-one tutoring, and 33% had taken both types of tutoring (Psacharopoulos & Papakonstantinou, 2005, p.105). A decade later, nearly 60% of secondary students were attending tutoring institutes known as *frontistiria* (Kassotakis & Verdis, 2013, p.99). In Cyprus, a 2003 survey indicated that 74% of households arranged tutoring for their children, and in 2009 proportions were 69% for primary school children and 82% for secondary school children (Lamprianou & Afantiti-Lamprianou, 2013, pp.40-41).
- *Northern Europe* with arguably the world's strongest and most equitable public schooling, has long been protected from shadow education. However, recent changes brought by privatisation in the public system and increasing local and global competition as perceived by parents have facilitated the emergence of the phenomenon (see e.g. Christensen & Ørberg, 2015; Hallsén, 2021; Kosunen et al., 2020).
- Finally, *Latin America* has had much lower rates of private tutoring, but it is emerging there too (see e.g. Galvão, 2020). In Argentina, for example, Cámara and Gertel (2016) surveyed university freshmen admitted to four schools of a national university in 2013, and found that 36.4% had used private supplementary tutoring provided by individuals or private companies to prepare for end-of-secondary-schooling examinations.

From this global summary significant variations are evident; but in many countries well over half of student bodies enrol in some sort of tutoring, and in some societies the figure exceeds 90%. As such, private supplementary tutoring has become a part of daily life for millions of families around the globe. Indeed for many families private tutoring has become part of the educational process, not just an extra. It is driven by social competition, particularly during the build up to high-stakes examinations but also working back from senior secondary to lower secondary and then to primary and even kindergarten education.

### 3.2. An expanding phenomenon

The expanding reach of shadow education arguably increases the need for regulatory protection of individuals, families, communities and whole societies (Neto-Mendes, 2008). In this respect, the domain of tutoring may be compared with other service industries. The restaurant industry, for example, is regulated to ensure basic hygiene and prohibition of inappropriate additives; taxis and other forms of public transport are regulated for vehicle roadworthiness and driving skills; and private clinics are regulated to ensure qualified medical practitioners and appropriate physical facilities. Consumers of private tutoring benefit from regulations when they can have confidence in the services; and whole societies benefit when regulations secure oversight of safety and social development.

In this connection, Bray and Kwo (2014) presented five reasons for regulating shadow education, focusing on what may be called the common good:

- *Social inequalities*. When left completely to market forces, shadow education is likely to maintain and exacerbate social inequalities. Particularly obvious are socio-economic inequalities, since prosperous families

can afford more and better-quality support than lower-income counterparts; but also pertinent are gender, racial/ethnic and rural/urban imbalances. Competitive families may engage in what in England has been called an “education arms race” (Weale, 2018), demanding other families to join the competition to avoid being left behind. In some settings, families feel forced to invest in shadow education even when the educational benefits are unclear (Box 1).

- *Backwash on regular schooling.* Shadow education is not just a shadow: it also affects the body that it imitates. The dynamics of classrooms are changed when some students receive tutoring but others do not. Shadow education may be beneficial for classroom environments if it reduces gaps, but in practice it commonly increases gaps; and teachers may assume that students receive tutoring, and therefore devote less effort to their classes than they would otherwise. Also, students may be tired in school from too much after-school tutoring; and they may be bored during school time if they have already learned the content in advance during tutoring.
- *Corruption.* Teachers who provide tutoring may devote more effort to their private lessons than to their regular classes for which they are paid regardless of quality; and teachers who tutor their existing students may deliberately ‘save’ some materials from their regular lessons in order to promote the market for their services. If not permitted to tutor their own students, teachers may ‘trade’ students with colleagues.
- *Protection of consumers and employees.* Even specialists encounter challenges in evaluating the quality of tutoring, and parents who work in other fields and perhaps themselves have limited education encounter even greater challenges. The consumers include the students themselves, who may be subjected to inappropriate overt and hidden advertising. Further, regulations may be needed for protection against sexual abuse in one-to-one locations. Turning to employees, the main category comprises the tutors themselves. Many companies employ tutors on a part-time basis, and university students working as tutors may have little experience of the sorts of conditions to which they should be entitled. Proper contracts are needed with both consumers and employees.
- *Taxation.* Since they are businesses like others, it seems reasonable to ask tutoring providers to pay taxes in the same way. This matter builds on the need for proper contracts, and also requires proper accounts.

### **Box 1: What about the effectiveness of private tutoring?**

An obvious question not only for families but also for governments and other stakeholders is whether shadow education ‘works’ in the sense of improving students’ examination scores and other outcomes. Much research has been devoted to this question (e.g. Guill et al., 2020; Kim & Hong, 2018; Loyalka & Zakharov, 2016), using a range of statistical techniques. However, the research encounters methodological challenges in separating the impact of shadow education from other variables (see Bray, 2014). In practice, much depends on the skills and motivations of the tutor, the readiness and motivations of the students, and the matches of tutoring curricula

and modes of delivery with students' needs and aptitudes. A further set of variables arises when tutoring substitutes for schooling because students cease to pay so much attention in school or perhaps even become truants from school.

Nevertheless, regardless of whether shadow education does actually work, many families either assume that it works and/or decide to invest in it because everybody else seems to be doing so and they do not want to risk being left behind. And whether or not it works, the sector still needs to be regulated for the multitude of reasons presented here.

In practice, some categories of shadow education are easier to regulate than others. Most regulations around the world focus on commercial companies that provide tutoring and on teachers in regular schools who desire to offer private tutoring alongside their core work. In countries where after-school programmes are outsourced to tutoring providers, regulations may also focus on non-profit organisations of various kinds. Tutoring provided informally, e.g. by university students in the homes of the tutees on a one-to-one basis, is much more difficult to regulate and is generally set aside. Since the authorities are unable to impose regulations on these informal operations, an alternative approach is to empower consumers to set performance indicators and demand accountability.

### **3.3.Regulating companies that provide tutoring**

A number of categories for possible regulation may be listed as follows:

1. *Registration.* A first requirement is that companies should register their existence. This may be with the Ministry of Education and/or the Ministry of Commerce or equivalent. In Denmark, for example, tutoring companies are registered as corporations with the Danish Business Authority, and additional registrations are required as child-related businesses. The Ukrainian and Russian authorities have a different model with an educational licence being required for tutoring institutions (Ukraine Parliament, 2000; Russian Federation, 2013). In Mainland China, tutoring enterprises may only provide services after having obtained both educational and business licenses at the county/district level (Zhang, 2019). Local governments are in charge of inspection and monitoring before and after issue of Certificates of Registration as Tutoring Institutions.

An initial question concerns the threshold at which operators are required to register and obtain licences. In Macao (China), the threshold is defined as an establishment providing lessons to seven or more people at any one time, or 21 or more people in any one day (Macao, 2002, Article 5). In neighbouring Hong Kong (China), the regulation is similar but has a threshold of eight people at any one time or 20 people in one day (Hong Kong, 2003, p.1). In the Republic of Korea, tutoring institutions serving 10 or more students simultaneously must be registered

as *hagwons* (tutoring enterprises) (Piao & Hwang, 2021). Another type that requires registration in the Republic of Korea is *gyoseup so* (tutoring centres), which embraces tutoring classes for nine or fewer students simultaneously in only one subject. Registration of self-employed tutors is not required, but they need to submit attestation of no-child-abuse records to the education authorities, and are prohibited from tutoring more than nine students simultaneously. In Japan, home tutors and *juku* providing services for more than two months are subject to the law on specified commercial transactions as providers of specified continuous services (Japan, 1976; Zhang, 2018).

Registration brings tutoring providers out of the shadows, and is the starting point for regulation. Policies on registration in the Republic of Korea and Japan show awareness and respect for the diversity of tutoring providers. By specifying requirements for different categories of tutoring providers, the regulations bring self-employed tutors and small tutoring centres out of the shadows since ignoring their existence would push them to the black market. Of course, in enactment some providers may manage to evade registration, particularly if they are self-employed and thereby avoid taxation and other responsibilities. However, such informality and evasion undermines their legitimacy. Thus while registration is a basic starting point for the authorities, it can also bring benefits to the entrepreneurs.

2. *Premises*. Regulation of premises is another sensible starting point for authorities that plan to bring more control and order into the tutoring sector. Physical premises are relatively easy to define and to measure, though of course questions remain about precisely what should be regulated. Companies that provide tutoring in their own premises are normally required to meet regulations for basic health and safety – fire escapes, hygiene, noise, etc.. These would be requirements for companies of all types, not just education companies. In addition, some authorities have educational requirements, e.g. for space/area per student. For example:

- In *Ethiopia*, the Addis Ababa Education Bureau requires tutoring premises to have minimum areas of 600 square metres (Bray, 2021b, p.32).
- The *Uzbekistan* government permits institutions to be located in detached premises, built-in rooms or attached rooms, but states that the buildings should not exceed three storeys in most cities or four storeys in large cities. In addition, staircase handrails should be at least 1.2 meters high (Uzbekistan, 2013).
- In *China*, local Fire Departments have regulations on fire escapes for tutoring companies, and the national guideline for classroom accommodation is “above three square metres per tutee for all tutees receiving tutoring at the same premises at the same time” (China, General Office of the State Council [GOSC], 2018). Tutorial companies are forbidden to operate in residential properties, and most local authorities require providers to operate in commercial properties and to have no less than 300 square metres (or 200 metres in some jurisdictions). This requirement has become a threshold for tutoring providers, leading to closure of small centres and driving others underground (Zhang, 2019).

- The *Russian* government requires classrooms to have at least two square metres per tutee; and levels of noise, vibration, ultrasound, infrasound, electromagnetic fields and radiation in tutoring institutions should not exceed standards for public buildings and residential areas (Russian Federation, 2014).

3. *Personnel*. One major question is whether tutors should have professional qualifications. The Malaysian government stipulates that tutors must have a teaching permit, and that principals/managers must have at least three years of working experience or at least six months in a related field (Kenayathulla, 2013). In the Republic of Korea, all professional tutors and *hagwon* managers that conduct teaching must be registered with documentary evidence of educational qualifications and no criminal record. The government has set standards for minimum tutor qualifications. Tutors in *hagwons* and *gyoseup so* must hold community college degrees or above, but there is no qualification requirement for self-employed private tutors. Teachers are prohibited from tutoring. The Chinese government also requires tutors to hold teaching certificates, specifically for the subjects in which they tutor (China, Ministry of Education [MoE], 2018); and the Ukraine government requires tutors to be certified every five years (Ukraine Parliament, 2000). In Iraq, the number of personnel establishing a tutorial centre should not be less than three, among whom at least one must hold a bachelor's degree in education and the others must hold at least a middle/intermediate school certificate (Iraq, 2017a).

The Russian government took a step further with detailed standards for teachers and tutors education in five categories: Tutor of supplementary education, Senior tutor of supplementary education, Trainer-teacher, Senior trainer-teacher, and Teacher (Russian Federation, Ministry of Labour & Social Protection, 2018). The ladders provide recognition for tutor identity and professional development. In some societies where teachers and schools are prohibited from providing tutoring, such as China, Japan and the Republic of Korea, tutoring companies are in turn prohibited from hiring school teachers (Zhang & Yamato, 2018; Zhang, 2019). Governments elsewhere are more relaxed on these matters.

Another question relates to child abuse. In Denmark, attestations of no-criminal-record (*Straffeattest*) and no-child-abuse-record (*Childrenattest*) are mandatory for teachers and other personnel working with children. Similarly, legislation in Western Australia prohibits work with children by people who have been charged with or convicted of certain child-related offences (Western Australia, 2004). In response to the suicide of a famous writer due to rape by her tutor, the government in Taiwan (China) amended its regulations attaching great importance to the sexual criminal attestations. The Taiwan (China) government also established a database of people with criminal records who should be forbidden from tutoring.

4. *Contracts*. Companies are commonly required to have proper written contracts not only with their employees but also with their clients. Regulations on contracts with clients provides legal basis for consumer protection and disputes. China's Ministry of Education, working jointly with the State Administration for Market Regulation, has released a sample contract for tutoring companies to consider. The purposes are to guide tutoring companies in preparing contracts, and to protect consumers. It mirrors almost all domains of regulations, reflecting the well-

intended yet over-ambitious state intervention. *Jukus* in Japan should follow regulations on termination of contract by clients. In the case of termination of contract during a programme, *jukus* can charge half the fees for the month of termination if the tutee attended classes up to half of the month. In addition, regulations set in 2000 (Japan, 2000) allowed *jukus* to charge penalties equivalent to tutoring fees for the following month or 20,000 yen, whichever was the lower (Zhang, 2018).

5. *Advertising*. Regulations may aim to prevent false claims on websites, posters, flyers, etc.. In Hong Kong (China), for example, the Consumer Council has prepared advice on the types of advertising that are unacceptable, with examples of exaggerated and trick wording (Bray & Kwo, 2014, pp.42-43); and tutoring providers in Japan are subject to the Act against Unjustifiable Premiums and Misleading Representations (Japan, 1962) and the Unfair Competition Prevention Act (Japan, 1993). In their advertising, tutorial institutions should be mindful of rights concerning portraits, privacy, trademarks, designs, trade names, copyright, and publicity (Zhang, 2018). In response to the vicious advertising competition between big companies, Chinese national government set a ceiling on advertising expenses at 3% of the sales revenue of academic tutoring institutions (China, National Development and Reform Commission [NDRC], 2021).

**Box 2: Violations of Japan’s Act against Unjustifiable Premiums and Misleading Representations**

In 2014, Japan’s Consumer Affairs Agency took actions against a *juku* deemed to have violated the Act against Unjustifiable Premiums and Misleading Representations. The *juku* had operated nationwide, with advertisements to recruit students for summer and winter programmes. Photos of the company’s tutors with their names and those of the institutions from which they had allegedly graduated had been posted with such descriptions as:

- “98% of tutors are elite graduates from national and public universities or colleges”, and
- “elite tutors who have received rigorous training”.

In fact, only 14% of the company’s tutors had graduated from national and public universities or colleges, and 83.5% of the tutors were undergraduates in national and public universities working part-time in the *juku*. Statements about “graduates from” were false advertising, not only because they had not graduated but also because consumers could be misled into viewing them as full-time rather than part-time tutors.

6. *Hours of Operation*. A problem arises when tutoring activities compete with schooling, most obviously by operating at the same time but also by operating late in the evening and thereby causing students to be tired the next day in school.
- The *Korean* authorities have set curfews on the hours at which tutorial companies may operate (Choi & Cho, 2016). Table 1 shows variations on the curfew requirement by levels of education and locations. The later curfew for upper secondary students reflects consideration about pressures from college admission. The enforcement of curfews is labour-intensive. Government personnel were sent to check late at night and to ask students to go home, yet some tutoring continued underground beyond the curfew. Also, some tutoring

providers partially evaded the curfews by moving their tutees from regions with earlier curfews to those with later ones.

Table 1: Curfews on Tutoring Companies in the Republic of Korea, by Location and Level of Education

Level of Education			Province/Municipality
Primary	Lower Secondary	Upper Secondary	
22.00			Seoul, Daegu, Gwangju, Gyeonggi
21.00	22.00	22.00	Sejong
21.00	22.00	23.00	Incheon, Jeonbuk
21.00	23.00	24.00	Chungnam, Gyeongbuk, Gyeongnam, Jeju
22.00	23.00	24.00	Daejeon, Gangwon
22.00	22.00	23.00	Busan
22.00	22.00	23.50	Jeollanam-do
23.00	23.00	24.00	Chungbuk
24.00			Ulsan

Source: Piao, 2020.

- In *Mainland China*, when the curfew for tutorial classes was set at 8.30 pm some companies proceeded with online tutoring after 8.30 pm. Thus, further regulations were released to set a curfew on online tutoring at 9.00 pm. Unlike the Republic of Korea, where the tutoring time specified by the regulations was from 5.00 am till time of the curfew (i.e. including school hours), the Chinese regulations stated that tutoring schedules should not conflict with official school hours. This measure was a response to cases of students skipping schooling to receive tutoring.
- Counterpart regulations in *Russia* (Russian Federation, 2014) and *Uzbekistan* (Uzbekistan, 2013) went further to recommend time limits with consideration of seasonal variations and durations of classes and breaks. For instance, the Russian document stated that tutoring classes should start no earlier than 8.00 am and end no later than 8.00 pm except for students aged 16-18 who could finish classes at 9.00 pm. Further, the document recommended (but did not require) that tutoring classes on school days last no more than three hours per

day, and during weekends and vacations be no more than four hours per day. A break for at least 10 minutes was recommended after 30-45 minutes of class time.

- With a different orientation, authorities in *Sri Lanka* have prohibited tutorial companies from operating on Buddhist festival days and on Sundays between 8.00 am and 2.00 pm (Bray & Kwo, 2014, p.44).

7. *Class size*. Regulations issued in Ethiopia by the Addis Ababa Education Bureau, Ethiopia (albeit largely ignored) stated that tutorial classes should have no more than 10 students (Bray, 2021b, p.58). In Hong Kong (China), by contrast, the maximum is 45 students (Hong Kong, 2012). The Uzbekistan government states that tutoring classes can be held individually or in groups, with the latter being single-age or mixed-age. Group occupancy in tutoring institutions for children is “not recommended” to exceed 15 children (Uzbekistan, 2013). In some countries, class size is constrained indirectly by requirements on area per student as explained above.

8. *Affordability and financial management*. Concerned about social inequalities, some authorities have set ceilings on fees. The Korean government is an example. It requires all tutoring providers to publicise information on tutoring fees and to issue receipts. In 2008 the government established a Call Centre hotline through which parents could complain if they had been overcharged. In Mainland China, tutoring companies are prohibited from charging fees for periods exceeding three months. In both countries (academic) tutoring is subject to price control, i.e. the guidance price set by provincial governments based on the variations in class size, duration of tutoring, etc. (China, NDRC, 2021; Piao & Hwang, 2021).

9. *Curriculum and tutoring materials*. Some governments wish to control the curriculum of tutorial companies, to ensure that it does not greatly diverge from the curriculum in schools (see e.g. Pakistan, 2013, clause 4(a)). They may want the tutoring curriculum to follow school curriculum goals and standards for quality assurance and to be less examination oriented. They may also be concerned about the pace of tutoring, considering it undesirable for students to learn content ahead of schooling because it may create inequalities in school classrooms and lead the students to feel bored when hearing the materials again. Considering the study load on students and vicious competition accelerated by tutoring ahead of school curricula, the Chinese government requires that tutoring companies should not provide training for Olympiads and similar competitions, and that the curriculum of tutoring should follow the same pace as the school curriculum. By contrast to this ‘hard’ regulation, the Russian government has taken a softer approach by indicating what is desirable as the content and purpose of tutoring. Item 4 of Order of the Ministry of Education of the Russian Federation (2018) on the approval of organisation and implementation of educational activities on supplemental education programs specified that tutoring should aim for the development of creativity; meeting the individual needs and interests of students that are outside federal state educational standards and federal government requirements; creating a learning culture and culture of healthy and safe lifestyles; socialisation; providing spiritual and moral, civil-patriotic, military-patriotic, labour education of students; and identify, develop and support talented learners as well as those who have shown outstanding ability. As noted by Ostromukhova (2016), supplemental education (with some exceptions) is

understood as a "continuous process of self-development and self-improvement of the person as a subject of culture and activity".

10. *Organisational structure.* In Uzbekistan (Uzbekistan, 1995) and Kazakhstan (Kazakhstan, 2013) tutoring institutions are required to create 'pedagogical councils', i.e. collegiate bodies that bring together the tutors for professional development and for discussion on curriculum and instructional approaches. The Uzbekistan document adds that the highest governing bodies for tutoring institutions are the collective meetings. Delegates with the right to vote are elected by assemblies of educators, older students, and parents. The Kazakhstan regulations prohibit the operation of political and religious activities in tutoring institutions.
11. *Application of technology in registration, certification, monitoring and consumer protection.* In countries where the scale of tutoring is large, and regulations are relatively fierce, technologies are applied for enforcement of laws and regulations. The government of the Republic of Korea has set up online platforms for digital registration of *hagwons* and tutors (Korea, 2020b), and for online report of illegal practices that violate the laws and regulations with monetary rewards (Korea, 2020a). China has also launched national and local online platforms of managing tutoring institutions, which are used for digital registration of tutoring institutions, filing and inspection of tutoring curriculum and materials, report of illegal practices, and information disclosure (China, 2019a). Some local authorities have used AI and big data technologies for site-check and monitoring of payment (see above Chinese regulation on fees).

