

Breakthrough and Innovation in the Revised Vocational Education Law

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Abstract: Vocational education plays an irreplaceable role in economic, social, and educational development. Based on the principles of unified legal order and social development reality, the "Vocational Education Law of the People's Republic of China" has been revised, with the addition of three new chapters: "Vocational Schools and Vocational Training Institutions," "Teachers and Learners of Vocational Education," and "Legal Liability." The existing provisions have also undergone significant adjustments. The newly revised "Vocational Education Law of the People's Republic of China" has made significant breakthroughs and innovations in the positioning, system, subjects, and guarantees of vocational education. It demonstrates the country's determination to elevate the mature reform measures of vocational education to the level of legal system and promote the rule of law in education. It also signifies the true path towards the legalization of modern vocational education system construction. This paper explores and analyses the breakthroughs and institutional innovations presented by the revised "Vocational Education Law."

1. Introduction

The development of vocational education is an important component of educational modernization and a crucial pathway for individuals' growth and success. The original "Vocational Education Law of the People's Republic of China" (hereinafter referred to as the original "Vocational Education Law") was passed on May 15, 1996, during the 19th meeting of the Standing Committee of the Eighth National People's Congress. It provided legal support for the development of vocational education over the following 26 years. On April 20, 2022, during the 34th meeting of the Standing Committee of the Thirteenth National People's Congress, the newly revised "Vocational Education Law of the People's Republic of China" (hereinafter referred to as the new "Vocational Education Law") was passed. This revision not only improves the legal system of vocational education but also represents an important measure in line with the development of the times, the construction of a skilled society, and the establishment of a lifelong learning system for all citizens. This "major revision" after 26 years is of great significance and carries profound responsibilities. The new "Vocational Education Law" has made breakthroughs and innovations in the positioning, system, subjects, and guarantees of vocational education. The overall framework structure and chapter provisions have undergone significant changes, expanding from 5 chapters and 40 articles to 8 chapters and 69 articles, with the

addition of 3 chapters and 29 new provisions. The word count has increased from over 3,000 words to over 10,000 words. It clearly defines the status, connotation, implementation, and guarantee of vocational education, providing guidance for the in-depth reform of vocational education. Therefore, it is necessary to explore and analyse the breakthroughs and institutional innovations presented in the new "Vocational Education Law."

2. The Dimension of Vocational Education Positioning: Improvement in Connotation and Positioning

Since the reform and opening up, vocational education has contributed significantly to the country's modernization by providing substantial talent support. However, due to social misconceptions and the ambiguous positioning of vocational education itself, it has followed the path of "mimicking general education," resulting in slow progress in the construction of the vocational education system. With the issuance of a series of national policies, vocational education has become increasingly clear, and the introduction of the new "Vocational Education Law" represents the mature development of vocational education policies into the realm of law.

2.1 Improvement in the Connotation of Vocational Education

The original Article 2 of the original "Vocational Education Law" only indicated that vocational education applies to vocational school education and vocational training, without explicitly defining the connotation of vocational education. With the adjustment of the national economic structure, industrial transformation and upgrading, and the development of industrial informatization, in a large number of vocational education policy documents, the target of vocational education has evolved from cultivating a labor force army to nurturing high-quality skilled talents, high-quality workers, and highly skilled professionals, and finally, emphasizing moral education and comprehensive development. It can be seen that vocational education has continuously improved its connotation during its development, focusing on moral education and comprehensive development. The new "Vocational Education Law" adds a definition of vocational education in Article 2, emphasizing the integration of morality and skills, and comprehensive development. This definition aligns with the goal of building an education powerhouse and promoting the construction of a lifelong learning system for all citizens, broadening the development scope of vocational education.

2.2 Improvement in the Positioning of Vocational Education

The original Article 3 of the original "Vocational Education Law" only stipulated that vocational education is an important component of the national education system, but the specific provisions did not clearly distinguish the educational authority of different types of vocational schools, nor did they adequately reflect the autonomy, talent cultivation, and practical training of vocational colleges. The new "Vocational Education Law" responds to the concerns of the times. In Article 3, it explicitly defines the positioning of vocational education, which can be divided into three levels. Firstly, it clarifies that vocational education is a type of education and equally important as general education. As early as 1994, the "Implementation Opinions on <China's Education Reform and Development Outline>" issued by the State Council stated the need to "vigorously develop vocational education, gradually form an education system with primary, secondary, and higher vocational education coexisting, interconnecting, and having a reasonable proportion [1]." This indicates the distinction between vocational education and general education, but the positioning of vocational education was not explicitly stated in the original "Vocational Education Law." In 2006, the Ministry of Education, in its "Several Opinions on Improving the Teaching Quality of Higher Vocational Education for All,"

