# Chapter 3
# Education Governance and School Autonomy: The Progressive Reform of K–12 School in China

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## 3.1 Introduction

Education governance and school autonomy are a pair of mutually linked concepts that have involved various relationships, including the relationship between schools and the government and society and the complex relationship between the schools' administration (including the school leaders, teachers, and other staff) and the students and even their parents. The essence of education governance is to build a modern school system that operates in compliance with the law, with autonomy, and under democratic supervision and engages other stakeholders in the society. At the core of the concept lies two goals: the first is to free schools from their overdependence on the government and to achieve autonomy; the second is to gradually realize shared governance that involves the full involvement of stakeholders such as teachers, students, and parents, as well as professional educational organizations, and consequently to highlight the agency of schools, increase the level of professionalism in their operations, and better meet the students' educational needs and facilitate their development (Chu 2004: 63).

With the expansion of compulsory education and the establishment and development of the modern institutionalized education system, schools' organizational systems have become increasingly complex. The struggle for authority over education management has also become complicated, specifically that between schools as professional educational organizations and the education administrators represented by the government and the education administration departments (EADs). As early as the 1970s, some educators in Australia had criticized the centralized model for

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school management and began exploring a school management model where local education bureaus, principals, parents, community members, teachers, and education administrators collaborate and work together, which later became known as school-based management (SBM) (Cuttance 1993; Gamage 1999).

After experimented in the states of New York, Florida, and California, SBM was developed into three basic models in the United States: administrative control SBM, professional control SBM, and community control SBM (Murphy and Beck 1995: 36).[1] Beginning with the St. Paul City Academy in Minnesota, reforms in charter schools were carried out in over thirty American states in the 1990s, with an aim to reallocate power among the state, school districts, and schools, as well as to expand school autonomy and strengthen education performance and accountability (Finnigan 2007). This management model which is based on individual school's situation has been adopted in many countries and regions (Ayeni and Ibukun 2013; Gamage 2001).

School autonomy has become a core theme for educational research and the practice of educational reform (European Commission 2007). The related concepts include centralization, decentralization, authorization, multi-governance, and participation in education governance. The research surrounding this theme was carried out at two levels of power relations: the first level was between schools and the external government, with the focus of decentralization and delegation from the latter to the former; the second level was between the schools' internal leaders and teachers, with the focus of teacher–parent participation. Regarding the former, David K. Cohen studied the impact of federal and state education policies on school governance (Cohen 1982). The crux of the issue was the reallocation of decision-making powers to establish a decentralized model that could enhance the continuous improvement and sustainable development of schools (Mohrman et al. 1994: 57; Wohlstetter and Mohrman 1994). After an external governmental department has delegated authority to a school, the school must undergo internal decentralization as well and create a mechanism that allows the principal, teachers, parents, students, and community residents to directly participate in the school's decision-making process (Dimmock 1993: 92) for effective school governance (Resnick 1999). Various changes are essential for effective school governance. First, the concept of a school's organizational management must be changed to form a shared vision. This leads to the formation of a new strategic plan for the school's development (Gamage 2009) and changes to its internal institutional structure and operating mechanism (Machin and Silva 2013). Next, school autonomy also involves school improvement (Honig and Rainey 2012), teacher training, and school-based curriculum (Herman et al. 1993). In fact, governments will establish strict regulations and restrictions on school autonomy as part of the delegation process and tend to more focus on the performance and outputs resulting from decentralization and school

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[1] Kenneth Leithwood and Teresa Menzies proposed the balance control model, the fourth type of SBM model. This model aims to achieve dual control by the community and professionals and is also known as the joint parent–teacher decision-making model (Leithwood and Menzies 1998).

autonomy (Gunnarsson et al. 2008) and have strict performance indicators and goals for schools' operations (Smyth 2014).

Since different countries have dissimilar political systems and cultural traditions, there are variations in education management systems, government–school relationships in terms of power allocation, and the resultant issues, contradictions, and conflicts. Dimmock (1993) teamed up with scholars from many countries to conduct an in-depth study of the relationship between SBM and school effectiveness in various contexts. American and German scholars jointly estimated the significance of school autonomy for different countries and regions based on the 2000–2009 PISA panel data (Hanushek et al. 2013). Higham and other scholars (Higham and Earley 2013) studied the relationship between school autonomy and government control in the United Kingdom from the school leaders' perspective, Zhu (2016) analyzed the United Kingdom's basic model for education governance, while Wilkins (2015) conducted a study on the way the UK government strengthened its supervision over public schools through specialized inspection tools to achieve "control over the controlling power."

Ko and his colleagues (2016) studied the development of school autonomy and the accountability system in Hong Kong since the implementation of SBM in the 1990s. Xia with her team (Xia et al. 2017) made a comparative analysis of the similarities and differences between China and the United States in terms of the issues that arose from school autonomy and raised two main issues: (a) seeking an optimal balance between the government's external and centralized control of schools and school autonomy and (b) seeking an optimal balance between the principal's and teachers' respective powers within the school's context. Hanushek et al. (2013) used the 2000–2009 PISA data of more than a million students in 42 countries to study the correlation between school autonomy and student performance, as well as variations in that correlation among different countries. They found that school autonomy had positive impacts on student performance in developed countries and those with high PISA scores but had negative impacts for developing countries and those with low PISA scores.

China had a highly centralized political system and planned economy for a long time. However, the reform and opening-up policy has been implemented since 1978, which focuses on economic development. In 1985, the Central Committee of the Communist Party of China (CCCPC) issued the *CCCPC's Decision on the Reform of the Education System* (《中共中央关于教育体制改革的决定》) and proposed to "resolutely streamline administration and delegate power to expand school autonomy" (CCCPC 1985). Following that was the agenda for education reform that included promoting reform of the education management system and facilitating school autonomy. China began exploring a developmental path toward a socialist market economy since 1990. At the same time, it began to seek for establishing an education system that was compatible with the socialist market economic system. The establishment of a modern school system was proposed for the first time in the *Outline of the National Plan for Medium- and Long-term Education Reform and Development* (*2010–2020*) (《国家中长期教育改革和发展规划纲要 (2010–2020年)》), which was issued by the Chinese government in 2010. The

document stated that "in order to meet the requirements for reforming the state's administrative and management system, the government's management authority and responsibilities, as well as the authority and responsibilities relating to the operation of all levels and types of schools, are to be clearly defined"; "separation between politics and schools, and between supervision and operations, are to be promoted"; and "the government and its departments must establish service awareness, improve management methods, establish perfect supervisory mechanisms, reduce and standardize the number of items that schools have to get administrative approval for, and provide legal protection for schools to fully exercise autonomy and assume the corresponding responsibilities" (CCCPC and the State Council 2010).

The *CCCPC's Decision on Several Major Issues Concerning Comprehensively Deepening Reform* (《中共中央关于全面深化改革若干重大问题的决定》) was passed at the Third Plenary Session of the 18th CCCPC held in 2013. It proposed promoting modernization of the state's governance system and capacity. The document also mandated the reform and development of the education field, which included "in-depth promotion of the separation between supervision, operation, and evaluation; expansion of provincial governments' rights to coordinate education and the promotion of school autonomy; and improvement of schools' internal governance structure" (CCCPC 2013). In 2015, the Ministry of Education (MOE) issued *Several Opinions by the MOE on Promoting ESOE Separation and Facilitating the Transformation of Government Functions* (《教育部关于深入推进教育管办评分离　促进政府职能转变的若干意见》). The document highlighted that in China's current education system, "there exists the phenomena of overexertion of authority, failure to execute duties, and misplaced focus in the ways the government supervises education, while the mechanism for independent development and self-discipline of schools is not fully developed, and social participation in education governance and evaluation is insufficient (MOE 2015b). After clarifying the relationship between the government, schools, and the society regarding authority and responsibilities, the MOE will implement and expand the school autonomy program to the experimental and promotion stages. The proposal aims to achieve the strategic goals for education governance by 2020. These included "the government supervising by law, schools operating autonomously by law, and various strata of society participating and supervising by law, so as to achieve a new setup for public governance of education." In 2015, the MOE introduced pilot reform projects to test the separation of educational supervision, operation, and evaluation (ESOE).[2] During the process, some provinces, regions, and cities

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[2] The ESOE pilot reform projects were categorized into comprehensive or individual projects. Institutions involved in the former category included the Beijing's Dongcheng Education Commission, Shanghai Municipal Education Commission, Wuxi Municipal Education Bureau, Zhejiang Province's Department of Education, Qingdao Municipal Education Bureau, Chongqing Jiangjin People's Government, Chengdu Municipal Education Bureau, and Karamay Municipal Education Bureau. The individual projects were implemented at the Wulanchabu Municipal Education Bureau, Shenyang Municipal Education Bureau, Foshan Shone Education Bureau, and Northwest University. They focused on the themes of "increasing efforts to simplify approval procedure and decentralize power while strengthening and improving the governmental service

separately organized local pilot reform tasks by making reference to national pilot reform projects. The author of the paper participated in and tracked the work carried out by some national and local pilot reform projects for school autonomy. The study was undertaken by the author from an independent, third-party perspective and based on rational observations and reviews of various policies implemented by local governments to promote ESOE separation and reform, as well as reforms toward school autonomy in related pilot projects. The aim was to clarify the current problems and challenges faced by schools when operating autonomously in compliance with the law and to explore the systems and mechanisms for promoting and guaranteeing the autonomy of elementary and secondary schools.

## 3.2   Research Design

In the setting of the comprehensive education reform of China, this study focused on the national ESOE pilot reform areas while still taking into account education governance and reform practice of school autonomy in the rest of the country. It investigated, observed, and analyzed the relevant policies and its implementation in practice.

