# Children Left Behind: An Implementation Analysis of Migrant Children's Education Reform in China

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Abstract: In 2001, the Decisions on Basic Education Reform and Development were issued by the Chinese State Council, against a backdrop of increasing rural-to-urban migration. The Decisions and subsequent policies initiated a decade of reform to improve migrant children's access to urban public schools. This case study examines why a significant proportion of migrant children still receive no public education in cities despite laws and legislations that promise otherwise. Since the policy implementation process in China is rather opaque, this paper complements the analysis of secondary literature with insights from two interviews with local policy implementers. By examining the organizational structure, central-local dynamics, and street-level actors of the migrant education reform, this paper concludes that the migrant education policies suffer from partial implementation because of: (1) an informal organizational structure with little enforcements mechanisms or oversight; (2) misalignment of interest between the central and local government, and (3) gatekeeping mechanisms that street-level bureaucrats use to ration services. This study is important for shedding light on the organizational structure of policy implementation and identifying the reasons for the failure of ambitious policy objectives to deliver the intended outcome in China.

*Keywords:* Chinese education policies, policy implementation, urban-rural migration, migrant children, street-level bureaucrats

#### 1. Introduction

Since China first instituted economic reforms in the 1980s, economic development and urbanization have spurred large-scale migration from the countryside to cities [1]. The migrant population increased exponentially from 6 million in 1982 to 285.6 million in 2020, creating the largest labor flow in human history [2]. Among these migrants, a significant number are school-age children who are brought to the cities by their families [3].

The migrant population faced a range of challenges in the host cities because of the hukou system. Under the hukou system, Chinese citizens are entitled to welfare and social services, including education, housing, and healthcare, but only in their official place of household registration [4]. Migrant workers who look for life prospects in cities are hired as temporary laborers and hence retain the rural hukou from their place of origin. Without the status of permanent resident, migrant workers are denied social benefits that urban residents enjoy, including access to public education for their children [4]. As a result, even though the Compulsory Education Law of the People's Republic of

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China mandates a free compulsory nine-year education for all children regardless of "sex, nationality, and race," migrant children in cities were effectively denied such a legally protected right [5].

The major policy breakthrough to improve migrant children's access to urban education took place in 2001. The central government issued the Decisions on Basic Education Reform and Development, which outlined general policy goals to tackle educational inequality at the start of the century [6]. The Decisions affirm migrant children's right to education in urban areas, which was not recognized hitherto. More importantly, it clearly stipulates that host governments and urban public schools should assume the responsibility of providing schooling [7].

Despite the Decisions and subsequent reforms, a discrepancy remains between the policy language and the reality of migrant children's school access. According to the China Development Brief, the overall percentage of school-age migrants studying in public schools fell just short of 80%, "with the remainder enrolled in special non-governmental schools or going without any schooling at all" [8]. In Beijing, for example, only about 47% of migrant children are now in public schools [8]. Although they receive education alongside other urban children, they are labeled "jiedu" students (students who "borrow" a place to study) and are often subject to extra fees. The report further estimates that the number of children who are denied all sorts of education amounts to over 2 million [8].

Currently, there is ample literature investigating the educational experience of migrant children in China and the problems associated with the policy reform. From interviewing migrant parents, Dongmei Li found that local public schools in Shanghai demonstrate an inconsistent pattern of policy enactment which results in a lack of equal access to education resources [9]. In "Under the Same Blue Sky? Inequity in Migrant Children's Education in China", Guangyu Tan identifies the hukou system as culpable for restricting migrant children's urban public school access [10]. Using empirical data and documentary evidence, Bo Hu analyzes the implementation challenges, such as ambiguous policy language and lack of financial resources, that explain why education policies for migrant children cannot turn into reality [7].

Despite abundant scholarship in this area, few studies have attempted to examine the migrant children's policy reform through the lens of theoretical paradigms of policy implementation, such as Max Weber's theory of bureaucracy [11] and Michael Lispky's concept of street-level bureaucrat [12]. Adopting a mixed research method that incorporates an analysis of classical models and semi-structured interviews of local policy implementors including the Deputy Director of the Bureau of Education in a major city in China and the Principal of an elementary school in the same city, this paper investigates the implementation problems that create the gap between the promise of universal education and the reality that many migrant children in China are still denied public education. This study is important for shedding light on the organizational structure of policy implementation in China and identifying the reasons why ambitious policy objectives sometimes fail to deliver the intended outcome.

