

Article 78. (Rescinded)

Article 79. Of the to-date by-laws and regulations of prefectures and the Five Big Cities, those concerning education shall be considered as the by-laws and the regulations of the board of education based upon this law.

Article 80. (Rescinded).

Article 81. Up until the other law concerning the personnel of local public bodies as is provided for in paragraph 2 of Article 67 and paragraph 1 of Article 68 is legislated and enforced, the status treatment of the staffs such as appointment and dismissal, disciplinary punishment, performance on duty, compensation and other treatment as are provided for in paragraph 2 of Article 67, shall be based upon the provisions concerning the personnel who are auxiliary agencies of chiefs of prefectures, cities, towns and villages, regardless of the provisions of the paragraphs referred to, unless otherwise provided for in this law or the Law for the Special Regulation concerning Educational Public Service. However, special provisions may be ordained by government ordinances.

Article 82. (Rescinded)

Article 83. Those who are secretarial officials of public schools and at the same time local secretarial officials at the enforcement of this Law shall be considered as employed as the secretarial officials of public schools concerned with the same classes and salaries as the present classes and salaries respectively, and as appointed to the positions corresponding to the present positions consecutively, except otherwise provided for by this Law or by the government ordinances based upon this Law or by other laws.

Article 84. In case when those who are secretarial officials of public schools and at the same time local secretarial officials become secretarial or technical officials of public schools concerned consecutively at the enforcement of this Law (including the cases when the said local secretarial officials remain in office as the educational officials or quasi-educational officials or the officials to be regarded as the above officials as provided for in Article 22 of the Pension Law (Law No. 48, 1923) and, moreover, consecutively become secretarial or technical officials of public schools.), they shall be considered as being in continuous service as the educational officials provided for in paragraph 1 of Article 22, and the provisions of the same Law shall apply mutatis mutandis for the time being.

Article 85. The higher educational institutions as provided for in Article 4 shall include, for the time being, the old-type Koto Gakko, preparatory colleges and teacher-training schools, in accordance with the provisions of Article 98 of the School Education Law (Law No. 28, 1947)



Article 86. The minister of Education shall approve text-books until the system of paper allotment is abolished, in spite of the provisions of paragraph 2 of Article 50.

Article 87. Up to the date when the boards of education are established in cities (to be referred to as excepting the Five Big Cities in this Article), towns and villages, educational affairs of cities, towns and villages shall be taken charge of by the prefectural boards of education, except those which hitherto belonged to the powers and duties of cities, towns and villages or mayors of cities and headmen of towns and villages.

Article 88. In case when the first election of the board of education has taken place at the local public body where the board of education is to be established according to the provisions of paragraph 1 of Article 70, the chief of the local public body concerned shall convene the meeting of the said board of education and hold its first meeting on November 1 of that year in accordance with the provisions of paragraphs 3 and 4 of Article 34.

2. The board of education shall come into existence on November 1 of the year when the election provided for in the preceding paragraph is held.

3. In case when the board of education has come into existence according to the provisions of the preceding paragraph, the provisions of Articles from 74 to 77 and 79 shall apply mutatis mutandis. However, "within 30 days from the date of their coming into existence in the case of prefectural governors and within 20 days from the above date in the case of mayors of the Five Big Cities" in Article 74 shall read "within 20 days from the date of their coming into existence in the case of Prefectural boards of education and mayors of cities, town or villages." "The prefectural governors or the Five Big Cities" mayors" in Article 75 shall read "Prefectural boards of education or mayors of cities, towns or villages." "Those who are in the positions of chiefs of educational departments or sections and their staffs of prefectures and the Five Big Cities as of November 1, 1949" in Article 77, paragraph 1, shall read "Those who are in the positions of chiefs of educational departments or sections of cities, towns or villages as of the date of their boards of education coming into existence in compliance with the provisions of Article 88, paragraph 2." "1949" in the same Article, paragraph 2, shall read "of the year following the year when the board of education comes into existence in compliance with the provisions of Article 88, paragraph 2." "prefectures and the Five Big Cities" in Article 79, shall read "the cities, towns or villages concerned."

Article 89. The Law of the General Regulations concerning Local School Affairs ("Chiho Gakuji Tsusoku") (Law No. 13, 1914) shall be abolished.

Article 90. The partial affairs association of cities, towns and villages established for the sake of educational affairs shall be called the school association of cities, towns or villages.

Article 91. The property of school ward ("Gakku") as prescribed in



the General Regulations concerning Local School Affairs shall be disposed of by December 31, 1948 in accordance with the provision of Article 4 of the said Law.

Article 92. A part of the Temporary Measures Law concerning Text-books Publication (Law No. 132, 1948) shall be revised as follows:

"Prefectural Governors" of paragraph 1 of Article 5, paragraphs 1 and 2 of Article 6 and paragraphs 1 and 2 of Article 7 shall be revised as "prefectural boards of education". "Principals of education in cities, towns and villages and principals of national and private schools."

Article 93. A part of the School Education Law shall be revised as follows:

"After obtaining the resolutions of the assemblies concerned," of Articles 29, 31, 32 and 74 shall be deleted.

"Public or" of Article 34 shall be deleted.

"Or Towns and villages school associations" of Articles 30, 31 and 33 shall be deleted.

The following paragraph shall be added as the paragraph 2 of Article 106:

"The competent authority which approves in Article 4 and the competent authority of Article 14 shall be prefectural boards of education for the time being, concerning the public primary schools, lower and upper secondary schools, schools for the blind, schools for the deaf, schools for the handicapped and the Kindergartens.

Article 107 should read: "The controlling agencies of primary schools established by cities, towns and villages in this Law shall, for the time being, be mayors of cities or headmen of towns and villages in which boards of education are not installed."

Article 94. A part of the Local Autonomy Law shall be revised as follows:

"Inspection commissioners and members of public safety committees of cities, towns and villages" of Article 121 shall be revised as "Inspection commissioners, members of public safety committees of cities, towns and villages and members of boards of education."

"Inspection commissioners, members of public safety committees of cities, towns and villages" of Article 125 shall be revised as "Inspection commissioners, members of public safety committees of cities, towns and villages and boards of education."

"4 Bureau of education

(1). Matters concerning education, arts and science.



3. Departments of Education

(1). Matters concerning education, Arts and Science."

"Technical officials or educational officials" of paragraph 1 of Article 158 shall be deleted.

Article 173 shall be revised as "or technical officials," and paragraph 4 of the same Article shall be deleted.

Article 95. (Deleted by Article 34 of the Law for Special Regulations concerning Educational Public Service (Law No. 1, 1949).

SUPPLEMENTARY PROVISIONS

1. This Law shall be enforced on and from the day of proclamation.

2. A part of the Arts and Monuments Protection Law ("Shiseki Meisho Tennen Kinen Butsu Hogoho") (Law No. 44, 1919) shall be revised as follows:

"Governors" of Article 1, paragraph 2 and Article 3 shall be revised as "Prefectural boards of education."

3. A part of the Social Education (Law No. 207, 1949) shall be revised as follows:

"Article 18 shall be revised as follows:

(The Fixed Number, etc. of Advisory Committee of Social Education)

Article 18. The fixed number of members of the advisory committee of social education, their terms of office, and other relevant matters shall be governed by the regulations of local governments.

2. With regard to formation and presentation of a draft concerning the regulations of local governments as prescribed in the preceding paragraph, the provisions of Article 61 of the Board of Education Law (Law No. 170, 1948) shall be applied.



DECLASSIFIED E.O. 12958 SECTION 5.102/HRMS 101  
Law  
Proposed Revision of the Board of Education Law

Made and submitted to Mombusho 12 Oct. 1949 by  
the Special Committee of the Prefectural School  
Boards in Kinki Region.

A. Art. 3 of the Law shall be revised as follows:

"Boards of education shall be established in metropolis,  
district, urban and rural prefectures, cities, (including special  
wards herein and hereafter) towns and villages. However, towns  
and villages, in case they establish their boards of education,  
shall establish partial affairs associations and the component  
towns and villages of an association shall be designated by the  
prefectural boards of education.