### 3.2.1   Conceptualizing School Autonomy

China's understanding of school autonomy gradually deepened over the past three decades. In 1985, the leading group for drafting the document on reforming the central education system revealed through research that "the government's authority is too centralized when it comes to the management system for schools, such that the latter cannot become independent and autonomous entities that run schools. Schools possess neither external might nor internal motivation and lack overall vitality" (CCCPC 1985; Hu 2008). This marked the beginning of advocacy for school autonomy. The *Outline of the National Plan for Medium- and Long-term Education Reform and Development* (*2010–2020*) published in 2010 defined the establishment of a modern school system as "running schools in compliance with the law, autonomous management, democratic supervision, and social participation" (CCCPC and the State Council 2010).

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mechanism," "improving the supervisory and control mechanisms and ensuring proper interim and ex post supervision," "having a sound operating mechanism for the independent development and self-discipline of schools," "promoting de-administration of the education field and removing principals from the administrative rankings," "improving schools' operating mechanisms that are open to the public," and "exploring third-party evaluations and allowing the education evaluation results to fully perform their incentivizing and constraining role" (MOE 2015a, b, c).

In the *Outline for Promoting the Law-based School Governance in an All-around Way* promulgated by the MOE in 2012, it was stated that "the goal is to build a modern school system, implement and standardize school autonomy, and form a structure in which the government supervises schools in compliance with the law, schools are operated and managed autonomously in compliance with the law, teachers provide lessons in compliance with the law, and society supports and participates in school management in compliance with the law" (MOE 2012). These statements not only affirmed the autonomy of schools in their operations but also established a structural framework for the rights and boundaries of that autonomy.

Basic education is implemented through the elementary and secondary schools, which are entitled to various legal rights to operate. *The Education Law of the People's Republic of China* (中华人民共和国教育法》) was recently revised in December 2015, which stipulates in Article 29 that the rights of schools and other educational institutions include (a) autonomous management in accordance with their charters, (b) organizing and implementing educational and teaching activities, (c) recruiting students or other educatees, (d) managing the student registration and implementing due rewards or punishments, (e) issuing the corresponding academic certificates to the educatees, (f) hiring teachers and other staff and implementing due rewards or punishments, (g) managing and using the institution's facilities and funds, (h) rejecting the illegal interference by any organization or individual in the conducting of educational and teaching activities, and (i) all other rights stipulated by the laws and regulations (National People's Congress 2015).

In summary, autonomous operations of schools include the following at the level of education laws and policies.

### 3.2.1.1 Confirming that Schools Operating in Compliance with the Law Have the Status of Being the Legal Entities of Autonomy

School autonomy in compliance with the law means that schools' rights to autonomous operations are sacred and inviolable by law. Accordingly, the structure in which the government performs the "three-in-one" roles of being the manager, organizer, and evaluator of education must be dismantled. The relationship between the government and schools must be redetermined to ensure that the former transfers the operation right to the latter, so that schools can own the identity of organizers for autonomous operations in compliance with the law. To realize school autonomy, it is necessary to reach a consensus on the governance concept of a "government with limited liabilities," have a systematic legal and policy system for regulation and protection, and ensure the law-based administration of government.

### 3.2.1.2 Enforcing of the Schools' Rights to Operate Autonomously Under the Legal and Institutional Framework

Ensuring that schools have the rights to autonomous operations in accordance with the law not only is a political appeal for the democratization of education but also is indispensable for the daily operation of the school. Objectively, schools and teachers need to have more professional decision-making powers to maintain their professionalism and to cope with the variability and complexity of educational tasks and contents. When schools and teachers are entitled to greater autonomy in the field of teaching, it is a respect to the education and teaching principles and the professionalism of teachers. School autonomy ensures that principals and teachers can exercise free professional autonomy on the basis that the mandatory laws of education are being respected. This will fill schools with the spirit of freedom and restore the fundamental nature of school education—to educate and cultivate human beings.

### 3.2.1.3 Delegating the Direct Responsibilities to Teach and Educate to Schools

During the establishment and development of the education system, the primary and direct educational process is that of teaching and learning between teachers and students. That is also the process through which educational responsibilities are fulfilled. With the universalization of compulsory education and scaling up of high schools, as well as expansion in the scale of education and development of modern social management, the indirect management (indirect educational processes) of educational organizations that are beyond actual teaching relationships has become increasingly complicated. Such indirect educational processes reflect the "production relationship" of education. When the indirect educational processes become overly complicated, it will become more difficult for the direct education process, which reflects the "productivity" level of education, to spark vigor and vitality. To truly have school autonomy means to fundamentally remove all obstacles in the institutional mechanism that hinder the development of educational "productivity," so that schools and teachers can assume their rightful educational responsibilities while fully exercising their rights to run schools autonomously. This also means that it is vital for schools to establish a sound operating mechanism for self-discipline even while they are developing autonomously. Only in this way the corresponding educational responsibilities can be effectively shouldered.

### 3.2.2   Theoretical Framework

A study on education reform with school autonomy as the core theme must be situated within the theoretical framework of education governance. Governance is a concept that involves dynamic development. The word was derived from the ancient Greek word *kubernaein* (*kubernáo*) and has various connotations including steering, guiding, and manipulating. In thirteenth-century France, the concept was taken as an equivalent to ruling, government, and leading (Gaudin 2002). Since the birth of modern nations, there have been three main methods of managing state and public affairs: by the government, the market, or public governance (Song and Fangfei 2010). In the 1990s, some political scientists and management scholars advocated the use of "governance" in place of "government" in view of the failure by the market and governments to allocate social resources (Yu 1999). By then, the connotations of the concept of governance had undergone substantial changes. James N. Rosenau made a distinction between the concepts of "government" and "governance." Although both concepts point to purposeful behaviors, the former is backed by formal authority, while the latter is based on common goals (Rosenau 1992: 4). To a very large extent, governance is regarded as the making of adjustments to an interdependent relationship without the premise of political authority (Rosenau 1999). The Commission on Global Governance (CGG) considers governance to be the sum of many methods by which various public or private institutions manage their common affairs (CGG 1995: 23). In other words, the entities being ruled must be the society's public institutions. Pertaining to governments, the subject of governance can be either a public or private institution, or even a partnership between both types of institutions. For governing, the process is based on the government's authority. It is a single-dimensional, top-down management action on social and public affairs executed through the formulation and implementation of policies. On the other hand, governance refers to an equal, consultative, and cooperative partnership between the government, social organizations, and public and private institutions. It is a process where social affairs, social organizations, and social life are regulated and managed in accordance with the law, eventually leading to the maximization of public benefits. The true nature of governance is built upon market principles, public interests, and collaboration arising from a shared vision. Its operational mechanism does not depend on the government's authority but, rather, that of the cooperative network. The dimensions of its authority are interactive and pluralistic.

Education governance is an important component of a country's governance. Governance-based education reform aims to change the past practice of managing educational activities by governmental authority. Instead, decentralization by the government leads to the establishment of a collaborative relationship between the government, society, and schools. A sound horizontal and interministerial mechanism for consultation and communication must be set up among the government's various internal departments involved in educational affairs (including those in charge of internal matters, organization, formulation, personnel, and finance) and

the various EADs. The focus of the mechanism is to optimize the processing of educational matters.

With the step-by-step delegation of education management authority, a sound and unimpeded two-way communication mechanism must be established between the different levels of governments (central, provincial, municipal, and county) and the EADs. A mechanism for managing the inventories of responsibilities, powers, and negative lists must also be implemented to clarify the powers and relationships between the government, schools, and social organizations. This will simplify approval procedures and decentralize powers, leading to delegation of the corresponding education management authority to all levels and types of schools, and its transference to the corresponding specialized social education organizations. The next step would be to formulate macroscopic plans for education development and set professional education standards to guide the development of regional and school education.

A service-oriented government is created by the combination of three approaches: (a) simplifying approval procedures and decentralizing powers, (b) streamlining the government and delegating its authorities, and (c) optimizing services. This improves the government's capacity at education services, thus providing schools with quality education services while concurrently strengthening interim and ex post supervision.

The core issue for schools is how they should operate autonomously in compliance with the law. At the level of internal governance, it is important to formulate the school charter and use it as the basis to standardize schools' internal rules and regulations. The various relationships must be optimized to improve the governance structure, so that teachers and parents can participate in the operation of the schools. In addition, self-oversight and self-evaluation within schools and the transparency in school matters must be improved. These will lead to the formation of a sound social reporting system for school affairs, which in turn facilitates social supervision and evaluation (Fig. 3.1).