In all these categories, however, a gap may be evident between the wording of the regulations and the enactment in practice. Further, the majority of governments are *laissez faire* on these matters. Some authorities recognise constraints on their own capacity to monitor and regulate the sector, some consider shadow education as a solution to economic and educational problems, and others simply view the shadow education sector as beyond their remit because they consider themselves to be bodies principally responsible for schooling. The enactment of regulations is shaped by governments' commitment to enforce as well as tutoring providers' willingness to comply. For instance, governments with stronger commitment such as that of the Republic of Korea devote sustained and regular effort to reinforcing regulations. This approach creates social and political pressures for tutoring providers to respond and comply. Compared to self-employed tutors and small tutoring centres, medium-sized and big companies are more visible (and thus easier to identify and track). Therefore, these companies usually have more incentives and pressures to comply with regulations.

Regulating tutoring requires dealing not only with tutoring providers but also with tutoring consumers. In enactment, the failures mostly happen when some families support the tutoring practices that violate regulations. Some parents and students who like the personality and/or style of tutors with whom they are acquainted may proceed with the employment even if those tutors are untrained. Also, some parents want their children to study hard, even late in the evening, and are willing to hide from the authorities any infringement of regulations. Further, in countries as different as Japan and Denmark, parents have declared that just as schooling is a human right so is

tutoring. The Japanese and Korean governments have long been concerned about the study burden on students; but since those governments have also respected parental rights to seek tutoring, the efforts to reduce the burden have been offset by parents wanting to sharpen their competitive edges.

### 3.4.Regulations on supplementary tutoring by teachers and schools

Questions whether serving teachers should be permitted to provide supplementary tutoring are controversial. Debate is especially vigorous when the teachers are in public schools, and situations are considered especially problematic when teachers provide tutoring to students for whom they are already responsible. As mentioned, commentators fear that teachers who provide supplementary tutoring will neglect their mainstream work, for which they are paid anyway, in order to devote attention to their private instruction. Further, teachers who are permitted to tutor their existing students may be tempted deliberately to cut content during regular lessons, or during regular lessons and school-based examinations to favour students who attend their extra classes. Such matters are linked to ethics and corruption (Bray, 2003; Dawson, 2009), and are among the factors underlying what Jayachandran (2014) has called “incentives to teach badly”.

An initial question relates to the reasons that teachers provide tutoring. Box 3 presents the main reasons, among which financial ones dominate. It is arguable that regulations to prevent teachers from providing tutoring are unlikely to prevail so long as teachers have genuine financial need to supplement their salaries. Under such circumstances, parents and other members of society are also likely to be sympathetic.

#### **Box 3: What drives teachers towards tutoring?**

Teachers’ involvement in tutoring may have different forms, including direct provision, running tutoring centres, and taking kickbacks for referrals. Financial motives are the major factor for teachers’ involvement, but social and educational factors may also play important roles. Most teachers are involved in tutoring for mixed reasons.

Most obviously, teachers become involved in tutoring to supplement their incomes – either because their salaries are too low for basic family needs or because the teachers desire middle-class lifestyles in settings dominated by consumerism. In Cambodia, for instance, many teachers consider income from tutoring to be necessary for basic living, and the teachers who do not provide tutoring have other income sources e.g. from grocery shops or farming. In countries such as the UK, USA and China where teachers are arguably well paid, some teachers still become involved in tutoring. For most of these teachers, the extra income is not for making ends meet but for ‘quality life’ including cars, housing, and medical care.

Teachers also provide tutoring for professional freedom. They use teaching methods and materials that may not be accepted in schools, and select their own students. Some teachers value the recognition and a sense of achievement in tutoring that they cannot get in schools.

Time is another factor in some settings, related to school workloads. In Hong Kong (China), many teachers who do not provide tutoring reported that they were already overloaded by teaching and administration. During the Covid-19 crisis when schools were suspended, teachers in many countries turned to tutoring because they had free time. Covid-19 increased teacher involvement in the UK and USA: teachers who had not previously provided tutoring started to do so, and were welcomed or even driven

by parents who were upset by disrupted schooling.

A related factor concerns curriculum and evaluation. In Cambodia, double-shift schooling constrains class time. Many teachers find it difficult to finish even the core curriculum within school hours, let alone additional exercises. Thus, some teachers and schools treat tutoring as an extension of schooling in order to maintain students' performance. In Mainland China, some high-performing teachers tutor only their own students in order to maintain their reputations in systems that evaluate teachers according to their students' examination grades and promotion rates.

Social values also matter in teachers' decisions. In cultures where teacher's involvement in tutoring is widely accepted or taken for granted, teachers do not have to worry about social consequences. In Greece, for example, prestigious teachers get double benefit in the tutoring market: both income and reinforcement of their reputations. By contrast, Japanese teachers in public schools worry about the damage that tutoring would cause to the reputations of both teachers and schools.

Finally, some teachers provide tutoring because of power relations. Case studies in China have shown that a few teachers provide tutoring because they do not dare reject their school managers or parents. Related, other studies show that teachers provide tutoring in exchange for favours.

Bray and Kwo (2014, pp.44-45) documented four government approaches to regulating teachers' involvement in private supplementary tutoring: prohibition, discouragement, permission if approved, and *laissez faire*. In settings where teachers provide tutoring, schools are also usually involved to some extent. Thus either officially or unofficially, schools are involved in the provision of private supplementary tutoring in countries as diverse as Australia, Cambodia, Czech Republic, Kenya, Turkey, United Arab Emirates, and Uzbekistan.

Prohibitions of serving teachers from providing tutoring may be found across world regions (see e.g. Bray, 2021c; Bray & Kwo, 2014). In Sub-Saharan Africa, for example, prohibitions have been issued in such countries as Eritrea, The Gambia, Kenya, Zambia and Zimbabwe. In the Middle East and North Africa they may be found in Egypt, Kuwait, Oman and Palestine; and in Asia prohibitions have been issued in Bhutan, China, Japan, Myanmar and the Republic of Korea. In Taiwan (China), rapid growth of tutoring after 1968 was largely absorbed by small enterprises known locally as *buxiban* and mainly staffed by school teachers working on a supplementary basis. The educational authority issued regulations prohibiting in-service teachers from tutoring and *buxiban* from hiring teachers. To reinforce the regulations, government personnel conducted periodic and ad hoc monitoring visits to *buxiban* and schools. Teachers who were found to have infringed the regulation lost their jobs. Following the enforcement of these strong regulations, small-scale *buxiban* staffed by school teachers almost disappeared after the 1990s and were replaced by *buxiban* run by tutoring professionals. The government established a reporting mechanism to receive complaints if teachers were found to be providing tutoring.

Similar strong prohibitions on teachers providing private supplementary tutoring were enforced in Japan. Following the introduction of these regulations, some teachers left schooling for shadow education; but in any case as shadow education became more professional and independent from schooling, the demand for school teachers sharply declined. Many *juku* felt that school teachers were not actually qualified for tutoring because it required different skills from those in public schools. Like their counterparts in Taiwan (China), the authorities created a

reporting mechanism for complaints, and the Ministry of Education publicises cases of teacher malpractice on its website.

Some governments, such as those of Myanmar and Iraq, go beyond general pronouncements by asking teachers to sign documents indicating that they are aware of the prohibition and will not infringe it (Bray et al., 2020, p.24; Iraq, 2017b). However, teachers in Myanmar commonly take the procedure as a formality that can be ignored in practice. Salaries are low, and even officials in the hierarchy may be willing to ‘turn a blind eye’ to continued provision of private tutoring by serving teachers. In any case, the penalties in Myanmar for infringing the regulations are harsh to the point of being unrealistic: a fine of 300,000 kyats (US\$200) or two years in jail or both. Both teachers and government officers know that a huge outcry would occur if a teacher were jailed for two years simply for giving extra lessons (which many people view as a good thing to do).

Also pertinent is that in reality even governments may see practical benefits from teachers providing tutoring. As in Myanmar, the Cambodian authorities are overtly critical of teachers’ provision of tutoring but in practice may tacitly accept, not least because the ability to earn extra incomes keeps at least some teachers in the profession despite the low government salaries and assists the government to achieve its Education for All goals (Bray et al., 2016).

An alternative approach is to allow teachers to provide tutoring under certain conditions. The following categories for possible regulation fit under this heading:

1. *Registration.* Teachers who offer private supplementary tutoring may in some jurisdictions be required to register. This is the case in Malaysia, for example, where additional stipulations include (Malaysia, 2006, Section 4) that:

- the applicant is a government employee confirmed in the post;
- an application for approval has been made at least two months in advance;
- the applicant has annual performance scores of 80% or more in the previous year;
- the tutoring is not conducted in a Centre owned by a family member; and
- tutoring does not interfere with duties as a teacher, and is conducted outside working hours.

The authorities in Brunei Darussalam similarly require advance approval (Mahdini, 2009).

2. *Premises.* Some governments prohibit private tutoring on the premises of public schools on the grounds that they are public property and should not be exploited for personal gain. This is the policy in Tanzania and Zimbabwe, for example (Anangisy, 2016, p.8; Bray, 2021b, p.61). However, other governments permit and even encourage private tutoring on school premises on the grounds that the facilities have been constructed for educational use and that children are safer in such locations than in converted garages and other potentially unsuitable premises (see Bray, 2009, p.57 for the example of Mauritius). In Tunisia, 2015 regulations restricted private tutoring to the school premises, with permission from the principals and district education offices (Tunisia, 2015).

3. *Durations and Days of Tutoring.* The Singapore government allows teachers to provide tutoring, and about 10% do so. However, provision is limited to six hours per week (Lu, 2004; Singapore, 2019). Similar provision exists in Malaysia with a limit of four hours per week (Malaysia, 2006, Section 4). The government of Chongqing municipality in China used to prohibit teachers from tutoring on schools' working days, though later the policy was replaced by complete prohibition in line with national government policy. Teachers were required to sign statements showing awareness of the policies. Schools secured the signed statements and submitted to the local education commission for record.
4. *Personnel.* Some governments that permit teachers to offer tutoring nevertheless prohibit them from tutoring the students for whom they are already responsible. Regulations in the Maldives also prohibit teachers from tutoring other students in the same grade of their schools (Ministry of Education 2002 *Guidelines for Teachers*, cited by Mariya, 2012, p.164).

Again, however, the majority of governments are *laissez faire* on these matters. They leave matters to market forces and to the discretion of families, teachers and schools, chiefly because they do not wish to get entangled with political forces and perhaps with regulations that they cannot enforce. The attitude of one government officer in Rwanda seems to have wide relevance. This officer stated that he preferred to leave matters to the school level, and added (Bray, 2021b, p.62):

We are also parents; we understand the need for extra studies for children. We understand that each child has a special way of studying.

For these and related reasons, even when regulations do exist they may not be followed closely.

### **3.5. Tutoring providers in public-private partnerships**

Public-Private Partnerships (PPPs) have become increasingly evident in this domain (Bray & Zhang, 2018). Much can be learned from other sectors not only about trust and management (see e.g. Warsen et al., 2018) but also about inadequacy of oversight and unbalanced agendas (see e.g. Sherratt et al., 2020). Concerning shadow education, PPPs have a range of contexts and objectives, and therefore diversity in regulations. PPPs in shadow education have three major modes: 1) after-school programmes and subsidies initiated by governments at the system level, 2) school purchase of tutoring services at the institutional level, and 3) Corporate Social Responsibility (CSR) and charity by tutoring institutions. The second and third modes will be elaborated in the Japan and China case studies. Concerning the first mode, the following are particularly worth noting:

- *Australia.* The government of Western Australia (2018) has stressed that principals and teachers are responsible for students' educational programmes, but also recognises that schools do not always have the necessary

resources to meet the full range of needs. In such circumstances, the government recognises (p.3), “the principal may consider requests from parents to grant approval for students to attend private tutoring during school hours”. These activities may be on or off the school premises. Private tutoring programmes during school hours must (p.4):

- be confined to activities that enrich the content of the school’s educational programme;
- address the particular educational needs of students in areas not provided by the school; and
- not replace regular school educational programmes.

Principals must be satisfied that each private tutor is appropriately qualified and has had a National Criminal Record History Check (NCRHC) and a Working with Children Check (WWCC). Tutors must have public liability insurance of AUD5 million, and have written agreements with the students’ parents or guardians. The overall emphasis is on tutors filling gaps on what schools cannot provide, and on clarity about professional obligations and legal protection.

Also worth noting is the scheme prepared for the State of Victoria in 2020 to help children compensate for learning lost during the Covid-19 pandemic. This scheme, with a budget of AUD230 million, was designed to provide 4,100 places for pre-service, retired and occasional teachers to work with schools. In the words of the Chief Executive Officer of the Australian Tutoring Association (Dhall, 2020), it was a way to avoid a situation in which “you have two systems that distrust one another rather than engage”. He viewed this tutoring as “the way to remediate learning loss and to give equity and access to low-income families”, while also stressing the need for tutors to be qualified and accountable. A similar scheme with a budget of AUD337 to employ 5,500 personnel was subsequently launched in New South Wales (Smith, 2020), with the possibility of becoming a long-term arrangement (Baker, 2020).

- *Republic of Korea.* In contrast to Western Australia, Korean policies context have been devised in the context of longstanding and far-reaching out-of-school tutoring through *hagwons* and other arrangements. After-school programmes (ASPs) operated on school premises seek to provide low-cost support to students and families, and to obviate the need for students to utilise private-sector offerings. As explained by Lee (2011, p.17), a 2004 reform revised existing arrangements to allow schools to design the curricula, hire instructors from either within or outside the schools, and charge small fees. Initially schools were not permitted to make contracts with for-profit providers, but this restriction was later removed.

Evaluations of ASPs are not entirely consistent but generally point in the same direction. Park et al. (2012, p.3) suggested that students in Grades 8 to 10 who had attended ASPs did not significantly raise their academic performance but did have better relationships with teachers and friends, and spent less money on private tutoring in higher grades. Using a different data-set, Carr and Wang (2018, p.887) calculated that each additional hour of ASP displaced almost a complete hour of unassisted study (22 minutes) plus private tutoring (32 minutes), adding that families were not willing completely to disengage with private tutoring in the context of social norms and a perception that the ASPs were not total substitutes in content. They added that each additional ASP hour reduced

the share of household income devoted to private tutoring by 0.5%; and since the mean number of ASP hours was 4.6, this equated to an average monthly reduction of 2.3%.

Alongside these programmes, free tutoring has been delivered through the Educational Broadcasting System (EBS), sometimes employing famous tutors from the private sector. The EBS traces its history to the launch in 1974 of the Radio School, and by stages developed in reach and prestige (Korea Educational Broadcasting System, 2020). The value of the EBS was further demonstrated in 2020 when the Covid-19 pandemic closed schools and thus their face-to-face instruction.

- *Japan*. The Japanese government has sought to use PPPs to reduce income gaps and to enhance academic performance. Publicly-funded after school programmes are provided in public facilities in partnerships between non-profit organisations, *jukus*, and local community members such as retired teachers, college students and elderly with knowledge in arts, music, local histories, etc. (Japan, 2015; Kuroishi & Takahashi, 2009). An ISO29990 certification system for *juku* personnel has been established through collaboration between one of the *juku* professional associations and the government; and some regional governments have contracted *jukus* to provide lifelong learning classes for local communities (Zhang & Yamato, 2018, p.328).

Elaborating, historical analysis shows initiatives by different government bodies and diverse providers. The Ministry of Health, Labour & Welfare (MHLW) and MEXT have both funded after-school programmes. The MHLW launched the ‘after-school classrooms for children’ scheme in the early 2000s. The initial goal was to provide public venues and care for children of working parents after school. The scheme evolved into a programme to promote learning activities at school and other public venues during after-school time, weekends and holidays under the wider MEXT initiative, *Chiiki Mirai Juku* (local learning programmes for the future). Subsequently, the initiative was further broadened into MEXT’s ‘school-home-community’ plan to strengthen partnerships between schools, families and local communities. In addition to the educational objective, the initiative aimed to revitalise various local communities.

The *mirai juku* initiative provided free support for children in low-income families, and aimed both to improve academic achievements of low achievers and to strengthen community bonding. The initiative was part of Japan’s wider agenda to build local lifelong learning communities in the ageing society. Some programmes created opportunities for members of diverse age groups to communicate with and learn from each other. The costs were shared by national, provincial and local governments, each providing one third of the funding. In 2020, MEXT budgeted JPY7.37 billion, of which JPY6.74 billion was allocated to school-community partnership programmes for learning, JPY75 million to supporting family education, JPY47 million to supporting dropout students, JPY8 million for career counselling and planning, and JPY99 million for experiential learning (Japan, 2020). NPOs, *juku* and community centres received funding for their services, while individual volunteers were not ‘paid’ but usually received ‘honoraria’ to cover travel expenses. No standard requirements were set for the content and modes of *mirai juku*, and local communities had autonomy to fit their local contexts. Some programmes were very diverse, ranging from supplementary tutoring, childcare and camping to sports and cultural events.

These programmes had shared goals of education equity, addressing the financial and achievement gaps in education. They were also government attempts to give students safe places, away from social problems such as violence and gambling. The programmes recruited tutors from the local communities, including *juku* tutors, private tutors, retired teachers, and college students. They utilised public facilities including schools (outside official hours), libraries and community-based educational facilities (such as traditional community centres for social education) that would otherwise have been empty. In 2020, 17,066 schools (accounting for 60% of all schools in Japan) had established centres for *mirai juku* (Japan, 2020).

*Mirai juku* started with careful planning and good intentions, but encountered challenges and disparities in implementation. At the local level, coordinators were drawn from the civil service, schools, community centres, or parents. MEXT and regional education authorities were mainly in charge of proposal reviews and grant approvals. MEXT officials also worked with local officials and coordinators to collect data and information, and establish platforms for local coordinators to share lessons and experiences. However, little monitoring and evaluation was conducted, and the effectiveness varied greatly according to resources and management capacities.

In 2015-18, the author conducted five case studies of *mirai juku* programmes and found huge disparities. In some cities and districts, schools and community members were very supportive, while coordinators elsewhere encountered challenges to retain volunteers and organise activities. Factors included existing structures and experience in such programmes, availability and motivation of volunteers, community history and relations, and the coordinators' networks and leadership. All programme coordinators reported that although the *mirai juku* targeted children at risk, student participation was voluntary. As a result, students who used such services were mostly those from middle classes and without learning difficulties. Many children from low-income families and/or with learning difficulties were still left out.

Recent years have seen growing online tutoring in these programmes. The providers claim to provide personalised learning for students and to address the challenges of regional disparity in quality and continuity. Such tutoring did help address some imbalances in regional resources, but the increasing use of online products and services from *juku* in schools also raised concerns about student well-being and teacher autonomy.

- *Sweden*. In 2007 the government launched a household tax-deduction scheme which, among other features, permitted families to claim tax deductions for private tutoring (Hallsén, 2021; Karlsson, 2020; Lapidus, 2019). The scheme was abolished in 2015, but subsequent arrangements allowed schools and not-for-profit tutoring organisers to apply for funds. Empirical studies of these programmes show concerns about quality, partly due to curriculum weaknesses, challenges in cost-effectiveness, and competition from shadow education. The original scheme was controversial because it seemed to favour families with stronger initiative to access the funds rather than families that actually needed the funds, and because it channelled public resources to private enterprises. The revised scheme addressed some of these criticisms, but remained controversial in the blurring of boundaries between public and private.

The 2007 scheme unintentionally drove the expansion of shadow education, evidenced in the rise and fall of a major Swedish tutoring company. The company was founded in 2005 and specialised in one-to-one home tutoring. It benefited from the rapidly-growing demand following launch of the 2007 scheme, and became the largest tutoring company in Northern Europe. However, following the 2015 abolition of the government scheme its prices ceased to be attractive to many families. Due to the declining market and managerial difficulties, the company had to merge with another company for survival. Some small tutoring centres closed for similar reasons. However, private tutoring still had a market among parents who had become accustomed to it. Some parents chose tutoring companies over the free NPO services which they assessed as poorer in quality. By contrast, in Denmark a rising tutoring company expanded its business when the school-based tutoring programmes for lower achievers failed, since parents considered it as stigma for their children and poorly managed.

- *England.* Like the society as a whole, English schools have increasingly recognised the potential roles of shadow education. In some cases, they have used government-provided money to employ tutors. One example reported by the press was a school in a low-income part of London (Coughlan, 2019). In the context of the Covid-19 crisis that led to closure of schools in 2020, the authorities in England launched a year-long National Tutoring Programme (NTP) to help pupils catch up on lost learning (Education Endowment Foundation, 2020; Weale & Adams, 2020). Some schools used the government funds to hire private tutors from approved agencies.