2. Cities, in case of necessity, may join the partial affairs  
association of the preceding paragraph and establish the board of  
education with the approval of the prefectural board of education.

3. Necessary matters concerning the boards of education of  
the partial affairs association may be provided for by the government  
ordinance.

4. "Prefectural boards of education" referred to in this  
law shall be those established in metropolis, district, and urban  
and rural prefectures, and "Local boards of education" shall be  
those established in cities, towns and villages.

B. "(except those of accounting and public work)" of Art 44  
shall be deleted.

C. "Matters concerning the control of basic property and reserve  
fund for educational purposes" of Article 49 par 12 shall be revised  
as "Matters concerning the acquisition, control and disposal of property  
for educational purposes".

D. Art. 61 shall be revised as follows:

"The board of education shall transmit to the chief of the  
local public body the draft of the measure concerning the following  
items, of all the matters which are to be subjected to the approval  
of the assembly concerned by law " shall be revised as "The board  
of education shall present the resolutions of the measures concerning  
the following items (except those concerning the budget) of all the  
matters which are to be subjected to the approval of the assembly  
concerned by law".

"Matters concerning the establishment, control and disposal  
of basic property and reserve fund for educational purposes" of the



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same article, par. 1 shall be revised as "Matters concerning the acquisition, control and disposal of property for educational purposes."

E. Art. 53 par 2 shall be revised as follows:

2. "The board of education, except as may otherwise be provided for by laws, may legislate in its regulations, to the effect that the provision those who violate the regulations of the board of education shall be punished with a non-criminal fine of two thousand yen or less".

3. The regulations of the boards of education shall be publicly announced in conformity to a stated form of public notice".

F. Art. 59 shall be revised as follows:

"When the budget is approved by the local assembly, the chief of the local public body shall allocate the total amount of funds in the budget under control of the board of education to the board concerned at the beginning of the fiscal year.

G. "Within the limits of allocation" of Art. 60 shall be deleted.



KINRI CIVIL AFFAIRS REGION  
CIVIL EDUCATION SECTION  
APO 25

17 December 1949

SUBJECT: Suggested Revisions in the School Board Law

TO: Mr. Langley

1. The following suggestions for revision of the school board law are considered ~~as~~ must changes.

- a. The school board should be granted the right to initiate local laws of taxation and to administer funds raised by them.
- b. Remuneration to school board members should be limited to actual travel expense and a per diem based on a maximum number of meetings each month.
- c. Relationship between local and prefectural boards should be defined so that real decentralization is carried to the local level.
- d. Existing conditions give all financial authority to the governor and assembly. Their action thus controls educational practice and policy. If the present financial practices are to continue, a legal change is needed which clearly differentiates between the responsibilities of the school board, the governor and the assembly.

PAUL S. ANDERSON  
Youth Affairs Officer

2. The conflict between the Local Autonomy Law and the School Board Law concerning ownership and control of school property should be clarified.



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e. The habit of giving financial or other type of assistance to the teaching staff in the form of gifts is still very prevalent in the school system. It is strongly recommended that a law be passed which would penalize the recipient of such a gift.



Board of Education Law  
Revisions Suggested (Miura)

①. In order to prevent board members from functioning as individuals receiving petitions, hearing complaints, conducting "negotiations" with, for instance, Teachers Unions and Governors etc., or making public appearances:

(1) "The board of education shall take charge of the following matters" of Art. 49 is to be revised as "The board of education shall function in a body at legally held meetings to take charge of the following matters.

(2) Similar revision with Art. 50.

(3) "However, he shall have no power ex officio to represent or to make a decision on behalf of his board of education," to be added after "The chairman shall preside over the meetings of the board of education," of Art. 33 par. 3.

(4) Another paragraph should be added to Art. 40 as paragraph 3 concerning the minutes to define clearly that the minutes is the only means for the board of education to express their will and policy, and also the only legal basis upon which the educational matters shall be operated.

Article quoted:

Article 40. Board of education shall have to establish council rules and hearer's rules.

2. Matters concerning the meeting of the board may be prescribed by council rules unless otherwise provided for in this law.

(5) "Members of boards of education" of Article 94 of the Board of Education Law and of Article 121 of Local Autonomy Law should be revised as "superintendent of schools."

Article quoted:

Article 121 of Local Autonomy Law:

The chiefs of the local public bodies, the chairmen of the Election Control Committees, Inspectors and members of the Public Safety Committees of cities, towns and villages, or those who are delegated or appointed as proxy by the persons above mentioned shall attend the meeting of the assembly in case they are requested to make explanations by the speaker of the assembly.



DECLASSIFIED E.O. 12958 SECTION 5.402/NRDS NS.  
2. In order to facilitate the unification of control of the USS in the local districts:

(1) Provisions should be added to Art. 48 par.2, concerning the fiscal arrangements necessary to carry out the prescribed transfer of control.

Article quoted:

Art. 48 par. 2 The boards of education concerned may, through their consultation, transfer the control of the upper secondary school established by prefectures to the cities, towns and villages, or of those established by cities, towns and villages to prefectures.

(2) "and prefectural" should be inserted between "national" and "treasury" of "The expenses necessary for the conduction of the business of the boards of education as well as those under their control may be subsidized by national treasury" of Art. 6.

(3) "Matters concerning the operation and disposal of property for educational purposes" should be added to Articles 49 and 61.

3. In order to facilitate effective management of educational business by preventing Bd members from meddling in the executive field of professional and technical nature:

(1) Provisions concerning Bd member's remuneration of Art. 31 should be so revised that the board members should not be impressed with the mistaken conception of their function, which is of part-time and honorary service and should not be relied upon for their living: In this connection, Articles 16 and 22 of the Private School Law are recommended to be referred to:

Articles quoted:

School Board Law:

Art. 31 The local public bodies shall pay remuneration to the members of the boards concerned, but shall pay no salary.

2. The members of the board shall be entitled to the reimbursement of expenses required for the execution of their functions.

3. The amount of remuneration and reimbursement for expenses and their method of payment shall be ordained by the by-law of the local public bodies concerned.

The Private School Law:

Art. 16 The members of Private School Council may receive the compensation for the expenses required for carrying out their duties.

2. Expenses under the preceding paragraph shall be borne by To, Do, Fu or prefecture.

3. The amount of the compensation for the expenses and the method of its payment shall be provided for by the by-law of To, Do, Fu or prefecture.



Art. 22 The members of the Private University Council shall be of part-time service.

2. The members of the Council shall receive no remuneration for their duties. They may, however, receive the compensation for the expenses required for carrying out their duties.

3. The amount of the compensation for the expenses and method of its payment shall be determined by the Minister of Education after consulting with the Minister of ~~Education~~  
Finance.

(2) Art. 35 par. 3 should be so revised that maximum number of the extraordinary sessions should be limited to around 15 meetings a year.

*Explain and clarify in detail*  
Article quoted:

Art. 35 par. 3 In case an emergency problem should arise, the extraordinary session shall be convened, only referring to that particular problem.

(4) To develop public interest and participation in education:

(1) Proviso of Article 34 par. 4 and Article 35 par. 4 should be more clearly restricted to prevent its abuse:

Articles quoted:

Art. 34 par. 4 The convocation shall be announced at least seven days before the date of the meeting for the prefectural board of education and three days before the date of the meeting for the local board of education. However, this shall not apply in case an emergency problem should arise.

Art. 35 par. 4 In case an emergency problem should arise after the date of session has been announced, it may be referred to the session immediately, notwithstanding the provisions of paragraph 3 of the preceding Article and the preceding paragraph of this Article.

(5) To give wider adjustability to the organization of the secretariat.

(1) Proviso of Art. 44 should be deleted.

Provision quoted:

Art. 44 The secretariat of the prefectural board of education shall have necessary department or section (except those of accounting and public work) according to the rules ordained by the said board. However, the department or section concerning educational research and statistics and the department or section concerning educational guidance shall be installed.