### 3.2.3   Research Design

To track and analyze the practice of ESOE separation all over the country, we first conducted a systematic analysis of policy documents by all levels of the government and the EADs. We then studied the experiences and feelings of the educational stakeholders involved in the reform to have an in-depth grasp of the education reform measures that were actually implemented, as well as their effectiveness. The main research methods adopted in this study are elaborated below.
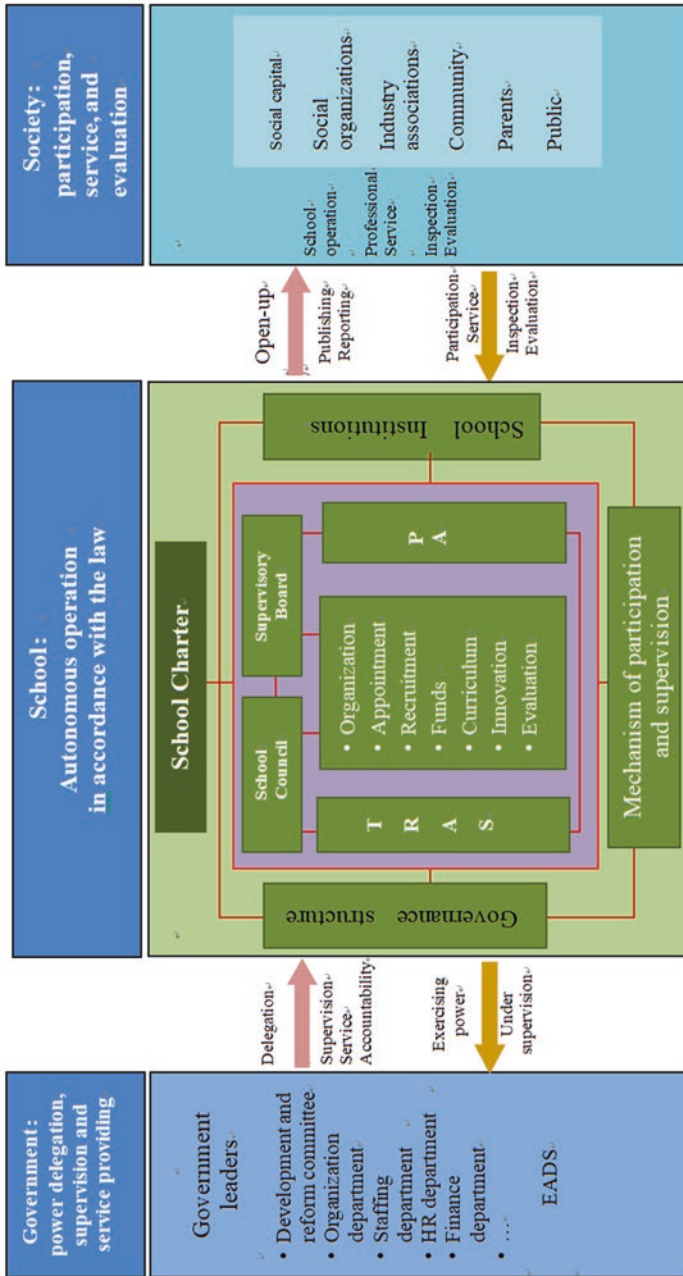
**Fig. 3.1** The model for schools' autonomous operations in compliance with the law

### 3.2.3.1 Content Analysis of Policy Documents

All national and local policy documents related to the modernization of education governance, ESOE separation, establishment of a modern school system, delegation of approval rights for education administration, and comprehensive education reform were extensively collected, collated, and analyzed. There were more than twenty documents on educational laws and policies at the state level (State Council and MOE), eighty documents on educational policies at the local level (provincial governments and their education departments), and one hundred and twenty documents on pilot projects for national and provincial education reforms.

### 3.2.3.2 Questionnaire Survey

More than 2000 copies of questionnaires were distributed to education administration leaders and principals of elementary and secondary schools in Shanghai, Beijing, Jiangsu, Guangdong, Sichuan, Shandong, and Henan. A total of 1890 valid questionnaires were retrieved, representing a 94.5% return rate.

### 3.2.3.3 Interviews

We conducted both group interviews and one-to-one interviews in Pudong, Minhang, Putuo, Xuhui, and other districts of Shanghai, Wuxi in Jiangsu Province, Beijing, Shenzhen and Shunde in Guangdong Province, Chengdu in Sichuan Province, Qingdao in Shandong Province, and Zhengzhou in Henan Province. The interview subjects were government leaders in charge of education, leaders of educational administration organizations, heads of comprehensive education reform projects, educational management officials, and principals of elementary schools, junior and senior high schools, and 9-year integrated schools (Table 3.1).

## 3.3 Research Findings

There was an extensive promotion of the reform in education governance throughout the country according to the spirit of the following documents: (a) *Outline of the National Plan for Medium- and Long-term Education Reform and Development* (*2010–2020*) (2010), (b) the MOE's *Outline for Promoting the Law-based School Governance in an All-around Way* (《全面推进依法治校实施纲要》) (2012), (c) *CCCPC's Decision on Several Major Issues Concerning Comprehensively Deepening Reform* (2013), (d) *Several Opinions by the MOE on Promoting ESOE Separation and Facilitating the Transformation of Government Functions* (2015), and (e) the MOE's *Outline for the Implementation of Law-based Education Governance* (*2016–2020*) (《依法治教实施纲要 (2016–2020年)》) (2016). The

**Table 3.1** Research participants

| Role | Interviews | | Questionnaires | |
|---|---|---|---|---|
| | No. | % | No. | % |
| *Education administration officials* | | | | |
| • Government leaders in charge of education | 6 | 3.13 | 58 | 3.07 |
| • Heads of comprehensive education reform projects | 5 | 2.60 | | |
| • Directors general of education bureaus | 12 | 6.25 | | |
| • General staff of education bureaus | 28 | 14.58 | 273 | 14.45 |
| *School principals* | | | | |
| • Schools for compulsory education | 16 | 8.33 | 196 | 10.37 |
| • Senior high schools | 27 | 14.06 | 286 | 15.13 |
| *Teacher representatives* | | | | |
| • Schools for compulsory education | 32 | 16.67 | 397 | 21.01 |
| • Senior high schools | 66 | 34.38 | 680 | 35.97 |
| Total | 192 | 100.00 | 1890 | 100.00 |

MOE proposed pilot projects for ESOE separation in 2015, which were fully launched at various pilot institutions that same year. Simultaneously, theoretical and practical research projects on the topic of ESOE separation were launched as well. Earmarked provinces and cities also promoted pilot reform projects in areas under their jurisdiction. Over the next few years, efforts were put in by schools around the country to continuously implement reforms and promote school autonomy. In consequence, schools' rights to autonomy has been primarily guaranteed, and the operating mechanism for school autonomy has been established and improved in a sustained manner. However, the reform process still encountered great difficulties and challenges.

### 3.3.1 Continuous Promotion of the Reform Toward School Autonomy

Implementation of education governance and school autonomy in the various regions of China mainly focused on the following aspects.

#### 3.3.1.1 Gradual Promotion of the List-Based Management to Preliminarily Clarify the Rights and Responsibilities of the Government and Schools

The foundation of list-based management consists of the various rights, responsibilities, and public accountability. It is a management process that clarifies the boundaries of authority; makes distinct the rights and responsibilities; regulates the relationships between the government and the market, the government and the

society, and the government and citizens; and enhances government efficiency and effectiveness (Wang 2014). The MOE's *Outline for the Implementation of Law-based Education Governance* (*2016–2020*) stated that it would "actively promote the legislation of local laws and regulations for education" and "formulate targeted and localized regulations to support the various localities in combining the characteristics and practical needs of local education development." If education laws and regulations have yet to be set up for certain aspects, the MOE encouraged all localities to conduct trials and promote education reform through education legislation, so as to accumulate experiences for education legislation at the state level (MOE 2016).

In our study, we found that some regions had enacted education laws and regulations to promote and guarantee school autonomy on the basis of reform practice and experiment. An example was Qingdao, which has made great efforts since 2014 to promote the reform of school operations in accordance with the law and explore the establishment of a modern school system. It has compiled a list of ten school autonomy-related items from four aspects: managing human resources, finances, materials, and education and teaching. The rights included in the list have been fully delegated to the public schools (Table 3.2) (General Office of Qingdao Municipal People's Government 2014). In addition, the Qingdao Municipal People's Government promulgated the *Measures for the Management of Elementary and Secondary Schools in Qingdao*. Issued in February 2017, this government order clearly defines the ten items that the EADs have delegated to schools (Qingdao Municipal People's Government 2017). During the process of reform practice, some regions appointed the EADs to coordinate the education management activities of the relevant functional departments in the government. For example, it was stipulated in the *Measures for the Management of Elementary and Secondary Schools in Qingdao* that "departments conducting reviews, appraisals, assessments, competitions, inspections, and other activities related to elementary and secondary schools shall submit their plans for the following year to their respective EADs before the end of November each year, and the EADs shall compile the catalogues and issue them to schools under their jurisdiction at the beginning of the following year" (Qingdao Municipal People's Government 2017). This effectively guaranteed the educational functions of the government's relevant functional departments and, at the same time, relieved schools from the similar competitions and inspections from different governmental departments so that they can concentrate on the operations of the school.

Faced with the predicaments of a surging number of children of school age, an educational business that is yet to be developed, and the established number of teachers being limited, some local EADs (such as the Sichuan Xindu Education Bureau) took the initiative to carry out reform experiments. With the current challenges as the starting point, they undertook institutional innovations in human resource and financial management. Specifically, they hired teachers independently via the registration mechanism on the basis of taking the responsibility of managing their own financial resources (Li 2016) and therefore have achieved desirable outcomes in operating their schools.