first explicitly stated that higher vocational education is a type of higher education, providing policy guidance for the development of higher vocational education. It was not until the "National Vocational Education Reform Implementation Plan" issued by the State Council in 2019 that it clearly stated [2], "Vocational education and general education are two different types of education with equal importance." This indicates that, along with the development of vocational education practices, the new "Vocational Education Law" explicitly defines the positioning of vocational education. It directly reflects the mature reform policies of vocational education as a legal system, which is conducive to breaking the social misconceptions about vocational education, mobilizing efforts from all parties, and enabling vocational education to truly achieve equal status in practice. Secondly, it clarifies that vocational education is not only an important component of the national education system but also an essential part of human resource development. Vocational education and the country's modernization are interdependent and indispensable. In August 2022, the Ministry of Education published the "China Vocational Education Development White Paper," which stated that vocational education actively adapts to economic development. In the past decade, it has provided 61 million high-quality workers and skilled technical personnel for various industries, promoting the release and realization of the population dividend and providing strength for the digital economy and ecological economy. Thirdly, it emphasizes the important role of vocational education in the diversified development of individuals and the coordinated development of society. In the modern education system that serves lifelong learning for all citizens, vocational education provides diverse pathways for the growth and success of individuals with different characteristics. For example, it offers higher vocational education to retired soldiers and new-type vocational farmers. Vocational education adheres to market orientation, integration of production and education, and school-enterprise cooperation. The "China Vocational Education Development White Paper" shows that the employment rate of vocational college graduates remains high, and employment positions are found in high-end industries, creating a bridge for high-quality employment.

3. Dimension of Vocational Education System: Improvement in School Levels and Vocational Education System

3.1 Improvement in School Levels

The original Article 13 of the original "Vocational Education Law" stipulated that vocational education is divided into primary, secondary, and higher vocational school education. However, the highest level of education for higher vocational schools was limited to associate degree education. With the continuous deepening reform and development of vocational education, the state has issued a series of policy measures. For example, the "Guiding Opinions on Promoting the Coordinated Development of Secondary and Higher Vocational Education" issued by the Ministry of Education in 2011 outlined the training objectives and status of secondary and higher vocational education, emphasizing their respective roles as the foundation and leader. Subsequently, the exploration of undergraduate vocational education, the establishment of high-level vocational schools and specialized programs with Chinese characteristics, and policies to improve the quality of vocational education have all aimed to break through the levels of vocational education and enhance its adaptability, promoting the formation of a modern vocational education system. Article 15 of the new "Vocational Education Law" establishes the school levels that vertically connect vocational education, forming pathways for secondary vocational education, associate degree education, and bachelor's degree and above education. This is consistent with the direction of vocational education policies.

3.2 Improvement in the Vocational Education System

Both versions of the "Vocational Education Law" include provisions on the vocational education system in Chapter 2. Article 12 of the original "Vocational Education Law" highlights two features of the vocational education system: the combination of vocational education and vocational training, and the communication and coordinated development between vocational education and other forms of education. The new "Vocational Education Law" eliminates the previous primary vocational education in Article 15 and specifies the content of the vocational education system in Article 14. Compared to the original "Vocational Education Law," the new provisions have significantly expanded and enhanced the content, demonstrating six major characteristics: first, enhancing the adaptability of vocational education to match economic and social development; second, requiring deeper integration of industry and education. While the original "Vocational Education Law" mentioned the combination of industry and education in Article 23, the new law goes beyond superficial connections and demands a deep integration that permeates both aspects; third, emphasizing the equal importance of vocational education and vocational training. Vocational training can better match talents with job positions and enhance the sustainable development capacity of individuals; fourth, promoting the horizontal integration of vocational education and general education; fifth, establishing vertical connectivity between different levels of vocational education; sixth, considering vocational education as an integral part of lifelong learning for all citizens. In summary, the modern vocational education system is characterized by horizontal integration, vertical connectivity, and its service to economic and social development and sustainable human development.