(6) To prevent the chiefs of the local public bodies concerned from exercising dominating influence over education and also to clarify the limitation of Bd's function:



(1) Articles 61, 62 and 63 should be so revised that the power of the chiefs of the local public bodies is clearly limited concerning education.

Articles quoted:

Art. 61 The board of education shall transmit to the chief of the local public body the draft of the measure concerning the following items, of all the matters which are to be subjected to the approval of the assembly concerned by law.

(1) Matters concerning the establishment, control and disposal of basic property and reserve fund for educational purposes.

(2) Matters concerning local bonds for educational purposes.

(3) Matters concerning tuition and other educational rental rates and charges.

(4) Matters concerning legislation, revision and repeal of the by-law as provided for in paragraph 2 of Article 31, paragraph 3 of Article 45 and paragraph 2 of Article 66.

Article 62. When the chief of the local public body wants to revise the draft transmitted by the board of education at the time of referring it to the resolution of the assembly concerned, he shall <sup>obtain</sup> (require) the opinion of the board of education beforehand.

Article 63 When the chief of the local public body has revised the draft transmitted by the board of education, he shall attach to his measure the original draft transmitted to him from the board of education and its opinion concerning it.

(2) Arts and monuments should be placed under Pref. Governor's jurisdiction instead of prefectural boards of education.



THE BOARD OF EDUCATION LAW

(Law No.170 of 1948)

Chapter I. General Provisions

(The Aims of this Law)

Article 1. This Law aims at attaining the primary objectives of education by establishing the Board of Education so as to execute educational administration based upon the equitable popular will and befitting actual local conditions, with the realization that education should be conducted without submitting to undue control and should be responsible directly to the entire people.

Article 2. The organization and powers and duties of boards of education shall be provided for by this Law.

(Establishment)

Article 3. Boards of Education shall be established in metropolis, district and urban and rural prefectures, cities (including special wards; hereinafter the same shall apply), towns and villages. However, towns and villages, in case of necessity, may establish partial-affairs associations, in which boards of education may be installed.

2. Necessary matters concerning the board of education of the partial-affairs association of the preceding paragraph may be provided for by the cabinet order.

3. "Prefectural Boards of Education" referred to in this Law shall be those established in metropolis, district and urban and rural prefectures, and "Local Board of Education" shall be those established in cities, towns and villages.

(Functions)

Article 4. Boards of Education shall take charge of and execute affairs concerning education, science and culture (hereinafter to be referred to as education) that have hitherto been under the powers of prefectures and prefectural governors or cities, towns and villages, and mayors of cities, headmen of towns and villages (including those of special wards hereinafter), and educational affairs that shall in future be under powers of local public bodies concerned and boards of education by law or cabinet order.

2. Higher educational institutions and private schools shall not be under the jurisdiction of boards of education, except as may otherwise be provided for by laws.



(Responsibility for Expenses)

Article 5. The expenses necessary for the conduction of the business of the board of education shall be borne by the local public body concerned.

(Subsidy for Expenses)

Article 6. The expenses necessary for the conduct of the business of the board of education as well as those under their control may be subsidized by national treasury.

Chapter II. Organization of the Board of Education

Section 1. Members of Boards of Education

(Board Members)

Article 7. Prefectural board of Education shall consist of seven members, and Local Boards of Education shall consist of five members.

2. The board members of the preceding paragraph except those prescribed in Paragraph 3 shall be elected by the inhabitants of local public body who are citizens of Japan, in accordance with the provisions of Public Offices Election Law (Law No.100 of 1950). \_\_\_\_\_ ((Partially amended by Law for the Enforcement of the Public Offices Election Law and Readjustment etc. of the Laws and Ordinance in Consequence of the Enforcement of Public Offices Election Law (Law No.101 of 1950) (To be referred to as "Election Law Enforcement Law", hereinafter the same).))

3. One member of each board of education shall be elected by and from the assembly of the local public body concerned.

(Term of Office)

Article 8. The term of office of the elective members of the board shall be four years.

2. The term of office of the member elected in the assembly shall be his term of office as assemblyman.

3. The reckoning of the term of office of the member provided for in the paragraph 1, as well as the term of office of the members filling vacancies or recruiting members, shall be in accordance with the provisions of the Public Offices Election Law.

((Amended by Election Law Enforcement Law.))

(Election)

Article 9. Deleted. \_\_\_\_\_ ((Amended by Election Law Enforcement Law))



Article 10. The members of the Diet, the members of the assemblies of local public bodies (excluding the members under Article 7 paragraph 3) national and local public service personnel of full-time service and those who shall be appointed through the election, decision or consent of the Diet or the assemblies of local public bodies, cannot concurrently be members of any board of education. \_\_\_\_\_ ((Amended by Law for Partial Amendment to the Board of Education Law (Law No.168 of 1950) to be referred to as "No.168 Amendment Law of 1950"; hereinafter the same.))

2. Members of Prefectural Board of Education cannot concurrently be members of Local Board of Education.

Articles from 11 to 25 Inclusive. Deleted. \_\_\_\_\_ ((Amended by Election Law Enforcement Law)).

Article 26. In case where a vacancy occurs in the position for a member in accordance with the provision of the paragraph 3 of Article 7, the assembly shall elect a member to fill the vacancy as soon as possible.

Articles 27 and 28. Deleted. \_\_\_\_\_ ((Amended by Election Law Enforcement Law))  
(Recall of Board Member)

Article 29. Those having the suffrage for members of a board of education may request the dismissal of its members.

2. The request for dismissal of the members by popular vote shall be the same as the request for the dismissal of assembly members of ordinary local public bodies prescribed by the Local Autonomy Law (Law No.67 of 1947).  
\_\_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950)).

3. As regards the recall of a member under the provision of Article 7 paragraph 3, the provisions of the Local Autonomy Law concerning the demand for dismissal of the member as provided for in Article 88 paragraph 2 of the same Law, shall apply. \_\_\_\_\_ ((Added by No.168 Amendment Law of 1950)).

(Resignation and Determination of Qualification of Board Members)

Article 30. Concerning the resignation and the determination of qualifications of board members, the provisions of the section 8 of Chapter 6 of the Local Autonomy Law (except the provisions of the proviso to Article 126) shall apply correspondingly. However, "the assemblies of ordinary local public bodies" shall read "the boards of education," and "the assembly members" shall read "the board members."

(Remunerations and Reimbursement for Expenses of the Board Members)

Article 31. The local public bodies shall pay remuneration to the members of the boards concerned, but shall pay no salary.

2. The members of the board shall be entitled to the reimbursement of expenses required for the execution of their functions.



3. The amount of remuneration and reimbursement for expenses and their method of payment shall be ordained by the by-law of the local public bodies concerned.

(Performance of Duty of Members)

Article 32. The members of the board of education must not divulge any secret which may have come to their knowledge in the performance of their duties. This shall also apply after they have retired from office.

Section 2. Meetings of Boards of Education

(Chairman and Vice-chairman)

Article 33. The board of education shall elect a chairman and a vice-chairman from among its members respectively.

2. The tenure of office of the chairman and the vice-chairman shall be one year, but they, may be re-elected.

3. The chairman shall preside over the meetings of the board of education.

4. The vice-chairman shall assist the chairman or act in his place in case the chairman is unable to discharge his functions, or in case the chairmanship becomes vacant.

(Convocation of the Meetings)

Article 34. Chairman of the board of education shall convene its session.

2. Chairman must convene the extraordinary session when two or more members shall request in writing its convocation by designation the matter to be referred to.

3. Chairman must beforehand announce the place and the convocation date of the meeting and the matters to be referred to the session.

4. The convocation shall be announced at least seven days before the date of the meeting for the prefectural board of education and three days before for the local board of education. However this shall not apply in case an emergency problem should arise.

(The Ordinary and Extraordinary Session)

Article 35. The meetings of the board of education shall be the ordinary and the extraordinary session.

