

Legal Governance of Off-campus Training Institutions in Chinese Primary and Secondary Education: Challenges and Remedies

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Abstract: The legal governance of off-campus training institutions (OCTI) in Chinese primary and secondary education is a form of governance that is based on the foundation of law and regulates OCTI through a diversified approach, characterized by standardization, diversification, and legalization. Chinese government has recently put forward the governance goal of comprehensively regulating the training behavior of OCTI, basically eliminating various chaos in subject based off-campus training, and gradually cooling off-campus training. Data were collected through semi-structured interviews and policy full-text retrieval, analyzed through three-level coding and text analysis. This study has identified several challenges in the current legal governance of OCTIs, including existing of regulatory vacuums, insufficient legal basis for enforcement and regulation, lack of legal safeguards in school-OCTI cooperation, inadequate interdepartmental governance, hindered protection of Stakeholders' rights and interests, insufficient legal resources in normative documents, and a lack of investigation and supervision mechanisms. To alleviate the challenges in the legal governance of OCTI, this paper presents remedies in three areas: firstly, it is imperative to establish dedicated legislation to strengthen legal safeguards for the governance of OCTI. Secondly it is essential to optimize the education policy system and enhance the enforcement and regulatory framework for OCTI. Lastly, it is vital to integrate of authority and responsibility, as well as clearly define legal remedies for the governance of OCTI.

Keywords: Primary and secondary school, Off-campus training institutions, Legal governance, Education Policy

1. Introduction

The scientific and effective governance of off-campus training institutions in primary and secondary education is a crucial link in promoting the healthy and orderly development of them which can ensure the public educational value, meet societal needs and facilitate the standardized growth of OCTI. As an important means of education delivery by non-governmental entities, OCTI play a significant role in enriching the supply modes of educational resources and meeting diverse educational needs. However, some problems such as overextended training beyond the scope and duration, unqualified instructors, improper use of teaching materials, false advertising, cutthroat market competition, concealed non-standard training practices still occur in practice.

In July 2021, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council issued the *Opinions on Further Reducing the Homework and off-campus Burden on Students in Compulsory Education* (Double Reduction policy), called for comprehensive governance of OCTI in primary and secondary education. The Double Reduction policy emphasizes legal governance, addressing both symptoms and root causes of the realistic problem, requiring OCTI to strictly implement relevant legal provisions. It presents Chinese new era requirements for the comprehensive and stringent legal governance of OCTI. However, the current relevant policy

system for governing OCTI lacks a sufficient basis, to some extent, resulting in a lack of legal rationale for governance, leading to challenges in legal governance.

To alleviate of these challenges, this study focuses on the problems OCTI in primary and secondary education facing and the remedies of OCTI's development. It aims to explore how legal governance can be used to regulate the healthy development of OCTI. This study provides suggestions of specialized legislative recommendations, regulatory and enforcement, punitive measures for violations, with the goal of achieving a balanced and coherent alignment of policy logic and legal logic, educational logic and market logic, government logic and institutional logic, guiding OCTI in primary and secondary education towards a goal of rationality and legality in their development.

Legal governance is a form of governance reliant on legal foundations, utilizing hierarchical and diversified means of governance based on legal statutes and regulations. It emphasizes the active participation of various stakeholders in legislation, enforcement, justice and compliance. In the context of OCTI in primary and secondary education, legal governance aims to achieve a governance process characterized by principle of rule of law in China which is there are laws to go by, the laws are observed and strictly enforced, and laws-breakers are prosecuted, focusing on fairness and justice.

The *2022 Key Points of the Ministry of Education* outlines the need to promote legislation for the regulation of off-campus education and training. However, in the current Chinese legal landscape, the regulations governing the operation and development of OCTI only consist of the *Law of Promoting Civilian-Run Education (LPCRE)*, the *Education Law of the People's Republic of China* and few certain regulatory policies. There is a lack of specialized legal statutes and regulations directly addressing OCTI^[1]. From the perspective of legal governance actors, the LPCRE, passed in 2002, did not categorize commercial OCTI under the purview of educational administrative departments. Most of these training institutions are registered with the industrial and commercial administrative departments, creating a policy formulation gap for the education administration. Additionally, some normative governance texts require further academic research to assess their formal legality and substantive legitimacy in the context of compliance investigation.

In terms of its fundamental characteristics, legal governance encompasses several key aspects. Firstly, legal governance is a form of regulation mode characterized by scientific norms, based on laws and regulations. Secondly, legal governance extends beyond mere reliance on law, employs diversified approaches. Thirdly, legal governance focuses on addressing significant societal issues that require resolution. Lastly, legal governance emphasizes the scientific and legalized of law-based use of governance tools, emphasizing ensure sound lawmaking, strict law enforcement, impartial administration of justice, and the observance of law by all, and the active participation of governance entities and grassroots communities^[2].

