

A Legislative Turn in Early Childhood Education: An Analysis of Preschool Education Law (Draft) in China

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Abstract

Preschool education is an important part of a country's education system. This paper examines China's legislative efforts in preschool education by analyzing the Preschool Education Law (Draft). Against the backdrop of growing public demand for fair and high-quality preschool education, the Preschool Education Law (Draft) is a legislative milestone in China's education modernization process. This study outlines the main contents, features, innovations, and significance of the law and offers some suggestions on how to facilitate the implementation of the legislation on preschool education. The Law (Draft) on Preschool Education not only provides a normative legal basis for the development of preschool education in China, advances the legal governance of preschool education, and promotes social equity, but also serves as a model for the development of preschool education in other developing countries.

Keywords: Legislation; Preschool Education; China

1. Introduction

The Chinese government and national leaders have given important instructions in many meetings: Adhere to the people-centered approach and continuously improve the inclusiveness, accessibility, and convenience of educational public services, and promote inclusive development of preschool education (Xi, 2022).

Since the 19th National Congress, the Ministry of Education (MOE) has conscientiously implemented various policies, implemented four consecutive preschool education action plans in conjunction with relevant departments, established special funds to support the development of preschool education, and built a public service system for preschool education that benefits all. As a result of the Central Committee's steadfast leadership, preschool education in China has made extraordinary developmental leaps and historical achievements (Rao et al., 2023; Li, et al., 2016).

On the one hand, the level of popularity has increased significantly. In 2023, the number of kindergartens nationwide arrived at 274,000, and the number of children in kindergarten will be

40.93 million, an increase of 26.6 percentage points from 2012, reaching the average level of high-income countries in the world. On the other hand, the level of inclusiveness is constantly improving. In 2023, the number of inclusive kindergartens nationwide arrived at 236,000, with 37.17 million children in kindergarten. The coverage rate of inclusive kindergartens will reach 90.8%, an increase of 23.5 percentage points from 2016. Most children will be able to attend inclusive kindergartens. Apart from this, the teaching team continues to strengthen. In 2023, the number of kindergarten principals and full-time teachers nationwide will be 3.34 million, and the student-teacher ratio will drop from 24.9:1 in 2012 to 13.3:1 in 2023. The educational structure has also been further optimized (MOE, 2018; MOE, 2024).

But overall, China's preschool education still in a relatively underdeveloped stage, the contradiction of unbalanced and inadequate development is still prominent, the resource structure has further deteriorated, and the institutional mechanisms in terms of career guarantees, teacher construction, and standardized supervision are still not perfect (Li et al., 2016; Yang et al., 2019; Wang et al., 2020; Qi & Melhuish, 2017), The Preschool Education Law (Draft) solves the deep-seated bottleneck problem of preschool education, makes systematic system design and standards, and provides a strong legal guarantee for further implementation, deepening the reform of preschool education, and promoting the standardized development of preschool education.

The development of preschool education has been a matter of great significance to the Central Committee of the Communist Party of China (CPC). As early as 2010, the "Outline of China's National Plan for Medium and Long-Term Education Reform and Development (2010–2020)" called for the optimization of education laws and legal regulations; In September 2020, the MOE published the Preschool Education Law of the People's Republic of China (Draft for Comments) and launched a call for opinions from all sectors of the public. In April 2021, the MOE formed a draft of the Preschool Education Law and submitted it to the State Council for review. In 2022, a report at the 20th National Congress clearly pointed out that we should strengthen the inclusive development of preschool education and improve the guarantee of preschool education (Xi, 2022). In a significant move, the Standing Committee of the National People's Congress introduced the Preschool Education Law of the People's Republic of China (Draft) in August 2023. The Preschool Education Law passed by vote on November 8, 2024 and implement from June 1, 2025.

2. Content and Characteristics

2.1. Content

The Preschool Education Law (Draft), as published on the official website of the Standing Committee of the National People's Congress, comprises 74 articles grouped into eight sections. It has established a scientific, reasonable and distinctive legal system for preschool education, which is of fundamental significance for promoting the legal governance of preschool education in China (MOE, 2024).