4. Dimension of Vocational Education Subjects: Improvement in the Rights and Responsibilities of Government, Schools, Society, Teachers, and Learners

The rule of law in education is an essential aspect of building a rule of law society. The legal system of education is closely related to social practices and, to some extent, reflects social practices. The goal of the rule of law in education is to regulate and adjust the behavior of various educational entities through legislation. The new "Vocational Education Law" includes the fourth and fifth chapters, which respectively stipulate the rights and responsibilities of schools and vocational training institutions, as well as teachers and learners in vocational education. In addition to these, the general provisions and the third chapter also define the rights and responsibilities of the government and enterprises in the implementation of vocational education. Article 6 of the new "Vocational Education Law" specifically clarifies the relationship and rights and responsibilities of vocational education entities, enhancing the completeness of the vocational education legal system and establishing a vocational education rule of law framework characterized by "government governance in accordance with the law, schools operating in accordance with the law, social participation in accordance with the law, teachers teaching in accordance with the law, and students receiving education in accordance with the law." [3]

4.1 Government Level: Improvement in Rights and Responsibilities

The original Article 11 of the original "Vocational Education Law" stipulated that the overall coordination of vocational education work is the responsibility of the education administrative department of the State Council, and governments at all levels are responsible for vocational education in their respective regions. The new "Vocational Education Law" clarifies the management system at both the central and local levels. In 2018, the inter-ministerial joint conference system for vocational education, led by the State Council, was established to consolidate and coordinate efforts for the development of vocational education. Article 8 of the new "Vocational Education Law"

legalizes this system. At the same time, it further strengthens the overall coordination responsibility of provincial people's governments for vocational education work and clarifies the responsibilities of governments at all levels for vocational education in their respective administrative regions, promoting the comprehensive development of vocational education.

4.2 School Level: Improvement in Rights and Responsibilities

Article 24 of the original "Vocational Education Law" stipulated the conditions for the establishment of vocational schools and vocational training institutions. The new "Vocational Education Law" adds a chapter specifically dedicated to "Vocational Schools and Vocational Training Institutions," adjusting and adding several provisions regarding the establishment conditions of vocational schools and vocational training institutions. At the same time, it also makes corresponding regulations regarding the direction of school operation, nurturing models, leadership structure, and management methods of vocational schools and vocational training institutions. For example, in terms of the direction of school operation, Article 4, Clause 1 of the new "Vocational Education Law" stipulates six principles that vocational education should adhere to, including upholding the leadership of the Communist Party. Additionally, vocational schools and vocational training institutions have more autonomy in enrollment and employment, talent development programs, majors, and the construction of internship and training bases. This promotes the reform of vocational education.

4.3 Society Level: Improvement in Rights and Responsibilities

The development of vocational education relies on social participation. However, effective models and mechanisms for social entities to participate in school management and governance in vocational education are currently lacking in China [4]. Therefore, the new "Vocational Education Law" introduces many new regulations in order to build a diversified school management pattern.

4.3.1. School Entities

Both the original and new "Vocational Education Laws" include provisions related to vocational education entities, such as government departments in charge of vocational education, industry organizations, enterprises, public institutions, social organizations, other social organizations, and individual citizens. The new "Vocational Education Law" further clarifies the role of the government in vocational education as guidance and support, weakening its responsibility as the school entity. It also changes the identity of overseas organizations and individuals involved in vocational education from operators to sponsors and donors. Furthermore, enterprises have gained more rights in school operation, as stated in Article 25 of the new "Vocational Education Law," which allows enterprises to participate in school operation through various forms.

4.3.2. Forms of School Operation

Both versions of the "Vocational Education Law" stipulate that vocational education can be conducted through independent operation or joint operation. However, the new "Vocational Education Law" introduces innovative forms of operation. For example, Article 30 introduces the Chinese characteristic apprenticeship system, where enterprises can establish apprenticeship positions in proportion to their job positions or combine employment and learning to provide apprenticeship training. It also encourages the establishment of high-level, specialized, open, and shared integration of industry and education internship and practical training bases.

4.3.3. Content of Participation

The original "Vocational Education Law" in Article 37 stipulated that enterprises and public institutions should accept internships for students and teachers from vocational schools and vocational training institutions. The use of "should" in this provision highlights the legal obligation of enterprises and public institutions. The new "Vocational Education Law" in Article 24 also stipulates that enterprises should implement vocational education but limits the target to their own employees and prospective employees. It states that enterprises "may establish positions dedicated to or part-time for vocational education," using the term "may" to reflect the flexibility of the law and give enterprises more autonomy. Additionally, specific contents of enterprise participation in vocational education are specified in Article 31 and Article 40, Paragraph 3 of the new "Vocational Education Law." This includes deep involvement in areas such as enrolment and employment, talent training programs, and majors, encouraging the incorporation of new technologies, processes, and concepts into vocational school textbooks and the use of dynamic updates through means such as loose-leaf pages, promoting the informatization of vocational education.