Legal governance involves a comprehensive set of governance process including legislation, law amendment, law enforcement, judicial, law-abiding. laws and regulations serve as the primary foundation for legal governance. It emphasizes that national legislature should formulate relevant specialized legal rules and regulations in accordance with the actual needs and legal procedures. Various stakeholders, including government departments, social organizations and citizens, should engage in dialogue, negotiation, and collaborative efforts to achieve common interests and promote societal development^[3]. Specifically in this study, legal governance of OCTI in primary and secondary education is based on the standardization, diversification, and legalization. Standardization entails that governance relies on relevant legal statutes and regulations and is guided by the content of the law. Diversification refers to the involvement of various governance actors and governance methods, including macro-level actors like the state, government, and educational administrative departments, as well as micro-level actors such as parents, schools, and teachers. Diversification encompasses both hard law governance and soft law governance, as well as social environmental governance and social communication governance. Legalization emphasizes that the governance process adheres to the requirements of the rule of law, with scientific legislation as its foundation, an improved legal framework to ensure governance, strict law enforcement, and accountability for violations.

2. Methodology

On one hand, this study conducted in-depth semi-interviews with various stakeholders, including educational department officials, corporation of OCTI, teachers in OCTI, and parents to gain an objective and comprehensive understanding of the current state of governance practices in OCTI. On the other hand, this study focused on the legal governance framework by analyzing relevant policy and legal texts at both the national and local levels.

Regarding the selection of interview subjects, considering practical constraints, this study selected 2 officials from educational departments (one from the Education Bureau of a certain city responsible for the governance of OCTI and the other from the Education Bureau of the same city in charge of private education), 4 corporation of OCTI, 3 teachers from OCTI, 4 primary and secondary school teachers (including 2 primary school teachers and 2 junior high school teachers), and 4 parents (Table 1), total 17 subjects.

Table 1: Summary of Interview Subjects and Interview Formats

Interview Subject Code Name	Interview Subject	Interview Format	Number of Participants
JX-2-1 JX-2-2	Educational Administrative Officials	Online Interview	2
PX-4-1 PX-4-2 PX-4-3 PX-4-4	Corporation of OCTI	In-person Interview	4
PJ-3-1 PJ-3-2 PJ-3-3	Teachers in OCTI	In-person Interview	3
XJ-4-1 XJ-4-2 XJ-4-3 XJ-4-4	School Teachers	Online Interview	4
JZ-4-1 JZ-4-2 JZ-4-3 JZ-4-4	Parents	In-person Interview	4

Regarding the policy text, the study aimed to clarify the fundamental relationship between policy and law^[4]. Despite differences in their regulatory scope, normativity, and origins, policy and law are closely interconnected. In practice, policy has a forward-looking role and directly guides the formulation and implementation of laws, while laws provide essential support for policy execution^[5].

In China, most of the governing documents related to OCTI are in the form of policy texts. Some provisions are scattered in a few laws, and there is currently no standalone law specifically addressing this field. For these reasons, this study primarily relied on relevant policy texts issued at the national and local levels, along with a limited number of legal text provisions, as its research objects to analyze the current issues in legal governance.

3. Research Findings

3.1 Vacuum of Legal Regulatory

From the perspective of legal governance oversight, the regulatory framework primarily relies on high-level laws such as the *Education Act* and the *Promotion of Non-governmental Education Act (Civil Promoting Act)*, administrative regulations such as the *Implementation Regulations for the Promotion of Non-governmental Education Act* and the *Regulations on the Supervision and Administration of Profit-oriented Private Schools*, as well as certain auxiliary normative documents issued by educational administrative authorities. "There are some regulatory references available, but the detailed content of legal oversight is lacking. In terms of execution, there is still a degree of 'ad hoc oversight,' especially in

the initial entry and process oversight phases. At the local level, it's challenging to specify oversight details, and there is a lack of practical oversight indicators" (JX-2).

Firstly, the regulatory approach lacks a rule of law mindset. "As the regulated entity, apart from the basic pre-approval process, our oversight mainly involves periodic annual inspections (providing textual data reports) and routine checks and penalties. Overall, it emphasizes upfront entry oversight but neglects routine oversight during the intermediate and later stages. Administrators need data, so we have to submit various types of data and fill out various forms at the end of the year. Many times, it's a burden for us and doesn't reflect a procedural rule of law mindset. Instead, it involves a single administrative governance logic' that accumulates pressure downward. As long as the data on the surface looks good, we'll encounter fewer problems" (PX-4).

Secondly, the oversight scope is not comprehensive. "Currently, the oversight, fundamentally speaking, is still formal oversight. Substantive oversight content is not comprehensive. There are specific hard indicators for oversight related to the nature of the institution, fee standards, fire safety, and so on. However, oversight of aspects such as the qualifications of professional staff, training activities, and teaching quality is not deep enough, remaining superficial. Oversight content is rather hollow" (JX-2).