In its first year, the NTP was led by five charities and supported by several companies including the large accounting firm KPMG. Among these charities, the Education Endowment Foundation (EEF) provided “evidence” on the “substantial attainment gaps between pupils from disadvantaged backgrounds and their classmates” and suggested that the gaps were likely to grow significantly when schools were closed to most pupils. It provided “extensive evidence” on the impact of tutoring “to support pupils who have fallen behind” (Education Endowment Foundation, 2020); but much of this evidence could in fact be questioned.

In addition to the national story of how tutoring was necessary to support children during and beyond Covid-19, the NTP partners cited “experience” from other countries to steer the discourse in favour of publicly-funded tutoring programmes. A post on the official NTP page showcased “how other countries are responding to school closures” (Yeomans, 2021). The author only cited similar initiatives in the Netherlands (a two-year tutoring program funded by the Dutch government) and a paper (not research on national programmes) by researchers in the USA, based on which national tutoring programmes were described as “global efforts”. The author asserted that this US research presented a vision for tutoring “to become a core feature of the US education system, rather than just being a short-term response to Covid” (Yeomans, 2021). However, no information was given on tutoring providers and the impact of such programmes on teachers and schools.

Certainly what the NTP partners aimed to achieve, as evidenced in other presentations, was to make the NTP a long-term institution in the English education system rather than a short-term solution. These actors were to be applauded for their efforts to improve education equity and learning support during Covid-19. However, simplistic optimism on tutoring as part of the school system risked legitimising and perpetuating private provision

of tutoring in the long run and erosion of the roles of schools. Further, some entrepreneurs outsourced the tutoring to providers that were considered controversial. For example the press reported on one company that outsourced to tutors in Sri Lanka “who are as young as 17 and earning as little as £1.57 an hour” (Weale, 2021). The government responded by setting a minimum age of 18, but the nature of such marketisation remained controversial among some communities.

Ironically advocacy in the USA for nationwide and ‘high-dosage’ tutoring programmes in turn cited England’s NTP to make the case (Barnum, 2020a; 2020b; Goldstein and Paille, 2020). Government-funded tutoring programmes could reduce financial and learning gaps if carried out sensibly. However, careful planning is needed before the launch of such programmes not just in financing, effectiveness, monitoring and evaluation, but also in the nature and quality of tutoring providers. After all, PPPs between schools and private providers of tutoring aimed to supporting schools and families until the crisis subsided. In some settings they seemed more likely to trap schools and families in long-term reliance on tutoring that would have to be paid for either from their own pockets or by the governments through taxation.

- *USA.* A new era in educational history was brought by the 2001 No Child Left Behind (NCLB) Act, which operated until in 2015 it was replaced by the Every Child Succeeds Act (ESSA) (Lee, 2020). The NCLB included provision for Supplemental Education Services (SES) in public schools, public charter schools and other institutions (Mori, 2013, p.195). Administrators in school districts with underperforming schools were required to allocate at least 20% of their federal ‘Title I’ budget for supplementary tutoring, and to notify parents who were entitled to fee-free tutoring. Partnerships with tutoring providers had some significant achievements (Husband & Hunt, 2015; Mori, 2013), but also some problematic dimensions. Regulations had to be tightened after tutoring providers in New York, Michigan, Ohio and Florida were charged with falsification of student attendance records, bribing school officials, and billing school authorities for tutoring that they had never provided (Santos, 2014). Washington State introduced further rules to forbid tutorial companies from knocking on doors to advertise and from approaching parents on school grounds while the parents were collecting or dropping off their children. The regulations also prohibited companies from telling parents that they would get free computers if they signed up for programmes, though still permitted giving such equipment after signing up if the equipment was used as part of the instructional programme; and after one school district alleged that three companies had submitted enrolment forms with forged signatures, parents were required to submit their own applications (Santos, 2014).

The snapshots presented above are indicative of both a global trend and the complexities of issues, which have been accelerated and further complicated by the Covid-19 pandemic. Globalisation has facilitated the distribution of such policy discourse without thorough discussions of implications. Rather, as shown in the case of England, actors both in that country and in the USA could conveniently cite “evidence” from elsewhere to assert the necessity for public funding of nationwide tutoring schemes.

The government efforts listed in this section were mostly well-intended for closing financial and achievement gaps. However, some have unintentionally driven the expansion of tutoring, and/or in practice left out the target

disadvantaged social groups. The 'partnership' vocabulary has a positive orientation, but is not always smooth in operation and can have perverse effects in excessive marketisation, exacerbated social inequalities, and legitimisation of the tutoring industry. For these and related reasons, many governments have been cautious about public-private partnerships; and on their side private entrepreneurs are sometimes wary about the bureaucratic constraints from collaboration with public bodies.

## 4. Three Case Studies

As noted at the beginning of this report, these three case studies been chosen for their illuminating diversity. Japan has a long history of regulation of private tutoring, particularly in tutoring institutions called *juku*. However, these regulations have been by the Ministry of Trade and Industry rather than by the authorities in Education. Tutoring is regulated as a service industry with minimal state intervention. Self-regulation by tutoring providers and *juku* associations is also key to regulating the tutoring market. Recent changes have brought instructive experiences in partnerships. The Chinese government has also decided in recent times to regulate tutoring activities in a far-reaching way. The system is on the whole centralised, but of course requires cooperation by lower-level tiers of government and the enactment processes have not always been smooth. India is also a large country, but is strongly decentralised to the state level and patterns are much less coordinated and coherent than in Japan or China.

### 4.1. Japan

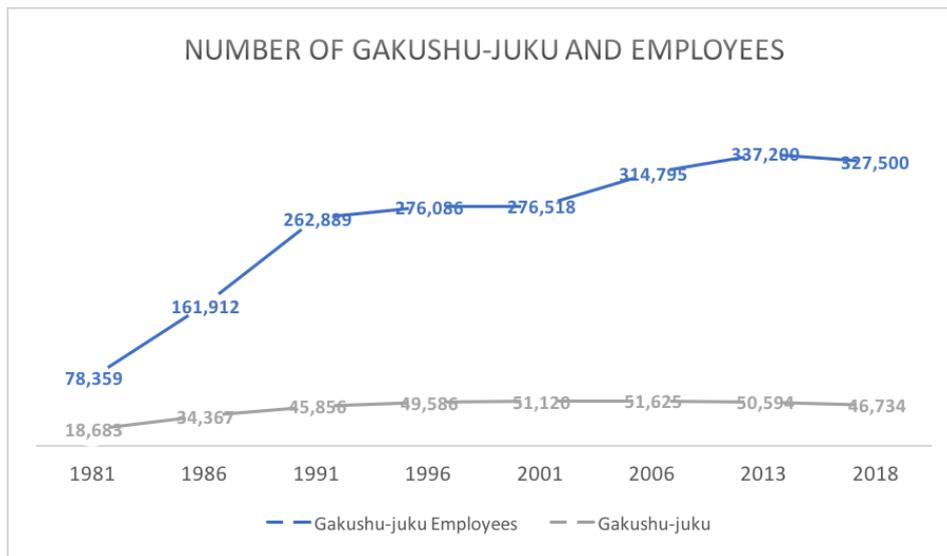
#### 4.1.1. The origins and expansion of shadow education

A *juku* historian (Sato, 2012) has documented the origins of *gakushu juku* (academic tutoring enterprises) and *juku* associations. According to him (p.145) the first *gakushu juku*, *Torimotojuku*, was opened in 1912, and the first *juku* association was established in 1960. The first *juku* was opened in 1911 by a teacher in Tokyo who had a decade of school-teaching experience. Requested by the parents of his former students, he started by tutoring 10 Grade 6 students for promotion to lower secondary schools. Most of the tutees were admitted to elite schools, and his enterprise expanded.

Figures 3 and 4 show data on the expansion of *gakushu juku*. Other types of tutoring investigated by the MEXT (Japan, MEXT, 2008) national survey on tutoring participation included private tutors and correspondence courses. Tutoring participation rates of lower secondary students by private tutors declined from 5.4% in 1985 to 4.7% in 2007, while participation in correspondence courses increased from 11.8% in 1993 to 17.1% in 2007. The rates for primary students receiving help from private tutors were 1.0% in 1985 and 0.9% in 2007; and for correspondence courses they were 11.7% in 1993 and 19.5% in 2007 (Japan, MEXT, 2008, p.9). More recent data were provided by a 2015 national survey, which found that 47.7% of Grade 6 and 60.8% of Grade 9 students received tutoring in *gakushu juku* or with private tutors in Japanese, mathematics and science (calculated from data in Japan, MEXT, 2015, p.66). As tutoring for all levels expanded, the ages of children starting to receive tutoring became lower. Geographically, *juku* in the initial stage of development were concentrated in the capital metropolitan area; but by

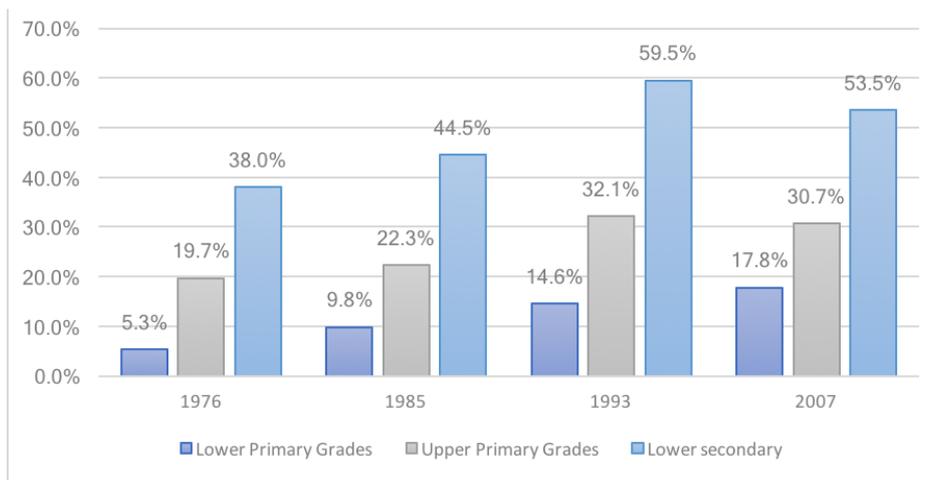
the 21<sup>st</sup> century, all provinces and municipalities had large numbers of *juku*.

Figure 3: Expansion of Gakushu Juku, 1981-2018, Japan



Source: Japan, METI, 2013, 2019; Sato, 2012, p.1039.

Figure 4: Changing Gakushu Juku Enrolment Rates by Level of Schooling, 1976-2007, Japan



Source: Japan, MEXT, 2008; Sato, 2012, p.1034.

Many factors driving the expansion of shadow education resembled the drivers in most other societies. They included increased household incomes, expanded schooling at all levels, dominance of high-stakes examinations, and intensified credentialism and competition. Other factors were more specifically rooted in Japan's school system. They included unintentional consequences of school equalisation policies and curriculum reforms with adverse effects such as

gaps between school curriculum and lower- and upper-secondary entrance examinations.

Elaborating on the historical development, during the period up to World War II (WWII), schools and teachers were the dominant tutoring providers. Tutoring mostly took place in mainstream schools, and focused on examination preparation for advancement to the next level of education. In 1929, MEXT issued a notice to prohibit primary schools from tutoring students for entrance examinations; and a 1937 notice emphasised the harmful impact of test preparation for primary students (Sato, 2012, p.219). *Juku* were not visible during this period, and were modest in scale. Some *juku* supported children, including ones from disadvantaged families, in the face of interrupted schooling during WWII. After WWII, *juku* multiplied because of growing demand and overheated competition for entrance to secondary education. Contextual factors included expanded school access (thus raising family aspirations for higher-level and elite schooling), stabilising economy, rising consumerism, and sharply increased student numbers from the post-war baby boom.

Table 2 charts the post-WWII *juku* expansion to the 1990s. Among the unintentional drivers were policies devised for schooling. For example, in 1966 schools were prohibited from providing supplementary tutoring and examination (admission) preparation, despite the continuous increase in students desiring to advance to higher levels of education. Two years later, the 1968 national curriculum guidelines made school curricula more difficult and heavily loaded, which led to a sharp increase in drop-outs. The 1966 policy left demand that used to be met by schools to the tutoring market; and the 1968 policy left drop-out students to *juku* specialised in such support. In a 1971 national survey, 65.4% of primary teachers and 80.4% of lower secondary teachers reported that students could not understand half the curriculum (Komiyama, 2012b, p.282). As a result, demand for remedial tutoring increased. *Juku* that specialised in helping students with school work were mostly established after this time.

*Table 2: Juku Expansion and Evolution, Japan, Post-WWII to the 1990s*

Stages of <i>juku</i> development	Social background of the times	Changes in mainstream education/ curriculum reforms	Changes in <i>juku</i> ; strategy, forms, modes of operation
"Germination"	<b>Post-WWII ~ 1960s</b> Rapid economic growth "standard deviation" <sup>↓</sup> Stratification of schools + competition in high-school entrance exam	<b>New education system post-WWII</b> New curriculum implemented 1958 "systematic curricular" • Double shifts schooling continued • Curriculum focus on experience • Exam-oriented teaching at school	• <i>Juku</i> for private junior high school preparation founded in '50s. • <i>Juku</i> are set up and run with founders' specific ideology in education • One-man operation, small-scale <i>juku</i>
"Growth"	<b>1960s</b> Nationwide standardized exam for junior high students conducted ('61~'66) <sup>↓</sup> Ranking of students and schools	• First cohort of baby boomers enter middle school • New curriculum, 1968 "Meritocratic curriculum" • Heavy contents create many drop-outs • Supplemental classes at public school were active ⇒ basically banned from '66 • Parents become economically affluent • Parents expect higher education than before	• Private junior high school gained popularity in Tokyo and Kinki area ⇒ primary school pupils receive private tutoring • Mainstream schools alone cannot cover all the material • Curriculum causes the need for tutoring
"Expansion"	<b>1970s</b> Oil shocks <sup>↓</sup> • Enterprises enter the <i>juku</i> industry as a promising field  <b>1979</b> • Introduction of Preliminary Standardized College Examination	• Drop-outs became a social problem ⇒ • New curriculum, 1977 " <i>Human-centred/ Yutori curriculum</i> "	• Supplementary/ prevention of drop-outs <i>juku</i> increased • Enterprises opened franchise chain <i>juku</i> , supplementing school education • Clear ranking of colleges, faculties
"Stabilization"	<b>1980s</b> • Bullying in public middle schools pushed popularity of private schools • Younger age groups start attending <i>juku</i>	• New curriculum 1989 " <i>New learning ability</i> " • Diversified grading system introduced • Some <i>juku</i> founded mainstream private schools	Demand of data and preparation for differentiated entrance exams to private schools
Minor amendments from MOE	<b>1990s</b>	• 1992: 5-days-a-week school system experimentally introduced	MOE requested <i>juku</i> industry not to offer any more classes on Saturdays

Source: NIRA (National Institute for Research Advancement), 1996, presented in Yamato & Zhang (2017), p.333.

Revisiting and learning from experience, 1977 guidelines set *yutori* (relaxation) as the principle to develop a new curriculum. Both curriculum content and academic learning time were reduced; yet parents felt that the curriculum reduction weakened the quality, and the shortened hours of schooling released more time for tutoring. Moreover, the high-stakes examinations became more difficult even though the school curriculum was easier and lighter. This widened the gap between school curriculum and entrance examinations, and drove more families to tutoring. Komiyama (2012a) analysed curriculum changes in English and Mathematics. He found that the content and level of difficulty of English and Mathematics textbooks was reduced enormously. Not only were the textbooks thinner, but many exercises and difficult questions had been deleted. However, examinations were not adjusted for consistency with the lighter curriculum. Rather, they went in the opposite direction, and high-stakes entrance examinations became increasingly difficult. Komiyama noted (2012a, p.215) that: "Private high schools had the most difficult entrance examinations with questions that even college students would find challenging to solve." The widening gaps became a major driver of *juku* expansion from the 1970s onwards. As such, the curriculum reforms shifted from one end to the other, and unintentionally brought two booms to *juku*.

Other factors included the equalisation policy (see Zhang & Yamato, 2018) and reform of college entrance examinations (NIRA, 1996) that fuelled anxiety and insecurity and heated competition for elite schools and universities. Policies to improve equity included abolition of ability grouping, random assignment of students to public secondary schools, and rotation of

teachers in public schools. These policies sought to promote, but eroded confidence in public schooling, expanded competition for elite private schools, and fuelled demand for shadow education. Students had to prepare for entrance examinations by specific elite institutions, and also had to compete in national examinations following the 1979 establishment of a standardised system (NIRA, 1996, p.12). Later reforms to diversify admissions just diversified the preparation needs.

**Box 4: Egalitarian rhetoric, meritocratic schooling and hierarchical society – the need for ‘double schooling’**

Almost all *juku* practitioners interviewed by the author during her 2014-19 fieldwork on PPPs in tutoring held the view that schooling secured the baseline while tutoring nurtured diversity. Schools, this view implies, were for equalisation while *juku* were for differentiation.

Elaborating, as many *juku* owners pointed out, schooling provides basic learning in its official classes, meets the minimum learning needs for all, and fosters all-round development in academic, moral, social, physical and artistic dimensions. Many parents resonate with such perceptions. To them, tutoring meets additional and diverse learning needs unmet by schools, and especially remedial help, enrichment, and accelerated learning. It seems to be commonly accepted that examination preparation is the job of tutoring providers rather than schools. Some tutoring providers and parents even feel that *juku* liberated public schools from such preparation, allowing teachers not to teach to the test but to focus instead on developing all-round development.

Because one of the major foci of *juku* is the gap between high-stakes examinations and school curriculum, children without extra help are disadvantaged. Schooling that (only) meets the basic means that children who cannot afford tutoring only get the basic. When schooling is a vital device for job allocation and social stratification, equal schooling for all simply means a relatively equal fee-free starting point in a race where children without tutoring have to rely on their legs but those with tutoring ride bicycles or drive cars. If children without tutoring are strong and diligent runners, they may be fast enough to compete for the limited quota to elite schools and universities, but the journey is tough. Likewise, the perception that remedial help should be met by tutors rather than teachers can discriminate against lower achievers. It implies that students with learning difficulties must either pay to catch up or find free help which should have been the school responsibility.

Further nuances arise from the *juku* roles of guidance and in some cases back doors to elite institutions. Dierkes (2011) pointed out that: “Given the role of *jukucho* [operators of small *juku*] in dispensing such advice, many private schools are increasingly courting *juku* operators through various kinds of fairs.” Some *jukucho*, he added “build on prior relationships with (predominantly private) schools that allow them not only to speak about some (somewhat local) schools with greater authority/inside knowledge, but potentially also to ‘get students into’ these schools, even when their entrance

examination result may have fallen slightly short of the result required.” Similar partnerships between *juku* and private schools were found during the author’s 2018 research.

Even if Japan provides quality and equal education for all through public schooling, tutoring plays a significant role in the ostensibly meritocratic education system and in the highly hierarchical society. The government’s achievements in quality and equity of schooling have to some extent been subverted by the shadow education system, and families to a large extent find that ‘double schooling’ is required.

#### 4.1.2.Changing official attitudes and regulatory approaches

Until a change of attitude at the turn of the century, MEXT had been dominated by the negative impact of tutoring and refused to recognise *juku*. The Constitution protected the free market and individual rights, which meant that *juku* could not be banned (Yuuki et al., 1987); and even during the so-called time of ‘*juku* chaos’ in the 1970s (Sato, 2012, p.258), MEXT kept its distance from the sector. Nevertheless, the 1980s brought initiatives by the Ministry of International Trade and Industry (MITI, which later became the Ministry of Economy, Trade and Industry – METI). In 1986, METI started active promotion of *juku* self-regulation in response to complaints about contract cancellations, false advertising, and aggressive and/or malicious actions towards consumers (Ando, 2017). MITI held monthly meetings with a liaison committee from the tutoring industry to discuss matters, including the formation of a unified body to represent the industry leading in 1987 to a set of self-regulations. Standards set by these rules mainly focused on core areas of consumer disputes, including advertisement standards, active disclosure of information, the cooling-off rule, and restrictions on sudden contract cancellations. In 1988 the Japan *Juku* Association (JJA) was established with MITI approval.

