

The Theoretical Basis and Empirical Analysis of the Exercise of Educational Administrative Power

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Abstract: The exercise right of education refers to a series of management activities that Chinese educational administrative bodies use the power of Chinese education to manage Chinese education. Educational administrative power is a series of powers adopted by the national educational administrative body to supervise, organize, plan and manage China's education. With the continuous improvement of people's living standards, people pay more and more attention to the problems existing in education. Especially after China's strategy of "rejuvenating the country through science and education" was put forward, the state increased its investment in education, and studied the effectiveness of the rational exercise of educational administrative power. In order to better promote the implementation of the autonomy of Chinese universities and establish a school-running system in line with China's economic and social modernization, it is necessary to improve the legal guarantee mechanism of the autonomy of Chinese universities and colleges. In order to explore the present situation of the actual exercise of educational administrative power in China, this paper analyzes the theoretical basis of the exercise of educational administrative power, and discusses the design of educational administrative power scale and operation mechanism through the empirical analysis results.

1. Introduction

Administrative power is the power given by the national constitution and laws to the state administrative organs to implement legal norms and administrative activities, and it is an integral part of the state power. The emergence of educational administrative power is the result of the state's organization, management and supervision of education according to law. The exercise of this power is directly related to the overall Chinese education development. [1]. Administrative power comes from the national constitution and laws, and is exercised by the state administrative organs on behalf of the state. It is a kind of public power for the state to govern and serve the society, and it contains the nature of coercion and command [2]. Educational administrative power is the means for the government to exercise its educational administrative functions, and the core issue of the government's educational administrative functions, also, the allocation and operation of educational administrative power is the key link in educational administration [3]. The compulsion of administrative power is a basic reliance of administrative management. Educational administrative power is a kind of administrative power. The rationalization of educational administrative power allocation, the standardization and rationalization of its operation are crucial to China's educational reform and development [4]. How to effectively allocate and operate educational administrative power, promote the reform in the field of education to develop in depth, and promote the development of educational connotation and the improvement of educational quality has become an important issue in China's current educational reform [5]. At present, there are still some problems in the effectiveness of educational administrative power in China, which need to be studied and corresponding solutions taken.

Educational administrative power is a very important power in China, and it is one of the important components of state administrative power. It has a direct impact on the rapid development of China's social economy, the continuous improvement of comprehensive national strength and the gradual strengthening of national quality [6]. With the deepening of education reform, the solution of major educational problems in education requires the active intervention of administrative power.

In the educational reform, it is necessary to strengthen the administrative power of education and restrict it strictly. How to be faithful to the laws and regulations of the state, earnestly implement the laws and regulations of the state, truly administer education according to law, effectively exercise educational administrative power, earnestly safeguard the legitimate rights and interests of administrative counterparts, and enhance the effectiveness of the exercise of educational administrative power has become a serious issue that educational law researchers, educational administrative departments and their civil servants must face [7]. In order to better promote the implementation of the autonomy of Chinese universities, coordinate the relationship between the government and universities, and establish a school-running system in line with China's economic and social modernization, it is requisite to improve the legal guarantee mechanism of the autonomy of Chinese universities. This paper analyzes the theoretical basis of the exercise of educational administrative power, and discusses the design of educational administrative power scale and operation mechanism through empirical analysis.

2. Educational administrative power and its effectiveness

Educational administrative power is a series of powers of organizing, supervising, standardizing and managing the actual development and reform of China's education, which is represented by the government and educational administrative organs at all levels. In essence, educational administrative power is a very important part of the state administrative power, which is directly related to the future development of China's education and the implementation of relevant national strategies. Educational administrative organs must have sufficient administrative ability to effectively promote the reform and development of education [8]. Educational administrative ability refers to the ability of educational administrative organs to mobilize, utilize, combine and explore all kinds of resources to the greatest extent through abstract administrative actions and concrete administrative actions, so as to provide good educational public services for all kinds of educatees at all levels, establish an efficient and fair educational order, adapt to and promote national and social development, and promote people's free and all-round development. The educational administrative organ of the state is the executive organ of the power organ, and its activities, contents and purposes must be strictly implemented according to the laws formulated by the power organ, subject to its supervision and responsible to it. Some educational administrative organs can also formulate educational administrative laws and regulations according to law, and set up codes of conduct for educational administrative activities, provided that they do not violate the will of the authority and the legal norms.