Thirdly, institutional development is relatively lagging. On one hand, there is a disconnect between monitoring concepts and regulatory systems. "*The Double Reduction* policy was introduced, and China also issued some supporting regulatory documents. However, most of them tend to be administrative policy norms geared towards '*purification and rectification*.' These are principled system guidelines that sometimes may lead to the trigger for 'hidden exit' situations. OCTI are directly shut down, addressing the symptoms rather than the root causes" (JX-2). On the other hand, there is a gap between institutional innovation and practical implementation. "A black and white list system was introduced for OCTI, but the blacklisting and whitelisting system is not connected to the institutions' continuous improvement and oversight. The information-sharing mechanism is not well-established" (JX-2). The black and white list system has not effectively promoted the diversion and development of training institutions, failing to truly achieve the goal of regulating the development of these institutions.

3.2 Lack of Clear Legal Basis for Administrative Law Enforcement

Due to the absence of higher-level legal bases, local government departments find it more challenging to enact local laws for relevant enforcement penalties. The phenomenon of inconsistent laws leads to instability in law enforcement priorities and ineffective channels for the transfer of authority.^[6] In December of last year, the Ministry of Education issued the *Administrative Penalty Measures for off-campus Training (draft for solicitation of opinions)*. After the regulations are in place, we have a evidence for handling violations. At least we know how to investigate, who will investigate, how to penalize, and what the legal basis is. We can find all of that" (JX-2). "Local enforcement regulations are really hard to create because there is no national-level basis. Without an upper-level basis, the lower levels are reluctant to act. For the enforcement and investigation of violations related to off-campus training, we have always referred to the *Promotion of Non-governmental Education Act*. However, for issues such as black classes, unlicensed operation, operation beyond approved scope, and excessive operating hours, the *Promotion of Non-governmental Education Act* lacks the legal basis for enforcement and investigation. Therefore, we are currently in a period of legal enforcement methodological vacuum" (JX-2).

"For off-campus training advertisements, the Market Supervision Bureau has its own advertising laws. For example, for unlicensed operation, the Market Supervision Bureau has the Regulations on the Administration of Unlicensed Operation. For issues related to fire safety, the Fire and Construction Departments have corresponding regulations on safety production management. These laws do not necessarily align with each other and may even conflict. So sometimes, we are dissatisfied because, to some extent, their governance lacks a legal basis, and it may even violate the law" (PX-4). "Currently, they have issued a 'Negative List' for administrative penalties from the top down. This list was drafted by the higher authorities in combination with relevant legal provisions. This work needs to be carried out by them. The Ministry of Education does not have to go down to inspect, and the provincial education

department does not have to go down to inspect. However, the municipal education bureau has to enforce this management regulation" (PX-4).

According to feedback from the legal representatives of OCTI, the relevant educational administrative departments rely on limited educational laws and regulations in their management. Some of the content overlaps and conflicts with multiple laws, leading to multiple authorities and difficulties in reaching consensus. The legal basis for administrative penalties often does not exist, or certain penalty methods and content may potentially violate the law.

3.3 Collaboration Between Educational Institutions and Off-campus Training Organizations Lacks Legal Regulation

The government's purchase of social public services to participate in school after-school services is an important strategy for balancing interests in the *Double Reduction* reform. It has opened another avenue for institutional transformation and aims to "transforming congestion into fluidity." "When the *Double Reduction* was just announced, there was indeed talk of transformation. Subject-based training institutions can separate from compulsory education and offer high school subject-based training^[7]. They can also transition to non-subject-based training. Some institutions did indeed complete the task of reducing or zeroing out by transitioning to non-subject-based training or transforming into Study Hall" (JX-2). "Many subject-based training institutions hope to transform by participating in various training services purchased by the government, directly engaging in school after-school services, and achieving the so-called transformation" (JX-2). "Our school has some OCTI participating in after-school services for certain classes. Some of them have off-campus training institution teachers assisting students with language, mathematics, and English homework, and some even introduce new courses. There are relatively few non-subject-based training institutions that have actually intervened in after-school services" (XJ-4).

During the interviews, it was found that some subject-based training institutions signed after-school service supply contracts with schools with the aim of introducing high-quality resources for off-campus expansion courses and compensating for the school's lack of related resources. However, in practice, they provided reasons to offer certain non-compliant services to OCTI. "Currently, there are two issues. One is that there are no clear documents stipulating whether OCTI can directly cooperate with schools, and the other is the upper-level legal basis for the government to introduce social forces to participate in school after-school services and the basic requirements that social forces providing after-school services need to meet. We, as administrators, are also very confused" (JX-2). In summary, there is insufficient guidance from laws and regulations regarding the specific requirements, limitations, and regulatory measures related to OCTIs' participation in school after-school services.