2. The ordinary session shall be convened once in every month.

3. In case an emergency problem should arise, the extraordinary session shall be convened, only referring to that particular problem.



4. In case an emergency problem should arise after the date of session has been announced, it may be referred to the session immediately, notwithstanding the provisions of paragraph 3 of the preceding Article and the preceding paragraph of this Article.

(Quorum of Meetings)

Article 36. Board of education may not hold its meeting unless a majority of its members in actual service are present, except when twice repeated convocations regarding the same business fail to get a majority of its members in actual service.

(Meeting Being Opened to the Public)

Article 37. The meetings of the board of education shall be opened to the public. However, a secret meeting may be held when on the motion of a member, members present have decided to that effect by a majority of more than two-thirds.

2. The motion of a member of the preceding paragraph shall be voted without discussion.

(Method of Resolution)

Article 38. The proceedings of boards of education shall be decided by a majority of the members present.

(Limitation of Participation in Proceedings of Meetings)

Article 39. Members of the board of education shall not participate in proceedings with regard to personal affairs of themselves, of their spouses or of their relatives within the third degree of consanguinity. But they may attend the meetings and speak.

(Minutes)

Article 39-(2). All the particulars of the meetings of the board of education shall be recorded in the minutes.

2. Necessary matters concerning the minutes under the preceding paragraph shall be provided for by the regulation of the board of education.  
((Added by No.168 Amendment Law of 1950.))

(Council Rules)

Article 40. Board of education must establish council rules and hearers' rules.

2. Matters concerning the meeting of the board may be prescribed by council rules unless otherwise provided for in this Law.

Section 3. Superintendents of Education and Secretariats

(Superintendent of Education)

Article. 41. Board of education shall have a superintendent of education.



2. The superintendent of education shall be appointed by the board of education from among those who have certificates for educational personnel as prescribed by Educational Personnel Certification Law. \_\_\_\_ ((Partially amended by Law for Enforcement of Educational Personnel Certification Law (Law No.148 of 1949).))

3. The term of office of the superintendent of education shall be four years. They may, however, be reappointed.

Article 42. Deleted. \_\_\_\_ ((Amended by No.168 Amendment Law of 1950.))

(Secretariat)

Article 43. A secretariat shall be attached to the board of education in order to have it manage the business concerning the affairs under the jurisdiction as the said board.

(Departments or Sections of Secretariats)

Article 44. The secretariat of the prefectural board of education shall have necessary departments or sections (except those of public work) according to the rules ordained by the said board. However, the department or section concerning educational research and statistics and the department or section concerning educational guidance shall be installed. \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))

2. The secretariat of the local board of education may have necessary departments or sections according to the rules ordained by the said board.

(Personnel of Secretariats)

Article 45. The secretariat of the prefectural board of education shall have teacher consultants and necessary secretarial and technical personnel to be engaged in secretarial or technical affairs concerning the approval or selection of textbooks, curriculum contents to be taught and their treatment, school health program, architecture and other matters. \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))

2. The secretariat of the local board of education may have necessary staffs corresponding to that of the prefectural boards.

3. The fixed number of the personnel as provided for in the preceding two paragraphs shall be ordained by the bylaw of the local public bodies concerned.

4. The personnel of paragraphs 1 and 2 shall be appointed by the board on recommendation of the superintendent of education. \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))

Article 46. Deleted. \_\_\_\_ ((Amended by No.168 Amendment Law of 1950.))



DECLASSIFIED E.O. 12958 SECTION 3 402/NNDS NO. 1

Article 47. Secretarial or technical personnel to be engaged in special secretarial or technical affairs concerning the approval or selection of textbooks, curriculum contents to be taught and their treatment and other matters may be provided by using teachers. However, those teachers may temporarily be released from regular duties during the period. \_\_\_\_\_  
((Partially amended by No.168 Amendment Law of 1950.))

### Chapter III. Powers and Duties of Board

#### (Jurisdiction of Boards of Education)

Article 48. Prefectural boards of education shall have control over all schools and other educational institutions established by the prefectures concerned and local boards of education shall have control over all schools and other educational institutions established by the local public bodies concerned.

2. The boards of education concerned may through their consultation, transfer the control of the upper secondary school established by prefectures to the cities, towns and villages, or of those established by cities, towns and villages to prefectures.

Article 49. The board of education shall take charge of the matters listed below in order to exercise the functions as provided for in Article 4. \_\_\_\_\_  
((Partially amended by No.168 Amendment Law of 1950.))

- (1) Matters concerning establishment, control and abolishment of schools and other educational institutions: \_\_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))
- (2) Matters concerning acquisition, custody and disposal of property used or decided to be used by schools and other educational institutions (to be referred to as "educational property"; hereinafter the same); \_\_\_\_\_ ((Amended by No.168 Amendment Law of 1950.))
- (3) Matters concerning the curriculum contents to be taught and their treatment;
- (4) Matters concerning selection of textbooks;
- (5) Matters concerning employment and dismissal and other personnel affairs of principals and teachers based upon the provisions of the Law for the Special Regulations concerning Educational Public Service (Law No.1 of 1949); \_\_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950)).
- (6) Matters concerning the employment and dismissal and other personnel affairs of the staffs of the board of education and schools and other educational institutions;
- (7) Matters concerning the labor union organized by personnel of the board of education, schools and other educational employees; \_\_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))



- (8) Matters concerning the establishment and change of school site, and planning of repair and preservation of school and other buildings as well as execution of work of construction; \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))
- (9) Matters concerning the arrangement of instructional materials and other equipments; \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))
- (10) Matters concerning the legislation, amendment and repeal of the regulation of the board of education;
- (11) Matters concerning budgets of revenue and expenditure under the jurisdiction of the board of education;
- (12) Matters concerning the control of basic property and reserve fund for educational purposes;
- (13) Matters concerning contracts with other boards of education for educational affairs;
- (14) Matters concerning social education;
- (15) Matters concerning study and self-improvement of principals, teachers and professional educational personnel;
- (16) Matters concerning health, weal and welfare measures for principals, teachers and other educational personnel as well as for pupils, children and kindergarten children. \_\_\_\_ ((Added by No.168 Amendment Law of 1950)).
- (17) Matters concerning planning and execution of school health program. \_\_\_\_ ((Added by No.168 Amendment of 1950.))
- (18) Matters concerning administration of sanitation of school environment. \_\_\_\_ ((Added by No.168 Amendment of 1950.))
- (19) Keeping certificates and official documents;
- (20) Matters concerning investigations and statistics concerning education;
- (21) Other matters concerning educational affairs of the community under its jurisdiction. \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))

Article 50. Of the affairs placed under the powers of the board of education, the following matters shall be taken charge of by the prefectural board of education exclusively. \_\_\_\_ ((Amended by No.168 Amendment Law of 1950.))

- (1) Matters concerning the certificates of principals and teachers of national and public schools, superintendents of education and teacher consultants, according to the provisions of Educational Personnel Certification Law; \_\_\_\_ ((Amended by Law for the Enforcement of the Educational Personnel Certification Law.))



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- (2) Approving textbooks for all schools within, the prefecture concerned in accordance with the standards established by the Minister of Education;
  - (3) Giving technical and professional advice and assistance to the local board of education;
  - (4) Matters concerning establishment or revision of the attendance district of upper secondary school;
  - (5) Matters concerning the planning of the school lunch program, custody and utilization of the ration for school lunch program for the schools within To, Do, Fu or prefecture; \_\_\_\_ ((Added by No.168 Amendment Law of 1950.))
  - (6) Matters concerning the enforcement of Cultural Property Protection Law (Law No.168 of 1950) and Matters concerning the Preservation of Important Art Objects (Law No.43 of 1933.); \_\_\_\_ ((Added by No.168 Amendment Law of 1950.)) ((Amended by Cultural Property Protection Law.))
  - (7) Matters concerning juridical persons concerned with education (excluding these which establish private schools). \_\_\_\_ ((Added by No.168 Amendment Law of 1950.))