The fact that the JJA was endorsed by MITI for appropriate business conduct rather than by MEXT reflected the continuing MEXT denial of shadow education as part of the education system. Since the 2009 establishment of the Consumer Affairs Agency (CAA), that body has also played a role in regulating tutoring (see e.g. Box 2). In addition to laws and regulations to protect consumers and promote fair competition, *juku* should also follow the Act on the Protection of Personal Information (Japan, 2003).

Yet from the 1970s onwards, MEXT was not entirely passive. MEXT was mindful of increasing criticism of *juku* for damaging students’ holistic development, imposing financial burdens on families, and damaging the morality of education. To alleviate the impact of tutoring on study load, competition and commodification, MEXT tried to steer it indirectly. MEXT monitored the overall shadow education situation through national surveys, and sought to reduce demand by adjusting and improving public schooling. The first MEXT survey, in 1976, was entitled Investigation into Out-of-School Learning for Students. Subsequent nationwide surveys were

conducted in 1985, 1993, 2002, and 2007, before being absorbed into broader modes of data collection. The surveys secured information on tutoring participation, expenditures and curriculum. They asked about parents' and students' attitudes towards tutoring, and analysed inequalities. Separately, data were collected through MEXT's biennial national household surveys. These surveys have a long tradition, and from 1994 onwards have included tutoring alongside other educational expenditures.

Other significant policies were issued in 1977 and 1987. The 1977 document by the Director of the Elementary and Secondary Education Bureau entitled Adjustment of Out-of-School Learning Activities for Students recognised that the demand for juku was strongly related to the preparation for entrance examinations at all levels. Accordingly, the Ministry requested relevant parties to adjust entrance examinations in consideration of the students' study burden and the influence on schooling. Another attempt to educate consumers and juku operators was made in a 1987 Notification from the Administrative Vice-Minister entitled Enhancement of Study Activities at School. The document highlighted the negative impact of excessive juku participation, including burdens from activities during holidays and at night, and requested juku to address the situation (Isashiki, 2017).

As shadow education became entrenched in Japan, tutoring became a norm of many children's lives. MEXT realised that juku would not disappear despite the social criticism and lack of official admission, and that the market was supported by growing numbers of families. In 1999 the Lifelong Education Council (restructured in 2001 as the Subdivision on Lifelong Learning of the Central Council for Education) recognised the co-existence of juku and schooling, and the roles of tutoring in meeting differentiated family demand for what was not offered by schooling. This was in effect a form of official recognition of juku by MEXT as part of Japan's education system. Since then, MEXT has increasingly communicated and engaged with juku associations, and has tried to identify and harness their positive roles.

One reflection of MEXT's new approach was evident in management of its policy to abolish Saturday classes in schools. Three months before the five-days-per-week school system was implemented in 2002, MEXT's Lifelong Learning Policy Bureau visited the JJA for consultation and possible collaboration. MEXT was anxious for the juku operators to understand the new policies, and requested the JJA to dissuade its members from simply filling Saturdays with their own classes (Ando, 2017). The MEXT initiative was only partially successful, but was nevertheless significant as a form of communication and potential partnership.

Further changes arose from two other pressures. First, both mainstream and shadow education suffered from declining birth rates in an ageing society; and second, international assessments of student performance pressed policy makers to identify ways to improve patterns. MEXT

increasingly viewed juku as important actors in the out-of-school learning space, and tried to promote partnerships between schools, juku and communities. In 2014, a document entitled *Creation of Education Environment After School and on Saturday to Enrich Children's Learning* issued by the Subdivision on Lifelong Learning of the Central Council for Education officially recognised juku as partners in tutoring and experiential learning. Since then, tutoring providers have been increasingly visible and active in government-initiated mirai juku and other afterschool programmes as mentioned in Section 4.5.

#### 4.1.3. Bottom-up self-regulation

The expanded self-regulation evident in recent decades fits the vision set out in the 1988 establishment of the JJA, among the functions of which was setting “self-standards of appropriate business activities in the juku industry” (Isashiki, 2017). Among the foci for these self-standards have been contracts, disclosure of information, protection of consumers, protection of personal information, and assurance of children's health and safety. In addition the JJA certifies juku that meet standards, and monitors working conditions for part-time tutors.

Nevertheless, the JJA is only one of many juku associations, and its membership forms only 0.8% of the industry. Sato (2012) documented 50 major juku associations, and noted that historically over 100 juku associations had existed over time, many of them small and localised. These associations bring together members of different categories, maintaining the diversity of the shadow education system. Some associations partner while others compete, depending on their missions. In addition to protecting their own members, some associations platforms for members to exchange experiences and conduct research in such areas as pedagogy and curriculum, tutor training, student recruitment, institutional management, and business operations. These associations also strengthen the ability of juku to handle crisis and risks. Small and quality juku have their own spaces to shine in their neighbourhoods, not being pushed out by aggressive big players. In addition to the Japanese culture of social trust that values reputation via word of mouth, the many juku associations play a key protective role for the ecosystem of shadow education.

Since the 1970s, various juku associations have collaborated in formal meetings. The first forum, in 1975, brought together over 50 representatives of national and regional associations to study basic laws in education, share research on textbooks, discuss the position of shadow education, and set educational goals (Sato, 2012, p.259). The event was a milestone in the search for juku identity and legitimacy. Today the associations continue these roles, albeit with diversification and specialisation. Some of them organise regional and national mock examinations, and rank students in ways that schools are forbidden to do. Families value these rankings as performance indicators when considering applications for elite schools and universities. Critics assert that

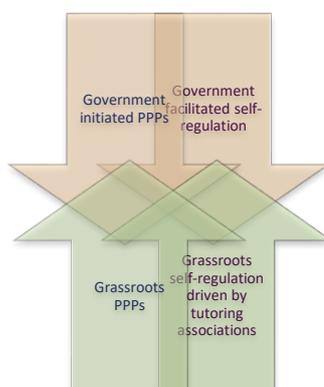
these examinations and rankings perpetuate competition and stress, but advocates report that ironically they reduce the uncertainties and anxieties of at least some families.

#### 4.1.4. Private-public partnerships

PPPs in shadow education emerged with the development of self-regulation. Although PPPs between tutoring and schooling were only officially established at the system level during the 2010s, partnerships between tutoring providers and both schools and local governments can be traced back to 1960s. These partnerships expanded in a bottom-up manner despite lack of official recognition by MEXT. Partnerships started with private-private collaboration between *juku* associations, *juku* and private schools, which expanded to PPPs with public schools and district education authorities. For example, in response to a management crisis, Gansai Juku Association sought guidance from policy makers and school leaders and then collaborated with schools for charity and volunteer services. *Juku* associations also supported the government to cope with disasters and other social crises. When private schools boomed, some local authorities even invited *juku* to open private schools.

In the contemporary era, therefore, all these forces mesh as depicted in Figure 5. The Government and *juku* are working together, sometimes in passive *de facto* partnership and sometimes in active collaboration. Patterns may be complex in specific locations and in specific subject specialisations since they depend on the attitudes and skills of individuals as well as on the dynamics of particular communities. At the same time, the evolution over the decades is itself instructive and signals the likelihood of further collaboration and perhaps blurring of boundaries in the decades ahead.

Figure 5: Juku Self-Regulation and Public-Private Partnerships in Japan



PPPs initiated and subsidised by local governments and schools varied greatly. Problems associated with tutoring schemes subsidised by local governments included a bias towards large companies and lobbying by the *juku* associations. Despite regulations and stipulated transparency and fairness for bidding, the government seemed to think that large companies had the reputations and better capacity to deliver and thus were more reliable. Some *juku* associations tried to mobilise their political power to adjust policies in favour of their members, and some such programmes were not monitored or evaluated properly. One summer tutoring course in a metropolitan city was reported to be poorly coordinated and not evaluated, and thus to reflect inefficient use of public funds and student time.

Schools also outsourced tutoring services to *juku*. Problems associated with such institutional initiatives included dependence on schools' social networks and lack of official regulations. Some private schools were criticized for hiring *juku* tutors to watch their students do homework, for which students had to pay high fees. However, the absence of fixed regulations was reported to offer flexibility and space for teachers and tutors to work together. Comparing partnerships with the local government and schools, one *juku* owner interviewed by the author noted:

In the school-initiated tutoring programmes I am doing education, but in the government-funded programme I am doing a job. I am given the teaching materials and told how I should teach, and I do not have autonomy to use my own materials and teach in my way. I have to fill all sorts of forms to demonstrate that I am good. I have done well (for responsibility), but my performance should not be measured by what I write in the forms.

#### 4.1.5. Summary

In terms of government regulations, the Japanese picture has been one of commercial oversight rather than one of educational regulations. Self-regulation started with bottom-up initiatives relating to educational, commercial and social dimensions, and was reinforced by MITI engagement with the JJA on commercial dimensions. Later MEXT engaged in educational dimensions, including standards for tutors in conjunction with the JJA. MEXT monitored trends through national surveys, securing data on the scale, nature, modes, expenditures, drivers and impact of tutoring. Monitoring trends was a significant starting point for steering and regulating.

The Japanese case also shows that school reforms can lead to unintended outcomes that subvert the policies. Equalisation in schools expanded tutoring as a mechanism to retain inequalities; and burden-reduction in schools expanded the burdens in tutoring classes. MEXT eventually realised that reforms in schooling required partnership and coordination with the

shadow education sector. If MEXT had moved earlier, it would not have been confronted by such a strong and independent system operating on its own norms and rules.

The Japan case highlighted the emerging trends of partnerships in improving student achievements, supporting low-income students, and lifelong learning. The expansion of online tutoring removed some obstacles for tutoring to enter school classrooms, and PPPs have potential risks of legitimising tutoring in schools and of schools transferring part of their responsibilities. At the same time, changes in school reforms shaped promising trends in tutoring, and in particular tutoring in experiential learning, STEAM, natural education and special education increased to meet what had been advocated in the official discourse. The small *juku* have played and continue to play important social and educational roles but many struggle to survive in face of declining birth rates.

#### **4.2.China**

Shadow education in China emerged in the 1990s and then expanded at great speed to become the largest shadow education system in the world (Zhang & Bray, 2021). Official statistics estimated the existence of half a million tutoring companies in 2020, almost equivalent to the total number of schools. Industrial actors who inspected open data on companies with training or tutoring as their business domains discovered over four million training institutions in 2020. Industrial research also reported the existence of over 11 million employees in the shadow education sector. These figures were contrasted to 537,100 schools and nearly 18 million teachers in the mainstream system in 2020.

A 2017 household survey by the China Institute for Educational Finance Research (Wei, 2018) showed that shadow education participation rates were highest in north eastern China, at 60.8%. Next highest were the eastern areas (38.1%), central areas (38.0%), and western areas (30.5%). Further, participation rates of urban students, at 44.8%, were more than double the 21.8% of rural students. Average household annual expenditures on tutoring were RMB5,021 (US\$724) per student nationwide. Urban China had not only higher enrolment rates but also higher per capita expenditures at RMB5,762 (US\$831). Annual expenditures for rural students were only RMB1,580 (US\$228). Other empirical studies showed that despite the expansion of shadow education, students from poorer families were generally excluded (Zhang & Bray, 2016; 2017; 2018). Until the enforcement of the “double (burden) reduction” policy in July 2021 (China, General Offices of the Communist Party of China Central Committee and the State Council, 2021), shadow education in China had not only become a parallel system to schooling, but in some respects overshadowed it.

Although shadow education emerged in China only in the 1990s, its scale and level of development caught up with and surpassed countries where shadow education had developed for a century. The speed of expansion contributed to educational and socio-economic development in China, but also brought negative effects including subjecting families to vicious competition and creating excessive pressures on students. China also used to lag far behind its neighbours in regulating tutoring, but just within three years following release of the first national policy on tutoring in 2018, it became the country with the most detailed and comprehensive regulations enacted by the largest number of enforcement officials.

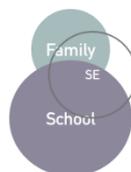
This case study begins with a historical overview of shadow education in China with attention to relationships between the school, the shadow and the family spaces. It then turns to the evolving regulation of shadow education. Finally, it analyses and shares the lessons from China in the initial enactment of its 2021 policy.

#### 4.2.1. Expanding shadow education and its relationships with schooling and family education

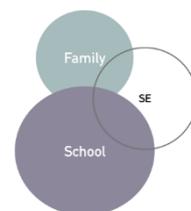
During what may be called the pre-history between 1978 and 1989, shadow education in China was very modest in scale. The dominant agents for education were first schools and second families. Some free or low-fee tutoring was organised by schools for (i) intensive preparation for high-stakes examinations, and (ii) remedial and enrichment classes for low and high achievers. Some scattered fee-charging tutoring was provided in homes, but very limited shadow education was evident in other spaces.



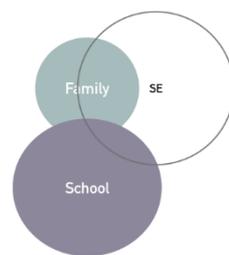
Then *Stage 1* of development, 1990-1999, may be called the emergence and first boom. Shadow education expanded beyond schools and families, constituting a third learning space. Especially in cities, some teachers and school leaders utilised power in schools to secure clients for private tutoring delivered by themselves. Specialised tutoring centres began to emerge in significant numbers.



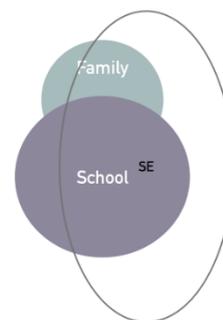
*Stage 2*, 2000-2010, may be called institutionalization and the second boom. The government banned tutoring by schools, and some schools moved their tutoring to company premises. Many self-employed tutors (including teacher-tutors) moved to tutoring institutions which proliferated in commercial and residential premises. Many teachers and university students joined companies as part-time tutors, and online tutoring germinated in the virtual space.



*Stage 3, 2011-2018*, was characterised by deepening institutionalisation, specialisation and capitalisation. Facilitated by EduTech advancement, traditional modes of tutoring were supplemented by online and dual-tutor formats with division of labour and specialisation in curriculum. Competition in the marketplace intensified, but entrepreneurs still had opportunities. The power of capital and development of professional tutors displaced teachers and schools in the tutoring marketplace. Major companies developed independent curricula that no longer followed schools, and the market took control of shadow education curricula and pedagogy that challenged the official curriculum. Boundaries were blurred by public-private partnerships (see e.g. Zhang & Bray, 2017).



*Stage 4, 2018 - July 2021*, was characterised by tougher government regulations introduced in 2018, and digitalisation and massification of tutoring fuelled by the Covid-19 outbreak. Despite the enforcement of national regulations on tutoring, major companies continued expansion in lower-tier cities and rural areas, utilising technological innovations. Online tutoring companies seized the opportunity to expand during the Covid-19 crisis. Tech companies such as Baidu, Tencent and Bytedance expanded their share in the online tutoring market by increasing investment and/or acquiring tutoring companies. Overseas capital flooded in the tutoring market. Small companies were squeezed by large enterprises that were supported by venture capital and engaged in aggressive advertising. Covid-19 increased the power of technology and capital in digital learning, and online tutoring greatly expanded the shadow space.



*Stage 5*, starting with the fierce regulations promulgated in July 2021, has been featured by legislation, decapitalisation and deindustrialisation. The strong state has confronted the strong market with serious commitment. Laws and regulations have been formulated at great speed, which aspire to ‘rectify’ tutoring from “doing business” to “doing education”, and to take the picture back to the pre-history era – or at least close to it – so as to retain the mainstream status of schooling. One immediate effect of the regulations was sharp reduction in the scale of institutionalised tutoring and rooting out of intensive capital. As such, the regulations had striking impact on some symptoms and issues at the supply side. Yet many of the causes lie beyond shadow education and schooling, and much demand persists that cannot be fully met by schooling or family education.

#### 4.2.2. Regulating shadow education in and out of school

In its historical development, shadow education moved from the school space to the out-of-school marketplace. As the sector grew, some tutoring supplemented and supported schools and families, but some tutoring started to intrude on them. For over two decades, regulations mainly focused

on (i) tutoring provided in schools by schools and (ii) that provided by teachers. These policies were issued in response to concerns about heavy study burden and corruption risks.

To some extent, policies to reduce study burden, including the ban of low-fee tutoring organised by schools, unintentionally resulted in the expansion of tutoring in the private sector (see e.g. Zhang & Bray, 2017; 2018). Also, prohibition of teachers and schools from involvement in tutoring indirectly legitimised shadow education provided by private enterprises and self-employed tutors. Shadow education grew at great speed during the 2000s and 2010s, constituting a parallel system independent from schooling. However, it only attracted strong government attention in 2018, by which time it had been institutionalised as a norm in many (especially urban) families' daily lives.

Since 2018 the national government has been committed to regulating out-of-school tutoring run by private enterprises and individuals. The first phase was from 2018 until the Covid-19 outbreak when strong regulations were enforced to manage the commercial, social and educational dimensions of shadow education. Registered companies became more regulated, while unregistered (and therefore illegal) small-scale undertakings went underground. The Covid-19 outbreak led to the second phase of regulation featured by the closure of off-line tutoring and a slightly relaxed environment for online tutoring. However, the aggressive expansion of online tutoring during the outbreak brought the national government to the realisation that shadow education had become a giant parallel system controlled by the market that threatened to overshadow and marginalise schooling. That led to the third phase of crackdown featured by deindustrialising and decapitalising shadow education.

#### 4.2.2.1. Regulating tutoring by schools and teachers

To understand more fully, it is useful to analyse the evolving regulation of shadow education during different historical periods. During the 1990s when tutoring emerged in a significant way, teachers were the main suppliers of private tutoring, operating independently or in conjunction with their schools. They were accompanied by informal suppliers such as college students, and by emerging tutorial institutions. The demand was stimulated by rapid expansion of post-primary schooling and accompanying expansion of opportunities for families able and willing to compete. The tutoring served both low and high achievers, and school-organised (and school-based) tutoring particularly focused on preparation for the *Zhongkao* (Grade 9) and *Gaokao* (Grade 12) examinations.

Other tutoring for elite students focused on Olympiad contests, particularly in mathematics, sciences and English. Regulations at the time mainly focused on tutoring provided by schools and on excessive training for Olympiads. For instance, a 1994 policy issued by the State Education Commission (SEC, renamed as MoE in 1998) to reduce study burden stipulated: "after-school time and holidays should be used by the students freely and independently. Schools and teachers must not occupy students' free time. Nor should they organise school-based tutoring or

use such time to teach new lessons (to accelerate instruction)” (China, SEC, 1994). A year later, another national policy (China, SEC, 1995) prohibited schools from tutoring for Olympiads, or tutoring called ‘Advanced Class’, ‘Gifted Class’, or ‘Training class’. These policies unintentionally pushed teachers and schools away from school premises to tutoring in less visible sites, and provided a market for other providers.

Further expansion of mainstream education during the 2000s, especially at the upper-secondary and post-secondary levels, drove even more demand for tutoring. Regulations in this period still focused on tutoring provision by schools and teachers. Some regulations were part of the burden-reduction policies that prohibited schools from accelerating instruction on the national curriculum and from providing tutoring (e.g. China, MoE, 2000; 2009). These regulations shortened official school hours and increased anxieties among some parents who then arranged tutoring to compensate (Zhang, 2014). The reduced school hours also released teachers’ time for tutoring, and strengthened conspiracies between schools and tutoring companies. In 2005, another national policy prohibiting schools from training students for Olympiads (indicating the failure of the 1995 ban) created opportunities for tutoring companies to ‘take over’ demand for such tutoring. To maintain their performance, some schools collaborated with companies by moving tutoring classes from their schools to partner companies, or by sending students to companies with strong reputations for Olympiad tutoring. In 2008, a document on Professional Ethics of Teachers stated that teachers “should reject paid tutoring with consciousness, and should not gain personal profit from their positions as teachers” (China, MoE, 2008, item 5). This was in response to teachers working as tutors and recommending students to other teachers and to tutoring companies.

Seven years later, a 2015 government document prohibiting schools and in-service teachers from providing tutoring (China, MoE, 2015) further delegitimised schools and teachers as tutoring suppliers. Tutoring institutions took over the market at great speed, accelerating its expansion by investing enormously in online tutoring. Major tutoring companies detached themselves from the schools, training their own professional tutors and developing independent curricula – some of which created challenges for schooling. When most students in school classes received tutoring, their teachers had to adjust the pace and content of classroom instruction to fit the tutoring curriculum. Some schools considered patterns advantageous when such tutoring boosted their students’ academic performance, while other schools found it damaging when teachers were forced to accelerate school curriculum to match the much more advanced pace of tutoring that was not necessarily suitable for the students’ development. Some principals described it as schools being ‘kidnapped’ by tutoring. Shadow education also increased students’ study loads, depriving them of leisure after school hours on weekdays and at weekends. In addition, online tutoring was accused of damaging students’ eyesight with excessive screen time.