3.4 Lack of Coordination Among Legal Governance Departments

The establishment and approval process of OCTI involve multiple departments, including education, civil affairs, industry and commerce, fire safety, and housing construction^[7]. Education administrative departments find it challenging to independently handle the substantial workload of approval, regulation, and law enforcement for OCTI. "OCTI are subject to categorized management, divided into education, culture and tourism, sports, and technology, mainly handled by the four departments working together. However, the lead department is the education department, and all the tasks have been assigned down from the education department. Whether the departments responsible for culture and tourism, sports, and technology accept the tasks is a difficult issue. This is also the most challenging aspect of the *Double Reduction* work because it involves multiple departments. Our previous governance work was intensive, and many departments needed coordination" (JX-2). "In the current governance work, things only move forward when this line from above is clear. If the Provincial Department of Education, Provincial Department of Culture and Tourism, Provincial Department of Sports, and Provincial Department of Technology jointly issue a notice, then the work becomes much easier. This way, there is a clear communication channel along this line. Alternatively, the issuance of relevant administrative regulations

for negotiated governance would be beneficial" (PX-4).

In the process of governing OCTI, it was mentioned by the two education administrative department heads and some off-campus training institution legal representatives that governance involves not only the education sector but also requires the coordination and cooperation of multiple departments (see Table 2). However, in actual governance, communication with other departments is often challenging, with each department prioritizing relevant legal bases, and there is a lack of a joint law enforcement mechanism, making it difficult to advance related work.

Table 2: Monthly List of Coordination Departments for Special Governance Tasks of OCTI in a Certain City

Month	Governance Task	Coordinating Departments
May	Review of governance for OCTI	Civil Affairs, Fire Department, Housing and Urban-Rural Development, Health Committee, etc.
June	Control of advertising during "college entrance examination month" for OCTI	Public Security Bureau, Market Supervision Bureau
July	Inspection of operating qualifications and teacher qualifications for OCTI	Industrial and Commercial Bureau, Market Supervision Bureau
August	Inspection of "overstepping the boundaries" for OCTI	Market Supervision Bureau, Science and Technology Bureau
September	Supervision of funding for OCTI	Industrial and Commercial Bureau, Public Security Bureau
October	Suspension due to the pandemic for one month	None
November	Special governance of arts examination-oriented training institutions	Culture and Tourism Bureau, Sports Bureau
December	Compilation and submission of governance materials for OCTI	Education Bureau

3.5 Hindrance to Rights Protection and Lack of Channels for Safeguarding Rights

In terms of rights protection, the interviews revealed that three key stakeholders have experienced losses in their interests, and some have even suffered infringements. Firstly, the interests of students' parents have been compromised in the governance of OCTI, and they have faced challenges in seeking recourse. "Both of my children were enrolled in off-campus tutoring. When we learned about the *Double Reduction* policy and found out that the school was offering after-school services, we immediately contacted the training institution to coordinate and requested a refund for the remaining course fees. However, they have been evasive, citing various reasons. We couldn't reach anyone over the phone, and the storefront has remained closed. Up to now, we haven't received our money back" (JZ-4).

Secondly, teachers from training institutions who were laid off and dismissed have not received any compensation from the institutions, nor have they been provided with alternative pathways for social support in their career transition, leading to negative public sentiment. "I used to primarily teach mathematics to elementary school students and held a teaching qualification for junior high school mathematics. I started working at XX training institution in September 2020, signing a labor contract with them. When the *Double Reduction* policy was introduced, the employer had one discussion with us, and we voluntarily resigned. However, they only paid us for the first two months of work, and we didn't receive our basic salary for the last month and a half, let alone the hourly wages. The employer refused to compensate us, citing cash flow issues" (PJ-3). "After being dismissed, I wanted to continue working in this institution for non-subject-specific training tasks, and I also have a background in dance. However, they didn't give me the opportunity" (PJ-3).

Lastly, there is a lack of clear institutional safeguards for the basic benefits of institutions collaborating with school teachers for after-school services. Some training institution teachers participating in school after-school services, as well as school teachers, have reported that their workload is heavy, their working hours are not flexible, and their basic salary and benefits have not been adequately compensated. This has resulted in unequal treatment for similar work. "I am an English teacher, and I am scheduled for after-school services every Wednesday and Friday. Since we cannot introduce new material

during these sessions, I can only provide targeted English homework assistance to students at different proficiency levels. I also need to ensure that they complete their homework at school and not take it home. The workload and psychological stress of this job are considerable. However, my basic compensation has not seen any significant increase. I've heard from friends at other schools that their after-school service allowances are much higher. I have a significant psychological gap because of this" (PJ-3) (XJ-4).

3.6 Insufficient Rule of Law and Limited Governance Effectiveness

Currently, most policy documents are characterized as normative files with relatively low effectiveness. The policy governance model, driven vertically by central and local authorities, exhibits characteristics such as "concentration" and "campaign-style" on the surface^[8]. This superficial rule of law model results in issues related to the ineffectiveness and lack of collective strength in routine governance mechanisms. Presently, as the *Double Reduction* reform progresses into deeper waters, issues related to administrative law enforcement in primary and secondary OCTI are gradually emerging. Problems such as arbitrary and coercive law enforcement linger in the gray areas of policies.