**Table 3.2** Ten items for which authority had been delegated to schools by the Qingdao Municipal Government

| Item | Schools' rights |
| --- | --- |
| *Management of human resources* | |
| • Appointment of vice principals | Principals are allowed to appoint the established number of vice principals in accordance with the prescribed procedures |
| • Internal organization and selection of cadres | Schools are to set up their own internal institutions up to the established number and in accordance with the prescribed procedures. The established number of cadres shall be selected from the school faculty that possess the requisite qualifications |
| • Recruitment of teachers | Schools can independently recruit talents from special professions and outstanding graduates of key institutions to fill vacancies under the established recruitment program |
| • Appointment and evaluation of teachers | For teaching positions under the rated establishment, schools have the right to appoint and evaluate teachers in accordance with the relevant regulations on human resource management |
| • Teachers' professional development | Schools can arrange for their staff to participate in local and foreign educational study trips, learning and training courses, academic conferences, and other activities in accordance with the prescribed procedures |
| *Management of financial and infrastructural projects* | |
| • Budget management | Schools are permitted to carry out budget management in accordance with the EADs' budget requirements. Approval from the EADs is no longer required for specific expense items that are within the schools' budget |
| • Use of special funds | Schools are delegated the authority to make use of the district-level special education funds for infrastructural repairs, purchases of school equipment and library books, and other projects |
| • Infrastructural maintenance projects | Such projects are to be undertaken according to the regulations, with the schools managing the projects in accordance with the law and the EDAs participating in the supervision and cutover in accordance with the law. A public hearing system is to be introduced to ensure the rationality, facility, fairness, and justness of the projects |
| *Management of education and teaching* | |
| • Rights to educate and teach | The schedule of courses and duration of each class can be adjusted appropriately as long as the total hours of classes per week remain unchanged. The final schedule is to be submitted for approval and filing according to the regulations |
| • Developing schools' unique characteristics | Schools can independently determine their own characteristics and cultural development in accordance with the developmental laws and actual situations. Experimental projects and evaluation projects can be applied for independently |

Source: General Office of Qingdao Municipal People's Government (2014). For suggestions on further promoting the establishment of a modern school system, please refer to Qingdao Municipality General Office Document 4 of 2014 dated May 14, 2014. http://www.qdedu.gov.cn/n32561912/n32561915/170120112807376625.html

### 3.3.1.2 Timely Introduction of Local Education Laws and Regulations to Ensure that Schools Operate Autonomously in Compliance with the Law

In the *Outline for the Implementation of Law-based Education Governance* (*2016–2020*), the MOE stated that it would "actively promote the legislation of local laws and regulations for education" and "formulate targeted and localized regulations to support the various localities in combining the characteristics and practical needs of local education development" (MOE 2016). The MOE's approach of law-based school operating was stated earlier in Sect. 3.3.1.1.

*The Measures for the Management of Elementary and Secondary Schools in Qingdao* specified the norms for dealing with difficult human resource, financial, and property issues that had plagued school governance for many years. For example, regulations were set regarding the appointment of vice principals by principals, and schools are now able to independently recruit professional and high-level talents to fill vacancies, as well as set up internal institutions and elect the persons in charge of those institutions in compliance with the regulations (Qingdao Municipal People's Government 2017). Such issues had been troubling the autonomous operations of elementary and secondary schools for a long time.

### 3.3.1.3 Setting Up of School Charters to Support the Sustainable Development of a Modern School System

School charters serve as the "constitution" of schools and are important bases for school autonomy. All this while, elementary and secondary schools in China were operating either without charters or with a charter of bad design. Besides, existing charter regulations have not been complied with or under effective supervision (Chen et al. 2011). To address these problems, the MOE issued the *Outline for Promoting the Law-based School Governance in an All-around Way* in 2012, which mandated "all schools have their respective charter till 2015" (MOE 2012). Separately, *Several Opinions by the MOE on Promoting ESOE Separation and Facilitating the Transformation of Government Functions* required that "all levels and types of schools must set up their own school charter in accordance with the law to reflect their individual characteristics, creating an overall structure in which all schools have their respective charters. Elementary and secondary schools within the same school district can set up a shared charter" (MOE 2015b).

During the process of promoting the establishment of a modern school system, all the localities fully followed the requirement of "one school, one charter" and explored the establishment of a modern school system through the setting up of charters. Our research found that almost all local EDAs had issued notices mandating that elementary and secondary schools prepare school charters and had conducted follow-up inspections and reviews. The reviews of school charters throughout the country have been basically completed by December 2016, and having school

charters set up was an important step toward the establishment of a modern school system.

### 3.3.1.4 Continuous Improvement of Schools' Internal Governance Structures to Gradually Form a Mechanism with Democratic Decision-Making and Stakeholders' Engagement in the Management

On the topic of "improving schools' internal governance structure," *Several Opinions by the MOE on Promoting ESOE Separation and Facilitating the Transformation of Government Functions* pointed out that it is necessary to "further strengthen and improve the party's governance over schools" and "allow primary-level party organizations to perform their role as a political core." The principal accountability system of general elementary and middle schools should be adhered to and improved, with "elementary and middle schools establishing school boards consisting of school leaders, teachers, students, and parents and community representatives. The boards shall propose suggestions and give advice on school charters, development plans, annual work reports, major education and teaching reforms, and other decisions on important issues concerning students, parents, and community work, so as to improve democratic decision-making procedures" (MOE 2015b). In practice, most schools emphasized the traditional organizational structures including the Academic Affairs Office, Moral Education Office (Student Affairs Office), and General Affairs Office. They also attached importance to the organizational establishment of and participation mechanism for the School Council, Teachers' Representatives Assembly (TRA), and Parent Association (PA).

We found that some schools approached the practice of reform and development by discarding the traditional management model and establishing a governance structure that balances decision-making, implementation, and supervisory powers. The Zhantan Middle School in Sichuan's Xindu District had experimented a system with the principal in charge and guided by the School Council. The internal governance structure was a tripartite consisting of the School Council, the School Board, and the Supervisory Board. This was in accordance with the principle of balancing the decision-making, implementation, and supervisory powers (Zhantan Middle School 2016). The School Council is the school's highest decision-making authority and performs the decision-making function. The School Board implements the resolutions of the School Council, arranges the school's general affairs, and enjoys the rights to set up internal institutions, manage human resource, use funds, and manage teaching and education. It reports to the School Council regularly and accepts the supervision by the Supervisory Board. The Supervisory Board is the school's supervisory agency: it inspects and supervises the school's operations in compliance with the law and also reviews, supervises, and notarizes the school's financial status in terms of its revenues and expenditures.

## 3.3.2  Analysis of Issues in the Reform Toward School Autonomy

After an overall review of the reform toward education governance and school autonomy implemented during this period, many persistent problems and challenges were identified. This was due to the complexity of the education system itself and that of the interests of various stakeholders involved in education reform.

### 3.3.2.1  Imbalance Between the Local Governments and EADs in Willingness and Reform Efforts to Simplify Approval Procedures and Decentralize Powers

The government and EADs must first simplify approval procedures and decentralize powers before ESOE separation can be implemented and a modern education governance system can be established. We found that 40% of respondents from the EADs were found to lack a complete understanding of (a) the conceptual differences between "education management" based on ruling and "education governance" based on pluralistic participation, (b) the significance and value of decentralizing the rights to operate schools in promoting the development of school autonomy, and (c) the education governance model based on list-based management (Table 3.3).

**Table 3.3** Delegation of school autonomy as understood by different stakeholders

| | | Education bureaus | | |
|---|---|---|---|---|
| Item | | Directors general | General staff | School principal |
| 1 | Lack of a national-level unified standard for authority delegation | 89.9 | 82.7 | 73.6 |
| 2 | Lack of related legislation to enforce the delegation | 95.8 | 78.8 | 70.4 |
| 3 | Delegation was in accordance with the superiors' requirements | 90.6 | 88.7 | 81.4 |
| 4 | Delegation was done in other areas in the region | 88.6 | 83.2 | 78.8 |
| 5 | Delegation was based on other regions' practices | 80.8 | 88.6 | 66.3 |
| 6 | EADs refused to delegate | 23.6 | 38.7 | 88.3 |
| 7 | EADs dared not delegate | 34.7 | 85.2 | 77.8 |
| 8 | Reform was indispensable due to issues faced during education development | 77.6 | 68.5 | 87.6 |
| 9 | Demand for delegation by school principals was strong | 60.3 | 58.6 | 88.9 |
| 10 | Delegation was to facilitate the real autonomous development of schools | 70.7 | 66.9 | 98.3 |
| 11 | Principals lacked the awareness, ability, and responsibility for school autonomy | 70.6 | 86.6 | 25.8 |

The response "delegation of school autonomy was based on superiors' requirements" from the interviewees implied that the subordinates feel they have to follow the directions from their superiors, as well as their helplessness when faced with the requirement to undertake reform. This sense of helplessness was also manifested in the lack of relevant legal basis for simplification of approval procedures and decentralization of powers within the country's educational legal system. Since there was no unified standard for the delegation of authority, including the actual powers to be delegated and the extent of delegation, the local EADs inevitably veered toward over-cautiousness. There was also concern because the governance system and mechanism involving multiagency participation that is needed after decentralization have yet to be perfected. In some localities, the leaders in education did not have confidence in schools being able and responsible to operate autonomously and, thus, dared not delegate or take action. Intriguingly, there was a contrast between school principals and education bureau staff (the directors general and middle-level cadres) in their respective understanding of "EADs refused to delegate" and "EADs dared not delegate." As a result, some regions chose to adopt a wait-and-see attitude and "borrowed" the practices of other regions when undertaking reform measures. Consequently, the reform toward simplifying approval procedures and decentralizing powers ended up almost formalistic or the list of rights being largely similar in its format and contents. In addition, list-based management existed in name but not in practice, making it difficult to achieve true school autonomy.

### 3.3.2.2 Intergovernmental Relations Affected the Education Governance Reform Process

Intergovernmental relations refer to the vertical and horizontal relationships within the government, as well as between the governments of different regions. For the same region, it mainly involves horizontal intergovernmental relations between internal departments of the same level. Intergovernmental relations also refer to the relationships of power allocation and interest distribution between different governments (Xie 2000). The EADs are the main departments responsible for education development in each region. However, there are many other government departments responsible for managing education affairs, including the development and reform committees and other departments in charge of organizing, staffing[3], human resource, and finance.