#### 4.2.2.2. Regulating tutoring by private enterprises

Concerned with these negative dimensions, in the 2018 national regulations the government policy shifted focus from mainstream providers to market players. An initial statement was jointly issued by four branches of the national government (China, People's Republic, 2018), and was followed a month later by a Ministry of Education notice to accelerate regulation of tutoring enterprises (China, MoE, 2018). A third major document was issued in August 2018 by the General Office of the State Council with detailed instructions (China, GOSC, 2018), which reflected the national government's determination to regulate tutoring as a priority issue.

This document was the first national policy by the State Council about regulating private tutoring, and marked the beginning of nationwide regulation of shadow education. Following release of the policy, subnational regulations were formulated in line with requirements on registration (both business and educational licenses required), premises (safety and area), curriculum, curfew, tutor qualifications, fees, and advertising (Zhang, 2019). Involvement of tutoring companies in school admissions and organisation of competitions and contests was also banned.

Recognising the importance of policy coordination on both shadow education and schooling, the document also included requirements on schooling. It reiterated prohibition of teachers from providing tutoring and prohibition of schools from collaborating with tutoring companies. It initiated after-school programs (ASPs) for schools to absorb part of the demand for private tutoring, especially in terms of childcare and homework support. Institutionally the policy set the framework for monitoring and supervision: the registration of tutoring institutions became subject to annual inspection and annual information disclosure, and a mechanism for dynamic blacklists and whitelists was established. Whitelists indicated registered companies compliant with the regulations and were publicised on the local government website, while institutions found to be violating the laws and regulations appeared on the blacklist. The lists changed according to the changing situation of compliance.

The main document was followed by a series of follow-up documents elaborating requirements in specific domains. For instance, a document in November 2018 amended the measures for handling violations of professional ethics by primary and secondary school teachers. It specified punishment for teachers who organised or provided tutoring, and for teachers who advertised tutoring or introduced students for kickbacks. Because much tutoring shifted from off-line to online to circumvent regulations (such as the curfew and area per tutee), a national policy regulating online tutoring was released in July 2019 (China, MoE, 2019b).

The 2018 and 2019 measures have important implications for healthy and sustainable development not only of shadow education but also of schooling. The national government required efficient responses and timely feedback from local governments, which in turn provided

experiences for refining national and local policies. The policy enactment raised awareness of both consumers and suppliers about aspects of safety and quality of shadow education. It was of great symbolic significance as ‘a knife hanging over the head’ for tutoring providers that did not fall in line with the expected behavioural standards. The policy underlined that tutoring was an educational activity like schooling, and thus in many respects should be subject to the same moral standards. For consumers, the policy provided reminders of problematic dimensions and alerts of potential risks for example in fee-refunds and in safety of children.

Enactment of the 2018-2019 policies resulted in a more regulated market which was most effective with the large tutoring enterprises (Zhang, 2019). It challenged the survival and legitimacy of medium-sized and small ones, among which some went underground. Enforcement of the policies involved considerable cost for both governments and tutoring companies. Tutoring companies invested much to obtain the licenses and comply, and many of them transferred the financial burden to consumers by raising tutoring prices.

At the same time, local governments experienced challenges from limited financial and human resources for enactment of the regulations. Some local education authorities took the lead in coordination and partnership between departments in enforcement, but ambiguities in responsibility led to prevarication. Other bodies such as the fire department and Public Security Bureau viewed responsibilities as lying with the education departments, so resisted taking on extra work. For example, in a second-tier city in southern China, an inspection team that discovered problems associated with fire safety had to wait a long time for the fire department to action since the education authority did not have relevant enforcement rights. In another city, the education authority received many complaints on refund disputes, falling under the enforcement power of Administration for Market Regulation which was short of law enforcement officers.

Further, although the system of dynamic blacklist and whitelist helped to guide consumers, rewarded compliant tutoring providers and disciplined non-compliant ones, arrangements could also be misleading (Box 5). Also worth mentioning is that although the 2018 policy stipulated that tutoring institutions should not charge one-off fees for time spans exceeding three months, many providers still charged one-off fees for six months, a year or even two years. This practice allowed some unscrupulous businesses to roll up the money after receiving it. In response to such challenges, new regulations were devised to seek partnership from banks (see section 5.2.3).

**Box 5: Side-effects from the dynamic blacklists and whitelists**

Some blacklists did not specify the reason for blacklisting. Some companies on the list which had minor problems with facilities but not with the quality of tutoring or tutors were misunderstood by parents since they viewed blacklists as labels for poor quality of tutoring. This caused arguably

unreasonable challenges for tutoring companies.

By contrast, the whitelists caused challenges to consumers and governments. In 2019, a whitelisted tutoring company specialising in English (one of the largest, with over 200 chains in 60 cities across China) suddenly shut down. It absconded without due process, defaulting on the salaries of employees and preventing tutees either from attending classes or receiving fee refunds. Before the absconding the company was already not paying wages but stepped up sales and induced tutees to purchase more courses. Worse still, it made students take loans if they could not afford immediate payments. Subsequent investigation indicated that the company was already suspected of fraud, and had conspired to take the tutees' money and then abscond. Many students were made to pay tutoring for one or two years against the regulations because they trusted the company's reputation. It was estimated that at least several hundred million yuan were rolled away from the tutees. The incident damaged government credibility, and made local authorities more cautious when whitelisting companies.

#### 4.2.2.3. The Covid-19 pandemic: suspension of off-line tutoring and tightening of financial regulations

During the Covid-19 outbreak off-line tutoring was suspended (China, MoE, 2020), and since online tutoring played a positive role in supporting students' learning during the crisis, the government attitude towards online tutoring softened. Government and school partnerships with online tutoring companies increased. This indirectly sent signals to the market players, who saw great potential in online tutoring for huge profits.

These developments meant that online tutoring had been dramatically boosted in 2020, accustoming millions of students to digital learning. The Key Laboratory of Big Data Mining and Knowledge Management (2020a, p.17) reported that the online education consumer market grew from RMB8,520 (US\$1,230) million in 2013 to RMB88,430 (US\$12,780) million in 2020. The corresponding market penetration rate increased from 6.8% in 2013 to 15.0% in 2019, and jumped dramatically to 85.0% in early 2020 when Covid-19 struck. During this period, BigTech companies and capital flooded the marketplace and contributed to wild expansion of online tutoring and to advertisement wars between the major players. Tens of billions were consumed by the advertisement arms race - big market players invested much more in advertisement than in curriculum development, teaching research and tutor professional development (see Box 6).

At the same time, many offline tutoring centres did not survive closure during the outbreak, and some online tutoring companies lost clients as the competition intensified. Take-the-money-and-run cases increased sharply in 2020 and 2021, when many tutoring companies suffered from declining business and some others closed. In 2020 and 2021, more cities learned from Shanghai and devised regulations on the finances of tutoring companies. Regulations in

Tianjin, for example, specified the maximum amounts of daily and weekly expenditure from the accounts set up by tutoring companies in stipulated banks for receiving tutoring fees, and instructed the banks to report unusual cash flow.

The national government also took actions in the same line in response to rising consumer complaints. In October 2020, MoE and the State Administration for Market Regulation (SAMR) issued a joint document to initiate a nationwide focused rectification against the illegal acts of tutoring institutions using unfair contract clauses to infringe on consumer rights and interests, “in order to regulate the contractual behaviour of tutoring institutions, resolve disputes over tutoring contracts effectively and safeguard the legitimate rights and interests of consumers” (China, MoE and SAMR, 2020).

**Box 6: Educational commitments marginalised by advertisement arms race, and educational goals marginalised by pursuit of profits**

The market seized the opportunity of the Covid-19 pandemic to expand its control over education, threatening the power of the state and intruding into the autonomy of the family. Economic values overrode educational values, severely damaging the moral boundaries of the tutoring market. According to industrial analysis, the tutoring industry accounted for 6% of the number of advertisements by key industries in 2020, ranking fourth in the number of advertisements of key industries. Ten tutoring institutions spent more than RMB10 billion on marketing within just the two months of summer vacation. Tutoring advertisements were dominant in official television and most popular variety shows.

As an example, the financial report of Gaotu TechEdu for the third quarter of 2020 indicated that its sales and marketing expenses were RMB2.056 billion, 9.3 times higher than its research and development expenses of RMB220 million. The marketing arms-race not only brought extremely rapid growth in advertising, but also false advertising and unfair competition. Amidst the chaos, small and medium-sized institutions that could not afford to burn money were gradually pushed out.

In addition to faking the effectiveness of tutoring and the qualifications of tutors, the advertisements exaggerated the severity of competition in the education system, exacerbated anxieties, and advocated twisted values. A quote widely criticised by the media was: “If you come to our centre, we will support your child; if you don't come to our centre, we will support [create] your child's competitors.” Other advertisements created parental guilt. A video clip on a popular platform advertising a major online tutoring company presented a fake story of three students in front of the release board of *Gaokao* (Grade 12 examination) results. Two students were excited that they had been admitted to the top universities, and attributed the achievement to the company. The third did not make it, even though her score was high, and blamed her mother for not investing in tutoring from the company. The advertisement seemed to ascribe failure to enter the top universities to a lack of tutoring, and hinted that parents who did not secure tutoring were irresponsible.

These patterns reflected broader forces, with economic rationality and instrumentalism replacing educational rationality in terms of both supply and demand. On the supply side, entrepreneurs exploited commercial interests; and on the demand side, many parents sought value for money. Both sides overlooked fundamental values and the wider aspects of learning in educational processes. The intrusion of capital and technology also changed balances in the internal ecosystem of shadow education, resulting in many small institutions of high quality

losing the space needed to survive.

Shadow education could be a laboratory for educational explorations, and in turn become a potential driving force for school transformation. Indeed, numerous beneficial strategies and innovations have been made by online tutoring providers in terms of tools and modes during and before the Covid-19 pandemic. However, the technical means were mainly used to replicate offline scenarios and promote large-scale production, which, in combination with other factors, resulted in a high degree of content homogeneity. Problems of data and privacy infringement also worsened.

As such, long-existing problems worsened, including false advertisement, unfair competition, consumer rights violation, and low-quality tutoring. The national government had tackled these problems in 2018 and 2019 with some success. However, the policymakers found that once shadow education became a favourite target for national and international capital investment, it operated like a wild horse running at a speed that moderate regulations could not slow. In addition, concerns intensified on the larger issues of capitalisation and industrialisation of shadow education, which had become a stand-alone system with backwash on school operations.

#### 4.2.2.4. Reclaiming the mainstream status of schooling

In consequence, in July 2021 the Communist Party of China Central Committee and the State Council jointly released a policy entitled ‘Further Reducing the Burden of Homework and Out-of-school Tutoring for Compulsory Education Students’ (China, General Offices of the Communist Party of China Central Committee and the State Council, 2021). The policy aimed at ‘double reduction’, i.e. of study burden from schooling and from external tutoring. The overall goals were to protect student wellbeing, reduce the study and financial burdens, and alleviate parental anxieties. The measures on tutoring specifically targeted the for-profit nature of capital, which was viewed as the cause of many negative aspects of the shadow education industry. The overall policy was followed by a series of regulations addressing specific aspects, such as tutoring materials, fees, advertising, contracts and tutors’ qualifications.

While the 2018-2019 policies emphasised regulating the development of the tutoring industry, the policy measures in 2021 particularly aimed to deindustrialise and decapitalise shadow education, in the process reducing the size of the market, and returning the students’ centre of gravity to their schools. It was a positional strategy to safeguard schooling, and a more comprehensive agenda to improve education for equity and student wellbeing.

At the level of compulsory education, academic tutoring providers were required to become not-for-profit institutions. While these providers previously had most of their business during summer and winter holidays and weekends, these slots were now prohibited by academic tutoring being restricted to evenings on working days. Accompanying measures addressed public

schooling, and the government collaborated with the media and schools to promote rational consumption and parental responsibility. After-school programmes were developed, and the school day at the compulsory education level was added by extended education (which usually lasted from 3.30 pm to 5.00 - 6.30 pm for primary students, and from 4.30 – 5.30 pm to 6.30 – 8.30 pm for lower secondary students, varying by region).

Most of these measures focused on the supply of education. The official discourse was very clear that schools should be the principal institutions fulfilling educational goals. Schools, the discourse added, should not push the responsibilities to families and shadow education, and should provide equitable and quality education for all. In this perspective, shadow education should be very limited and no more than a complement to schooling when necessary.

On the demand side, after-school programmes did absorb some childcare needs and provide homework support that had previously been offered by the tutoring providers. Some parents who had been forced to arrange tutoring under peer pressure or because their children could not catch up in class when most others were receiving tutoring felt relieved that they could relax a little. Many such parents started rearranging their children's timetables and reflected on the problems brought by intensive parenting, though they were uncertain how long the honeymoon period would last until they were confronted again with the pressures from high-stakes examinations. Some immediately became anxious when they discovered that other parents were not slowing down in the way that they had done.

Adding numerical analysis, the China Education Panel Survey compared patterns before and after the double-burden-reduction policy. It showed a decline in the tutoring participation rate (Wang, 2021). In the spring semester of 2021, 48.1% of primary and lower secondary students had received (academic) tutoring, and the figure dropped to 21.7% in the fall semester. Participation rates in non-academic tutoring and home tutoring also dropped - from 50.8% to 38.9%. However, the data did have ambiguities, including that home tutoring (i.e. hiring home tutors) was not separated from non-academic tutoring, even though much home tutoring was academic. Another study showed that one third of parents still considered shadow education necessary and anticipated continuing with it despite the ban (Zhang, 2021a). Many middle-class parents in large cities became more anxious as a result of the policy, since the competition remained fierce for their children but they had fewer choices in the marketplace.

Related, the policy had immediate impact on the shadow education providers, especially in the capital market, and on other registered tutoring companies. Four months after its implementation, the industry had seen a sharp drawback of capital investment. The companies that had been among the largest in the world listed in the stock market had to cut out their academic tutoring, and some companies went bankrupt. An estimated 60-80% of employees in

these tutoring companies were expected to lose their jobs. However, many turned to hidden self-employment online or offline.

These hidden activities signalled that while the legitimate tutoring companies suffered from fierce regulations, the black market expanded in response to the persistent demand. Self-employed tutors and informal classes mushroomed, and parents with social and financial capital formed 'learning pods' for group tutoring. The government released regulations in response, and sample contracts reminded parents of potential risks in illegal tutoring. However, as long as parents still felt that schooling was not enough to give their children the learning they expected (such as personalised attention), and felt pressed by the continued competition in the stratified system, such demand for tutoring would not disappear just because the tutoring provided by legal companies had been reduced.

The policy has yielded complex implications for equity. Families that previously had little access to tutoring generally felt that it showed a strong commitment to equality. At the other end of the scale, the privileged social elites who could arrange private tutors rather than being dependent on the companies were little affected. Among the lower-middle- and middle-middle-class families, many felt that the policy made life more difficult: they previously had many choices in the marketplace and could compare prices and chose affordable tutoring services. Now they had either to reduce tutoring, leaving their children's fate mostly to schools, or to risk using tutoring in the black market full of uncertainties in terms of quality, safety and price. For the government, the expanding black market was much more challenging to regulate than the registered institutions.

#### 4.2.3. Lessons from Chinese Experience: When a strong state confronts a strong market

##### 4.2.3.1. Learning from the five-dimensional framework

The double-reduction policy demonstrated learning as portrayed in the regulatory framework (Figure 2), and permits extension of the framework.

##### *1) Laws and regulations: Concerted policy enactment with attention to schooling, shadow education and family education*

Recognising that the school, family and shadow education spaces are all integral parts for educating the young generation, the 2021 policies devoted concerted efforts to both schooling and shadow education with additional attention to family education. On the one hand the measures tried to reduce the scale of tutoring and crack down on harmful practices. On the other hand they tried to safeguard schools from the backwash of tutoring, to reinforce school responsibilities, and to strengthen the quality and equity of schooling. Additionally, a policy to promote family education was issued to reinforce the parental role as the first educators of their children and the space of family as the first classroom for children (Xinhua, 2021).

The double-reduction policy and accompanying actions tried to tackle both the symptoms and the causes of the challenges. The measures to drive capital out of education in academic subjects at the compulsory level were very effective. In addition to the not-for-profit requirement and ban on weekends and holidays, academic tutoring companies were prohibited from raising capital on stock exchanges.

When the supply of tutoring was reduced and regulated, after-school programmes (ASPs) developed at great speed in schools to absorb some of the demand that used to be met by tutoring, such as child care, extracurricular activities and homework support. New ASPs were developed and offered nationwide within just three months of the double reduction policy, albeit with disparities in quality around the country. ASPs were welcomed by many parents, but also increased the burdens on schools and teachers. Local governments sought creative ways to channel quality education resources from providers of non-academic tutoring to serve ASPs in schools. Aggressive advertisements which used to flood almost all public areas disappeared. Yet despite this progress, the fundamental causes of social culture and competition took much longer to address.

#### *2) Deploying the necessary personnel: Institutional transformation to secure human and financial resources*

Qualified personnel were needed at the local levels of government not just for regulation and site checks, but also for checking the tutoring materials which needed experts on curriculum and textbooks. The local governments also needed to secure funding, and technical support for digital governance as a way to compensate for lack of qualified personnel. Most importantly, institutional transformation was required to establish enforcement mechanisms.

As mentioned in 5.2.2.2, prevarication was a major obstacle to enactment. Learning from previous experiences, a department for regulating tutoring was established in the Ministry of Education a month before release of the double-reduction policy. Corresponding departments were established at provincial, municipal and district levels. Education authorities were granted greater enforcement rights to regulate shadow education.

Due to the importance of the double-reduction policy, various departments in the central government independently took serious action. Most tutoring regulations before the double reduction were issued by the Ministry of Education, sometimes in partnership with other Ministries. After the announcement of the double-reduction policy, all departments involved issued regulations independently or took the lead to show their commitment and determination. The action at the national level pressurised corresponding departments at the local level to respond rapidly and efficiently. For instance, the Ministry of Civil Affairs oversaw registration of tutoring institutions, the State Administration for Market Regulation took the lead in regulating advertisements, and the National Development and Reform Commission took the lead in regulating and monitoring tutoring fees. Partnership and coordination between departments and

divisions within education authorities improved because of clear division of labour and strong signals from the central government. However, as different departments were also in competition to show their contribution in regulating tutoring, tutoring providers encountered more fierce rectification from diverse departments.

### 3) *Partnerships, educating the consumers and self-regulation*

In addition to partnerships with schools in ASPs, and those within the government, three other domains saw strong and effective partnerships:

- *Partnerships with the media* were strengthened for advocacy and educating the consumers. Deliberate efforts by the official media prior to the release of the policy helped to set the stage, preparing the public and tutoring providers for what was to come. Shadow education had already received much criticism in the media, and the initiatives led to another wave of criticism and advocacy for tighter regulation. The media also helped to make the policies comprehensible to both suppliers and consumers. Experts were invited to write their professional opinions and interpretations of each policy document for the Ministry websites, and attracted further attention from the media.
- *Partnerships with research institutions* such as universities and think tanks were strengthened for policy evaluation and refinement and for supporting self-regulation. The government funded research institutions to monitor risks, evaluate progress, feedback public opinions, and support evidence-based policy refinement. The institutions also initiated such research independently, and submitted policy papers to shape the decision making.

The top-down and bottom-up policy consultation framework allowed timely feedback for policy refinement. It contributed to a learning(changing)-as-you-go model of policy enactment, in which policy makers could learn rapidly from experiences and adjust with great flexibility. For instance, the standards for defining academic and non-academic tutoring (which was the core for regulating tutoring, since academic tutoring was under much harsher regulations than non-academic tutoring) first released by the Ministry of Education caused confusion and ambiguities for enactment. In collaboration with the Shanghai Municipal Education Commission (SMEC), the Centre for International Research in Supplementary Tutoring (CIRIST) at East China Normal University (ECNU) conducted related research and organised an expert committee with colleagues in the ECNU Institute of Curriculum and Instruction (ICI) to devise more professional and feasible principles for classification. CIRIST also established an expert evaluation platform and a dynamic database for typical cases in partnership with Shanghai Tutoring Association (STA). The initiative received positive feedback from the industry and parents, and other cities

followed. The model later became part of the national policy and was implemented nationwide.