On one hand, despite the requirement for various departments to collaborate and the removal of departmental barriers in both national and local policies, a lack of rigid legal basis in actual execution limits the effectiveness of actions. For example, both national and local policy texts set regulations regarding the qualification for running training institutions and require relevant departments to strictly investigate irregularities in running schools without qualifications or approvals, urging market supervision departments to increase administrative inspections. However, at the grassroots level, the attitude is often "whoever is in charge of approval should be responsible for supervision," resulting in negligence and passive law enforcement due to the absence of legal basis, leading to weakened enforcement and a lack of synergy in comprehensive law enforcement.

On the other hand, most policy texts lack supporting penalty details, resulting in insufficient deterrence from policies. For instance, regions like Anhui, Hubei, Guangxi, and others have included phrases in their documents indicating they will "seriously investigate in accordance with the law and regulations" for teacher violations of off-campus tutoring or training institutions conducting subject-based online training. However, after the policies are formulated, there are no accompanying penalty documents or clauses, and there is a lack of specific measures for punishment. Additionally, legal regulations such as the Administrative Licensing Law and Administrative Penalty Law have not provided clear penalty provisions for such behaviors, leading to weakened substantive punitive measures and making it difficult to fundamentally address misconduct in OCTI.

3.7 Insufficient Review of Normative Documents and Questionable Regulatory Enforcement Basis

Legitimacy is a concept in the fields of political science and sociology, referring to the general acceptance or voluntary compliance of a certain rule or claim by the society at large or various stakeholders^[9]. Normative documents governing the governance policies of primary and secondary OCTI, as public policies with high social visibility, should strive for "formal legitimacy" in terms of their external form, including the policy implementation subjects and procedures. At the same time, they should also reflect shared societal values and rational policy value orientations to gain people's recognition and support, thereby achieving "substantive legitimacy."

Normative document review involves two aspects. On one hand, it examines the "legality" of the legal policy text itself, meaning that the specific provisions of the text should not be "illegal" and should not violate public order and morals. On the other hand, it assesses the "reasonableness" of the legal policy text, meaning that the text needs to possess operational feasibility in the practical context. Through interviews with local education administrative departments and the analysis of legal policy texts, it was found that, whether through internal self-assessment or external information disclosure and oversight, most regions lack a review mechanism for the normative documents they introduce. Moreover, the

reviewing authority is often the education administrative department itself, which can lead to problems such as insufficient and inconsistent regulatory enforcement bases in the later stages.

In terms of the degree of publicness, compared to public schools and private schools that offer formal education, OCTI have the lowest degree of publicness, and therefore, the space for state intervention should be minimal. Considering the limited supply of educational services in the institutional environment, OCTI can play a role in enriching educational resources and promoting holistic human development. Therefore, blind restrictions on their development may raise questions about both formal and substantive legitimacy. Additionally, some local policy regulations, such as the fee pricing principles in documents like the "Compulsory Education Stage Subject-specific off-campus Training Fee Standards" represented by XX Province and prohibitions on training institutions issuing commercial advertisements in other local policy texts, deviate to some extent from the provisions of existing laws such as the *People's Republic of China Price Law* and the *People's Republic of China Advertising Law*. They may even contradict certain clauses, leading to disputes over the legality of some policy content. Hence, there is an urgent need to enact specialized laws and regulations or revise existing relevant legal provisions to coordinate and resolve these issues.

4. Research Conclusion

4.1 Special Legislation to Strengthen the Legal Safeguards for the Governance of Primary and Secondary OCTI

From affirming the role of non-governmental educational institutions to enacting legislation pertaining to private education that revolves around the right to education in society, encouraging and regulating the development of private education is a clear national policy^[10]. However, the legal framework for the regulation of primary and secondary OCTI in the field of education is not comprehensive. Most of the relevant provisions lack specificity and clear directives. The existing legal system also lacks clarity in governing OCTI, as it does not provide clear regulations on substantive issues such as training duration, advertising and promotion, financial management, training content, and financing for listing, primarily relying on policy documents^[11]. Therefore, there is an urgent need to establish specialized laws and regulations to standardize the development of primary and secondary OCTI.

4.1.1 Defining Legal Attributes and Regulatory Objects

In China, the current legal definitions of regulatory objects mostly revolve around four aspects: individuals, objects, actions, and relationships^[12]. Since the primary focus of governance for primary and secondary OCTI is the training activities that involve individuals, objects, and their interrelationships, it is more appropriate to primarily consider direct actions when defining the basic attributes of regulatory objects. In terms of legal nomenclature, it may be considered as the "Regulations on the Management of Primary and Secondary OCTI."

Regarding the direct regulatory objects, it is essential to clearly specify the basic categories of primary and secondary OCTI. According to the *Double Reduction* policy requirements, these institutions can be categorized into subject-specific and non-subject-specific types. On one hand, it is crucial to provide a more detailed definition of the concept domains of subject-specific and non-subject-specific training, building upon existing authoritative policies and outlining classifiable indicators. On the other hand, distinctions should be made between OCTI for different educational stages, explicitly legislating for primary and junior high school compulsory education OCTI and high school education OCTI. Definitions should clearly state that "compulsory education OCTI refer to non-degree educational institutions offering non-subject-specific training for primary and junior high school students and are not allowed to offer subject-specific training" and that "high school education OCTI refer to non-degree educational institutions primarily offering non-subject-specific training for high school students with subject-specific training as a supplementary component."