Article 51. The local boards of education within a prefecture and the prefectural board of education may establish a council in order to decide personnel affairs such as appointment and dismissal and allowances of principals and teachers and other common necessary matters.

2. The resolution of the council of the preceding paragraph shall be unanimous.

3. Necessary matters concerning the council shall be established by the consultation of the boards of education concerned.

Article 52. So far as boards of education of special wards are concerned, the provisions of items 3 and 4 of paragraph 1 of Article 49 shall not apply, and instead the metropolitan board of education shall dispose of these matters.

(Delegation and Temporary Representation of Affairs)

Article 52-(2). The board of education may, in accordance with the regulations of the board, delegate a part of the affairs placed under its powers to the superintendent of education or cause him to administer the same temporarily on behalf of the board of education.

2. The superintendent of education may delegate a part of the affairs, which have been delegated to him by the board of education in accordance with the provision of the preceding paragraph, to the heads of schools or other educational institutions or cause them to administer the same on behalf of the superintendent of education. ((Added by No.168 Amendment Law of 1950.))



(Duty of the superintendent of Education)

Article 52-(3). The superintendent of education shall, under the direction and supervision of the board of education take charge of all the educational affairs managed by the board of education.

2. The superintendent of education may give advice and recommendations to the board with regard to all the educational affairs which are taken charge of by the board of education.

3. The superintendent of education shall preside over the affairs of the secretariat and direct and supervise the personnel thereof.

4. The superintendent of education must present himself at all the meetings of the board of education except when the treatment of his status is discussed. In these cases, he may speak on the proceedings at the meetings, but has no right to elect or vote.

5. The superintendent of education must present necessary reports and materials to the board, concerning, the execution of his duty affairs and concerning education within the area under the jurisdiction of the board of education. ((Added by No.168 Amendment Law of 1950.))

(Duties of Teacher consultants)

Article 52-(4). Teacher-consultants shall give advice and guidance to principals and teachers. However, they shall issue no orders and exercise no control. \_\_\_\_\_ ((Added by No.168 Amendment Law of 1950)).

(The Regulations of the Board of Education)

Article 53. The board of education may legislate the regulations of the board of education concerning the affairs under their control, as long as such regulations are not contrary to the laws and ordinances.

2. The regulations of the board of education and other rules prescribed by the board which are required to be publicly announced must be promulgated in conformity to a prescribed form of public notice. \_\_\_\_\_ ((Amended by No.168 Amendment Law of 1950)).

3. The form of public notice under the preceding paragraph must be prescribed by the regulations of the board of education, and must provide for the signature necessary for the promulgation, method of its promulgation, date of its enforcement and other necessary matters. \_\_\_\_\_ ((Added by No.168 Amendment Law of 1950)).

(Establishment of Attendance Districts)

Article 54. Prefectural board of education shall divide the prefecture into several attendance districts in accordance with the provisions of the regulations of the board of education, for the purpose of promoting propagation and equalizing opportunity of upper secondary education. However, the prefectural board of education may coordinate the attendance of pupils in case of necessity. \_\_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950)).



(School Health Program)

Article 54-(2). The Board of Education shall request chiefs of local public bodies which establish health centers for the cooperation of the health centers concerning school physical examination, close medical examination and other matters, in accordance with standards as provided for by Cabinet Order.

2. Health centers shall give advice and assistance to the Board of Education concerning sanitation of school environment, furnishing of materials and information on school health program and other matters, in accordance with standards as provided for by Cabinet Order. ((Added by No.168 Amendment Law of 1950.))

(Execution of Construction Work)

Article 54-(3). The board of education may, in principle, delegate the execution the construction work of schools and other educational institutions to the chief of the local public body concerned. In this case, the chief of local public body shall conform to the opinion, if any, of the board of education concerning the execution of the construction. \_\_\_\_ ((Added by No.168 Amendment Law of 1950)).

(Presentation of Reports)

Article 55. The prefectural board of education may require the local boards of education to submit reports and other necessary reports concerning education under its jurisdiction. The Minister of Education may require the same to the prefectural or local boards of education.

2. The Minister of Education shall have no administrative or operational control over prefectural, or local boards of education and prefectural boards of education shall have no administrative or operational control over local boards of education except otherwise provided for by law.

(Preparation of Budget)

Article 56. The board of education shall prepare documents concerning the estimates of revenues and expenditures under its control every fiscal year, and transmit the documents to the chief of the local public body concerned for the unification and co-ordination of all costs of the government of the local public body concerned.

Article 57. The Chief of the local public body must request the opinion of the board of education beforehand when he intends to reduce the amount of the estimate of expenditures transmitted from the board at the time of preparation of revenue and expenditure budget for every fiscal year.

Article 58. The chief of local public body, when he has reduced the estimated expenditure prepared by the board of education shall mention the particulars of the said estimated expenditures in the revenue and expenditure budget, and at the same time he shall specify the necessary sources of revenue when the assembly of the local public body intends to revise the expenditures concerning the board of education.



Article 58-(2). When any addition to or change in the fixed budget under the jurisdiction of the board of education is to be made or a temporary budget under its jurisdiction is to be worked out, the procedures under the preceding three Articles shall be followed. \_\_\_\_ ((Added by No.168 Amendment Law of 1950)).

(Execution of Budget)

Article 59. When the budget is approved by the local assembly, the chief of the local public body shall allocate the budget under control of the board of education to the board concerned.

Article 60. The board of education shall issue order to the chief accountant or treasurer to expend money within the limits of allocation concerning the budget under its jurisdiction.

2. The chief of a local public body may, with regard to the revenues concerning educational affairs, delegate to the board of education of the said local public body the power to issue orders of collecting such revenues. \_\_\_\_ ((Added by No.168 Amendment Law of 1950.))

(Relation of the Board of Education with the Chief or the Assembly of Local Public Body)

Article 61. The board of education shall transmit to the chief of the local public body the draft of the measure of the matters concerning following items and other items concerning educational affairs, of all the matters which are to be subjected to the approval of the assembly concerned by laws and regulations: \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))

- (1) Matters concerning the establishment, control and disposal of basic property and reserve fund for educational purposes;
- (2) Matters concerning local boards for educational purposes;
- (3) Matters concerning tuition and other educational rental rates and charges;
- (4) Matters concerning legislation, or revision and repeal of the bylaw as provided for in paragraph 3 of Article 31, paragraph 3 of Article 45 and paragraph 3 of Article 66. \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950)).

Article 62. When the chief of the local public body wants to revise the draft transmitted by the board of education at the time of referring a measure concerning the matters as provided for in the preceding paragraph to the resolution of the assembly concerned, he shall require the opinion on the board of education beforehand. \_\_\_\_ ((Partially amended by No.168 Amendment Law of 1950.))



Article 63. When the chief of the local public body has revised the draft transmitted by the board of education, he shall attach to his measure the original draft transmitted to him from the board of education and its opinion concerning it.

Article 63-(2). The chief of a local public body shall, when he receives the draft of a measure concerning the matters as provided for in Article 61, prepare the measure thereof and submit it to the assembly of the local public body without delay. \_\_\_\_ ((Added by No.168 Amendment Law of 1950.))

Article 63-(3). As for the matters as provided for in Article 61, the chief of a local public body, shall as a rule, not submit the measure of the matter concerned to the assembly of the local public body, until he receives the draft of the measure transmitted by the board of education under the provision of the same Article. \_\_\_\_ ((Added by No.168 Amendment Law No. 1950.))

Article 63-(4). When a school or any other educational institution is to be abolished, the board of education shall consult with the chief of the local public body in advance, about the use of the educational property used by the said educational institution after its abolishment. \_\_\_\_ ((Added by No.168 Amendment Law of 1950.))

(Execution of Business as Proxy on the Part of Board of Education or Superintendent)

Article 64. In case when all the members are vacant the superintendent of education shall execute the business of the board as proxy. \_\_\_\_ ((Partially amended by Election Law Enforcement Law.))