The findings by American scholar Deil S. Wright indicate that during the actual operating process of government affairs, intergovernmental relationships have the characteristics of being "interpersonal" and "policy-based" (Wright 1982). The latter characteristic is in play when the powers and responsibilities of individual departments are clearly defined; on the contrary, when such boundaries are not

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[3] Staffing departments are departments which are responsible for the regulations of staff quotas and corresponding positions and salaries.

clear, the interpersonal relationship will be in play. Xigui Li, principal of the Beijing No. 11 School and former director general of the Shandong Weifang Education Bureau, believed that schools do not have the decision-making powers over items for which authority had been delegated. The EADs do not have much say either. Most of the powers lie within the government departments that oversee human resource, finance, and development and reform, such that the EADs have no powers left to delegate. "The teachers wanted by the school for its operations have to be recruited by the human resource department, teachers' salaries have to be issued by the finance department, and even evaluation of teachers' professional titles have to be managed by the supervising department. The schools have become the outsiders" (Yu and Yi 2013).

We found that most of the factors affecting schools' autonomous operations, which included the appointment (employment) of school leaders, teachers' quota and their appointment, teachers' promotion in professional and technical positions, use of school funds, and teachers' performance-related pay system, were closely related to the departments in charge of organizing, staffing, human resource, and finance. Among the local EAD leaders and staff interviewed who are responsible for actual education and administrative affairs, 66.8% and 85.7%, respectively, believed that communication between the EADs and the aforementioned functional departments was not effective and it was not uncommon for them to pass the buck. This was due to various factors including the departments' nature of work and the scope of rights and responsibilities. For example, many school-based curricula involving activities and practice has been introduced in line with continuous curriculum and teaching reforms. However, calculations of the teachers' quota are still based on the traditional teacher–student ratio, which became a constraint. Many local directors general of education bureaus lamented during the survey that "many important educational resources supposedly provided to the EDAs did not really happen" (Table 3.4). As a result, 45% of the elementary and middle school principals and teachers in our survey had doubts over the government's real efforts to decentralize education authority.

Other than departments directly in charge of education administration and operation (such as the education bureau, supervisory office, and teaching and research office), many other government departments and their subordinate units are also responsible for inspecting and supervising elementary and middle schools as part of their operational functions. These include the General Office, Cultural and Ethical Progress Commission Office, and the departments in charge of human resource, finance, urban construction, transportation, health care, epidemic prevention, food safety, environmental protection, greening, public security, fire safety, and comprehensive law enforcement. These management activities cause substantial interferences to schools' daily teaching and education activities (Fig. 3.2).

**Table 3.4** Barriers of school autonomy

| Item | | Education Bureaus | | School principal |
|---|---|---|---|---|
| | | Directors general | General staff | |
| 1 | Administrative tendency when appointing (employing) school leaders | 78.8 | 67.4 | 92.6 |
| 2 | Staff quota fails to take into consideration the school's reform and developmental needs | 95.2 | 78.8 | 86.4 |
| 3 | Schools cannot recruit teachers independently | 78.5 | 75.4 | 90.4 |
| 4 | Quantitative tendency in teacher's promotion | 66.7 | 68.2 | 82.6 |
| 5 | Management of education funds is not conducive to the school's development | 23.6 | 58.7 | 88.3 |
| 6 | Performance-related pay is not effective at motivating teachers to have better performance | 68.8 | 42.8 | 89.5 |
| 7 | Many important educational resources supposedly provided by the EDAs are not in their real control | 70.6 | 86.6 | 67.8 |
| 8 | Over-interference in schools by the relevant government departments | 82.1 | 74.8 | 91.3 |
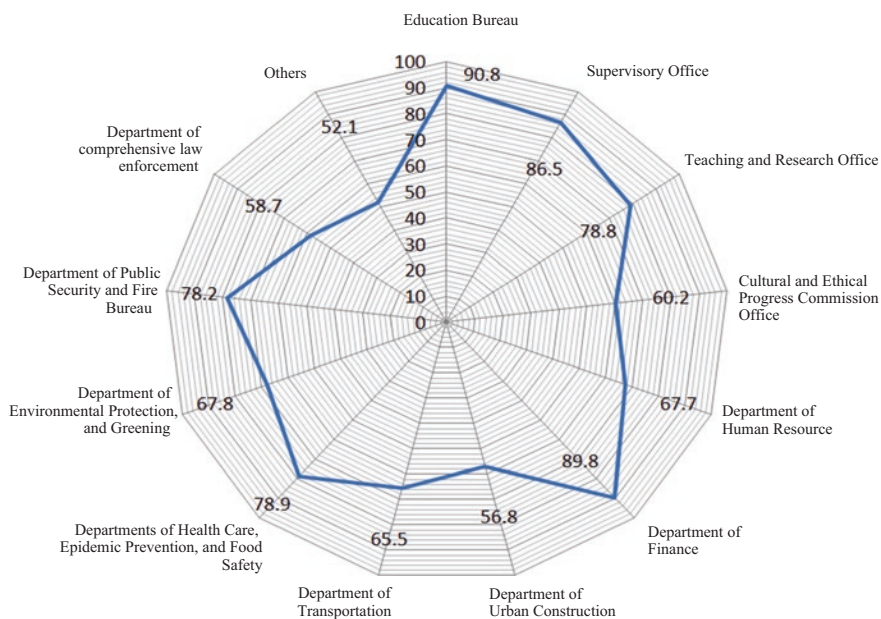


**Fig. 3.2** Regular inspections on schools conducted by various government departments

### 3.3.2.3  Schools' High Expectations for School Autonomy

Some regions and schools still have an erroneous understanding of school governance or imprecise comprehension of the concept. They mostly understood school autonomy from the aspects of wanting and having authority but ignored the aspects of using and limiting authority, as well as the accountability of running schools autonomously. We found in the study that there was a need to further cultivate the awareness of and ability in managing school autonomy and democratic participation (Fig. 3.3). A minority of principals have been accustomed to the traditional model of management by the government and felt that the pressure and responsibility of running schools would increase after decentralization and with school autonomy. This shows that similar to the promotion of modernizing the school governance system, it is equally urgent to promote the schools' capacity at modernized governance and to enhance principals' imitativeness of school autonomy and their leadership.

In terms of the authority associated with school autonomy, school principals indicated high expectations that they wanted to be granted the powers to do the following: (a) the selection and appointment of vice principals, department heads, and teachers; (b) the construction of the organizations within the school; (c) use of funds; (d) development of curriculum materials; (e) teaching reform and innovation; (f) teachers' evaluation, salary, and incentives; and (g) student recruitment and management (the compulsory education sector had lower expectations for recruitment rights, which might be related to the policy of neighborhood admission for compulsory education). Their expectations were particularly high for the independent establishment of internal organizations, selection and recruitment of department heads and teachers, and use of school funds. Comparing compulsory education schools and general high schools, the latter was found to have higher expectations for school autonomy.

### 3.3.2.4  Tendency of Homogenization in School Charters

During the reform experiment, the various localities actively promoted the establishment of school charters in accordance with the MOE's requirement for "the formation of an overall structure by 2015 in which all schools have their respective charters" (MOE 2012). This task seemed to have been completed. However, after detailed observation of the process by which schools in various localities drafted their charters, it was evident that shortcuts were taken in many places to comply with the MOE's requirement before the deadline. Specifically, "charter templates" were issued by the EADs to all levels and types of schools, and the latter simply had to fill in the blanks. Consequently, many of the "school charter" documents collected by this study appeared similar and formatted. For the majority of the schools, the chapter structure and content descriptions of their charters were highly alike and even completely the same. The purposes, visions, and values of the school are seldom individualized. There were also the inevitable phenomena of noncompliance
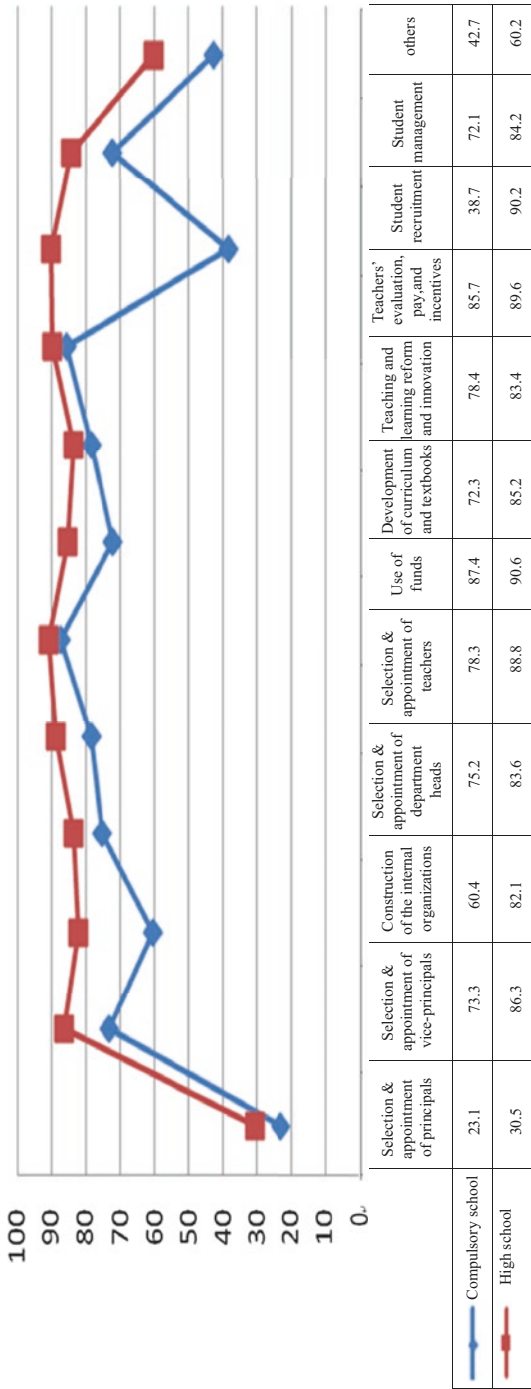
| | Selection & appointment of principals | Selection & appointment of vice-principals | Construction of the internal organizations | Selection & appointment of department heads | Selection & appointment of teachers | Use of funds | Development of curriculum and textbooks | Teaching and learning reform and innovation | Teachers' evaluation, pay and incentives | Student recruitment | Student management | others |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Compulsory school | 23.1 | 73.3 | 60.4 | 75.2 | 78.3 | 87.4 | 72.3 | 78.4 | 85.7 | 38.7 | 72.1 | 42.7 |
| High school | 30.5 | 86.3 | 82.1 | 83.6 | 88.8 | 90.6 | 85.2 | 83.4 | 89.6 | 90.2 | 84.2 | 60.2 |

**Fig. 3.3** Schools' expectations of delegated authority under school autonomy

with the charters during actual school operations and charters being too difficult to comply with.