Table 1. Main Content of Preschool Education Legislation (Draft)

Chapter	Main content
Section 1 (14 articles)	General Principles: Explain the legislative purpose, scope of application, concepts and principles of preschool education, as well as the responsibilities of the government and society, and clarify the responsibilities of governments at all levels and relevant departments.
Section 2 (9 articles)	Planning and Organization: It involves kindergarten management system, educational planning and facility construction, emphasizing the educational development mechanism in rural and special areas.
Section 3 (13 articles)	Childcare and Education: Pay attention to the principles and measures of children's admission to kindergartens, care and education, as well as the cooperation between kindergartens and families, and pay attention to children's safety and development management.
Section 4 (13 articles)	Teachers and other Staff: Cover teacher qualifications, recruitment, professional standards, salary and training requirements
Section 5 (6 articles)	Investments and Safeguards: Involve education investment structure, financial subsidies, support for private kindergartens, and measures to encourage social donations.
Section 6 (8 articles)	Administration and Supervision: Including safety and charge management, financial supervision, information disclosure and quality monitoring.
Section 7 (8 articles)	Legal Responsibilities: Outline the legal responsibilities of local government and kindergarten management.
Section 8 (3 articles)	Supplementary Provisions: Includes scope of application, implementation date and description of childcare services

2.2. Characteristics

2.2.1. Resolutely Safeguard the Rights and Interests of Preschool Children

When implementing preschool education, we must highlight the dominant position of preschool children and take safeguarding the rights and interests of preschool children as the

starting point and goal of legislation. Formulate a preschool education law, adhere to the principle of what is most beneficial to preschool children, advocate respect for the human dignity of preschool children, and clarify the rights of preschool children to have their life safety and physical and mental health respected, protected and cared for, and to receive equal access to preschool education in accordance with the law.

2.2.2. We are Committed to Strengthening the Construction of Teaching Staff

This law focuses on improving the status of kindergarten teachers, emphasizing that the whole society should respect kindergarten teachers, and ensure that kindergarten teachers enjoy the same treatment as primary and secondary school teachers in terms of professional title evaluation and job appointment. Strict qualification requirements for early childhood education teams, emphasizing compliance with teacher ethics and ethics, clarifying corresponding job requirements, and further improving the overall quality level of early childhood education teams.

2.2.3. Follow the Laws of Young Children' s Development

The Preschool Education Law emphasizes that the implementation of preschool education must adhere to scientific conservation and education concepts, conform to the physical and mental development patterns and age characteristics of preschool children, focus on the development of good habits of preschool children, and promote the comprehensive, harmonious and healthy development of preschool children's body and mind.

2.2.4. Establish Strong Safety and Health Precautions

Always put the safety and health of preschool children first. Kindergartens must be set up in safe areas, emphasizing that kindergartens should implement a safety responsibility system and give priority to protecting the personal safety of preschool children. At the same time, government departments should establish and improve kindergarten safety risk prevention and control systems and do a good job in supervision of security, food safety and other aspects.

2.2.5. Adhere to the Principle of Public Welfare and Inclusiveness

The law adheres to the basic direction and development goals of public welfare and inclusiveness, emphasizes vigorously developing inclusive preschool education, expanding the supply of inclusive preschool education resources, and encourages governments at all levels and social forces to participate. Establish a preschool education subsidy system to provide subsidies for school-age children whose families have financial difficulties to receive universal preschool education.

3. Key Innovations

3.1. Preschool Education is an Integral Part of the National Education System and an Important Social Welfare Undertaking

Preschool Education Law establishes a system for running kindergartens with government leadership and social participation, designating the government as the primary financial supporter of preschool education. It prohibits social capital from controlling public and non-profit private

kindergartens through mergers and acquisitions, and bars kindergartens from being listed as corporate assets. Additionally, listed companies cannot raise funds to invest in for-profit private kindergartens. These regulations aim to curb the profit-seeking tendencies of private kindergartens, ensuring they focus on their public welfare mission.

3.2. The Distinct Legislative Purpose is to Ensure that School-Age Children Receive Preschool Education and Standardize the Implementation of Preschool Education

The Preschool Education Law insists on giving priority to the protection of preschool children and establishes a special chapter to highlight its core position. At the same time, the bill regulates the governance of preschool education in accordance with the law. From the perspective of management and responsibility, a comprehensive internal and external governance rules and legal liability system have been formulated to clarify the legal liability that the government should bear when it fails to perform its duties.

3.3. It Stipulates a Complete Legal Liability System, Especially the Legal Liability of the Government

At the government level, if a kindergarten abuses, humiliates, or charges fees against children, the government can use various accountability methods such as ordering corrections within a time limit, giving warnings, and revoking school licenses. At the government level itself, if local governments and relevant departments fail to perform their duties such as “formulating and adjusting accordance with reguindergarten layout plans in acclations,” the superior authorities and relevant departments may be held accountable depending on the circumstances. At the kindergarten's management level of faculty and staff, if a kindergarten employee engages in alcoholism or other situations that may endanger children's physical and mental safety, the kindergarten or the relevant education administrative department may pursue the legal responsibility of the relevant personnel by imposing sanctions, terminating labor contracts, revoking qualification certificates, etc.