## 2. Implementation Analysis

#### 2.1. Organizational Structure: Top-Down in Theory, Bottom-up in Reality

#### 2.1.1. A Weberian Model of Implementation

In theory, the Chinese government resembles a top-down Weberian bureaucracy, with a "firmly ordered system of super and subordination in which there is a supervision of the lower office by the higher one" [11]. Comprised of top leaders in China, the Central Committee of the Chinese Communist Party decides the general direction of policymaking. The migrant education reform is a specific consequence of the Central Committee's decision to promote the general goal of educational equality. In response to the direction that the Central Committee outlines, the State Council articulates

specific policy directives, such as the Decisions [7]. As the functional department of the central government responsible for education, the Ministry of Education specifies or clarifies policy goals from the State Council by issuing subsequent "notifications" and "advice" to its equivalent at the local levels, the education bureaus [7].

Interviews with Sun, Deputy Director of the Bureau of Education a major city in China, shed light on the implementation of migrant education policies at the district level. According to Sun, the district's Bureau of Education is responsible for organizing migrant children's enrollment so that "those should [enroll] indeed do." Besides the Bureau of Education, other offices at the district level are also involved. For example, the Disciplinary Inspection Committee should conduct timely inspections and ensure that implementation is carried out smoothly, the Development and Reform Commission should incorporate migrant children's education into the development plans, the Finance Bureau should prepare budgetary resources for migrant schooling and the police stations should help migrant families prepare required documents for enrollment. Public elementary schools and middle schools are expected to follow the Bureau of Education's guidelines and accept migrant children upon request. Overall, the organizational structure in theory resembles top-down Weberian bureaucracy. Different administrative units move in unison to implement the central directives.

## 2.1.2. Informal Structure: Local Discretion and Lack of Oversight

Despite the elaborate hierarchy of control on paper, the structure of implementation is loosely and informally organized in reality. Sun chuckled at my failed attempt to find the specific organizational actors involved in implementing the policy. She said, "That's it because there is no formal structure in place. At best, we will establish a 'leadership group' staffed by a couple of people to carry out the policy. Sometimes we appoint a person to supervise, but most of the time we do not."

Sun further explains that the "leadership group" is only established ad havoc when problems arise. For example, when a newspaper exposes that migrant children are suffering particularly hard from education inequality in a district and the "people from above" happen to see it, it will ask people at the lower level to "do something about it." Most of the time, however, the local government can "figure out ways to carry out the policies in ways they want to." Sun told me that she could make a diagram illustrating the actors and what their responsibilities are in theory. In practice, however, "the structure is rather simplistic, absolutely not complicated." Interestingly, the diagram she provided is in various ways different from the one offered by Hu, the Principal of a public elementary school in the same city. These discrepancies further attest to the fact that there is no formal structure of implementation in place, which leads to a significant level of local discretion.

Because of the informal structure of implementation, migrant children's education policies lack enforcement mechanisms. While the central government can issue directives to the lower levels, it cannot force them to implement the policies in any specific way [13]. Likewise, the Ministry of Education does not have "enforcement power, and cannot take any coercive measures to push local governments to implement the policy" [14]. Without enforcement mechanisms, the political system is a "de facto federalism or behavioral federalism" [13]. As a result, actors in local governments resemble the street-level bureaucrats in Michael Lipsky's bottom-up model of policy implementation, where there is "relatively high degrees of discretion and relative autonomy from the organizational authority" [12].

The informal structure also leads to a lack of oversight. As policy scholars Palumbo and Calista suggest, discretion is inevitable in policy implementation since "there will never be enough resources to provide close, frequent, and direct supervision with the host of street-level bureaucrats" [15]. In the case of migrant education, the central government needs to mobilize significant resources to monitor compliance. Although there are channels of accountability in theory, Sun argued, "migrant education is not a top priority so there's no need to use, say, the Disciplinary Inspection Committee

to hold people accountable. People from above, like the Ministry of Education, have other things to care about." Importantly, she also mentioned that whether the migrant children are successfully enrolled in local public schools does not factor into the annual evaluation of the local government's performance. In practice, therefore, few of the ways of holding the local implementers were operative.

The lack of oversight can be partly attributed to the personnel management of the Chinese government. As in a Weberian bureaucracy, officeholding is a "vocation" in China [11]. Directives from the central government are implemented by "civil servants," who are "officials in service of a functional purpose" [11]. As Sun said, candidates are recommended by Communist Party members at the same level of government and then assessed by the Members at a higher level. An implication of this structure of personnel selection is that government officials are held accountable by their superiors rather than by the general public [7]. Local government officials, therefore, lack the incentive to implement policies that their superiors regard as a low priority or do not have the resources to enforce. Since the bureaucrats are not democratically elected, they do not need to respond to people affected by the policy either. Without bottom-up accountability from the public, it is challenging to ensure that local government officials oblige the central mandate. Hence, the local bureaucrats can sometimes get away with denying migrant children public education despite violating their legally protected rights.