4.1.2 Clarifying Fundamental Legislative Principles

The legal governance of primary and secondary OCTI must strike a balance between the rights of the state in education, the rights of society in education, and the rights of parents in education. At its core lies the right to education of students. The rights of the state in education, primarily represented by the government, naturally hold a dominant position among these three, with limitations on the space for intervention and interference in the rights of society in education, primarily represented by training institutions. Similarly, clear principles and regulations should govern the interaction between the rights of the state in education and the rights of society in education concerning the rights of parents in education. By specifying the fundamental legislative principles, the rationality, legality, and necessity of governance for OCTI can be satisfied. Legislative provisions should explicitly outline the three fundamental principles for the legal governance of OCTI: the principle of educational publicness, the principle of cooperative governance, and the principle of territorial management.

4.1.3 Strengthening the Main Content of Legislation and Regulation

Firstly, strict regulations should be established regarding the fundamental conditions for operation. In accordance with the requirements of the *Double Reduction* policy documents, clear provisions should be made for establishment approval, transformation and change, and termination or withdrawal. In terms of establishment, it is advisable to refer to the main contents of the second chapter of the *Law on Promotion of Non-Governmental Education*, providing clear requirements for the legal entities of training institutions. In the case of transformation and change, distinctions should be made between conventional organizational changes and changes between subject-specific and non-subject-specific categories. Concerning termination or withdrawal, the law can stipulate mandatory termination and voluntary withdrawal procedures.

Secondly, it is crucial to clarify the entities responsible for collaborative governance. The management entities of primary and secondary OCTI should be further specified through legislation. In addition to stipulating that education administrative departments and departments responsible for culture, tourism, sports, and technology are respectively responsible for approval and routine supervision of subject-specific and non-subject-specific training, the law should further clarify the governance responsibilities of industrial and commercial departments and market supervision departments in the oversight of advertising by training institutions and the inspection of their operations. It should also define the responsibilities of housing, fire safety, and health departments in the inspection of training venue safety, food safety, and epidemic prevention measures. Moreover, it should delineate the responsibilities of the cyberspace administration department in the regulation of online training activities and online fund management, among others.

Lastly, establishing standardized teaching systems is essential. Firstly, the basic criteria for teacher qualifications should be clearly defined. The law should further specify that teachers in training institutions need to possess relevant subject knowledge backgrounds, referred to as professional backgrounds. Additionally, for addressing the issue of school teachers engaging in paid supplementary classes in training institutions, relevant negative list systems should be established, and a tracing system should be implemented during the teacher hiring process to ascertain whether prospective teachers hold concurrent positions as subject teachers in schools. Secondly, the specific time and content of teaching and training should be regulated. Thirdly, an assessment and feedback system for teaching should be established, along with mechanisms for ensuring teaching quality. This may involve the establishment of systems for self-assessment and external inspections of OCTI' teaching, textbook review systems, and mechanisms for safeguarding the rights and interests of training institution teachers. Lastly, efforts should be made to strengthen the protection of teachers' rights and interests in training institutions, creating a stable and favorable employment environment for the general public. On one hand, it is essential to establish a labor contract system for teachers in training institutions, requiring training institutions to sign labor contracts with their teachers. On the other hand, measures should be implemented to appropriately resettle teachers from subject-specific training institutions who have been laid off, encouraging those with a certain level of educational and teaching quality to shift toward providing after-school services in

schools, thereby alleviating the burden on schoolteachers and increasing employment opportunities for training institution teachers.

4.2 Institutional Optimization: Enhancing the Enforcement and Regulatory System for Primary and Secondary OCTI

Administrative enforcement is an act distinct from legislative and judicial activities, performed by government authorities to implement and execute legal norms.^[13] An essential organizational aspect of the legal governance of primary and secondary OCTI is administrative enforcement and legal regulation. Establishing a scientifically effective system for administrative enforcement and regulation is conducive to promoting the standardized and orderly development of training institutions. In the process of enforcement and regulation, several key components should be considered:

4.2.1 Building a Specialized Comprehensive Enforcement Team for OCTI

In terms of comprehensive enforcement, it is necessary to establish a multi-department information-sharing mechanism using network information technology to avoid issues related to fragmented enforcement and inefficiency. Uniform enforcement standards should be established, specifying both the regulatory objects and specific matters related to OCTI at the institutional level.^[7] Additionally, a specialized administrative comprehensive enforcement agency for OCTI should be established to centralize the administrative penalty authority for these institutions. During enforcement, it is essential to distinguish between administrative enforcement and criminal justice and establish a mechanism for connecting administrative enforcement and criminal justice through legal provisions. This involves a closed-loop, standardized management system encompassing evidence collection and verification, case filing and examination, and case settlement. In practice, the enforcement team for OCTI should not only demonstrate a solid understanding of legal principles but also focus on building a positive external image. This helps create a coordinated and effective enforcement environment. As part of the legislative provisions, the enforcement team for OCTI should undergo regular training. Demonstrations and educational materials related to the governance of training institutions should be used to establish high-standard enforcement models. Additionally, a training system for the enforcement team should be established, including provisions for further decentralizing the enforcement team and clear assessment criteria.

