

# Coordination and Alignment: On the Relationship between the Newly Revised Vocational Education Law and the Opinions on Deepening the Reform of the Modern Vocational Education System Construction

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**Abstract:** The vitality of law lies in its implementation. The implementation of the newly revised Vocational Education Law requires the support and alignment of a series of policies and regulations, among which the Opinions on Deepening the Reform of Modern Vocational Education System Construction is one. The Opinions has three legal attributes: mixed Party regulations, high-level administrative regulatory documents, and the propositions of the CPC. This means that the Opinions is more likely to be effective, more conducive to the realization of reform goals in the field of vocational education, and also implies that its coordination and alignment with the newly revised Vocational Education Law need to be more precise and appropriate. The basic approach for such coordination and alignment is to be consistent with the fundamental principles and spirits of the newly revised Vocational Education Law vertically, and pay attention to the boundaries and alignment with other legal norm groups related to vocational education horizontally. The essential contents of the alignment and coordination between the Opinions and the newly revised Vocational Education Law should include: enhancing the key school-running capacity of vocational schools, taking the vocational education college entrance examination as a breakthrough to improve the enrollment system with vocational education characteristics, integrating talent cultivation standards into the construction of the vocational education system, delegating core administrative powers, significantly strengthening the management authority of provincial governments over vocational education, and clarifying the micro-level administrative powers of municipal and county governments.

**Keywords:** Newly revised Vocational Education Law; Coordination and alignment; Basic approach; Vocational education system construction

**Online publication:** December 3, 2025

## 1. Raising the research question

On April 20, 2022, the 34th Session of the Standing Committee of the 13th National People's Congress revised and adopted the Vocational Education Law of the People's Republic of China (hereinafter referred to as the "newly revised Vocational Education Law"), which is the first major revision of the Vocational Education Law in 26 years since its implementation in 1996. The promulgation of the newly revised Vocational Education Law is undoubtedly a landmark legislative event in China's vocational education field, and will surely have a significant and far-reaching impact on China's vocational education and even the entire education sector. Soon after, on December 21, 2022, the General Office of the Communist Party of China Central Committee and the General Office of the State Council jointly issued the Opinions on Deepening the Reform of Modern Vocational Education System Construction. As the first guiding document issued by the CPC Central Committee and the State Council for deploying vocational education reform work after the implementation of the newly revised Vocational Education Law, the Opinions is of great significance for continuously advancing the reform of the modern vocational education system construction and promoting the high-quality development of vocational education.

Admittedly, although the newly revised Vocational Education Law—as a fundamental law in the field of vocational education—has been promulgated, merely having laws is not sufficient for their automatic enforcement. The vitality of law also lies in its implementation and fulfillment, and the Opinions is the key to ensuring the effective implementation of the newly revised Vocational Education Law and determining the extent of its implementation. On the one hand, some new formulations in the newly revised Vocational Education Law, such as the positioning of vocational education as a type of education and the construction of the vocational education system, require further interpretation by the Opinions to achieve coordination and alignment with the newly revised Vocational Education Law. On the other hand, the aspects where the Opinions has not yet been coordinated and aligned with the newly revised Vocational Education Law leave room for the issuance of similar legal documents in the future. Then, what is the state of the relationship between the newly revised Vocational Education Law and the Opinions? How should the two coordinate and align with each other, and what are the main contents of such coordination and alignment? With these questions in mind, this paper studies the above issues and attempts to provide corresponding answers.

## 2. The basic approach for the coordination between the opinions and the newly revised Vocational Education Law

Given that the newly revised Vocational Education Law has already been promulgated, the basic approach for the coordination between the Opinions and the newly revised Vocational Education Law is to maintain consistency with it. From a positive perspective, this means studying the aspects in which the Opinions should be consistent with the newly revised Vocational Education Law; from a negative perspective, it means examining the aspects in which the Opinions are inconsistent with the newly revised Vocational Education Law and need to be adjusted in the future.

### 2.1. Vertical coordination: Consistency with the newly revised Vocational Education Law in terms of concepts and systems

As the superior law of the Opinions, the newly revised Vocational Education Law should occupy a leading position in the vertical coordination of legal effect. The Opinions not only needs to be consistent with the newly

revised Vocational Education Law in terms of basic concepts, spirits, and principles, but also needs to exercise restraint as much as possible in specific application to maintain mutual coordination with the newly revised Vocational Education Law in a dynamic manner.