2. The disposition according to the provisions of the preceding paragraph shall be reported by the superintendent of education to the board of education at the next meeting.

Article 65. In case all the members of a prefectural board become vacant, and, moreover, its superintendent of education becomes vacant, the Ministry of Education shall appoint its deputy superintendent of the prefectural board concerned.

2. In case all the members of a local board become vacant, and, moreover, its superintendent of education becomes vacant, the prefectural board of education shall appoint its deputy superintendent of the local board concerned.

3. In the case of the preceding paragraph, and, moreover, in case all the prefectural board members become vacant, the superintendent of the prefectural board shall appoint the deputy superintendent of the preceding paragraph.

4. The deputy superintendents of paragraph 1 and 2 shall remain in office until the first coming of the board concerned.



Chapter IV. Miscellaneous Provisions

(Personnel of Schools and Other Educational Institutions)

Article 66. Schools under the control of the board of education shall have principals, teachers and necessary secretarial and technical personnel.

2. Educational institutions under the jurisdiction of the board of education other than schools shall have necessary secretarial and technical personnel.

3. The fixed number of personnel as provided for in the preceding two paragraphs must be prescribed by the bylaw of the local public body concerned, unless otherwise provided for by the law or cabinet order. ((Amended by No.168 Amendment Law of 1950.))

(Treatment of Status of Superintendent of Education and Others)

Article 67. The secretarial and technical personnel of schools and other educational institutions as provided for in paragraphs 1 and 2 of the preceding Article shall be appointed by the board of education according to recommendation of the superintendent of education.

2. The appointment, dismissal, disciplinary punishment, performance of duty and other matters concerning the treatment of the status of the superintendent of education, personnel as provided for in paragraphs 1 and 2 of Article 45 and personnel as provided for in paragraphs 1 and 2 of the preceding Article shall be, unless otherwise provided for by the law and the Law for the Special Regulations concerning Educational Public Service, in accordance with the provisions of the law which may provide for matters concerning personnel of local public bodies separately.

(Salaries and Allowances of Superintendent of Education and Others)

Article 68. Local public bodies must pay salaries, retiring allowance and other allowances as provided for in Article 204 and 205 of the Local Autonomy Law to the personnel as provided for in paragraph 2 of the preceding Article, in accordance with the provisions of the Law for the Special Regulations concerning Educational Public Service and the law which may provide formations concerning personnel of local public bodies separately.

2. The provisions of Article 206 of the Local Autonomy Law shall apply mutatis mutandis to the salaries and allowances as provided for in the preceding paragraph.

Supplementary Provisions:

Article 69. This Law shall come into force as from the day of its promulgation. However, the provisions of Article 94 shall come into force as from November 1, 1948.



Article 70. Cities excluding Osaka City, Kyoto City, Nagoya City, Kobe City and Yokohama City (to be referred to as "the five major cities", hereinafter the same) and excluding other cities which have already established boards of education must establish boards of education on November 1, 1950, or November 1, 1952, and towns and villages (excluding those which have already established board of education) on November 1, 1952. \_\_\_\_\_  
((Amended by No.168 Amendment Law of 1950.))

2. The necessary matters concerning the establishment of boards of education of the preceding paragraph may be provided for by government ordinances.  
((Amended by Law for Partial Amendments to the Board of Education Law (Law No.77 of 1949).))

Article 71. During the period between the enforcement of this Law and the information of the boards of education for prefectures and the Five Big Cities, the business which is to be taken charge of by the boards of education by this Law shall be taken charge of by each corresponding agency as heretofore respectively.

Article 72. The first election of the members of boards of education for prefectures and the Five Big Cities that will be held under this Law shall take place on October 5, 1948, by combining the election of board members for four year term of office and these for two year term of office into one election.

2. In case when the election of the preceding paragraph has been held, the assemblies of prefectures and the Five Big Cities shall elect the members of paragraph 3 of Article 7, and the result of which shall be reported to prefectural governors or mayors concerned respectively within 20 days.

Article 73. In case where the election of paragraph 1 of the preceding Article has taken place, prefectural governors or mayors of the Five Big Cities shall convene the meeting of the boards of education within 20 days.

2. The boards of education of prefectures and the Five Big Cities shall be considered as coming into existence on November 1, 1949.

Article 74. In case where the boards of education have come into existence, the business as prescribed in Article 4 shall be transferred to the boards of education concerned within 30 days from the date of their coming into existence in the case of prefectural governors and within 20 days from the above date in the case of mayors of the Five Big Cities.

Article 75. In the case of transfer of business as prescribed in the preceding Article, the prefectural governors or the Five Big Cities' mayors shall prepare the documents, accounting books and catalogues of property, and shall describe the order and methods of desposal as well as their opinions, concerning the undisposed or not-yet started matters or those to be planned in future.



Article 76. Except those provided for in the preceding two Articles, the transfer of business of the boards of education according to Article 74 shall be based on the provisions of transfer of business of chiefs of the ordinary local public bodies as are provided for in Section 1 of Chapter 4 of the Regulations concerning the Enforcement of the Local Autonomy Law (Cabinet Order No.16, 1947).

Article 77. Those who are in the positions of chiefs of educational departments or sections and their staffs of prefectures and the Five Big Cities shall be considered as being appointed as superintendents of education or staffs of the secretariats respectively with the same classes and salaries as the existing salaries and classes on November 1, 1948.

2. The term of office of the superintendents of education in the preceding paragraph shall be up to March 31, 1949.

Article 78. Deleted. \_\_\_\_\_ ((Amended by Law for the Enforcement of the Educational Personnel Certification Law (Law No.148 of 1949).))

Article 79. Those of the former bylaws and regulations of prefectures and the Five Big Cities concerning education shall be considered as the bylaws and regulations of the boards of education based upon this Law.

Article 80. Deleted. \_\_\_\_\_ ((Amended by No.168 Amendment Law of 1950.))

Article 81. Until such time as the law which may provide for matters concerning personnel of local public bodies as provided for in paragraph 2 of Article 67 and paragraph 1 of Article 68 shall be issued and enforced, the appointment, dismissal, disciplinary punishment, performance of duty, salaries and allowances and other matters concerning the treatment of the status of personnel as provided for in paragraph 2 of Article 67 shall be regardless of the provisions of these paragraphs, as the treatment of the status of local government officials who are auxiliary organs of the chief of the local public body concerned, except for such matters specially provided for by this Law and the Law for the Special Regulations concerning Educational Public Service. However, special provisions may be ordained by cabinet orders. \_\_\_\_\_ ((Partially amended by No.168 Amendment Law 1950)).

Article 82. Deleted. \_\_\_\_\_ ((Amended by No.168 Amendment of 1950.))

Article 83. Those who are secretarial officials of public schools and at the same time local secretarial officials at the enforcement of this Law shall be considered as employed as the secretarial officials of public schools concerned with the same classes and salaries as the present classes and salaries respectively, and as appointed to the positions corresponding to the present positions consecutively, except otherwise provided for by this Law or by the cabinet orders based upon this Law or by other laws.



Article 84. In case where those who are secretarial officials of public schools are at the same time local secretarial officials become secretarial or technical officials of public schools at the time of enforcement of this Law (including the case in which the above local secretarial officials remain in office as educational officials or quasi-educational officials as prescribed by Article 22 of the Pension Law (Law No. 48 of 1923)) or persons regarded as such, and then consecutively become secretarial or technical officials of public schools), they shall be regarded as continuing their service as educational officials as prescribed by Article 22 paragraph 1 of the Pension Law and the provision of the same Law shall apply to them mutatis mutandis for the time being. \_\_\_\_\_ ((Partially amended by Law for Partial Amendments to the Pension Law, etc. (Law No. 184 of 1950).))

Article 85. The higher educational institutions as provided for in Article 4 shall include, for the time being, the old-type Kobe Gakko, preparatory colleges and teachers training schools which continue to exist as the former schools, in accordance with the provisions of Article 98 of the School Education Law (Law No. 26, 1947).