Shanghai was also innovative in its use of professional and scholarly bodies to support bottom-up self-regulation. The government had encouraged establishment of the STA in 2020 as an independent professional association. It was a not-for-profit independent legal entity jointly initiated by ECNU, Shanghai Open University, Shanghai Centre for Teacher Training, Shanghai Association for Education Evaluation, tutoring companies, and other public education institutions. Before the foundation of the STA, self-regulation was mostly led by official not-for-profit professional associations (Zhang, 2019). However, these bodies focused on wider private education, and represented a top-down approach to self-regulation.

Another type of body that claimed a professional identity brought together a significant number of small and medium-sized enterprises (Zhang, 2019). These were for-profit bodies and thus more commercial. They publicly supported government regulations, but provided coping strategies for the enterprises to circumvent regulations. They made profit mainly by providing business consultations and training, with little attention to the professional development of tutoring providers as educators. These bodies were not recognised by the government as official associations and were controversial for their grey-area practices.

The STA had a new model insofar as it was the first tutoring association for bottom-up self-regulation, with leadership and guidance from educational researchers and professionals. It plays a more neutral role with a greater extent of autonomy and independence from the government and the industry.

- *Partnerships with banks and other financial institutions* were established nationwide to regulate the finances of tutoring institutions. One focus was on charging of fees in advance, in response to the increasing number of tutoring enterprises absconding with money (see 5.2.2.2). Under the regulation, all advance charges were to be entered into designated accounts for which the banks would not charge additional fees. The tutorial companies were then required to designate proportions of the deposits as financial guarantees for fulfilling their commitments. Specific details were set by the local authorities around the country. Banks were also instructed not to provide loans to parents seeking to use the finance to pay tutoring fees, and were required to strengthen the supervision of their loans directly to the tutoring sector.

#### 4.2.3.2. Summary

In summary, the double-reduction policy and the accompanying measures were an evolving policy movement. Behind it is a learning government with persistence and commitment. National and local authorities were committed, efficient and flexible to learn and adjust. The fast-moving adjustments were important for policy improvement but also caused challenges to those regulating and those regulated. This is a long-existing challenge in the Chinese context. There is a popular saying about policy enactment in China: Whenever there is a measure, there is a counter-measure. But that is only half of the story. The other half is best put as: Whenever there is a counter-measure, there is a (re-)measure.

In learning, adjusting and trying, China is feeling its way in the longstanding dilemma in balancing the regulation and relaxation, in finding the appropriate level of state intervention. In the process, the education professional power has played an important role in mediating conflicts and tensions between the state and the market.

Experience from China starts with the usefulness of the policy framework (Figure 2) set out at the beginning of the report. The official national initiative to regulate tutoring started only in 2018, but policy makers mobilised think tanks to learn rapidly from other countries, which they adapted to the local context. The policy on shadow education since 2018 has been guided by the five dimensions in Figure 2 and generated contextually rich experiences. Core experiences include:

- Ongoing national commitment to regulate the sector, to coordinate, guide and support local authorities in enactment, and to extract and share experiences to reduce regional disparities in regulatory capacity.
- Institutional transformation to secure allocation of qualified human resources and sufficient financial resources, and availability of technological means for enforcement.
- Reflectivity in policy enactment by mobilising education specialists and other professionals: soliciting opinions from various stakeholders and active learning from lessons and experiences to adjust policy text and practice.
- Partnerships include those within the government (cross-regional and cross-departmental), with the media, banks, think-tanks, education specialists, and with schools
- A related matter concerns concerted policy making: holistic planning of schooling, shadow education and family education.

Lessons from China include:

- China has been chasing a fast-changing system because serious nation-wide regulation took place late when the shadow sector had grown for over two decades and had become larger than the school system in terms of number of institutions and staff.

- Partly as a result, the cost for regulation (resource and time) was high and the tens of millions of self-employed tutors were difficult to trace. Many of them lost their job and many others remained in the grey market.
- Online tutoring cannot be regulated effectively if only focused on tutoring providers. Venture investors and technology companies are aggressive driving forces.
- Balancing the state and the market: for example, too much top-down self-regulation could result in insufficient support to bottom-up self-regulation of companies and associations. Some governments, including Shanghai, are learning to move towards professional bottom-up self-regulation.
- Balancing the continuity and change: the learning-as-you-go policy model could be flexible and adaptive, but may cause confusions and reduce willingness to comply.
- And related, avoiding the whack-a-mole policy: before devising new policies to address the symptoms policy makers need to listen more to the industrial voices, and base policy adjustments on scientific investigation and comprehensive understanding of the causes for their counter-measures. Only by doing so, the government can avoid falling into the trap of whack-a-mole policy.

Finally, the double-reduction policy movement is a unique example of a strong state confronting a strong market in the domain of private tutoring. Rather than lip service to critique the negative dimensions of privatisation and marketisation in education, the Chinese government took action. The determination and huge effort and resources devoted to regulating tutoring at national and local levels were to be applauded. Yet, as the society develops and expectations for education expand and diversify, schools alone cannot fulfil all educational goals and solve all social problems, especially when they are caught in the tensions between the private and public good. As shown by comparative studies (e.g. Christensen & Zhang, 2021; Zhang, 2021b), the root of shadow education problems in China lies not only in education but also in the wider society. Parental anxieties may appear to be educational anxieties, but they reflect status anxieties and social construction of achievement and success in a hierarchical society of deepening social stratification and accelerating change.

### **4.3.India**

#### *4.3.1.Historical perspectives*

Private tutoring in India has a long history. For example, Majumdar (2018, p.274) quoted newspaper advertisements in Calcutta (present-day Kolkata) from upper-class households seeking private tutors in the 1890s, thus indicating that the phenomenon has a long history. During the 20<sup>th</sup>

century both one-to-one tutoring and coaching classes became common across social groups. Thus, for example, Kale (1970, p.375), writing about a city in Maharashtra, indicated that (p.375):

Many of the coaching classes ... which began as moon-lighting or independent entrepreneurial activity of gifted teachers have turned into large organizations. The hordes of students preparing for the statewide [Secondary School Certificate] examinations create a demand for their services. The tuition or coaching class teacher tries to give the student an effective examination technique, based mostly on memorization of ready-made answers.

One of Kale's interviewees remarked (p.375), with a statement that still resonates in the contemporary era, that:

Teaching in recent years has been commercialized. Teachers earn five times more money from tutoring than from regular salary. They have turned teaching into a business – a corrupt business. Why do they do that? Because they have no security. The society expects the school master to be a missionary but does not give him the security, income, insurance, pension that he needs.

By stages the phenomenon entered official agendas, though slowly. The 1986 *National Policy on Education* (India, Ministry of Human Resource Development, 1986) did not mention the matter. Task forces leading to revision of the National Policy in 1992 did mention coaching, mostly approvingly as a mechanism to provide remedial support and reduce social inequalities. Less positively, the combined report from the task forces (India, Ministry of Human Resource Development, 1992, p.75) referred to “instances of teachers conducting themselves in a manner not befitting the profession”, including “requiring students to do unnecessary chores and inducing pupils to take private tuitions”. However, the matter was not incorporated in the 1992 revision of the National Policy.

The theme came more strongly to the fore in association with discussions about the Right to Education Act, which was passed in 2009. The Act provides for free and compulsory education to all children aged six to 14, and includes the stipulation (India, Ministry of Law and Justice, 2009, Article 28) that “No teacher shall engage himself or herself in private tuition or private teaching activity”. Further, the 2020 *National Education Policy* that replaced the 1986/1992 predecessor mentioned coaching seven times. It contained a section (India, Ministry of Human Resource Development, 2020, p.29) headed “Stopping commercialisation of education”, and indicated intent to reduce coaching by promoting formative rather than summative assessment. Specifically, it stated (para 4.32) that “The current nature of secondary school exams, including Board exams and entrance exams – and the resulting coaching culture of today – are doing much harm, especially at

the secondary school level, replacing valuable time for true learning with excessive exam coaching and preparation.”

#### 4.3.2. The scale of private tutoring

Awareness and accompanying analysis of private tutoring in India have been improved by inclusion of the topic in official public expenditure surveys. Tables 3 and 4 present data from the national household survey conducted by the National Statistical Office in 2017/18. The report presented these data under the heading of ‘coaching’, but included what might also be called tuition (or tutoring). For the household survey, coaching was defined as instruction “taken by a student individually or in a group, at home or in any other place, by a single or more tutors” (India, National Statistical Office, 2020, p.16). The statistics indicated that nearly one third of secondary and higher secondary students were receiving coaching, and that even at the pre-primary level 11.6% of children were doing so. Proportions were significantly higher in urban than rural areas.

*Table 3: Enrolment Rates in Private Tutoring, by Level of Education, India, 2017/18 (%)*

<i>Level</i>	Rural	Urban	Total
Pre-primary	9.2	15.6	11.6
Primary	13.7	24.6	16.4
Upper primary/middle	19.4	29.4	21.9
Secondary	27.2	38.3	30.2
Higher secondary	23.1	36.8	27.5

Source: India, National Statistical Office, 2020, p.113.

Even more striking were variations by state and union territory as shown in Table 4.<sup>2</sup> The range in enrolment rates was huge. At the top end were West Bengal and Odisha at 75.2% and 42.5% respectively, while at the bottom were Telangana at 2.3% and Rajasthan at 4.0%. Marked differences were again evident between urban and rural areas.

<sup>2</sup> Not all states and union territories were included. At the time that the survey was conducted, India had 28 states and eight union territories. Delhi was the only union territory in 2017/18 included in Table 4. The status of Jammu & Kashmir was changed from state to union territory on 31 October 2019.

Table 4: Enrolment Rates in Private Tutoring, by State/Union Territory, India, 2017/18 (%)

State	Rural	Urban	Total	State	Rural	Urban	Total
Andhra Pradesh	4.7	6.9	5.5	Kerala	16.7	20.2	18.3
Assam	21.2	37.1	22.9	Madhya Pradesh	6.7	24.9	11.5
Bihar	36.7	41.8	37.3	Maharashtra	7.0	32.7	18.2
Chhattisgarh	2.0	14.9	4.3	Odisha	40.4	52.6	42.5
Delhi	-	33.2	32.7	Punjab	12.3	19.6	14.8
Gujarat	5.2	28.8	14.3	Rajasthan	2.0	10.4	4.0
Haryana	6.6	19.3	10.8	Tamil Nadu	4.1	12.4	8.0
Himachal Pradesh	3.5	11.6	4.4	Telangana	0.5	4.3	2.3
Jammu & Kashmir	14.3	28.5	17.4	Uttarakhand	12.1	20.4	14.2
Jharkhand	22.8	43.5	27.0	Uttar Pradesh	8.3	22.3	11.2
Karnataka	2.8	7.9	4.7	West Bengal	74.3	77.8	75.2
				<b>All India</b>	<b>17.3</b>	<b>26.0</b>	<b>19.8</b>

Source: India, National Statistical Office, 2020, p.185.

#### 4.3.3. Regulating the sector

Concerning regulation for private tutoring, complexities arise from India's federal system because some state governments have been proactive while others have been *laissez faire*. Among the early movers was the government of Goa, which promulgated regulations in 2001 (Goa, 2001). It required the operators of coaching classes to undertake initial registration and renewal on an annual basis, and prohibited employment of tutors who were employed by any government-funded institution. Operators were also prohibited from using the premises of government-funded institutions.

Comparable in coverage were provisions in Uttar Pradesh in 2002 (Uttar Pradesh, 2002a; 2002b), but with registrations valid for three years and with other variations. They were followed by Bihar eight years later (Bihar, 2010) where, as in Uttar Pradesh, registrations were valid for three years. The Bihar regulations also stipulated minimum space of one square metre per student, together

with “sufficient” furniture, lighting, toilets, and other provisions of infrastructure. The wording from Bihar was largely duplicated in Manipur and Odisha seven years later (Odisha, 2017; Manipur, 2017). In Tripura, regulations were more specifically linked to the 2009 Right to Education Act. In 2011 the state government issued a ban on private tutoring by government teachers, which was followed up in 2015 by a High Court order. This order reinforced the ban on private tutoring by government-employed teachers, but did permit private teachers to provide tutoring for students over the age of 14 – that being beyond the age for free and compulsory education designated by the RTE Act – provided the students were registered in schools other than their own (Bhattacharjee, 2015; Barman, 2020).

In many cases, these regulations were introduced in response to immediate pressures, but they were not always enacted effectively. Thus in Bihar, for example, the Minister of Education was reported in 2017 to have indicated that to date 978 institutes had applied for registration but only 233 had actually been registered (Kumar, 2017). Further, the minister recognised, 2,000 to 2,500 large and small coaching institutes were operating in the state capital, and many more would have been operating in other parts of the state. The gap between declared intent and implemented reality reflected constraints in the machinery within competing priorities. In Tripura, competing forces were evident not only in the unwillingness of teachers to abandon tutoring but also in the desires of at least some parents to remain able to access the services (Box 7).

**Box 7: Parental dismay at tutoring prohibition in Tripura State, India**

In 2015 Tripura’s High Court banned provision of private tutoring by government teachers. Teachers in private schools were permitted to continue, but only for children over the age of 14.

This ban caused protests from various student and parental pressure groups. As reported by *The Times of India* (2015), the convenor of one group argued that: “The students at the secondary and higher secondary levels are facing tough competition in various entrance tests,” and that “unless they get extra coaching, it is impossible for them to pass those exams”. The convenor added that most teachers had already stopped providing tutoring following the Court’s move, with the result that “many students became demoralized”.

Despite such representations, the government held firm. However, some tutoring continued, leading to a repeat Ministerial prohibition in 2020. Again this led to protests that without private tutoring, students could not perform well in competitive examinations. One spokesperson (reported by *TripuraInfo*, 2020) declared that “In actual classes in schools it is impossible for teachers to clarify everything within the limited time or periods; the syllabus for classes XI and XII is huge and without private tuition by teachers of schools ... students cannot even finish the syllabus for board exams, let alone prepare well for [the more prestigious] competitive exams”.

The spokesperson added that: “A government should go by the reality of the situation and not by illogical thinking; our hunch is that a group of substandard teachers who cannot attract students for tuition to earn easy money must have filed a complaint with the higher authority out of jealousy; but the unfortunate thing is that these teachers are incompetent and that is why students do not go to them.”

Legislative initiatives were also stimulated by crises of various kinds. Box 8 refers to a fire in Gujarat State, which led to attention there and elsewhere about the lack of fire-safety provision (e.g. *India Legal*, 2019). Other concerns related to suicides (e.g. *Hindustan Times*, 2017; Iqbal, 2018), which contributed to a bill presented to India’s national parliament (Patel, 2016) aiming to set up a Coaching Centres Regulatory Board. The bill was not immediately approved, but was noteworthy for both its rationale and advocated regulations. The rationale (Patel, 2016, p.6) included awareness the pressures in coaching institutions, and proposed clauses for the legislation included:

- ensure the appointment of counsellor, psychiatrist and physiologist in every coaching centre for counselling of students; and
- suggest steps to be taken by every coaching centre for reducing psychological pressure on students.

However, the notion that every centre should appoint a counsellor, psychiatrist and physiologist was clearly not realistic. Similarly, managers of tutoring centres in Maharashtra arguably had a valid point when protesting against a planned regulation for separate toilets for boys and girls even if they only serve 10 students in a home (OpIndia, 2018). Such matters underline the importance of regulations being reasonable, without which they will be ignored and called into disrepute.

#### **Box 8: Coaching centres in India - A case for regulation**

The following text is from a newspaper article about regulations. It was written shortly after a serious fire in Surat, Gujarat, led to the deaths of 22 students in a coaching centre. It presents the case for regulation to prevent similar incidents.

Economic theories suggest that when markets fail, governments need to be brought in. Market failure may occur because of the presence of externalities or asymmetry in information. Governments are also important because they act to coordinate moral norms. On all these counts, coaching institutions emerge as the proverbial villains. Hidden behind legislations meant for tiny shops (Shops and Establishment Act) as ‘other’ business, they run an empire of evening incarcerations that arrest creative freedom. The big ones draw an entire generation of young minds and systematically erode their imagination. They ignite psychological disorders in students, undermine mainstream education, impose huge opportunity costs to students, charge an exorbitant fee which is often untaxed, and yet remain unaccountable (several court

cases on breach of promise of refund are underway). This paints a picture of coaching centres as market bullies. The social costs are exacerbated by the absolute disregard for the well-being of students, who are shoved into tiny rooms with little ventilation, let alone a fire exit. Society bears the burden — only for the sake of finding out who is marginally better than the other in cramming for some exam.

The building in Surat had an illegally constructed terrace. It had a wooden staircase that got burnt, thus disabling any possibility of escape. It had no fire safety equipment, nor any compliance or inspection certificate. The response of the State government was to shut down all coaching institutions in Gujarat until fire inspections were completed. This was a typical knee-jerk reaction.

The building which caught fire was located in a premise that was supposed to be a residential space, according to the approved plan of 2001. In 2007, a two-floor commercial complex was illegally built. It was legalised in 2013 under Gujarat's regularisation laws. The other floors where the fire broke out were constructed illegally later. With such patterns of violating the laws, these inspections will only serve a tick-mark purpose. But here is the point. Although government measures are more emotional than rational, they have achieved the purpose of drawing our attention to coaching centres. In the last six months, three fire incidents have involved coaching institutions in Gujarat.

Source: Goyal (2019).

At the same time, many schools felt threatened by the coaching centres. As children grew older and ascended the grades, they increasingly respected the tutors and coaching centres rather than their school teachers, and even skipped lessons in the schools in order to attend classes in the coaching centres (Bhorkar & Bray, 2018). Nevertheless, the schools are to some extent protected by the requirement for students to be registered in schools in order to sit the official examinations. Also, the examination boards require science students to have conducted some practical work which needs laboratories that are available in schools but not in most coaching centres.

#### 4.3.4. Some prominent features within the overall picture

Two specific features of the Indian scene also deserve note. One is geographic, namely India's famous '[shadow] educational city'. The other concerns giant companies and the influence of the technology sector.

The so-called 'educational city' is Kota, in Rajasthan. As recounted by Rao (2017), economic crisis hit the city in the 1980s and 1990s because of strikes and shortage of raw materials beset the city's industrial units in the 1980s and 1990s. Rejuvenation came when through a sharp expansion in coaching centres about to attract students not only from the city and its environs but also from elsewhere in the state and beyond. Each year these coaching centres served 140,000 to 200,000 students, who also had needs for accommodation, food, transport and other

necessities. Again, though, various negative dimensions were evident. On a procedural matter, the coaching institutes contributed to corruption insofar as they relied on ‘dummy’ schools to register students so that those students could sit the public examinations even though no classes were ever taken in the schools. Even more salutary were suicides specifically in Kota City (as well as elsewhere in India) arising from the pressures to which students were subjected. This did lead to a form of self-regulation, but critics lamented that such measures were necessary.

On another note, a parallel with patterns in China has been evident in way that large technology companies have entered the sector and exerted their influences. A prominent example in 2021 was the acquisition by Byju’s, described as “the country’s largest online edtech start-up”, of Aakash Coaching. This company had a history 33 years as a “brick-and-mortar” coaching enterprise, and was acquired for nearly US\$1 billion (The Hindu, 2021). BYJU’s had been founded in 2011. It already claimed 90 million students on its e-learning platform, with 5.5 million annual paid subscribers and an annual renewal rate of 86% (Qureshi, 2021), and had previously acquired three other companies:

- in 2017, TutorVista and Edurite, from Pearson which is one of the largest online tutoring brands for school and college students in the US;
- in 2019, US-based Osmo, a blended-learning educational games platform for children aged 3-8 years; and
- in 2020, WhiteHat Jr, which teaches online coding to students through live lessons and interactive classes.

Following the acquisition of Aakash, BYJU’s indicated that it would launch new types of centres that were partially online and offline. The developments demonstrated the huge corporatisation at one end of the tutoring sector, together with the influence of technologies.

#### 4.3.5. Summary

The Indian case again shows that efforts to ban private tutoring cannot succeed, and that instead an appropriate government role should be steering and regulating. Taking the country as a whole, a major constraint becomes evident in the decentralised system; but the corollary is that actors at the state and even lower levels can take action without waiting for the national authorities.

The Indian experience also demonstrates the need to secure some sort of consensus when moving to regulations. Efforts at regulation may stall because of protests from tutoring providers and even families. Further, even teachers may have vested interests when they are themselves providing tutoring and/or delegate parts of their roles to the supplementary sector (Ghosh & Bray, 2020; Gupta, 2021). As in Japan and China, balance is needed between state intervention and market operation. The Chinese and Japanese governments have largely succeeded in finding balances, but

the Indian authorities have been less successful. Resistance from the deep institutionalisation could be mediated through encouragement of self-regulation and through education of the consumers to improve transparency of market information; but that requires the authorities first to devise policies that are realistic and second to follow-through with enactment once those policies have been announced.