### **2.1.1. Consistency with the newly revised Vocational Education Law in terms of basic concepts and principles**

In vertical coordination, the primary and most crucial point is that the Opinions should be consistent with the newly revised Vocational Education Law in terms of basic concepts and principles. The basic concepts and principles established by the newly revised Vocational Education Law, such as vocational education as a type of education, diversified school-running, integration of vocational and general education, integration of industry and education, combination of work and study, and independent school-running, should serve as the substantive legal basis for the Opinions<sup>[1]</sup>. At the same time, it is not appropriate to easily assert that there is a legal conflict and thus deny the consistency between the Opinions and the newly revised Vocational Education Law regarding the concepts and principles that are not explicitly stated in the provisions of the newly revised Vocational Education Law but are reflected in the Opinions. For example, the “new model for the construction of provincial modern vocational education systems” initiated in the Opinions can be regarded as a reasonable extension of the concept of the vocational education work coordination mechanism stipulated in Article 8 of the newly revised Vocational Education Law, thereby obtaining legal confirmation.

### **2.1.2. Striving for systematization in legal concepts**

The newly revised Vocational Education Law defines the connotation of the legal concept of “vocational education” for the first time, and formulates a series of related legal terms around “technical and skilled talents”, but there is still a gap in forming a sound concept system. A legal system is composed of several concepts in an organized manner, which need to be consistent, unified, and systematic. For example, “high-quality technical and skilled talents” is the core legal concept of vocational education, but the newly revised Vocational Education Law also creates related legal concepts such as “diversified talents”, “rural revitalization talents”, “high-end technical and skilled talents”, “high-skilled talents”, and “skilled talents.” This not only increases the difficulty of interpreting the legal text but also affects the authority and scientificity of the law. In contrast, the Opinions simplifies by retaining only the core concept of “technical and skilled talents”, and appropriately extends its connotation and extension with this concept as the core. This greatly enhances the systematization and unification of this legal concept and lays a good foundation for possible future application of the law.

### **2.1.3. Alignment and synchronization with the newly revised Vocational Education Law in terms of specific systems**

From the perspective of the stability of law, it is not appropriate for the law itself to stipulate too many detailed contents. Therefore, the substantive legal requirements of the newly revised Vocational Education Law need to be aligned with corresponding institutional arrangements. For example, Article 8 of the newly revised Vocational Education Law clearly defines the leading responsibility of the State Council to establish a vocational education work coordination mechanism and coordinate national vocational education. On this basis, the Opinions further proposes the inter-ministerial joint meeting system for vocational education work of the State Council, the overall coordination and promotion system of the Ministry of Education, and the “three lists”

system of provincial Party committees and governments, thereby achieving alignment and synchronization between the Opinions and the substantive law.

## **2.2. Horizontal coordination: Alignment and coordination with other legal norm groups related to vocational education**

Under the guidance of the newly revised Vocational Education Law, horizontal coordination mainly refers to the alignment and coordination between the Opinions and other legal norm groups related to vocational education, including but not limited to the National Plan for Vocational Education Reform (hereinafter referred to as the “20 Guidelines for Vocational Education”), China’s Education Modernization 2035, and the Opinions on Promoting the High-Quality Development of Modern Vocational Education.

### **2.2.1. Horizontal coordination with the “20 Guidelines for Vocational Education”**

The newly revised Vocational Education Law emphasizes the establishment of a vocational education system that conforms to the law of growth of technical and skilled talents. Correspondingly, the Opinions proposes to implement an industrial planning and talent demand release system, improve the vocational education college entrance examination system, and explore the establishment of a differentiated per-student funding system for vocational education based on professional categories. Earlier, the “20 Guidelines for Vocational Education” had clearly stated the need to improve the policy for safeguarding technical and skilled talents, but it did not provide corresponding institutional guarantees for technical and skilled talents from the perspective of talent supply and demand and employment. The Opinions fills the institutional supply gap of the “20 Guidelines for Vocational Education” regarding employment and adheres to the fundamental principle of “managing both ends and standardizing the middle.”

### **2.2.2. Consistency with the policy context of China’s education modernization 2035**

In 2020, the CPC Central Committee and the State Council issued China’s Education Modernization 2035, which proposes to continuously optimize the structure and layout of vocational education and promote the organic alignment and in-depth integration of vocational education with industrial development. The integration of industry and education is not only the essential feature of vocational education but also its development path<sup>[2]</sup>. On the premise of continuing the policy context of in-depth integration of industry and education, the Opinions further puts forward the basic idea of “adhering to promoting industry through education, supporting education with industry, integrating industry and education, and cooperating between production and education”, adding new connotations to the “integration of industry and education.” It can be said that the horizontal coordination between the Opinions and China’s Education Modernization 2035 is uniformly integrated under the 16-character guideline of the newly revised Vocational Education Law—“moral education for talent cultivation, integration of moral and technical education, integration of industry and education, and cooperation between schools and enterprises”—and thus has consistency and continuity in the policy context.