At present, it is the key link to optimize the allocation of educational administrative power in China to rationally divide the powers and responsibilities between educational administrative departments at different levels in China, also between educational administrative departments and personnel administrative departments, party organization departments, and financial departments in the same administrative level. In order to ensure that the educational administrative organs efficiently complete the task of managing national educational affairs, the educational administrative organs must ensure their independence and the independence of exercising their functions and powers according to law [9]. At that time, an effective educational mechanism is required to be established. According to the characteristics of the diversity of educational subjects, relevant educational departments ought to cooperate with each other to deal with related problems, in order to further improve the efficiency of exercising educational administrative power. Meanwhile, the formulation of relevant educational laws and regulations ought to listen to opinions and suggestions from many parties, which could formulate educational laws and policies. The allocation of educational power takes place not only in the direction of administrative organs, between administrative organs and schools, but also within an administrative organ. For example, the vertical and horizontal allocation of educational administrative power also exists in an educational administrative organ. Educational administrative reform must take the internal reform of educational administrative organs as an important content. According to the needs of educational reform and development, adjustments are supposed to make within an educational administrative

organ, such as the change, cancellation, merger and even expansion of internal institutions.

3. An empirical analysis of the exercise of educational administrative power

Pursuing administrative efficiency is an inevitable requirement for building a lean and efficient educational administrative organ and improving the effectiveness of exercising educational administrative power. From the perspective of educational management, the effectiveness of educational administrative power is based on the theory of administrative efficiency. Only by strengthening the construction of administrative efficiency can the effectiveness of educational administrative power be continuously improved. The fundamental purpose of efficiency construction is to use various scientific management means, systems and carriers to mobilize the enthusiasm, initiative and creativity of the staff, constantly improve their work efficiency and working ability, and improve the quality of administrative services. Part of the reason for the number of power matters is the method of classification. However, even if the classification factors are excluded, there is still a big difference in the number of educational administrative powers among provinces. The number of educational administrative powers in six provinces is shown in Figure 1.

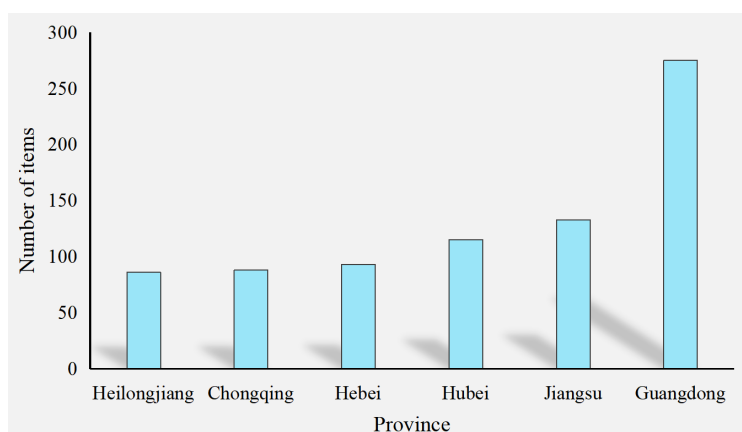


Figure 1 Number of educational administrative power matters in six provinces

On the classification of power types, Heilongjiang is divided into five types: administrative license, administrative punishment, administrative confirmation, administrative reward and other administrative actions. For Chongqing, items are divided into administrative licensing and non-licensing examination and approval; There are seven types of administrative licensing, non-licensing examination and approval, administrative punishment, administrative confirmation, administrative reward, administrative supervision and other administrative actions in Hebei. While in terms of Hubei, it is divided into nine types: administrative licensing, non-licensing examination and approval, administrative punishment, administrative reward, administrative filing, supervision and inspection, special funds, administrative services and other administrative acts; Jiangsu is divided into seven kinds: administrative licensing, administrative examination and approval, administrative punishment, administrative confirmation, administrative reward, administrative payment and other administrative acts. There are seven kinds of administrative licensing, non-licensing examination and approval, administrative punishment, administrative expropriation, administrative confirmation, supervision and inspection and administrative guidance in Guangdong.

Administrative efficiency construction is an important part of management science, a high-level management form and carrier. It is a management activity that takes efficiency as the basic goal, aims at achieving high quality and high efficiency, and organically combines all elements of management to perform duties according to law. Establish a multi-dimensional supervision and restriction mechanism, place the whole process of exercising administrative power under the all-round supervision of the society, improve the quality of decision-making, eliminate improper and negative administrative actions, and establish a good administrative environment. By analyzing the types and quantities of administrative actions of provincial educational administrative

institutions in China, we can see the main ways of exercising educational administrative power in China, as shown in Table 1.

From the list of administrative powers of various provinces, it can be found that China's educational administration is mainly the traditional compulsory administrative mode, emphasizing the obedience of the counterpart of educational administration to the orders of the main body of educational administration, highlighting the compulsory and non-reciprocal nature of educational administration. Non-compulsory educational administrative actions are few. The main contents and tasks of administrative efficiency construction are to reform the examination and approval system of administrative license, improve administrative efficiency, standardize the charging behavior, strictly supervise funds, deepen the openness of government affairs, promote the system construction of administration according to law, develop high-quality services, improve the supervision network, strengthen the supervision mechanism to implement performance appraisal, and strengthen the management of civil servants.