Article 86. In spite of the provisions of Art. 50, Para. 2, the authorization of textbooks shall be made by the Minister of Education, until the pure allocation system shall be abolished. \_\_\_\_\_ ((Amended by Law for Partial Amendments to the Board of Education Law (Law No. 77 of 1949).))

Article 87. Up to the date when the boards of education are established in cities (to be referred to as excepting the Five Big Cities in this Article), towns and villages, educational affairs of cities, towns and villages shall be taken charge of by the prefectural boards of education except those which hitherto belonged to the powers and duties of cities, towns and villages or mayors of cities and headmen, of towns and villages.

Article 88. When the first election of the members of the board of education has been held by a local public body which intends establish a board of education in accordance with the provision of paragraph 1 of Article 70 the chief of the local public body concerned must convoke a meeting of the board of education and hold the first meeting on November 1 of that year in conformity with the provisions of paragraph 3 and 4 of Article 34.

2. The board of education shall come into existence on November 1 of the year when the election as provided for in the preceding paragraph shall have been held.

3. The provisions of Article 74 to 77 inclusive and 79 shall apply mutatis mutandis to the case where the board of education shall have come into existence in accordance with the provision of the preceding paragraph. However, in Article 74, "within 30 days from the date of their coming into existence in the case of prefectural governors and within 20 days from the above date in the case of mayors of the Five Big Cities" shall read "from the prefectural boards of education or the heads of cities, towns and



villages, within 20 days from the date of their coming into existence"; in Article 75, "the prefectural governors or the mayors of the Five Big Cities' mayors" shall read "the prefectural boards of education and the heads of cities, towns and villages"; in paragraph 1 of Article 77, "chiefs of educational departments or sections and their staffs of prefectures and the Five Big Cities ..... on November 1, 1948" shall read "chiefs of educational department or sections and their staffs of cities, towns and villages concerned ..... on the day when the board of education shall have come into existence in accordance with the provision or paragraph 2 of Article 88"; in paragraph 2 of the same Article, "1949" shall read "of the year when the board of education shall have come into existence in accordance with the provision of paragraph 2 of Article 88"; and in Article 79, "prefectures and the Five Big Cities" shall read "Cities, town and villages concerned".

Article 89. The Law of the General Regulation concerning the Local School Affairs (Chiho Gakuji Tsusoku) (Law No.13, 1949) shall be abolished.

Article 90. The partial affairs association of cities, towns and villages established for the sake of educational affairs shall be called the school association of cities, towns, or villages.

Article 91. The property of school ward (Gakku) as prescribed in the General Regulations concerning the Local School Affairs (Chiho Gakuji Tsusoku) shall be disposed of by December 31, 1948, in accordance with the provisions of Article 4 of the said Law.

Article 92. A part of the Temporary Measures Law concerning Text-books Publication (Law No.132, 1948) shall be revised as follows:  
"Prefectural governors" of paragraph 1 of Article 5, paragraph 1, 2 of Article 6 and paragraphs 1, 2 of Article 7 shall read "prefectural boards of education." "Principals of national schools" of Article 7 shall read "the boards of education in cities, towns and villages and principals of national and private schools."

Article 93. A part of Schools Education Law shall be revised as follows:  
In Article 29, 31, 32 and 74 "After obtaining the resolutions of the assemblies concerned" shall be deleted.  
In Article 34 "public or" shall be deleted.  
In Article 30, 31 and 33 "Or towns and villages school association" shall be deleted.  
The following paragraph shall added as paragraph 2 of Article 106.  
The competent authority to approve in Article 4 and the competent authority of Article 14 shall be prefectural boards of education for the time being, concerning the public primary schools, lower and upper secondary schools, schools for the blind, schools for the deaf, schools for the hand-capped, and the kindergartens.

Article 107. The controlling agencies of primary schools established by cities, towns and villages in this Law, shall, for the time being, be mayors of cities or headment of towns and villages in which boards of education are not installed.



Article 94. A part of the Local Autonomy Law shall be revised as follows:  
In Article 121 "Inspection commissioners and members of public safety committees of cities, towns and villages" shall read "Inspection commissioners, members of public safety committees of cities, towns and villages and members of boards of education."  
In Article 125 "Inspection commissioners and members of public safety committees of cities, towns and villages concerned" shall read "Inspection commissioners, member of public safety committees of cities, towns and villages concerned and boards of education."  
In Article 158, "4 Bureaus of Education (1) Matters concerning education, arts and science." and "3 Departments of Education (1) Matters concerning education arts science" shall be deleted.  
In paragraph 1 of Article 173 "Technical officials or educational officials" shall read "and technical officials," and paragraph 4 of the same Article shall be deleted.  
((Article 95, was deleted by Law for Special Regulations concerning Educational Public Service (Law No.1 of 1949).))

Supplementary Provisions: (Law No.168 of 1950)

1. This Law shall come into force as from the day of its promulgation.
2. The Law concerning the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (Law No.44 of 1919) shall be partially amended as follows:  
In Article 1 paragraph 2 and Article 3, "the prefectural governor" shall be amended as "the prefectural board of education".
3. The Social Education Law (Law No.107 of 1949) shall be partially amended as follows:  
Article 18 shall be amended as follows:  
(The Fixed Number etc. of the Members of the Advisory Committee of Social Education).  
  
Article 18. The fixed number, the term of office and other necessary matters concerning the members of the advisory committee of social education shall be provided for by the by-law of the local public body concerned.  
  
2. As for the drafting of the bill of the by-law under the preceding paragraph and the submittal of it to the assembly, the procedure concerning the matters as provided for in Article 61 of the Board of Education Law (Law No.170 of 1948) shall apply.