### **2.2.3. Continuity and breakthrough from the opinions on promoting the high-quality development of modern vocational education**

The construction of the vocational education system is one of the core contents of the high-quality development of vocational education. In 2021, the CPC Central Committee and the State Council issued the Opinions on Promoting the High-Quality Development of Modern Vocational Education, whose main goal is to accelerate



the progress of vocational education system construction and comprehensively promote the construction of a skill-based society. Adjusting the supply structure of vocational education and deepening the structural reform of vocational education supply are important reform directions for accelerating the construction of the vocational education system. The Opinions on Promoting the High-Quality Development of Modern Vocational Education proposes to align with national major strategies and property technology trends, give priority to the development of emerging majors, accelerate the construction of shortage majors, transform and upgrade traditional majors, and merge or eliminate surplus majors, so as to form a professional system that meets market demand and is closely aligned with the industrial chain. The Opinions basically continues the stance and spirit of this document, focusing on improving the corresponding relationship between the supply structure of vocational education and industrial upgrading—namely, the professional layout of vocational education should be closely aligned with the local industrial structure, the development trend of emerging industries, and the division of labor in the industrial chain and talent demand—so as to form a modern vocational education structure that matches the industrial structure. It can be said that the goal of vocational education system construction is to improve the quality of vocational education, the direction is to deepen the structural reform of the vocational education supply side, and the foothold is to form a vocational education structure and talent supply structure that matches the industry. From this perspective, the Opinions not only inherits but also makes breakthroughs from the Opinions on Promoting the High-Quality Development of Modern Vocational Education.

### **3. The main contents of the coordination between the opinions and the newly revised Vocational Education Law**

No code is perfect. The limitations of law determine that the newly revised Vocational Education Law may have gaps or deficiencies as soon as it is formulated. Addressing the gaps or deficiencies of the newly revised Vocational Education Law through the Opinions is also the main content of the coordination and alignment between the Opinions and the newly revised Vocational Education Law.

#### **3.1. School-running capacity: The key to the high-quality development of vocational education**

The school-running quality of vocational schools is the lifeline of their survival and development. The Opinions proposes to “take enhancing the key capabilities of vocational schools as the foundation” and “achieve reform breakthroughs in aspects such as the construction of key capabilities of vocational schools.” Among the many key capabilities of vocational schools, the key school-running capacity is undoubtedly the top priority. Article 36 of the newly revised Vocational Education Law establishes the legal legitimacy of vocational schools’ independent school-running in accordance with their articles of association through legislative authorization, and clearly defines the specific rights of vocational schools, such as independently setting up majors, independently formulating learning systems, independently compiling specialized course textbooks, independently recruiting specialized course teachers, and implementing a flexible academic system <sup>[3]</sup>. Compared with the newly revised Vocational Education Law, the Opinions introduces a new concept of “key school-running capacity of vocational schools”, and suggests taking the lead in building a number of core courses, high-quality textbooks, teacher teams, and practical projects in individual specialized fields, promptly incorporating new methods, new technologies, new processes, and new standards into educational and teaching practices, expanding the sharing of high-quality resources, and promoting the reform of educational and teaching methods and evaluation

methods. On the basis of the independent school-running rights established by the newly revised Vocational Education Law, the Opinions puts forward higher requirements for courses, textbooks, and teachers—factors that are fundamental and crucial to the school-running quality of vocational schools. It can be seen that the alignment of the Opinions with the newly revised Vocational Education Law in terms of key school-running capacity is precise and necessary.

### **3.2. Moral education for talent cultivation: Integrating talent cultivation standards into the construction of the vocational education system**

The newly revised Vocational Education Law writes the talent cultivation standard of “moral education for talent cultivation” into the law for the first time, which reflects the development characteristics of China’s vocational education. As early as November 2012, the report of the 18th National Congress of the Communist Party of China pointed out that “moral education for talent cultivation should be taken as the fundamental task of education.” In 2016, the President of the CPC emphasized in his speech that “we should adhere to taking moral education for talent cultivation as the central link, and integrate ideological and political work into the entire process of education and teaching to achieve full-process education and all-round education.” On the basis of Article 4 of the old Vocational Education Law, the newly revised Vocational Education Law has made significant revisions, and for the first time proposes that vocational education should “adhere to moral education for talent cultivation and integration of moral and technical education”, placing ideological and political education in a more prominent position and accurately summarizing the essential characteristics of vocational education <sup>[4]</sup>. In order to more effectively align and coordinate with the newly revised Vocational Education Law, Article 11 of the Opinions clearly proposes to further promote the “three integrations” (integration into textbooks, classrooms, and minds) of the President of the CPC Thought on Socialism with Chinese Characteristics for a New Era, “integrate ideological and political work into the entire process of school education and management”, and “improve the talent cultivation mechanism that combines moral and technical education and integrates work and study”, putting forward higher requirements for the implementation of the talent cultivation standards of the newly revised Vocational Education Law.