Of course, again as in Japan and China, balance is also needed in economic, social and educational dimensions. Companies are attracted by the potential profits from increased dependency of students on private tutoring, enhanced by technological advances. The government understandably wishes to support economic development and creation of employment, but that needs to be achieved within a framework that also respects social and educational dimensions. Moreover, a bottom line must surely be respected in terms of safety (for tutoring facilities and child protection); and at a higher level the authorities should consider the extent to which shadow education becomes a replacement for schooling with corrupting effects in terms of priorities. As such, the focus on tutoring in the revised National Education Policy (India, Ministry of Human Resource Development, 2020, p.29) seems a significant step in an appropriate direction.

## 5. Lessons from experience

Much can be learned from both failure and success in regulation of private tutoring around the world. Some of these lessons have already been indicated, and they are here elaborated and supplemented. A starting point is what governments might want to do. This is followed by comments on challenges in implementation once goals have been set.

### 5.1. Aspirations, mandates and goals

This report has been framed within the context of the United Nations' Sustainable Development Goals, and specifically the fourth goal (SDG4) which, to recall, is to "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" by 2030 (UNESCO, 2017a). At the outset, the report observed that if left to market forces, private supplementary tutoring is likely to be *exclusive* and *inequitable* and thus to pull in the opposite direction to SDG4. In this context, regulations are needed to harness the sector and to help achieve wider goals of social protection.

Yet at the national level a necessary question is how governments see their roles. Ministries of Education, in particular, may feel that their remit is mainly or exclusively about schooling, and that oversight of shadow education is therefore beyond their domain of

responsibility. This is part of the reason for laissez faire approaches in many countries. This report argues that at least assessment and monitoring of the scale, nature and impact of shadow education must be undertaken by governments. First, shadow education has become a major component of the overall landscape in most countries, and second shadow education has a backwash on schooling. Third, international experience shows that by the time governments recognise the importance of regulating tutoring, they have usually missed the timing for effective shaping and steering of the sector.

An example of timing that was arguably belated has been provided in the China case study. When the government did decide to regulate tutoring, the industry was already large and entrenched. The large companies had their own vested interests and ways of doing things, and the small companies had ways to avoid visibility. Nevertheless, the national, provincial and local authorities did tackle issues with determination, resulting in significant achievements. The India case is an even more instructive example where tutoring is so entrenched in the culture that regulations encounter strong resistance.

Another challenge in all countries is the speed of change in the tutoring sector. In South Africa, data collected through a carefully-administered national sample under the umbrella of the Southern and Eastern Africa Consortium for Measuring Educational Quality (SACMEQ) indicated an increase in private-tutoring enrolment rates of Grade 6 students from 4.0% in 2007 to 29.1% in 2013 (Bray, 2021b, p.17). Further review showed regional disparities with 2013 enrolment rates ranging from 10.5% in Limpopo to 61.5% in Free State. Beyond these statistics, little information is available to explain the sudden shift but to some extent it reflected local, national and international entrepreneurs taking advantage of market opportunities. As in other countries, government lack of attention to the sector permitted such dramatic growth in a largely unregulated environment.

Across the planet, moreover, the 2010s were marked by technological developments on an unprecedented scale. Although consequential shifts were evident in mainstream schooling, conservatism in the sector restricted the pace of change. The tutoring sector, by contrast, was relatively unconstrained by traditions and bureaucracies, and seized opportunities to provide online and mixed-mode teaching with unprecedented speed. The pace was accelerated in 2020 by the Covid-19 pandemic when face-to-face tutoring was largely prohibited and companies therefore had to innovate in order to survive.

Online tutoring, however, is even more difficult to regulate than face-to-face tutoring. To date, China is the only country to have devised comprehensive regulations for online tutoring – yet again needed constant updating e.g. to accommodate dual-tutor programs by AI tutors. Such experience is instructive for countries, e.g. in Central Africa, where the scale of tutoring is still limited and online tutoring scarce. Once again, policy makers would be wise to regulate and steer

tutoring in the early stage when tutoring is within the reach and capacity of the government. For countries like India, where online tutoring is expanding at great speed but largely left to the market, commitment from the government is needed to regulate the sector to protect consumers and providers, and to limit its backwash on public schooling.

In all these domains, partnerships are needed. Tutorial centres operating as businesses should to some extent be regulated in partnership with the Ministry of Commerce or equivalent; and regulation of online tutoring requires support from Cyberspace Administration or equivalent. The most obvious needs for regulation concern safety of buildings, contractual arrangements, accounting, and taxation. Safety issues may include attention to fire regulations in conjunction with the Ministry of Housing or equivalent. Issues related to crimes such as child abuse and violence call for involvement of the police force. Shadow education is in nature a hybrid of commercial, social and educational undertakings. Regulating shadow education is only possible from joint actions of all relevant departments for both policy making and policy enforcement.

## **5.2.From vision ton enactment**

Even when governments do wish to regulate shadow education, they may not have enough staff with the right skills, or sufficient financial and technical resources. Inspections and follow-up are demanding, and require coordination not only between national and provincial (or equivalent) governments but also local authorities and even schools. All the above also involves financial cost. Technologies, if used well, as in Shanghai, can help reduce input of human and financial resources, but their use can raise further questions about privacy.

At the same time, much depends on cultural issues and what populations will accept. Arguably acceptance of the need for regulation has increased in recent years because of evident abuses, some of which have received much media attention. In turn these relate to the scale of shadow education, which expanded with the arrival of the Covid-19 pandemic. A growing number of teachers in countries as different as the USA and Kenya have been sought by families for support in face of school closure or in dissatisfaction with disrupted schooling. These practices risked legitimising teachers' involvement in tutoring and driving more teachers to become tutors.

As in the domains of schooling and other spheres, a gap commonly exists between formulation and realisation of policies. Tutoring is less-structured and more diverse than schooling, and detailed analysis of the types and providers of tutoring may be necessary. Policy interventions may be more effective in the hardware of premises than in the software of personnel and curricula, and government interventions may be mediated or even subverted by market dynamics.

These circumstances stress the importance of balance between standardisation and diversity. As mentioned above, a starting point lies in differentiated requirements for different categories of tutoring providers. Experience in Japan has demonstrated that self-employed tutors and high-quality small enterprises may be valuable components of the education ecosystem able to cater for individual needs, and that elimination of these providers raises concerns about market concentration and monopoly.

Protection of the diversity and flexibility of tutoring lies in balances and partnerships between states, markets, families and civil societies. Voices of families and tutoring providers need to be heard in the policy text and process. Many families feel that tutoring, just as much as schooling, is a human right. Thus total bans on tutoring are not realistic and would not be considered. This was indeed demonstrated in the Republic of Korea, where the government in 1980 tried to ban private tutoring but found the position untenable to the point at which in 2000 the courts declared the ban unconstitutional (Bray, 2009, p.52). As shown in the Japan case, official research on consumers of shadow education may widen the governments' perspectives and deepen understanding about how tutoring is perceived by families. Problematic dimensions do not come from all tutoring providers, nor from all tutoring practices. It is important to distinguish the right from the wrong. After all, when policy doesn't work, it might not be the fault of tutoring providers but the policy itself needs improvement. An alternative to displacement of small centres by large companies might be the management of appropriate venues by non-education enterprises willing to take the administrative burden from small tutorial operations. Underutilised public facilities and social institutions may also be utilised for such purposes, and attention to broader social issues can help steer tutors towards lifelong education that broadens and changes the nature of the sector.

Further, the challenges in policy enactment for shadow education sector commonly arise from mistrust on the sides of both government and tutoring providers. The Japanese and Chinese cases show that the authorities can turn negativities into opportunities through active communication and support. Understanding challenges faced by tutoring providers in compliance, provision of timely support and improvement of government services could help tutoring providers interpret the policy and comply. Partnerships with professional associations could enhance dialogue and mutual understanding and help find the common ground.

In these and other respects, measures leading to the professionalisation of tutoring are a key solution to in-service teachers' engagement in tutoring. In Japan and elsewhere, the roles of serving school teachers in provision of supplementary tutoring have decreased to the point of almost total disappearance as tutoring enterprises have developed toward specialisation and professionalisation. Teachers' incentives to tutor have decreased as teacher welfare has improved,

and fierce sanctions have been enforced on teacher involvement in tutoring. Yet elsewhere, fierce policies have been ignored because governments have neither the moral power nor the administrative machinery to enforce them.

## Conclusion

This study commenced with the 2021 issue of UNESCO's Global Education Monitoring (GEM) Report, which focuses on the roles of non-state actors in education. As mentioned, the Concept Note (UNESCO, 2019, p.6) recognised the importance of supplementary private tutoring, observing (p.6) that this widespread phenomenon "is often overlooked in analyses of non-state activity in education". The present study helps to remedy that neglect. Regulations have been given particular focus because they have become increasingly desirable and necessary yet have been neglected in policy discussions.

The study also noted at the outset that private supplementary tutoring probably has a history as long as that of schooling itself, but that until recently it has been very modest in scale and mostly restricted to upper-class families. Participation rates have now expanded considerably, exceeding 90% in some countries, especially in core subjects needed for the end-of-secondary-schooling examinations. This fact underlines the need to pay more attention to the phenomenon, not only for those who are receiving tutoring but also for those who are not, and to analyse the implications of the patterns. Further, the phenomenon needs attention also in countries where participation rates are relatively modest because private tutoring is likely to expand and the authorities are still in a position to steer the sector before structures and processes become firmly entrenched in local and national cultures.

In the light of the above analysis, this concluding section highlights four core messages, described as 'takeaways'. The first message is that shadow education will not simply go away, and should receive proper attention from policy-makers. The second message highlights the multiplicity of reference points for this policy attention. Allied, the third message stresses the need for policies on schooling and shadow education to be considered together; and the final one considers possibilities for partnerships.

***Takeaway 1: Shadow education is here to stay, so regulate it before too late.***

Historical analysis shows that in some countries shadow education has been a significant phenomenon at least from the early and mid-20<sup>th</sup> century. Patterns in Mauritius come to mind, as identified by Foondun (2002, p.488) who quoted a 1901 statement by the head of what was then the only state secondary school for boys about negative dimensions of tutoring that he “felt helpless” to prevent. In Ceylon (Sri Lanka), a 1943 report strongly criticised the coaching institutions that helped students to cram for examinations (Kannangara, 1943, paras.116, 140, 309). In Egypt, as mentioned above, national regulations to control private tutoring were issued in 1947; and in the Republic of Korea, efforts at the top level of government to reduce private supplementary tutoring commenced in 1955 (Bray, 2009, p.48).

Alongside these countries, as mentioned in Sections 5.1 and 5.3, are long histories of shadow education in Japan and India. Yet in all these countries shadow education has actually expanded and intensified; and these countries have been joined by counterparts across the globe – including even in the Nordic region (Christensen & Zhang, 2021). Government measures are needed to steer and regulate the sector, but it will never be eliminated. Lessons from China and Japan have shown that governments, families and tutoring providers have to pay a huge price when the state intervention comes late. Regulating shadow education as early as possible could steer and shape it to contribute to the sustainable development of education ecosystems and minimize the damage of its negative impacts.

Persistence and commitment are also crucial. Compared to the Republic of Korea and China, the regulations were not effectively enforced in India for example. This could be explained by the level of decentralisation in India, but also showed a lack of sustained and regular efforts from the government.

***Takeaway 2: Policies for shadow education should encompass multiple reference points.***

Jurisdictions lagging in regulation of private tutoring can compare themselves with those ahead and consider what would (not) fit their local contexts. Tutoring policies and accompanying regulations around the world encompass three dimensions: commercial, educational and social. Classifying the many international policies on tutoring analysed in this report, Table 5 presents a set of indicators that policy-makers can use as a reference point for decision making.

It is important for policies to take account of the diversity of shadow education (Figure 1). Companies seem to be easier to regulate than informal providers and even teachers who provide tutoring. These other tutoring providers should not be neglected, however, because they still deal with children and exert economic, social and educational impact. Among companies, different regulations may be needed for different types of enterprise. For example, different requirements

may be needed for online and face-to-face companies; and for-profit enterprises may be treated differently from not-for-profit ones. Also, enactment of regulations may require attention to the location of activities. Thus, regulation of companies that operate nationally will require coordination across local governments, as shown in the Chinese case. For companies that operate internationally, authorities can insist on national regulations while needing to be aware of further complexities that arise from taxation requirements, employment contracts and other domains that vary in different jurisdictions.

At the other end of the scale from the national and international operators are self-employed tutors. Regulators in Japan and the Republic of Korea, for example, allow self-employed tutors to operate under a different framework from larger enterprises.

Elaborating on the modes of tutoring, regulations for offline tutoring may not apply easily to online and dual-tutor models. New emerging modes need research-informed tailor-made policies, which may also take account of seasonal variations in tutoring. In China, the ban on academic tutoring in the summer and winter holidays was followed by frequent inspection and site-checks by local authorities during such seasons.

Table 5. Categories of Shadow Education Policy

<b>Conditions for Operation</b>	Registration	Educational license		
		Commercial license		
	Premise	Nature: commercial and/or residential		
		Safety	Fire safety	Fire escape
			Staircase handles	
		Hygiene		
	Size	Per student area		
		Total area		
		Teaching equipment		
	Facilities	Teaching equipment		
	<b>Daily Operation</b>	Student enrolment	Advertising	(No) False claims, misleading representations
			Scale	Number of students enrolled
			Target groups	Teachers forbidden to tutor their own students
Finances		Fees	Information disclosure	
			Charging duration	
			Refund	
		Special account for tutoring fees	Financial guarantees	
Curriculum		Goals	Monitoring loans and cash flow	
			Examination orientation (Prohibition)	
			Contests preparation (Prohibition)	
		Subject	Number of tutoring subjects	
			Academic/non-academic	
		Tutoring materials	Qualifications of material developer/publisher	
		Assessments	Evaluation and approval of content	
Entrance examinations/contests (Prohibition)				
Pace	Ranking (Prohibition)			
Homework	In line with school curriculum standards			
	Level of difficulty			
	Amount/no homework			
Time	Time of day	Curfew		
		Out of school hours/weekends/holidays		
Duration				
Class size				
Contracts	Model contract			
	Penalty standards for contract cancellation			
Consumer protection	Privacy protection			
	Complaint feedback	Hotline		
<b>Human Resources</b>	Tutors	Qualifications	Certificate	
			Degree	
		Registration		
		Criminal record	No criminal/child abuse record	
			Tutor blacklist	
	Working experience			
	Specific criteria on overseas tutors			
	Managers (owners)	Qualifications		
		(No) Criminal record		
		Working experience		
Staff training and professional development	Pre-service training			
	On-the-job training			
<b>Organizational Structure</b>	Governing body			
	Pedagogical Council			

Beyond these practical issues, one further question needs confrontation. Some analysts (e.g. Sutton Trust, 2019; Gordon Györi, 2020) have recommended introduction of vouchers for low-income families so that they are not so strongly disadvantaged in the competition with higher-income families. However, this notion introduces conceptual problems in addition to the practical challenges. Vouchers would further strengthen the legitimacy of private tutoring, implying that most – perhaps all – students ought to receive tutoring either paid by their families or by the government.

***Takeaway 3: Shadow education and schooling must be considered together***

1. Because shadow education and schooling are intertwined, the two entities must be considered together (see Figure 6). Each side shapes the other, and failure to coordinate in policy matters results in pitfalls on both sides.

2. An example of these pitfalls at the macro-level concerns the Education for All (EFA) agenda championed by UNESCO (2000). As noted by Bray (2017), the EFA agenda sought to improve equity by expanding access yet inadvertently stimulated the expansion of shadow education. This was especially evident in Africa, where expansion of schooling threatened its quality and constrained teachers' salaries (Bray, 2021b). Some families felt a need for private supplementary tutoring in the context of qualitative decline; and many teachers felt that they needed to secure additional incomes to meet their family needs, and viewed private tutoring as an obvious way to do so. A further factor arising from the successes of universal primary education was pressure for universal junior secondary education and then much expanded senior secondary and higher education. Expansion at these levels further stretched financial and human resources, with implications for quality; and in the competitive environment for limited high-status schools, universities and then jobs, increasing numbers of families felt the need for shadow education to supplement the school sector. Thus, efforts to equalise and expand access to schooling can unintentionally increase the demand for tutoring and expansion of the shadow sector.

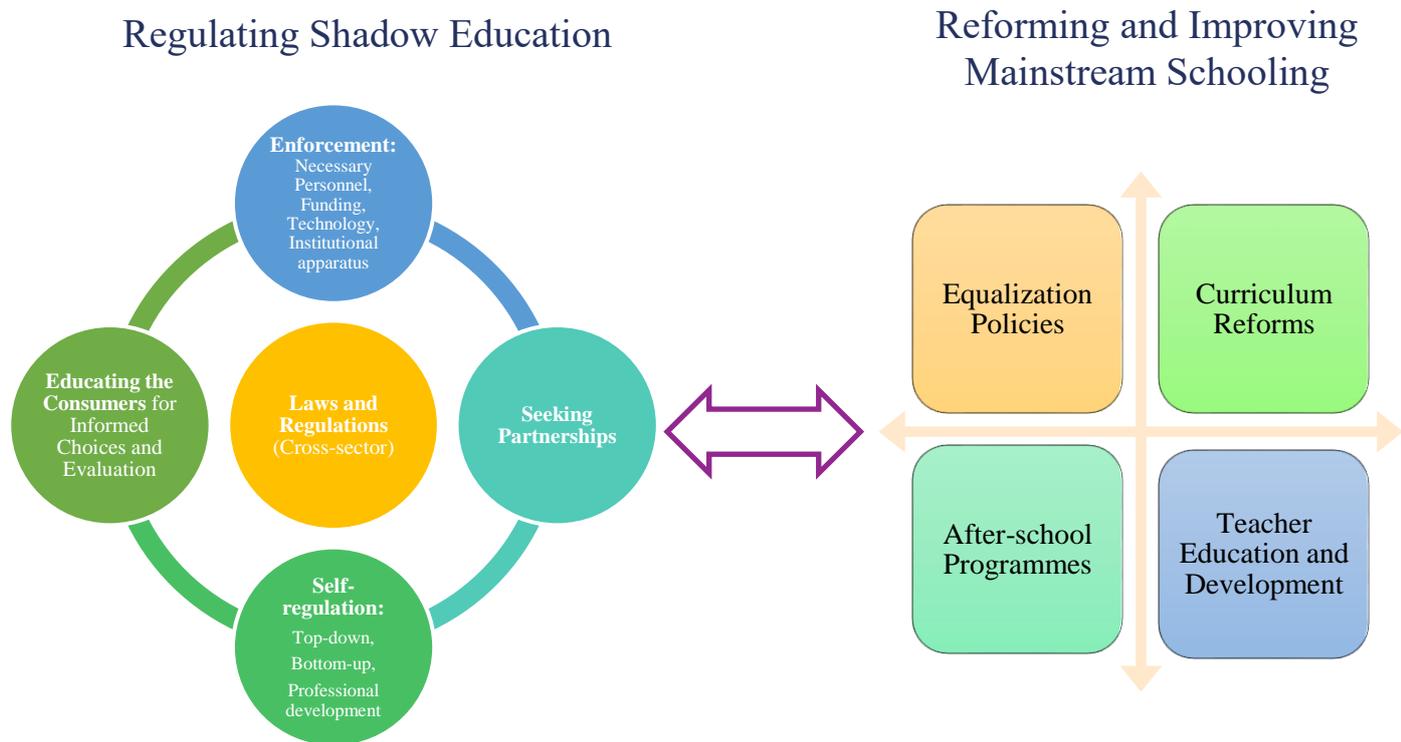
3. Another perspective concerns curriculum. As shown in the cycle of interactions between schooling and shadow education in Japan and China, a side-effect when authorities in both countries cut school hours and changed school curricula in order to alleviate study burdens was expansion of tutoring. The governments in both countries later put back some of the hours through after-school programmes (and Japan also put back some of the curriculum difficulty). These examples show that curriculum reforms should consider education as a whole, with both schooling and shadow education in addition to other avenues for learning.