Objectively, the process of charter establishment by Chinese schools was different from the normal process of having a charter drawn up before the school was founded. Given that the process was done in reverse, the taking of shortcuts to have the charters prepared was understandable. However, from the perspective of the schools' long-term operations, the charters need to be further improved. In fact, as school reform continued, some regions and schools gained a deeper understanding of the important role of the charter in school governance. Realizing that their original charters were prepared in haste, they used the "one school, one charter" requirement as the foundation to create version 2.0 of their school charters. The new charters are based on ESOE separation and then used as the legal basis for school reform and development.

### 3.3.2.5   Optimization Needed for Schools' Internal Governance Structures

The survey found that there was no consistent cognition and understanding regarding "schools' internal governance structure" (Fig. 3.4). Most of them focused on three aspects: the construction of the school's organization, schools' institutional system, and the distribution and balance of powers. The specific items included school management system, school management institutions, school organizational
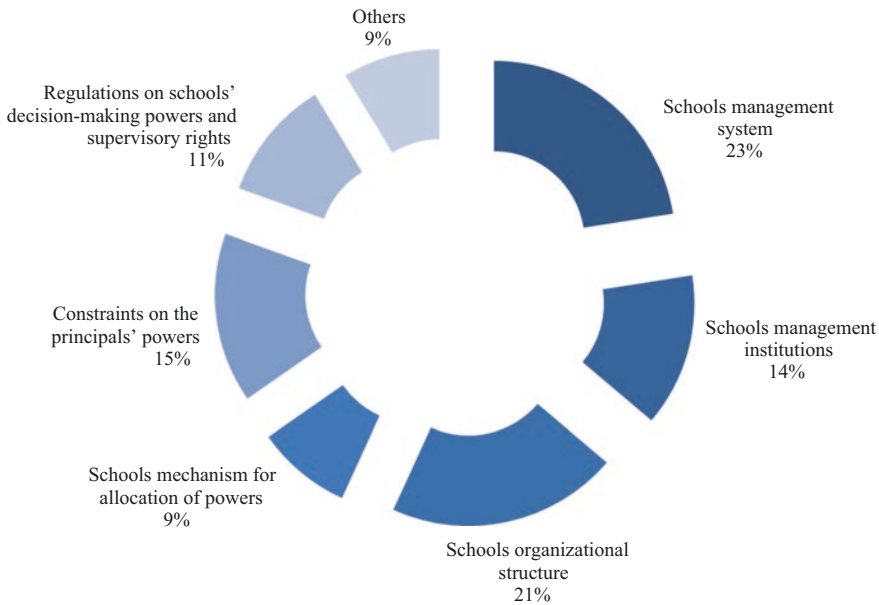
**Fig. 3.4** Different understandings of schools' "internal governance structure as a juridical person"

structure, mechanism for allocating school powers, constraints on the principals' powers, and regulations on schools' decision-making powers and supervisory rights.

At the implementation level, most schools emphasized the traditional organizational structures including the Academic Affairs Office, Moral Education Office (Student Affairs Office), and General Affairs Office. They also attached importance to the organizational establishment of and participation mechanism for the School Council, Teachers' Representatives Assembly (TRA), and Parent Association (PA). In reality, for most schools, the decision-making powers lie in the party-government office and party-government joint meeting, both of which are formed by the party-government leaders and middle-level officials in schools. The principals are the main decision-maker.

The schools of almost all principals and teachers surveyed by this study hold annual conferences with the respective TRAs, which play a decisive role in matters closely related to the teachers such as their welfare and pay. This role of the TRAs has also been widely recognized. However, 45% of the teachers surveyed remained doubtful over the TRAs' role in decision-making for major school affairs. Although 52% of the teachers believed that communication with parents should be strengthened, they did not think highly of the role of the parents' committees in school governance. In short, schools' existing internal governance structures are still not suited to meet the needs for school governance. There is a need to further clarify the respective rights and responsibilities of the related organizations and systems, as well as their relationships.

### 3.3.2.6   Improvements Needed for Schools' Supervisory and Evaluation Mechanisms

An important approach of the school supervisory mechanism is to make the school affairs known to the public. This survey found that currently, the main contents being disclosed by elementary and middle schools included educational goals, budgeting and use of education funds, school fees, development planning, curriculum and teaching reform, admission policies and recruitment work, allocation of educational resources, education and teaching quality, major construction projects and the related tender/bidding, teachers' appraisal and evaluation, and welfare distribution for teachers. However, discrepancies were found between the school affairs disclosed by compulsory education schools and those by high schools (Fig. 3.5).

During the interviews, 38% of the teachers commented that publishing school affairs did not have the expected supervisory effect. In recent years, there had been an increase in the awareness and actual level of publishing school affairs among Chinese elementary and middle schools. Nevertheless, some school leaders still did not have a clear understanding of the topic. They emphasized publishing the results rather than the process of education, being open internally but not externally, being public during the time of inspections by higher-level departments but not at other times, and publishing information as mandated by the government but avoiding the release of information on major issues related to school reform and development.
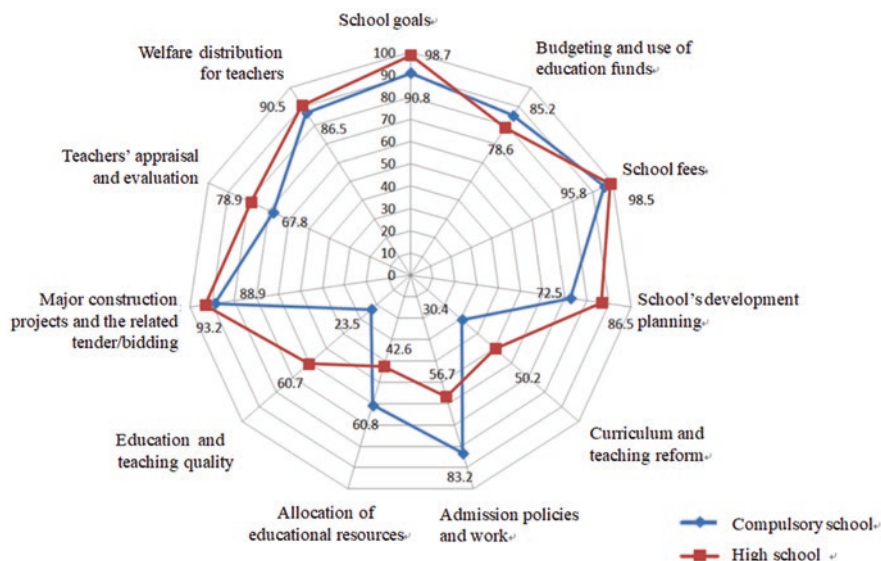
**Fig. 3.5**  Public information published by compulsory schools versus high schools

For some school, the information made public was scattered, while others were merely going through the motion. These findings unveiled the selectivity and formalism in the publishing of school affairs.

Of the teachers interviewed, 78% felt that schools' self-evaluation mechanisms were still lacking. Respectively, 85.7% of the EAD leaders and 69.3% of the school principals interviewed expressed the willingness to hand over some professional services and evaluation tasks to third-party social organizations for implementation. Approximately 30% of the respondents indicated that there was a strong demand for such services. Of the directors general of education bureaus interviewed, 87.7% reported that they mostly relied on the results of supervision and evaluation made by the departments for monitoring and supervising education quality.

Although 90% of the principals interviewed preferred to introduce third-party professional organizations for evaluating the quality of school education and the overall level of school operations, the fact remains that social organizations in China are not fully developed in terms of quantity and level of professionalism. Existing professional organizations lack quality, management experiences, and the capabilities to be entrusted by the government and schools and cannot meet the needs of education reform. Therefore, the respondents were generally concerned about the evaluation abilities of existing social organizations. In many places, the participation of social organizations in the education evaluation mechanism was still mostly through direct authorization by the EADs. The mechanism for social organizations to participate in educational services and evaluations through open competition needs to be improved.

## 3.4 Building and Improving the Governance Mechanism for School Autonomy

Regarding the future development of China's education reform, it was noted that the education governance mechanism based on cooperation among the government, schools, and society is still under ongoing construction and improvement. Correspondingly, the model for school autonomy under this education governance framework also needs to go through ongoing construction and improvement. For school autonomy to be authentic, it cannot deviate from the public purpose of education. The latter is in turn largely related to the moral leadership of the school principals (Keddie 2016). However, the success of education reform or lack thereof cannot be tied to the moral self-discipline of specific individuals. A complete set of institutional systems to guarantee the success are needed instead. Assuming that schools truly have the authority for autonomous operations, the obvious crux of the issue is how that authority is being used. To this end, it is necessary to establish and refine systematic mechanisms for the long-term governance of autonomous schools from various aspects, including school charter, institutional system, organizational structure, operating mechanism, evaluation, and assurance.