### **3.3. Empowering provinces through decentralization: unleashing new vitality for the reform of the vocational education system construction**

The Opinions thoroughly implements the basic concept of “empowering provinces through decentralization” advocated by the newly revised Vocational Education Law. A clear comparison between the old and new Vocational Education Law shows that one of the most prominent revisions is “empowering provinces through decentralization”, which significantly delegates powers to provincial governments in the field of vocational education. For example, it clarifies the division of responsibilities and positioning that the State Council and its administrative departments are responsible for overall planning, and provincial governments are responsible for leading the vocational education work in their respective administrative regions (Article 8 of the newly revised Vocational Education Law); provincial governments have the approval authority for the establishment of higher vocational education institutions (Article 33); the education administrative departments of provincial governments are responsible for establishing a unified enrollment platform for vocational education (Article 37); provincial governments have the power to formulate standards for the staffing of teaching and administrative staff in vocational schools in their respective regions (Article 48); provincial governments have the leading

authority in the management system of vocational school funding (Article 52); and provincial governments have the power to formulate standards for per-student funding in vocational schools in their respective regions (Article 55), etc. These revisions demonstrate the determination of the State Council to delegate core administrative powers and significantly enhance the management authority of provincial governments over vocational education in their respective regions. The Opinions pioneeringly proposes a decentralized model of “national leadership and local implementation”, encouraging provinces with reform willingness and basic conditions to make breakthroughs in reform. This responds to the reform concept of “empowering provinces through decentralization” in the newly revised Vocational Education Law and adds new vitality to the future reform of the vocational education system construction. It can be predicted that provincial Party committees and governments will be the leaders in the construction of the vocational education system in the future, and the construction model of “provincial leadership and provincial-ministerial coordination” will be more conducive to achieving innovations and breakthroughs in aspects such as the integration of industry and education, the integration of vocational and general education, incentive policies, and institutional support, thereby accumulating reform experience for the future revision of vocational education laws.

### **3.4. Municipal leadership: Refined allocation of administrative powers for vocational education construction**

If “empowering provinces through decentralization” reflects the delegation of administrative powers at the meso level, then “municipal leadership” is more about clarifying the specific administrative powers of municipal and county governments in the field of vocational education at the micro level. Regarding the allocation of administrative powers between provincial governments and municipal governments, Article 8 of the newly revised Vocational Education Law stipulates that provincial governments are responsible for leadership and overall coordination, while municipal and county governments are responsible for specific work. Although the newly revised Vocational Education Law stipulates the specific responsibilities of municipal and county governments, the provisions are too brief, making their implementation difficult. However, the law does not specify how to provide support and guidance, which also causes difficulties in the specific implementation of the law. The Opinions clearly proposes to “build municipal-level industry-education consortia based on industrial parks”, establish a council with the participation of the government, enterprises, schools, and research institutions, and implement policy preferences such as finance, land, finance, and taxation that the government can provide in the form of “municipal-level industry-education consortia.” These provisions all demonstrate the main responsibility of municipal and county governments in the construction of the vocational education system, and are also an extension of the rules of the newly revised Vocational Education Law for allocating administrative powers related to the high-quality development of vocational education at the ministerial, provincial, municipal, and county levels.

## **Funding**

1. Scientific Research Startup Project for Newly Introduced High-level Talents of Shenzhen Polytechnic: Research on the Legal Guarantee and Optimization Path of High-quality Development of Higher Vocational Education.
2. Education and Teaching Reform Research and Practice Project of Shenzhen Polytechnic: Theoretical

Reflection and Standard Orientation of Curriculum-based Ideological and Political Education Construction in Higher Vocational Colleges — A Study Based on Law-related Majors.

3. Postdoctoral Post-Residency Funding Project of Nanshan District, Shenzhen (No. 1022-6023271003S1): Legal Guarantee for the High-quality Development of Vocational Education.

## Disclosure statement

The author declares no conflict of interest.

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