In terms of flexible enforcement, it is essential to shift the focus from using direct and coercive methods to more collaborative, communicative, and supportive approaches to achieve the objectives of enforcement. Flexible enforcement should emphasize cooperation, communication, coordination, incentives, and guidance to encourage OCTI to take reasonable actions voluntarily. This can involve the establishment of administrative guidance, administrative agreements, administrative dialogues, administrative incentives, and self-regulation systems within the relevant legal framework. For minor violations by training institutions, administrative guidance and administrative dialogues can be employed to educate or caution the responsible parties or legal representatives. This encourages them to conduct internal self-assessment of violations, correct illegal educational activities, and set deadlines for rectification. Furthermore, exploring and implementing remote, non-confrontational enforcement models can help prevent verbal or physical conflicts between enforcement teams and the entities under enforcement. Encouraging a mild and efficient online enforcement approach can directly address the illegal activities of training institutions, thereby enhancing enforcement efficiency.

4.2.2 Improving the Review and Supervision Mechanism for Central and Local Regulatory Documents

Firstly, establish a text traceability and effectiveness assessment system to mitigate conflicts between text management concepts and actual regulatory effects. OCTI, as market-oriented organizations with profits and losses, need to strike a balance between the "streamlining administration, delegating powers, and improving regulation and services" reform concept and the goal of ensuring the public nature of education. After the initial release of regulatory documents, it is crucial to actively assess and evaluate the effectiveness of the regulations, taking into account the overlapping institutional logics of market-oriented survival and ensuring the public nature of education. The evaluation of regulatory effectiveness

should examine whether the interests of multiple institutional logic subjects are safeguarded in regulatory documents. It should also incorporate institutional traceability and introduce a third-party text traceability review and assessment system. Based on the actual results of regulatory assessment, continuous improvement of text content can be achieved, transitioning from formal means of regulation to substantive content regulation.

Secondly, introduce a text interpretation system and timely amend relevant laws to mitigate conflicts between policy texts and legal texts. From the formulation of regulatory documents to their implementation, the same text content may lead to different interpretations. To ensure consistent interpretation during the implementation of regulatory documents, a text interpretation system should be established to provide explanations for the reasons behind the content and the regulatory focus. This helps prevent deviations in actual implementation. Additionally, under the guidance of national-level documents, local regulatory documents should be granted the authority to interpret themselves. Local education authorities should be encouraged to solicit excellent cases of regulatory supervision and establish a system for "case interpretation" to strengthen the interpretation of regulatory documents. Furthermore, a matrix of policy and legal texts, centered around the regulation of OCTI, should be developed. This matrix should clarify regulatory text clauses related to various aspects of training institutions and resolve any contentious issues between horizontal and vertical clauses, making necessary legal amendments when needed. For example, when regulating the charging and advertising of OCTI, it is essential to cross-reference related laws such as the Price Law and Advertising Law. If conflicts or inconsistencies arise, coordination should be undertaken to ensure the legal compliance of policy text content.

4.2.3 Enhancing Supporting Enforcement and Regulatory Details

Firstly, update and refine regulatory content. This includes monitoring the burdens of students and employing quantifiable and visual monitoring methods. Monitoring indicators for student burdens should be scientifically and reasonably selected, and a monitoring information platform involving multiple stakeholders, such as parents and education administrative enforcement authorities, should be established using information technology. The monitoring platform should focus on the off-campus training burdens of primary and junior high school students in non-subject-specific training and the subject-specific training burdens of high school students. This platform should create a quantitative data analysis dynamic visualization chart. Additionally, an academic burden warning mechanism should be established. During the enforcement and supervision process, both verbal feedback from students and their parents and the inspection of relevant documents, such as course schedules and student academic performance statistics, should be considered. An early warning mechanism for excessive academic burdens on individual students should be implemented. This mechanism allows for differentiated control measures during enforcement and supervision, integrating student academic monitoring and family education guidance monitoring, and involving various stakeholders to reduce students' academic burdens.

4.3 Unified Rights and Responsibilities: Clarifying the Legal Responsibilities in the Governance of Primary and Secondary OCTI

The principle of "accountability for violations" applies to specific illegal activities of primary and secondary OCTI. To further enhance the normative effect of post-facto penalties, it is crucial to specify the legal responsibilities of different entities and design a clear and transparent map of authority and responsibilities. In the alliance of multi-party governance responsibility for primary and secondary OCTI, this approach can maximize the legitimate development of these institutions and emphasize the participation and shared responsibility of various stakeholders. This involves:

4.3.1 Clarifying the Legal Responsibilities of Training Institutions

The allocation of legal responsibilities is the basis for adjusting social relationships through the law, and it identifies the parties accountable when legal disputes arise.^[14] Legal responsibility, whether civil, criminal, or administrative, arises from the obligations of different entities, both in terms of action and inaction.