In summary, analyzing the organizational basis for migrant education policies sheds light on the reasons behind the partial implementation. Although there is a sophisticated top-down hierarchy on paper, reform initiatives suffer because of the informal structure of implementation in practice. Within the informal structure, there is an absence of enforcement mechanisms and a lack of top-down oversight and bottom-up accountability.

## 2.2. (Mis)Alignment of Interest Between Organizational Actors

According to Lipsky, "when relationships between policy deliverers and managers are conflictual and reciprocal, policy implementation analysis must question assumptions that influence flows with authority from higher to lower levels" [12]. In the case of migrant children's education, policymakers at the central government have conflicting interest with the "street-level bureaucrats" at the local level, but they also share certain ideals and act according to a "tacit agreement" of reciprocity [13]. Interestingly, non-implementation may result from both situations.

#### 2.2.1. Conflicts of Interest

According to Lipsky, it is reasonable to "expect a distinct degree of non-compliance if lower-level workers' interest differs from the interests of those at the higher levels" [12]. In the case of education reform, non-compliance is unsurprising since the interest of local policy implementers is often at odds with that of the central government.

The central government formulated migrant education policies with a legitimate and pressing aim: "to signal to the migrant population that the central government is determined to render their children access to the same educational opportunities and conditions as local children" [7]. This was believed to be an effective way to "ease the social tensions resulting from inequality in modern China" [7]. Since social tension can destabilize an existing regime, the central government is interested in seeing migrant children receive public education in the destination cities.

The local public schools, on the other hand, benefit from restricting migrant children's access. First, incorporating migrant children into the local public school system strains the available educational resources. Many schools have to convert their spaces reserved for "arts, sports, and laboratory activities" into classrooms to accommodate the migrant population [14]. Moreover, as migrant children tend to have worse academic achievement than local students, admitting them is

believed to negatively affect the overall performance of schools [14]. Principals, who are evaluated based on the performance at their school, are thus incentivized to keep migrant children out of the public school system [14].

The motivation to implement the policies is also low for local governments. As Principal Hu mentioned, local government officials often feel unfairly burdened by the sole responsibility of educating the migrant children without contribution from the departure cities and the central government. One study has found that the local governments also fear that the successful inclusion of migrant children may then attract more to come, which could further exacerbate their fiscal burden [4]. In Beijing, for example, the goal of controlling population growth has led the municipal government to ration education access to curb the inflow of migrants [4].

Furthermore, local governments sometimes resist the mandate of accepting migrant children because it conflicts with other policy prerogatives. During the interview, Sun mentions that, "Local governments consider how much they have to invest and what kind of benefit they will reap from implementing the policy. As in the case of migrant education, they will likely wait a long time and not see any outcome. That's why they prioritize other programs which can yield immediate benefits."

Local governments have the power to distribute public revenue across a diverse range of sectors, including health, education, and social security [7]. Motivated by self-interest, they are inclined to spend revenue on creating a friendly environment for business, such as urban planning and infrastructure, which allows the extraction of additional tax revenue when businesses come [7]. As a result, public services such as migrant education tend to be underfunded.

## 2.2.2. A "Tacit Agreement" of Partial Enforcement

Interestingly, the interest of the local and the central level sometimes can align in a way that fosters selective enforcement. The Chinese system of government operates upon reciprocity, a "tacit agreement" between the central and the local level [13]. Based on mutual obligations, reciprocity requires that each side behaves in an acceptable way [13]. In the context of the education reform, the local government recognizes that migrant children are entitled to equal educational opportunities and that addressing the policy issue is important for social stability. For example, Sun expressed, "It is true that education policies should center around the people (yirenweiben). In an ideal world, every child should have an equal right to be educated, regardless of their background."In this regard, local governments share the objective of the central government: "the significance and urgency of promoting educational equality in China" [7]. Hence, they are willing to shoulder some of the responsibilities of incorporating migrant children into the public school system.

However, the local governments are also cognizant of costs associated with dutifully executing the central directive, which includes the budgetary costs listed above, as well as demand from the local population. As Sun explained, "The local parents are not happy because they think the migrants take away resources that should belong to the local population. Their attitude no doubt influenced the policy implementers. They created an atmosphere from top to bottom: from the central government to the local bureaucrats, we all think that the interests of the local population should be prioritized."

The partial enforcement of the policy, therefore, represents the outcome of a cost-benefit analysis, where the local government balances the just demand from the migrant population and resistance from the local taxpayers, who expect their needs to be prioritized.