4. Significance

4.1 Theoretical Significance

The promulgation of the Preschool Education Law is an important milestone in the historical process of the development of preschool education in China, and is an important addition to China's education rule of law system, marking a major breakthrough in the process of national education legislation and promoting the theoretical development of the rule of law in Chinese education. It expands the scope of application of the theories of “Educational Equity” and “State Intervention” in the field of early education, providing a new research paradigm for the relationship between education law and public policy.

By bringing preschool education under the rule of law, the law strengthens the legitimacy of education policy initiatives and promotes consistency in governance; it expands the scope of application of “educational equity” in the field of early education and provides a new paradigm for guiding the reform of early childhood education in China.

4.2 Practical significance

The enactment of the law provides legal identification and protection of the rights of children at the preschool stage, especially in terms of safety of childcare institutions, teacher qualifications, and fairness in enrollment; at the same time, it is able to respond to the needs of the current society and safeguard children's rights and interests.

Standardize the governance structure and funding of preschool education in China. Clarify the division of responsibilities between the central and local governments, provide a legal basis for the financial input mechanism, and alleviate the problems of uneven regional development and imbalance in resource allocation.

It is conducive to improving the quality of preschool education and establishing a standardized system. The law promotes the establishment of a nationally unified evaluation mechanism for education quality, a certification system for teacher training and curriculum standards, and enhances the professionalization of education services, laying a solid legal foundation for the future expansion and improvement of preschool education in China.

It encourages social capital to run preschools in accordance with the law, and safeguards the legitimate rights and interests and quality supervision of non-public preschool institutions by mobilizing wider social participation and enthusiasm, and clarifying the boundaries and norms of public-private cooperation through legislation.

5. Promoting Recommendations

The implementation of the Preschool Education Law in practice is an important foundation for promoting the high-quality development of China's preschool education and is also an important support for promoting the modernization of the education governance system. The education system must have a deep understanding of the significance of the promulgation of the Preschool Education Law and conscientiously implement it.

5.1. It is Essential to Thoroughly Prepare the Theory and Team While Enhancing the Promotion and Study of Preschool Education Laws

Engaging in comprehensive and in-depth discussions about these laws with stakeholders in early childhood education is essential. We must cultivate a positive atmosphere that encourages society to prioritize preschool children, appreciate the importance of preschool education, and ensure the effective enforcement of preschool education laws. Furthermore, we can assist various regions in accurately interpreting the relevant laws through briefings, regional meetings, and training courses. Education departments and kindergartens should promote learning and extend their outreach by implementing strategies such as centralized training sessions, expert lectures, and tailored internal discussions that align with their specific contexts.

5.2. The Government Should Enhance Its Awareness and Capacity to Implement Preschool Education Laws Through Effective Legal Supervision

The successful implementation of preschool education law largely depends on the government, with a focus on taking meaningful action. It is crucial to integrate funding for preschool education into the public education financial plans at all levels of government, ensuring that investments in preschool education are institutionalized and standardized. This approach will significantly contribute to the development of high-quality preschool education and support the holistic development of children.

5.3. It is Important to Strengthen Supervisory Measures and Enhance Law Enforcement Inspections

Governments at all levels should regularly assess the implementation of the Preschool Education Law by relevant departments and kindergartens. They must encourage the resolution of key issues and bottlenecks hindering the development of preschool education, promptly identify existing problems, conduct thorough research, and provide constructive feedback. This process should involve follow-up actions and supervision to inform higher-level decision-making effectively.

5.4. Timely Revise and Improve Supporting Policies and Implement Laws and Regulations

All localities should comprehensively clean up existing relevant laws, regulations, and policy documents. If they are inconsistent with the provisions of the Preschool Education Law, they should be modified or abolished in a timely manner according to the procedures and authority. It is necessary to ensure that after the Preschool Education Law comes into effect on June 1, 2025, relevant laws, regulations, and policy documents are smoothly connected with the law. All localities must implement the statutory requirements for government-sponsored and vigorous development of inclusive preschool education, effectively implement the government's plans for inclusive kindergartens, optimize the supply of inclusive resources, consolidate and improve the level of universal and inclusive development, and improve the quality of preschool education.

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Data Availability Statement:

Not applicable.

Conflict of Interest:

The authors declare no conflict of interest.

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