Regarding the legal responsibilities of primary and secondary OCTI, it's essential to outline the illegal activities for which these institutions may be held liable in civil, administrative, and criminal contexts. In terms of civil liability, this primarily includes potential civil contract and tort liability. In addition to applicable provisions in the Civil Code, it's essential to regulate specific legal actions that may infringe on the economic rights of students' parents or violate students' right to education. Regulatory authorities should issue corrective orders and warnings to training institutions and issue corresponding penalties when necessary. In terms of administrative liability, focus should be on regulating illegal activities such as hiring in-service school teachers for off-campus classes, conducting training beyond scope and time limits, and financial security risks. Regarding criminal liability, strict regulation should be in place for training institutions that violate national regulations by using foreign textbooks to spread improper political discourse or affecting national security and social stability. Moreover, excessive curriculum loads leading to significant psychological stress on students and resulting in mental health issues, including suicides, should be addressed.

4.3.2 Developing Multi-Department Power and Responsibility List

Within the framework of power and responsibility list, "discretionary powers" should be the benchmark, and the legal principle "powers not delegated by law cannot be exercised" should be applied. This is beneficial for achieving precise, scientific, and standardized governance of training institutions and preventing related departments from evading governance responsibilities or abusing governance powers. Considering the "territorial principle" in the governance of primary and secondary OCTI, the drafting and coordination of rights and responsibilities lists should be carried out by relevant administrative departments at the prefectural level.

Firstly, construct power and responsibility list for training institution approvals. In the approval process of training institutions, different aspects such as school operation permits, registration approvals, and on-site inspections should be carried out by relevant departments. In the school operation permit aspect, approvals for subject-specific and non-subject-specific institutions should be handled separately by the municipal education bureau, culture and tourism bureau, sports bureau, and science and technology bureau, referencing national-level guidelines while considering local regulations.

Secondly, construct power and responsibility list for training institution supervision. In the supervision of training institutions, responsibilities should be categorized into aspects such as party building, fire safety, training fees, training time, training content, staff, hygiene and epidemic prevention, advertising and promotion, competition activity management, annual inspections, and the application of supervision platforms. Each aspect should specify concrete tasks, lead responsible departments, cooperating departments, and major reference national-level documents. In cases where upper-level regulatory documents are lacking, relevant local departments should consider issuing guidance documents.

Lastly, construct power and responsibility list for administrative law enforcement of training institutions. In the administrative law enforcement process of training institutions, aspects should include enforcement items, illegal behaviors, lead responsible departments, cooperating departments, and major references to legal enforcement bases. In this context, rigorous regulation is needed for unlicensed and unauthorized training, covert transformations of non-subject-specific training institutions, unauthorized paid tutoring by in-service teachers, online training, fire safety, fees, epidemic prevention, and advertising that may involve illegal activities.

4.3.3 Establishing a Rights Relief System

Relief is a procedural mechanism for realizing rights, and the completeness of a legal rights relief system is an important indicator of whether a legal system is sound and whether the rule of law is effectively implemented^[15]. Given that most infringement cases involving training institutions primarily fall under educational civil disputes, it is advisable to create corresponding precedent interpretation systems and educational public interest litigation systems.

Firstly, actively explore the establishment of a precedent system in the Anglo-American legal

tradition. Drawing from the "combination of legal facts and legal application" convention in the precedent system of the Anglo-American legal tradition, summarize legal judgment experiences and rules in judicial cases related to the governance of primary and secondary OCTI. This should involve selecting typical representative cases for authoritative interpretation and providing judicial precedents for reference.

Secondly, consider implementing an educational public interest litigation system tailored to the national context. An educational public interest litigation system allows state organs, social organizations, and individual citizens to file lawsuits with the court to request the court to hear and adjudicate cases involving violations of relevant laws and regulations in the field of education, which infringe upon the legitimate rights and interests of citizens and social public interests^[16]. Therefore, citizens and relevant public interest organizations should be allowed to initiate public interest litigation. In cases of infringement by training institutions, individuals or organizations can first request administrative authorities to address the issue. If administrative authorities fail to take action, affected individuals or groups can file public interest litigation with the procuratorate. As a result, the educational public interest litigation should be the second line of defense behind administrative law enforcement, serving as a safeguard for the rights of students and their parents.

In conclusion, it is essential to clearly define the legal responsibilities of primary and secondary OCTI, establish comprehensive power and responsibility list, and create rights relief mechanisms. This approach will help ensure the proper governance of these institutions, protect the rights of students and parents, and uphold the rule of law in the education sector.

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