4. Countermeasures to improve the effectiveness of educational administrative power

4.1. The innovation of educational law enforcement system

The exercise of administrative power of education need to be carried out according to law, relying on the law, in accordance with the law, according to the duties, powers and procedures prescribed by law. Without the provisions of laws, regulations and rules, administrative organs shall not make decisions that affect the legitimate rights and interests of citizens, legal persons and other organizations or increase the obligations of citizens, legal persons and other organizations. For China's education, it is of great significance to improve the effectiveness of educational administrative power. First of all, it helps to improve China's legal system on the supervision and management of the exercise of educational administrative power, and makes the development of China's educational undertakings and the implementation of relevant national strategies always within the track of human legal system. Secondly, it helps all kinds of educational administrative bodies to set up the correct idea of exercising power, to follow the law of educational development, to implement the national educational principles and policies, and to strengthen the coordination between national planning and talent training strategies. All departments are required to cooperate with each other, strengthen communication and improve cooperation ability, so as to strengthen the exercise efficiency of educational administrative power. Promote the vigorous development of education. On the basis of the optimal allocation of educational administrative power, we should improve the substantive and procedural laws of educational administrative organs through legislative procedures, and solidify the adjustment of educational administrative power by legal means and authority, so that the operation of educational administrative power can be governed by laws.

4.2. Give full play to the positive significance of educational administrative power

Implementing administration according to law means that the organization, power, operation, behavior and activities of the government are all based on and regulated by the Constitution and the law, so that administrative regulations, government rules, normative documents and policy documents are unified and coordinated with the Constitution and the law, and the formulation and implementation of supporting laws and regulations are emphasized, giving full play to the overall function of China's legal system. The professional knowledge of educational administrative law enforcement personnel ought to be assessed regularly, a strict management system is required to be implemented, the unity and integrity of management should be strengthened, the professional knowledge training of relevant personnel need to be strengthened, the current low level of knowledge of educational administrative law enforcement personnel ought to be improved, and the educational law enforcement personnel is required to be guaranteed to effectively carry out the educational law enforcement work.

At present, an important problem to be solved by educational administrative departments in

administering according to law is to deal with the relationship between educational policies and laws. Because of its flexibility, education policy can meet the needs of education reform. However, how to deal with the contradiction between education policy and law becomes an unavoidable problem. Educational administrative power is an important part of China's national administrative power in China, and it is the power of educational administrative subject to organize, lead, manage and supervise the implementation of educational reform and development. Therefore, the benefits of strengthening the administrative power of education are conducive to the vigorous development of China's education, the formation of a good development law of China's education system, the implementation of China's educational principles and policies, the establishment of correct values, outlook on life and power by educational administrative law enforcement personnel, and the comprehensive development of social education. When formulating educational policies, the administrative departments of education must overcome local protectionism and departmental protectionism, strictly abide by the principle of legal priority and the principle of legal reservation, and make the formulated educational policies conform to national laws.

5. Conclusions

Educational administrative power is a very important power in China, and it is one of the important components of state administrative power. It has a direct impact on the rapid development of China's social economy, the continuous improvement of comprehensive national strength and the gradual strengthening of national quality. At present, it becomes the key link to optimize the allocation of educational administrative power in China to rationally divide the powers and responsibilities between educational administrative departments at different levels in China, and between educational administrative departments and personnel administrative departments, party organization departments, and financial departments in the same administrative level. On the basis of the optimal allocation of educational administrative power, we ought to improve the substantive and procedural laws of educational administrative organs through legislative procedures, and solidify the adjustment of educational administrative power by legal means and authority, so that the operation of educational administrative power can be governed by laws. When formulating educational policies, the administrative departments of education must overcome local protectionism and departmental protectionism, strictly abide by the principle of legal priority and the principle of legal reservation, and make the formulated educational policies conform to national laws. The administrative departments need to clarify the subject of the exercise of educational administrative power, further change the educational administrative functions, open the educational administrative affairs, establish the educational administrative coordination mechanism, construct the supervision mechanism of the exercise of educational administrative power, and establish and improve the educational administrative law enforcement system.

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Table 1 Various types of educational administrative powers and the number of items in the provinces

Province	Administrative licensing	Approval	Non license approval	Administrative sanction	Administrative confirmation	Administrative award	Administrative filing	Administrative supervision	Administrative services	Other administrative acts
Heilongjiang	12			12	8	6				4
Chongqing	32				15	8				1
Hebei	8		8	6	5	15	4	15		10
Hubei	7	2	16	15		21		6		11
Jiangsu	15		38	38	14		2		69	25
Guangdong	11	8	40	40		6		35		