The central government, on the other hand, is also aware of the difficulty in adapting to such a drastic policy change. They reciprocate the effort of the local government with a certain degree of leniency. According to Sun, "The people above [the central government] also understand how difficult it is. Because of the lack of measurement for success and the attitude of prioritizing the local population, they know that it is inevitable that there will be some trouble enrolling every migrant kid. They always said, 'Take care of it,' and things would end up fine".

As Lipsky argues, this "certain degree of looking-the-other-way on the part of the supervisors" is required for the local government to do its job [12]. In this sense, the central government behaves like managers who are "properly result-oriented" yet are willing to adjust their expectations based on mutual understanding [12]. To balance their interests in seeing the policy executed and the demand for reciprocity, it limits its concern to "performance, the cost of securing performance and only those aspects of the process that expose them to critical scrutiny" [12]. It chooses not to force local governments to fulfill the policy objective completely, as long as the local governments have made efforts to implement policies. Local governments, on the other hand, are bureaucrats who "have an interest in securing the requirements of completing the job" [12]. They oblige the general objective of the central government while using discretion to favor the local students, thereby mitigating the cost of stringent adherence to the central directive. In this way, reciprocity helps the central and the local level to "solve the educational problems of migrant children in a cooperative way" [14].

In sum, the conflictual yet reciprocal relationship between the central government and the local actors contributes to the partial implementation of migrant children's education reform. The conflictual relationship between the central government and local actors is evident in that the former is interested in seeing the policy dutifully executed, while the latter, having to absorb all the costs of implementation, benefits from a certain degree of non-compliance. Despite the misalignment of interest, local actors share the central government's vision in fulfilling the just demand of the migrant population. Since the Chinese government operates upon an implicit assumption of reciprocity, the central and local governments work together in admitting a large proportion of migrant children to public schools, while allowing a certain degree of deviation from the ambitious objective of universal education.

## 2.3. Service Rationing at the Local Level

As Lipsky notes, "theoretically there is no limit to the demand for free public goods" [12]. As mentioned in the previous section, allowing migrant children to receive a free public education in urban areas can stimulate more to come, creating a theoretically unlimited demand that the schools in cities are unable to accommodate. Under resource constraints, "street-level bureaucrats" have to devise ways to "ration" the public services. In the context of migrant children's education reform, local government and public schools resort to several "gate-keeping" mechanisms to ration public education.

#### 2.3.1. Documentation

In most cities in China, migrant families are required to produce at least five certificates before they are eligible for urban schools admission [16]. These certificates include proof of housing, proof of employment, a household registration booklet, a temporary living permit, and proof of no caregivers in the home city [16]. Such a requirement in effect becomes a gatekeeping mechanism since many migrant families struggle to procure these documents. Indeed, Principal Hu notes that, "Many migrant parents do not know that these documents are required so they didn't prepare them in advance. As a result, their children are sent back to the departure region and cannot be educated in cities."

There are three reasons behind the difficulty of securing these documents. First, each individual document requires many pieces of paperwork to apply for [7]. For example, the family hukou alone requires four additional supporting paperwork. Collectively, the paperwork imposes an onerous burden on migrant families who are already struggling with the demand of a job and living in a foreign place. Second, some documents, such as the household registration booklet, requires the migrant workers to travel back to their hometown, which incurs time and transposition cost [7]. Third, the socioeconomic background and employment status of migrant workers make some of these

certificates particularly challenging to acquire [4]. Due to the high cost of urban housing, many migrant families live in "makeshift accommodations" and thus cannot provide an apartment lease or proof of housing [4]. Employed seasonally or informally, a large proportion of migrant workers also do not have an employment permit [4]. Although many cities have lowered the requirement, the difficulty remains.

As Sun explained, "Many places now allow the police department to issue a document in lieu of the official proof of temporary residence. However, the related departments do not always recognize the document". In this case, not recognizing the document exemplifies how the street-level bureaucrats exercise discretionary power to defy upper-level directive. As a result, many migrant children cannot enroll in public school despite having the required documents.

It is worth noting that providing the "five certificates" has a disproportionate effect on the most disadvantaged families. As Sun observed, the more impoverished a migrant family is, the more likely that they are unable to provide proof of housing or employment permit. As a result, they are most adversely affected by bureaucratic rationing. Therefore, the gatekeeping method aggravates the problem of inequity within the already disadvantaged population of migrants.