4.4 Improvement of Rights and Responsibilities at the Level of Teachers and Learners

The original "Vocational Education Law" did not have a dedicated chapter for teachers and learners, but Article 36 and Article 37 made limited provisions regarding the protection of teachers and students. The new "Vocational Education Law" introduces a new chapter on "Teachers and Learners in Vocational Education," which consists of ten articles. Articles 44 to 48 mainly specify the protection and incentive measures for the status, professional qualities, and social standing of teachers. For example, Article 45 stipulates the need to "establish and improve the vocational education teacher training system," thereby strengthening the professional training of vocational education teachers and enhancing their professional qualities. Articles 49 to 53 mainly regulate the rights and responsibilities of learners, protecting their legitimate rights and interests in internships, further education, employment, and career development. For example, internship organizations are required to ensure the rights of students, such as rest and leave during internships, insurance coverage, and skill guidance. This helps to change the social situation of vocational education being regarded as "inferior," improve the social recognition of vocational education, and create a favorable social environment.

In summary, the new "Vocational Education Law" improves the rights and responsibilities from the perspectives of the government, schools, society, teachers, and learners. It applies the rule of law thinking and methods to address various contradictions in the development of vocational education, striving to construct a legal system for vocational education and promote high-quality development in vocational education.

4.5 Vocational Education Guarantee Level: Improvement in Investment and Legal Responsibilities

In the development of vocational education, there is a noticeable gap in the level of support compared to general education.

4.5.1. Improved funding allocation

There is an imbalance in funding allocation, with more funding being directed to economically developed regions and the eastern regions compared to the western regions. While the national investment in vocational education has been increasing, the proportion of vocational education expenditure to the overall education expenditure has not correspondingly increased. In 2019, the

Communist Party of China Central Committee and the State Council issued the "Outline of China's Education Modernization 2035," which emphasized the need to optimize the use of education funds, shifting the focus from scale expansion to quality improvement and structural optimization, in line with educational reform and development. In 2021, the General Office of the Communist Party of China Central Committee and the General Office of the State Council issued the "Opinions on Promoting High-Quality Development of Modern Vocational Education," which emphasized the need to "improve the system of government investment as the main source of funding and mobilize funds for vocational education through multiple channels. Optimize expenditure structure and allocate additional education funds to vocational education." To achieve high-quality development in vocational education, it is necessary to adjust the allocation structure of education funds since education funding is a fundamental requirement for educational quality. The original "Vocational Education Law" (Article 26) stated the need to raise vocational education funds through multiple channels, and the new "Vocational Education Law" includes a new chapter with seven articles (Chapter 6) that address funding. Article 54 clarifies the need for the state to optimize the structure of education funds, ensure that vocational education funding is in line with vocational development needs, and legally guarantee funding. It also specifies the responsibilities of various entities, including the government, enterprises, and society, covering areas such as per capita funding, public funds, special fiscal allocations, social donations, local education surcharges, unemployment insurance funds, and enterprise employee education funds [5]. This comprehensive approach ensures the development of vocational education is supported by adequate funding.

4.5.2. Clarification of legal responsibilities

The original "Vocational Education Law" (Article 39) stated that violations of vocational education should be punished in accordance with the Education Law. The new "Vocational Education Law" adds a new chapter on "Legal Responsibilities" (Chapter 7) consisting of five articles. For the first time, it clearly defines the legal responsibilities of various entities in vocational education, including enterprises, vocational schools, vocational training institutions, internship organizations, education administrative departments, labour and social security administrative departments, or other relevant departments. Article 63 specifies the basis for penalties for violations of vocational education, which is not limited to the Education Law but also includes labour laws, criminal laws, and other applicable laws. The authority of the law lies not only in its establishment but also in its implementation. The new "Vocational Education Law" clearly defines the legal responsibilities of various entities and establishes connections with relevant laws from other departments, giving vocational education laws real teeth.

In conclusion, the new "Vocational Education Law" enhances the support for vocational education through improved funding allocation and the establishment of legal responsibilities. It addresses the imbalance in funding allocation and ensures that vocational education receives appropriate financial support. Furthermore, it clarifies the legal responsibilities of various entities involved in vocational education, facilitating the enforcement of laws and regulations and promoting the development of vocational education.

5. Conclusions

The New Vocational Education Law in China represents a significant milestone in the development of vocational education. This revised legislation addresses key issues and introduces important reforms. It enhances the definition and positioning of vocational education, improves the vocational education system, clarifies the roles and responsibilities of various stakeholders, and emphasizes the need for adequate funding. These changes aim to promote the high-quality

development of vocational education, align it with the needs of the labor market, and integrate it into lifelong learning systems. The implementation of this law is expected to have a positive impact on skills development, employment prospects, and the overall recognition of vocational education in China.

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