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7. Figure 6: An Expanded Conceptual Framework for Regulating Shadow Education



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14. Analysis in section 4.5 indicates the blurring boundaries of after-school programmes in schooling. Some ASPs might help reduce inequality and improve student performance, but unregulated PPPs with tutoring providers can lead to negative consequences. In settings where teachers work as tutors, it is important for teacher education and development to confront the dual identity of teacher-tutors and to engage teachers in critical inquiry of the phenomenon. Insofar as tutors also play important roles in the lives and learning of students, tutors need to be qualified and to develop professionally as teachers. Policy on teacher education and professional development should not create an opposition between teachers and tutors. Rather, it should include tutors, not only for them to train and qualify, but also to learn from their experiences and creativity. Therefore, planning of schooling should go hand in hand with regulating and planning of shadow education.

15. Returning to the African picture, Bray's (2021b) study did note diversity around the continent. Shadow education enrolment rates in Egypt and Mauritius, for example, were much higher than those in Lesotho and Namibia. The danger then arises of policy-makers in the countries with lower shadow enrolment rates neglecting the matter until it becomes more serious. As with the health sector, and most obviously Covid-19, it is much wiser to act in a preventative way when the challenges are modest than to wait to the point at which structures and habits have already been formed and can only be changed with sorts of drastic measures attempted in the Republic of Korea during the 1980s and in China in 2021.

Expanding the regulatory framework in Figure 2, each of these dimensions can be elaborated and revised in the light of global policy progress analysed in this report. Figure 6 provides a conceptual framework for policy coordination and integration: as school reforms should go hand in hand with tutoring regulations, all policies for the shadow education sector should also take account of the school sector. The set of square boxes shows only four domains of school-related reform discussed in this report, and in principle the diagram could be modified to include many more domains.

***Takeaway 4: Partnerships should go beyond the modes of commercial trade.***

While international evidence highlights many negative dimensions of tutoring, its diversity and flexibility can foster positive educational innovations and help meet social needs. Tutoring programmes subsidised by the government can be useful for reducing financial gaps, but should also be treated with care, as evidenced in lessons from Sweden and England. Comparative analysis in this study has shown that partnerships may take the form of outsourcing, i.e. using public funding to purchase services from tutoring providers. Such partnerships are in effect underpinned by commercial trade, which could lead to unexpected side-effects.

Sustainable partnerships are where shadow education, families and school actors coordinate and collaborate towards shared educational goals for student wellbeing and for co-constructing equitable education for all. The author's comparative research in China, Japan, the USA and Denmark has already shown evidence of desirable partnerships beyond contractual relationships. The research shows that innovations in tutoring can empower school transformation and reduce learning gaps. Quality digital resources created by tutoring providers can support schooling, and tutors and teachers can form dynamic and creative professional learning communities.

As UNESCO has shown in its visionary agenda for the futures of education (UNESCO, 2021), technological advancement is further dissolving the walls of schools. Thus, schools have to open

up, respond to and collaborate with other education providers. In this process, more creative collaboration is needed between state and non-state actors.

Covid-19 has made us stop taking for granted the commitment of state actors and the role of schooling, but it also alerted us of the limitations of the state actors and schooling. The future of education is one with blurred boundaries, of openness of education beyond the myth of schooling. Of course, the transformation of education requires the joint efforts of all parties involved. Problems associated with shadow education cannot be attributed to the industry alone: they also mirror fundamental issues in both schooling and the wider society. Perhaps it is best to end this report by revisiting the pertinent message from the 2017/18 GEM Report: Stop the blame game: Education is a shared responsibility” (UNESCO, 2017b, p.12).

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## Appendix

### Appendix 1: Scale of Private Supplementary Tutoring in Selected Countries and Jurisdictions

Country	Patterns
Argentina	Cámara and Gertel (2016) surveyed 360 freshmen at the University of Córdoba. They found that 17.5% of students in Law had received private tutoring before their admission to the university, and the figures for those in Dentistry, Economic and Medicine were 30.9%, 39.2% and 92.4% respectively (p.140).
Australia	Drawing on data from Australian Bureau of Statistics, Watson (2008) found that average household weekly expenditure on private tutoring increased from A\$0.29 (1998-99) to A\$0.48 (2003-04), accounting for 4.0% (1998-99) and 4.9% (2003-04) of total average household educational expenditures.
Austria	Data in 2017 indicated that 28% of upper secondary students in the academic (gymnasium) stream had received tutoring in the present or previous year (Boehm, 2018, p.46).
Azerbaijan	Silova and Kazimzade (2006) asked 913 first year university students about their experiences in the last year of secondary schooling. They found that 93.0% of students had received tutoring (private lessons, preparatory courses, or both).
Bangladesh	National household survey data showed 2000 private tutoring enrolment rates of 47.7% in urban areas compared with 27.5% in rural areas. The repeat survey in 2010 showed proportions of 66.7% and 53.9% (Pallegedara & Mottaleb, 2018, p.45). Mahmud and Bray (2017) surveyed 401 students from Grade 8 and 10 in eight secondary schools in two locations on their participation in tutoring in English. They found that the overall participation rate was 71.3%, and the mean of monthly household expenditures on private tutoring was 1,290 Taka.
Brazil	Ventura and Gomes (2013, p.141) reviewed existing literature and noted that 22.0% of students from public schools and 51.9% from private schools regularly used private tutoring. They added that average estimated yearly spending in 2008 was US\$1,389 for public school students and US\$2,456 for private school students.
Canada	Aurini and Davies (2013) reviewed existing literature and found that “33% of Canadian parents have purchased supplementary education, and 21% of 9-year-old children have received some kind of private tutoring” (p.157). In addition, they found that from the 1990s into the 2000s, the number of tutoring businesses increased rapidly in major Canadian cities (p.160).
China	The 2017 China Institute for Educational Finance Research – Household Survey (CIEFR-HS) included data on tutoring (Zhang, 2019). Nationwide, 33.4% of primary, 43.7% of lower-secondary, and 48.2% of upper-secondary school students had received private tutoring. Regional differences were

	<p>significant, with participation rates of north eastern areas being the highest (60.8%), followed by eastern areas (38.1%), central areas (38.0%), and western areas (30.5%). In addition, participation rates of urban students were around the double those of rural students. Average household annual expenditure on tutoring was RMB 1,982 per student nationwide. Regional differences were significant, with north eastern areas at the top (RMB 3,693), followed by eastern areas (RMB 2,535), central areas (RMB 1,463) and western areas (RMB 1,304). Expenditures for rural students were a seventh of those for urban students.</p> <p>Regarding the online education market, a study (2020a) by the Chinese Academy of Sciences utilised data from industry reports, survey of 7,421 participants from 30 Chinese cities, and case studies. It showed that the value of the K-12 online education<sup>3</sup> consumer market grew from RMB8,520 million (2013) to RMB88,430 million (2020) and was expected to reach RMB150,340 million in 2022. The corresponding market penetration rate<sup>4</sup> increased from 6.8% (2013) to 15.0% (2019), and jumped dramatically to 85.0% in early 2020 due to the COVID-19 pandemic. Additionally, the study found that 1) 70% of parents who purchased online education had a bachelor's degree or above (p.16), 2) 43% of families that used online education had annual incomes of RMB200,000-500,000 and families earning less than RMB100,000 a year represented only 11% (p.18), and 3) 42% and 35% of online education consumers were in Tier 1 and Tier 2 cities (p.17), and other cities had only minor market shares.</p> <p>Another study (2020b) with a focus on online tutoring drew on 3,316 questionnaires by parents with K-9 children in 37 Tier 1-4 cities and other sources. It showed that 46% of urban K-9 students (i.e. 26 million people) received English tutoring. The market size (for K-9 online English education) was RMB260,000 million in 2020, with 5.8 million consumers and a market penetration rate of 22%. The traditional offline market was reported to have 24 million consumers.</p>
Cambodia	<p>Drawing on a nationally representative dataset, Marshall and Fukao (2019) found that 73% of Grade 8 students had received private tutoring in 2016. Data from the Cambodia Socio-Economic Survey (CSES) showed that the participation rate increased steadily from 2004 to 2015 across most Grades, and that in 2015 over 60% of Grade 9-12 students had received shadow education (cited in Marshall &amp; Fukao, 2019). The CSES data for 2017 (National Institute of Statistics, 2018) showed participation rates of 20.1% for primary school students, 57.0% for lower-secondary school students, and 74.7% for upper-secondary school students.</p> <p>On a smaller scale, Bray, Kobakhidze, Liu and Zhang (2016), with data collected from six secondary schools in Siem Reap Province, found that 74.7% of Grade 9 students and 89.8% of Grade 12 students had received shadow education within the last 12 months. Regarding expenditures, they found that common cost was 500 riels (US\$0.13) per lesson or 10,000 riels (US\$2.50) per month per subject, with rates higher in the urban than rural areas.</p>

<sup>3</sup>This study reports online education for K-12 students offered by either private or public providers.

<sup>4</sup>The percentage of target consumers who make at least one purchase over a period of time (Spacy, 2017).

Cyprus	Lamprianou and Lamprianou (2013, p. 40) analysed 2003 and 2009 data for households with children aged 6 to 18. In 2003, 74% of households indicated that they were paying money for private tutoring, and by 2009 the number was 80%.
Czech Republic	Št'astný (2016, p.20) surveyed 1,265 upper secondary students in Prague and a less developed region in the east of the country. In Prague, 47.5% were either receiving individual private lessons or joined preparatory courses for university entrance. In the other region, the proportion was 35.9%.
Denmark	Christensen and Ørberg (2015) highlighted the emergence of the industry albeit in a limited way. Elaborating, Christensen (2019) showed a 458% increase in the number of businesses in 2018 compared with 2000-2009.
Egypt	Assaad & Krafft (2015, p.23), using data from the 2012 Egypt Labor Market Panel Survey, reported extensive private tutoring in all grades. Even in Grade 1, 33% of surveyed students were receiving private lessons, and a further 9% were in fee-paying help groups; and for Grade 6, these numbers were 61% and 12%. Further data were presented by Sieverding et al. (2019, p.572) from the 2014 Survey of Young People in Egypt. Shadow education was received by 91% of surveyed Grade 12 students, 79% of whom were receiving tutoring on a one-to-one basis and 21% in groups.
Germany	Hille et al. (2016, p.66) analysed data from 4,500 households in 2013. Among primary students, 6% were receiving tutoring while for secondary students 18% were doing so. Among children aged 17, 47% reported that they had received tutoring at least once during their careers. Proportions had grown significantly since 2000.
Hong Kong, China	<p>Bray et al. (2014) surveyed 967 Grade 9 students and 657 Grade 12 students in 16 secondary schools in 2010/11. They found that 53.8% of Grade 9 students and 71.8% of Grade 12 students reported having received some sort of tutoring (p.29). The median reported cost for a secondary school student was HK\$1,570 per month, accounting for around 8.7% of the total monthly income of an average family (p.30). Concerning gender, 65.6% of surveyed female students received tutoring compared with only 56.8% of males (p.33).</p> <p>A <i>China Daily</i> report (Wang, 2018) stated that in 2015/16 the market sale of private tutoring was HK\$4.3 billion. A report by Ipsos (2016) stated there were 1,317 tutoring companies, with 2,051 outlets. Only 10.8% of the companies were chain businesses. Average monthly expenditure on private tutoring for primary school students was HK\$599 per person in 2015/2016; and total market sale for them was HK\$ 1,365.7 million. The report added that 1,100 tutoring companies, with 1,775 branches, targeted secondary school students, and 11.4% of these companies were chain businesses. It estimated average monthly expenditure on tutoring for secondary school students at HK\$634 per student in 2015/2016, and the total market sale that year was HK\$2,899.9 million.</p>

Iran	<p>A survey of 300 high school students in Sanandaj indicated that 61% were receiving private tutoring (Shirbagi et al., 2019, p.51). Among them, 22% received had tutoring for one year, 13% for two years, 41% for three years, and 16% for four or more years. Over half (64%) received more than four hours of tutoring each week.</p>
Japan	<p>The Yano Research Institute (cited in Owner’s Lab, 2019) reported that Japan’s <i>juku</i> market size in 2017 was 969 billion yen, with annual growth of 0.7%. The one-to-one tutoring market size was 439 billion yen in 2017, and its market share was 45.3%.</p> <p>Official data (Japan, METI 2019) showed that Japan had 46,734 <i>gakushu juku</i> in 2018, with 327,500 employees (p.1), and that revenue was 991.9 billion yen in 2017 (p.16). Further, a report by Ministry of Education, Culture, Sports, Science and Technology (MEXT) (2019) showed household expenditures on tutoring provided by <i>gakushu juku</i> and home tutors for students across education levels in 2018. Annual average expenditures on private tutoring for public and private kindergarteners were 84,000 yen and 148,000 yen respectively. Those for public and private primary school students were 181,000 yen and 452,000 yen. Those for public and private lower-secondary school students were 375,000 yen and 395,000 yen, and for public and private upper-secondary school students were 380,000 yen and 465,000 yen (calculated based on data from MEXT, 2019).</p>
Kazakhstan	<p>Kalikova and Rakhimzhanova (2009, cited in Bray &amp; Lykins, 2012, p.5) asked 1,004 first year university students about their experiences in the last year of secondary schooling and found that 59.9% of students had received tutoring (private lessons, preparatory courses, or both).</p>
Kenya	<p>SACMEQ’s national survey indicated that 52.1% of sampled Grade 6 students in 2007 were receiving paid extra tuition and a further 18.1% were receiving fee-free extra tuition (Wasanga et al. 2012, pp.38-39). The report on the 2013 SACMEQ survey indicated a total of 63.0% receiving extra tuition, but did not distinguish between fee-free and fee-charging (Karogo et al., 2019, p.39). A 2013 survey of 487 students in 31 secondary schools by Getange &amp; Obar (2016, p.11) showed an enrolment rate of 83.1%.</p>
Korea, Republic of	<p>Total household expenditures on private tutoring were estimated at 24 trillion Korean won or 2.8% of GDP in 2006, equivalent to 80% of government expenditures on public education for primary and secondary education (Kim &amp; Lee, 2010, p. 261). More recent data from Private Education Expenditure Survey conducted by the Korean Statistical Information Service (KOSIS) (2019) showed that in 2019, 57.9% of elementary school students were receiving tutoring of some kind (one-on-one, group, via internet, at home, and in private institutes). The figures for lower-secondary and upper-secondary school students were 61.8% and 49.7%. Students with higher monthly household income were more likely to receive private tutoring: 27.6% of students with less than two million won were receiving tutoring, whereas for students who reported “less than 6 to 7 million won a month”, the percentage was 66.5%. Average monthly expenditures on private tutoring for families with monthly incomes</p>

	below two million won was 64,000 won; the expenditure increased for richer families, and for families with monthly income “less than 6 to 7 million won” (the richest families in the Survey), the average monthly spending was 300,500 won. There were no significant differences in participation rates for males (55.1%) and females (58.5%).
Mauritius	A 1986 national survey indicated shadow education enrolment rates of 11.2% in Grade 1, 72.7% in Grade 6, 37.3% in Grade 7, and 87.2% in Grade 12 (Joynathsing et al., 1988, p.31). SACMEQ data for Grade 6 indicated an 81.4% enrolment rate in 2013 (Dwarkan, 2017, p.37).
Mozambique	SACMEQ data indicated that 9.7% of sampled Grade 6 students in 2007 were receiving private tutoring. The proportion increased to 20.8% in 2013 (Moreno, 2017, p.48).
Myanmar	Bray, Kobakhidze and Kwo (2020) surveyed 801 Grade 9 and 836 Grade 11 students from eight schools (five urban and three rural) in Yangon Region, asking about their participation in private tutoring during the past 12 months. The overall participation rate was 84.9%, with little variation between genders, grades and locations. For males the figure was 86.4% compared with 84.5% for females; for Grade 9 the figure was 83.4% compared with 86.2% in Grade 11; and for urban students the figure was 88.2% compared with 79.4% for peri-urban students (p.41). Mean monthly expenditure on private tutoring was 42,797 Kyats for Grade 9 students, and 100,460 Kyats for Grade 11 students; 80,672 Kyats for urban students, 49,571 Kyats for peri-urban students; 76,277 Kyats for males and 67,223 Kyats for females (p.44).
Nepal	Thapa (2011, p.69), using data from 2005 a Ministry of Education survey, found that 68% of Grade 10 students had taken private tutoring for the School Leaving Certificate Examination. Bhattarai (2014) surveyed 150 Grade 10 students who were preparing for the examination in three different public schools in Morang and Dhading districts and found that all the students had received private tutoring.
Poland	Długosz (2017) surveyed 3,479 school leavers, and found that 52.0% had received private lessons. In earlier research, Murawska and Putkiewicz (2006) found that among 849 first-year university students in 2004/05, 49.8% reported having received private lessons.
Qatar	A 2015 survey secured information from 1,298 parents of students in 37 secondary schools (Sellami & Trung, 2020). Among parents of children in Grades 8 or 9, 29.3% indicated that their children received private tutoring. The figure for children in Grades 11 or 12 was 45.0%.
Thailand	In 1992, 144 tutoring institutions were registered with the government. The number increased to 904 in 2001, and further to 1,964 in 2012 (Lao, 2014). In 2001 the Office of National Education Council reported that 30% of secondary school students received private tutoring nationwide, and that total spending on private tutoring was 3,300 million baht (Sinlarat, 2002, cited in Lao, 2014). The Ministry of Education (Thailand, 2018) recorded 2,422 tutorial centres, 9,899 tutors and 491,538 tutees nationwide in 2016. The Economic Research and Training Center (2011, cited in Lao, 2014) reported

	aggregate household expenditure of US\$666.67 million in 2011.
Singapore	A report in <i>The Straits Times</i> showed that the number of tutoring and enrichment centres had increased from about 700 in 2012 to over 950 in 2019 (cited in Cheng, 2019). The Household Expenditure Survey 2017/18 conducted by the Singapore Department of Statistics (2019) indicated that households spent SG\$1.4 billion on private tutoring that year, increased from SG\$1.1 billion in 2012/13 (Cheng, 2019). Average monthly household spending on tutoring was to SG\$88 in 2017/18, compared to S\$80 in 2012/13 (Cheng, 2019). In 2017/18, for home-based private tutoring the average monthly expenditure was SG\$34, and that for centre-based tutoring was SG\$54 (Singapore Department of Statistics, 2019).
South Africa	SACMEQ data indicated that 29.1% of Grade 6 students in 2013 were receiving private tutoring (Chetty et al. 2017, p.16). This was a considerable increase from the 4.0% recorded in 2007 (Bray, 2021b, p.17).
Sri Lanka	Pallegedara (2018) drew on Household Income and Expenditure Survey (HIES) data and found that the percentage of households that had expenditures on private tutoring grew from 13.9% (1990/91) to 54.2% (2012/13). The percentage for rural families rose from 9.5% (1990/91) to 51.2 (2012/13), and that for urban families from 22.6% to 63.4%. Monthly expenditures on private tutoring per student increased from 688 rupees in 1990/91 to 1,285 rupees in 2012/13. Rural families' monthly expenditures on private tutoring increased from 453 to 1,112 rupees, and urban families' spending grew from 688 to 1,285 rupees. Abayasekara (2018), drawing on 2016 HIES data, stated that 65% of urban households and 62% of rural ones had invested in private tutoring.
Trinidad & Tobago	A sample of 801 primary school children found that 5.7% in Standard 1 received private tutoring. Proportions rose in subsequent grades to 7.3%, 25.4%, 68.4% and the 88.2% in Standard 5 (Barrow & Lochan, 2012, p.411).
United Kingdom	In England and Wales, a 2018 survey of 2,381 students aged 11-16 asked whether they had ever received private or home tutoring. In London, 41% of respondents replied affirmatively, and 27% in the rest of the country did so (Sutton Trust, 2019).
United States	Buchman et al. (2010), drawing on the National Education Longitudinal Study, mapped patterns on the use of SAT/ACT preparation by family income. They found that 15% of the richest families (with annual family incomes over US\$50,000) had intensively used private courses, and approximately 10% had hired private tutors. Among other families, 5-10% had used the two forms of SAT/ACT preparation. Reports by the US Department of Education showed that in 2006-07, 3.3 million students were eligible for supplemental education services. Among them, 17% received supplemental tutoring, and from 2003 to 2008 the number of state-approved supplemental education providers tripled from 1,024 to 3,050 (Mori, 2013, p.198). Other reports (cited by Mori, 2013) showed that in 2004/05 24-28% of eligible Grade 2-5 students received supplemental tutoring. Other proportions

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	were 16% for Grade 1,12-16% for Grades 6-8, and only 2-4% for eligible high school students.
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### **Note on the Author**

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