#### 2.3.2. Entrance Exam and Admission Fees

Urban public schools also exercise their discretionary power to ration their services. Despite the effort to eliminate entrance exams from the central government, many good public schools in Chinese "evaluate students' school readiness with paper and/or oral tests before admission" [4]. This informal procedure justifies denying migrant children equitable school access on grounds of their own "ineligibility" since many migrant children are generally weak in academic performance.

The use of entrance exams as a rationing technique is an example of public schools exercising their discretion in response to the demand of local governments which require public schools to prioritize the admission of local students and to enroll migrant children only when there is extra space left. Principal Hu explained, "local government has to take care of the local children first. And then if there are extra spots left, migrant children are welcome to attend public schools. It is unreasonable to accommodate migrant children at the expense of the other local children. Policies should consider feasibility and reasonableness."

Moreover, some schools continue to charge admission fees, either formally or informally, despite being outlawed in 2006 Compulsory Education [5]. As Principal Hu explained, "We are not allowed to charge extra fees here. But I'm pretty sure that in other small cities, there are still attendance fees that only migrant families have to pay. And parents are willing to pay for that. Big cities are more standardized, but there are more deviations in smaller ones".

In sum, local governments and urban public schools use different gatekeeping mechanisms to ration public education in cities. More specifically, local governments impose the onerous requirement of providing the "five certificates" and urban public schools ask migrant students to take entrance exams and sometimes charge extra admission fees. These rationing mechanisms explain why there remains a disparity between the promise of universal education and the reality that more than 20% of migrant children are denied public school access in cities.

## 3. Policy Recommendations

The analysis reveals that migrant children are denied public education because of (1) an informal structure of policy implementation, (2) the conflict of interest between the central government and local actors as well as their tacit agreement of selective enforcement, and (3) rationing mechanisms at the local level. The following recommendations aim to address these policy implementation problems.

## 3.1. Clarify Policy Goals

Since the ambiguous policy language is subject to local-level interpretation, steps should be taken to clarify the policy goals and create a concrete measurement of success. The Ministry of Education should issue a more authoritative document that mandates the use of migrant children's public school enrollment rate as a measurement of local-level efforts. Education Bureaus at the provincial and municipal level should set up a target number of enrollment for each subordinate jurisdiction and incorporate migrant children's enrollment rate as a measurement of local government performance. Moreover, specific sanctions should be formally incorporated into the policy to ensure compliance.

## 3.2. Strengthen Enforcement Mechanisms

Because of the informal structure of implementation, the policy reform lacks enforcement mechanisms. To strengthen accountability, the central government needs to bring the channels of supervision that exist in theory into practice. Vertically, the Education Bureau of municipal governments should review the enrollment statistics at the district level and then submit timely reports to the provincial government, which then submits reports to the central government. The Ministry of Education should review provincial reports and make policy adjustments and issue advice accordingly. Horizontally, the Disciplinary and Inspection Committee at the district level should open up a feedback channel for migrant families to report violations such as a refusal of admission, entrance exams or additional admission fees.

#### 3.3. Alleviate District-Level Fiscal Burden

The central government should spearhead the effort of strengthening the fiscal status of district governments by factoring migrant children's education expenditure into its annual budget. More specifically, it should reduce the amount of remittance required from the provincial government based on the expected expenditure and provincial governments should do the same with municipal governments. In this way, municipal governments can split up their revenue more evenly with district governments. With their improved fiscal position, district governments should spend a set portion of their annual budget on founding new public schools and recruiting new teachers. With more educational resources available at the district level, the need for bureaucratic rationing will be reduced.

#### 3.4. Reduce Administrative Barriers

Since the difficulties of providing the five certificates have kept many eligible migrant children from enrolling in urban schools, steps should be taken to reduce the administrative burden of procuring those documents. Ideally, local governments should simplify the requirement by asking for only the most essential documents, such as the hukou booklet and temporary living permit. Local governments should recognize the informal document released by the police in lieu of the proof of temporary residence. The requirement for the proof of housing and the proof of employment status should be abolished since they unfairly burden migrant families that do not have house ownership or are not permanently employed.

## 4. Conclusion

Migrant children's education reform in China reveals meaningful lessons for policy implementation. To understand why well-meaning policies fail to achieve their intended outcome, closer attention should be paid to the organizational structure, the dynamics between different actors, and the use of street-level discretion. In the case of the reform, an informal organizational structure has led to a lack of enforcement mechanisms and oversight, thereby creating the condition for local-level discretion.

At the same time, the budgetary constraints at the local level not only create a conflict of interest between the central government and the local actors, but also encourage street-level bureaucrats to ration their services through gatekeeping mechanisms. Nonetheless, China has made consistent strides toward including more and more children in the urban public system. There is certainly hope in the future, starting with examining the implementation side of existing policies.

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