### 3.4.1 Establishing and Refining Pluralistic Governance Mechanisms Based on the School Charters to Ensure the Effective Use of Schools' Authority and Promote Schools' Autonomous Development

With the establishment and refinement of the education governance system, the government and the EADs have been gradually delegating to schools the authority to operate autonomously. The focus is how schools use this authority to run autonomously in accordance with the law. School charters should be used as the basis to optimize school's internal governance structure, increase capabilities at autonomous operations, and modernize their capacities at school governance. With autonomous decision-making and management, schools will ultimately achieve the goal of autonomous development.

#### 3.4.1.1 Establishing Institutional Systems Based on the School Charters

The school charter is undoubtedly the legal basis for establishing a modern school system and promoting schools' sound and sustainable development. To establish and refine the school governance mechanism based on the school charter, the first step should be to ensure that the charter itself reflects the value of pluralistic participation in governance, which requires schools to seek improvement by examining the nature of their charters based on the concepts of modernizing the education

governance system, undertaking ESOE separation, operating autonomously in accordance with the law, and pluralistic participation. The text of a school's charter should be drafted, revised, and improved in accordance with its own situation and characteristics, with the aims of highlighting its educational philosophy, goals, and unique features. When that is done, the charter should be used to lead the school toward improving the institutional system for the school's autonomous management, rationalizing and improving its rules and regulations, and formulating or revising its various systems for democratic management, job responsibilities, and general management (Wan 2016).

The democratic management system mainly comprises the School Council system, TRA system, the Students' Representatives Assembly system, Parent Association system, Democratic Life Meeting system, teachers' evaluation system, and information publishing system. The job responsibilities system involves the roles and responsibilities, appraisal and evaluation, and salary systems of various personnel, including the school teachers, administrators, and teaching assistants. The general management system includes the administrative management system, education and teaching management system, student management system, school resources management system, school safety management system, and system for external cooperation and exchange. The organizational and procedural rules of the various internal institutions, as well as the management processes and operating procedures, must be established and refined to form a sound, standardized, and unified institutional system. This will ensure schools' autonomous operations.

### 3.4.1.2 Optimizing Schools' Internal Governance Structures Based on the School Charters

Objectively, the concept of school governance based on pluralistic participation requires that the EADs delegate autonomy to schools and, at the same time, improve the accountability system for principals of general elementary and middle schools; encourage and guide principals to transfer authority to teachers, students, parents, and the society; promote the setting up of a governance mechanism with pluralistic participation; improve the various systems, including the School Board, the School Council, TRA, Parent Association, and Community Education Committee; and gradually establish a school governance mechanism that involves teachers, parents, students, community representatives, and experts.

Based on sound scientific and democratic decision-making procedures, major affairs and decisions of the schools should routinely involve public participation, expert argumentation, risk assessment, review of legality, and collective inquiry. For items where discussion and approval by the School Council, TRA, and/or Parent Association are mandatory based on stipulated requirements, corresponding meetings should be organized and held for comments and suggestions before decisions are made by the principal's office. To this end, schools should explore forming the school councils comprising teachers, parents, community members, professionals, and student representatives, which will promote scientific and democratic decision-making.

**Table 3.5** Schools' internal governance structure

| Organization item | School Board[a] | School Council | TRA | Academic Committee | Parent Association | Supervisory Board |
|---|---|---|---|---|---|---|
| School charter | ● | ● | ● | ● | | ● |
| School's development plans | ● | ● | ● | ● | ● | ● |
| Teachers' salary and incentive plans | ● | ● | ● | | | ● |
| Major curriculum and teaching reform projects | ● | ● | ● | ● | ● | ● |
| School's finances | ● | ● | ● | | | ● |
| School's annual work plans | ● | ● | ● | | ● | ● |
| School's annual work reports | ● | ● | ● | | ● | ● |
| School's day-to-day management | | ● | | | | |
| School's annual development reports | ● | ● | ● | ● | ● | ● |

[a]Refers only to schools that have a School Board/Supervisory Board; ●: Indicates correlation

Establishing a review mechanism for major decision-making, important contracts, and legality of documents will ensure that schools are run in accordance with the law. For the decision-making process, an authority matrix comprising different entities and departments should be set up, which will ensure that the roles played by the TRA, Parent Association, Student Association, and relevant community departments in school governance are effective and that the participation by all stakeholders in school governance is increased. Through the responsibility list, the rights, duties, and responsibilities of the various entities in different management affairs and matters will also be clarified. The setting up of autonomous organizations by teachers and students should be encouraged, which could be in different forms including appointing students as assistants to the principal, students and teachers acting as principals on duty for a week, and establishing teachers' or academic committees. It will promote autonomy of both the students and teachers (Table 3.5).

### 3.4.2 Establishing and Refining Supervision, Evaluation, and Accountability Systems for School Affairs with Pluralistic Participation to Strengthen Interim and Ex Post Supervision in Schools' Autonomous Operations in Compliance with the Law

During the process of autonomous operation in compliance with the law, schools voluntarily take the initiative to disclose the major events in the school operation to the public and accept the oversight from them. For the purpose of self-evaluation,

schools must also accept supervision from and evaluation by the government and professional organizations in the society. If any regulations are violated, or there is a lack of discipline during the schools' operations, the offending party must be made accountable according to the laws and regulations.

### 3.4.2.1 Establishing and Refining Systems for Social Reporting and Publishing School Affairs

In terms of the social significance of school governance, it is objectively necessary to establish and refine the systems for social reporting and publishing school affairs for the modernization of the education governance system. The real situation of schools' improvement, educational qualities, and school operation should be known to the public in a timely manner. Transparency in school governance and the conducting of education and teaching affairs should be improved so that the government, general public, parents, and other educational stakeholders have the proper basis and evidence to know, understand, supervise, and evaluate the capacity and quality of schools' operations. Therefore, during the process of autonomous operations in accordance with the law, schools are obliged to report to the public about their courses of action and the corresponding outcomes (Wang 2007).

In response to the aforementioned phenomena, the MOE issued in 2010 *Opinions on Promoting Information Transparency in Elementary and Secondary Schools* (MOE 2010), which systematically stipulated the contents, formats, and procedures for the publishing of school affairs. In terms of actual practice, Hong Kong began promoting the implementation of a social reporting system for schools in the 1990s (Pang 2006; Zhao 1998). Schools use social reports to disclose the relevant educational activities and performance indicators, so that the public and parents can supervise and evaluate schools on an informed basis. Hong Kong's related experiences on this practice provide us with meaningful implications.

For the future reform and development, schools should further explore the mechanisms and procedures for information transparency and social reporting. This is to be done concurrently with the strict implementation of the state's requirements to publish education-related information. When schools publish procedural and timely information on their development process at the right time, as well as regularly publish periodic and annual reports on that process, society can better understand schools' developmental tracks, experiences, and achievements. In the Internet and big data era, schools should actively explore the digital mechanism of publishing education-related information and take into account both online and offline scenarios, so that the public who is concerned about education can obtain the relevant information.

### 3.4.2.2 Establishing and Refining Pluralistic Evaluation Systems for Schools' Development

A powerful way to ensure autonomous operations of schools in accordance with the law is to supervise and evaluate their operational processes and their quality of education and teaching. This involves the gradual process of eliminating the use of a single administrative evaluation system for entities and a single academic (examination) score as the evaluation criterion. Hence, there should be the establishment and refinement of a pluralistic evaluation system based on schools' self-evaluation. The system should be guided by education supervision and evaluation and should strive to actively introduce professional evaluations done by social organizations.

The fundamental purpose of setting up evaluation mechanisms for schools' autonomous development is to stimulate their internal drive for self-monitoring and self-development. Therefore, it is necessary to move away from the past focus of improving the conditions for schools' operations and, instead, shift to developing schools' qualities. The development model must also evolve from being driven by external motivations to an autonomous development model with an internal impetus for growth. Schools' self-evaluation should be a continuous process of supervising and monitoring school education affairs that is mainly undertaken by the management team but with the engagement and participation of teachers, staff, students, parents, expert consultants, and other stakeholders.

From the practice of Scotland, we got the implication that schools' self-evaluation must focus on two questions: (a) how good are we now (the main strengths and developmental needs of teachers' work are to be distinguished from their impacts on students)?; (b) how good can we possibly be (Grek et al. 2010)? To develop a school evaluation indicator system, we should take the school's development plans as the starting point, the scientific and effective implementation of that plan as the foundation, and the degree to which the school's development goals has been achieved as the focus. This system highlights the leading role of schools during autonomous operations in accordance with the law and is a new evaluation mechanism combining schools' self-evaluation with external evaluation, schools' independent development, and pluralistic supervision and guidance. Self-evaluation and external evaluations use the schools' plans as the guide; teacher development as the foundation; student development as the core; teaching, learning, and education culture as the vehicle; organizational management as the guarantee; and planning and management, teacher development, education culture, teaching and learning, and student development as the foci.

Although the important role of education inspection in a pluralistic evaluation system cannot be denied when it pertains to a structure with ESOE separation, it should be noted that the functions and roles of education inspection in evaluation have undergone fundamental changes. The main task of inspection evaluation reform is to establish and refine an education inspection system that integrates the three aspects of inspection on administration, inspection on schools, and education monitoring. Evaluation by inspection is an important approach to strengthen the management of basic education and to promote the balanced and coordinated

development of basic education. With the functions of feedback, facilitation, identification, guidance, and supervision, the inspection process ensures that the government and EADs have a timely grasp of educational developments within the region and can ascertain that policies and regulations are being implemented. This leads to the timely discovery of problems, provision of feedback, and making of recommendations, thereby leading to the improvement of outcomes. Hence, it is necessary to strengthen the independence of education inspection on the one hand and properly handle the division of authority and responsibilities between the inspection departments and government departments on the other hand. Education inspection, as a part of evaluation, has an inherent and close relationship with the government and EADs and plays an important role of providing professional support and policy guidance in the process of the development of education standards by the government. Nevertheless, the professionalism of education inspection must be elevated. During the education quality monitoring process that is being extensively carried out, educational evidences and experience based on regional big data should be continuously accumulated so as to build a regional education evaluation database, which will effectively improve the scientific nature of education evaluation, as well as ensure inter-regional and inter-school educational equality.

Given that social organizations can perform various functions including participation in management, joint decision-making, professional support, check and balance on powers, and performance evaluation, the participation of social organizations in education should not be limited to the role of evaluation. It is important to actively cultivate social organizations and attract social forces to participate in the running of schools. When social organizations participate in the evaluation of school affairs, they assume the evaluative and supervisory roles and realize the check and balance of power. Social organizations can evaluate the quality of schools' education and teaching, schools' image, ethnics and professionalism of teachers, and even the principal's performance. Hence, they perform a supervisory role over schools' operational conducts and the executive abilities of schools' management teams. In this view, the role of third-party evaluation of education should be actively promoted, because it is critical for promoting and ensuring schools' independent development.

During the reform experiments, some regions have been aware of the importance for the government and schools to purchase professional support, monitoring, and evaluation services from social organizations (third-party organizations). For example, Shandong issued standards for third-party evaluation of education, while Shenzhen set up policies for the purchase of education services for the city's public elementary and secondary schools (Education Department of Shandong Province 2016; Office of Shenzhen People's Government 2016). An objective assessment of existing third-party organizations for education evaluation in China reveals the existence of issues including insufficient organizations, undesirable qualifications, and inadequate mechanisms for participation and evaluation. Substantial effort should be put into the cultivation of professional institutions (organizations) for education evaluation to help them advance their professional qualifications in terms of the technology, methods, and tools employed, as well as their capabilities to undertake

large-scale education evaluation and consulting services being transferred from the government.

In addition, the entry mechanism for social organizations to participate in evaluation should be further improved, as does the government's mechanism for purchasing professional services on education evaluation. When third-party organizations for education evaluation have a good mechanism for the independent implementation of evaluation and publishing of the corresponding results, they will be able to effectively perform the function of "public reviews" in comprehensive or specialized evaluations on items including the level of satisfaction with regional or school education, the professional development of teachers, curriculum leadership, and schools' overall quality of operation.

### 3.4.2.3 Establishing and Refining Accountability Systems for School Governance

The key to managing schools in accordance with the law is to implement strict law enforcement and strengthen schools' accountability on a legal basis. Accountability in education is a reward and punishment mechanism in which the educators' goal is to cultivate high-quality students, their personal responsibility is to fulfill their educational commitments to the public, their need is to pursue efficiency, and, ultimately, there must be accountability.

The *Outline of the National Plan for Medium- and Long-term Education Reform and Development* (*2010–2020*), promulgated by China in 2010, stipulated the requirement for "improving the accountability mechanism for education" (CCCPC and the State Council 2010). The establishment and refinement of an accountability system for school education have become an indispensable component of schools' autonomy in accordance with the law. Based on the results of a pluralistic evaluation of a school's development, comparisons are made with national or local education standards such as the *Management Standards for Compulsory Education Schools* (MOE 2014), school charters, and progress attained relative to schools' phased development plans, with an aim to identify gaps and deficiencies in its development process, followed by the seeking of accountability for any major mistake or deficiency identified. In addition, the evaluation results are linked to the school's performance appraisal. For this process, we can draw implications from the United States' laws for chartered schools and their experience with the related accountability clauses, including the subject(s), methods, circumstances, and procedures for accountability (The Center for Education Reform 2015).[4] After accountability has

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[4] The relevant laws for chartered schools in the United States stipulate that various accountability methods can be used depending on the academic achievements of the students, serious violation of laws applicable to chartered schools, numerous actions that violate the charter, and serious and intentional actions that violate the civil service law as adjudicated by the chartered school licensor. The methods include cancellation or nonrenewal of charter, probation of charter qualification, and issue of warning certificates.

been addressed, the focus should be the corresponding improvement and development of the school, together with the establishment and refinement of scientific and standardized methods, procedures, and forms of accountability. When a scientific and rational accountability system has been formed, the school's sound development will be ensured and facilitated.

### 3.4.3   Establishing and Refining Schools' Legal Counsel and Remedy Systems to Support and Protect Their Rights to Autonomous Operations in Accordance with the Law

During the process of schools' autonomous operations in accordance with the law, all stakeholders including school leaders, teachers, and students will inevitably encounter various situations and obstacles. It is important to provide schools and the related personnel with the necessary legal support in terms of legal advice, counsel, and remedy. These are important protections for schools to maintain their rights to autonomous operations in accordance with the law, as well as the relevant individuals' rights.

#### 3.4.3.1   Establishing and Refining Schools' Legal Counsel Systems

The *Outline for Promoting the Law-based School Governance in an All-around Way* mandated that elementary and secondary schools "should designate a specialist(s) to be responsible for the school's legal affairs and comprehensively promote the school's operations in accordance with the law. Schools with the resources may employ professional institutions or individuals as legal counsels to assist them in the handling of legal affairs" (MOE 2012). In the context of running schools in accordance with the law, the actual purpose for a school to hire legal counsels is to protect the legitimate rights and interests of the school itself, the teachers, students, and parents and to help schools avoid or mitigate legal risks through the legal counsels' provision of timely and professional advisory services.

The services of legal counsels include participating in activities of the school's arbitration committee; providing consultation to resolve the school's internal disputes; maintaining the school's overall legal rights (for teachers, staff, and students); representing the school in activities related to litigation, arbitration, and reconsideration; participating in legal argumentation when the school makes decisions; assisting the school to standardize the various rules and regulations; participating in the drafting and reviewing of contracts and agreements for the school's involvement in foreign-related activities and providing legal advices; assisting schools to conduct regular or ad hoc educational sessions on the rules of the laws and training on campus safety for faculty and students; and raising awareness of and ability to use the rules of the laws.

Depending on their respective situations, elementary and secondary schools can adopt different models to set up their own legal counsel system. One approach is that the EADs purchase the services and hire lawyers to serve as legal counsels and provide legal advice to all schools in the district under the EADs' jurisdiction. Another approach is for the schools to independently purchase services from law firms with the mutual support of the EADs and judicial departments. Schools will evaluate the law firms' services, and those that fail will be struck off the list of firms eligible for consideration by schools in the district. The third approach is for schools to independently appoint legal counsels or set up a specialized legal advisory body. This is suitable for schools with rich legal resources (such as schools affiliated with colleges and that can take advantage of the latter's professional legal resources) and schools whose scale of operation is large and that have high demands for legal services. During the process of establishing a legal counsel system, elementary and secondary schools can also set up their own legal counsel systems to standardize, supervise, and evaluate the work of the school's legal counsels.

### 3.4.3.2   Establishing and Refining Schools' Legal Remedy Systems

When the rights of a private party have been violated, it can seek legal remedy for the violated rights through legal procedures and means (Liang 2006). There are three main types of legal remedies in the field of education. The first type is legal remedies through arbitration and mediation, with legal remedy mainly implemented by the education system's internal institutions or nongovernmental organizations. The second type is legal remedies with administrative methods, which include administrative appeals, administrative reconsiderations, and administrative compensations. The third type is litigation: as long as the legal rights of a private party have been violated and the matter is under the jurisdiction of civil, criminal, or administrative litigation laws, it can obtain legal remedy through litigation.

It is necessary for schools to establish a legal remedy system to deal with the various internal disputes, including those between teachers and students, among students, and between parents and teachers (the schools). The first step is to form a mediation (arbitration) committee for internal disputes at the school or regional levels. The committee can include the school administrators, EADs, teachers, and representatives of other stakeholders and should emphasize the role of teachers, staff, students, parents, and professional legal personnel (legal counsels) in the mediation organization to negotiate and deal with school disputes. Next is establishing and refining the education appeal system. Unlike the education law which has provisions on students' scope for litigation, the appeal system is an internal remedy system with no restrictions in scope. If teachers or students do not agree with the results of a particular issue handled by the school, they can file an appeal to the EAD that oversees the school. This will force the EAD to conduct a supervisory review of the school's work, thereby achieving the effect of self-rectification within the school and the education system. Both are part of the education system's internal supervisory and corrective mechanism. If the problem cannot be resolved through these

internal channels, a party's legitimate rights and interests can still be protected through legal proceedings.

## 3.5 Conclusion

This study examined the issue of designing systems to promote and ensure schools' autonomous operations in compliance with the law from the schools' perspective. School autonomy is an integral component in the modernization of regional and national education governance systems. Schools are the main entities of education governance, and the keys to school autonomy are the development of a scientific and comprehensive school charter and the setting up of a pluralistic governance mechanism based on that charter. Having a social reporting system and publishing school affairs improve the transparency of school governance, while a pluralistic system to evaluate school development enables schools to combine the results of self-evaluation with those of administrative and social evaluations, thereby correctly identifying the problems affecting school development and achieving continuous improvement and development. An accountability system for school education is both a restriction and protection of schools' operating rights. A complete school legal counsel system provides professional legal support for school autonomy, while a school legal remedy system provides legal remedy for the school and teachers, students, and other relevant personnel. These systems ensure that schools use their rights rationally and that these rights are effectively limited in accordance with the law. Overall, the ecology for school education will be optimized, leading to improvements in the quality of school operations and the quality of education.

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