DECLASSIFIED BY: 11033 SECTION 5, 105, 106, 108, 110, 112, 114, 115, 116, 118, 119, 121, 122, 124, 125, 126, 128, 129, 131, 132, 134, 135, 136, 138, 139, 141, 142, 144, 145, 147, 148, 150, 151, 152, 154, 155, 157, 158, 160, 161, 163, 164, 166, 167, 169, 170, 172, 173, 175, 176, 178, 179, 181, 182, 184, 185, 187, 188, 190, 191, 193, 194, 196, 197, 199, 200, 202, 203, 205, 206, 208, 209, 211, 212, 214, 215, 217, 218, 220, 221, 223, 224, 226, 227, 229, 230, 232, 233, 235, 236, 238, 239, 241, 242, 244, 245, 247, 248, 250, 251, 253, 254, 256, 257, 259, 260, 262, 263, 265, 266, 268, 269, 271, 272, 274, 275, 277, 278, 280, 281, 283, 284, 286, 287, 289, 290, 292, 293, 295, 296, 298, 299, 301, 302, 304, 305, 307, 308, 310, 311, 313, 314, 316, 317, 319, 320, 322, 323, 325, 326, 328, 329, 331, 332, 334, 335, 337, 338, 340, 341, 343, 344, 346, 347, 349, 350, 352, 353, 355, 356, 358, 359, 361, 362, 364, 365, 367, 368, 370, 371, 373, 374, 376, 377, 379, 380, 382, 383, 385, 386, 388, 389, 391, 392, 394, 395, 397, 398, 400, 401, 403, 404, 406, 407, 409, 410, 412, 413, 415, 416, 418, 419, 421, 422, 424, 425, 427, 428, 430, 431, 433, 434, 436, 437, 439, 440, 442, 443, 445, 446, 448, 449, 451, 452, 454, 455, 457, 458, 460, 461, 463, 464, 466, 467, 469, 470, 472, 473, 475, 476, 478, 479, 481, 482, 484, 485, 487, 488, 490, 491, 493, 494, 496, 497, 499, 500, 502, 503, 505, 506, 508, 509, 511, 512, 514, 515, 517, 518, 520, 521, 523, 524, 526, 527, 529, 530, 532, 533, 535, 536, 538, 539, 541, 542, 544, 545, 547, 548, 550, 551, 553, 554, 556, 557, 559, 560, 562, 563, 565, 566, 568, 569, 571, 572, 574, 575, 577, 578, 580, 581, 583, 584, 586, 587, 589, 590, 592, 593, 595, 596, 598, 599, 601, 602, 604, 605, 607, 608, 610, 611, 613, 614, 616, 617, 619, 620, 622, 623, 625, 626, 628, 629, 631, 632, 634, 635, 637, 638, 640, 641, 643, 644, 646, 647, 649, 650, 652, 653, 655, 656, 658, 659, 661, 662, 664, 665, 667, 668, 670, 671, 673, 674, 676, 677, 679, 680, 682, 683, 685, 686, 688, 689, 691, 692, 694, 695, 697, 698, 700, 701, 703, 704, 706, 707, 709, 710, 712, 713, 715, 716, 718, 719, 721, 722, 724, 725, 727, 728, 730, 731, 733, 734, 736, 737, 739, 740, 742, 743, 745, 746, 748, 749, 751, 752, 754, 755, 757, 758, 760, 761, 763, 764, 766, 767, 769, 770, 772, 773, 775, 776, 778, 779, 781, 782, 784, 785, 787, 788, 790, 791, 793, 794, 796, 797, 799, 800, 802, 803, 805, 806, 808, 809, 811, 812, 814, 815, 817, 818, 820, 821, 823, 824, 826, 827, 829, 830, 832, 833, 835, 836, 838, 839, 841, 842, 844, 845, 847, 848, 850, 851, 853, 854, 856, 857, 859, 860, 862, 863, 865, 866, 868, 869, 871, 872, 874, 875, 877, 878, 880, 881, 883, 884, 886, 887, 889, 890, 892, 893, 895, 896, 898, 899, 901, 902, 904, 905, 907, 908, 910, 911, 913, 914, 916, 917, 919, 920, 922, 923, 925, 926, 928, 929, 931, 932, 934, 935, 937, 938, 940, 941, 943, 944, 946, 947, 949, 950, 952, 953, 955, 956, 958, 959, 961, 962, 964, 965, 967, 968, 970, 971, 973, 974, 976, 977, 979, 980, 982, 983, 985, 986, 988, 989, 991, 992, 994, 995, 997, 998, 1000

PETITION ON INDEPENDENT LEGISLATION OF  
THE PROJECTED STANDARD COMPULSORY EDUCATION COST LAW ("Hyojun Gimukyoiku Ho")

Free compulsory education and educational equal opportunity have been guaranteed in the Constitution. However, in working out budgets, local governments have been liable to make appropriations for immediate effect rather than for education which would take time to bear fruits. Therefore, "Free compulsory education" has very often been nominal because, in some localities, schools were financed by individual contributions or PTA "dues" to the extent that they might well be called "PTA supported schools" rather than publicly supported ones.

Thus the non-tax expenditures borne by individuals have been increased so much that some parents have even become unable to afford to put their children in school. This is really a matter of our grave concern and we have been hoping to secure the cost of compulsory education.

Recently, the Local Finance Equalization Law has been legislated to strengthen the local finance. However, unless some adequate measures are taken to secure the cost for compulsory education, and its independence is assured, the compulsory education will be placed at an unstable status as heretofore. Moreover, our past experiences clearly show that extreme difference in educational finance will surely be brought about according to localities.

Therefore, we sincerely wish the projected law be legislated independently to securely establish the compulsory education expenditures. At the same time, it is desired that the standard cost of ¥ 3200 proposed by Mombusho be approved as a minimum cost, which is by no means satisfactory to us, but could not be otherwise in the light of the present national economic situations.

We hereby submit this petition as unanimously decided by all the LSS in our county on 11 June 1950.

28 June 1950.

Mr. Kaoru Chihara, Principal of Ohama LSS, Representing all the LSS, Hikakagun, Wakayama prefecture.



List of the Names of the Petitioners in  
Wakayama Prefecture

Mr. Y. Kodama, President of Ito-gun-wide PTA Council, Ito-gun  
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Principals in Hidaka-gun  
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Mr. K. Kitada, Mayor of Kawahara-mura, Naga-gun  
Mr. N. Kitagawa, Mayor of Kurishuku-mura, Naga-gun



Brig. General Courtney Whitney  
Government Section  
GHQ, SCAP  
APO 500

Maj. General W. F. Marquat  
Economic and Scientific Section  
GHQ, SCAP  
APO 500

Lt. Col. D. R. Nugent  
CI&E, GHQ, SCAP  
APO 500

Maj. General E. M. Almond  
C/S, GHQ, SCAP  
APO 500



CIVIL AFFAIRS ROUTING SLIP

|              |  |                |   |              |  |
|--------------|--|----------------|---|--------------|--|
| CHIEF        |  | PUBLIC WELFARE |   | CIVIL INFO   |  |
| DEPUTY CHIEF |  |                |   |              |  |
| CHIEF CLERK  |  | PUBLIC HEALTH  |   | ECONOMICS    |  |
| KLCO         |  |                |   |              |  |
| MOTOR POOL   |  |                |   |              |  |
| DENKI BLDG   |  | CIVIL EDUC     | / |              |  |
|              |  |                |   | LEGAL & GOVT |  |
|              |  |                |   |              |  |

FILE

INFO

ACTION

FOR YOUR FILE & INFO

REMARKS:

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DECLASSIFIED E.O. 12958 SECTION 5.102/HR80-103

PETITION ON INDEPENDENT LEGISLATION OF THE PROJECTED  
STANDARD COMPULSORY EDUCATION COST LAW ("Hyojun Ginkyoika Ho")

Free compulsory education and educational equal opportunity have been guaranteed in the constitution. However, in working out budgets, local governments have been liable to make appropriations for immediate effect rather than for education which would take time to bear fruits. Therefore, "free compulsory education" has very often been nominal because, in some localities, schools were financed by individual contributions or PTA "dues" to the extent that they might well be called "PTA supported schools" rather than publicly supported ones.

Thus the non-tax expenditures borne by individuals have been increased so much that some parents have even become unable to afford to put their children in school. This is really a matter of our grave concern and we have been hoping to secure the cost of compulsory education.

Recently, the Local Finance Equalization Law has been legislated to strengthen the local finance. However, unless some adequate measures are taken to secure the cost for compulsory education, and its independence is assured, the compulsory education will be placed at an unstable status as heretofore. Moreover, our past experiences clearly show that extreme difference in educational finance will surely be brought about according to localities.

Therefore, we sincerely wish the projected law be legislated independently to securely establish the compulsory education expenditures. At the same time, it is desired that the standard cost of ¥3200 proposed by Mombusho be approved as a minimum cost, which is by no means satisfactory to us, but could not be otherwise in the light of the present national economic situations.

We hereby submit this petition as unanimously decided by all the LSS in our county on 11 June 1950.

26 June 1950

Mr. Kaoru Chihara,  
Principal of Ohana LSS,  
Representing all the LSS,  
Hidaka-gun, Wakayama Prefecture



List of the Names of the Petitioners in  
Wakayama Prefecture

Mr. Y. Kodama, President of Ito-gun-wide PTA Council, Ito-gun  
Mr. K. Hirano, President of Asodu Elementary School PTA, Naga-gun  
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Principals in Hidaka-gun  
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Mr. R. Okayama, Mayor of Kaminato-mura, Naga-gun  
Mr. K. Kitada, Mayor of Kawahara-mura, Naga-gun  
Mr. N. Kitagawa, Mayor of Kurishuku-mura, Naga-gun



DECLASSIFIED E.O. 13526 SECTION 1.4  
PETITION ON INDEPENDENT LEGISLATION OF THE PROJECTED  
STANDARD COMPULSORY EDUCATION COST LAW ("Hyojun Gimakyoiku Ho")

Free compulsory education and educational equal opportunity have been guaranteed in the constitution. However, in working out budgets, local governments have been liable to make appropriations for immediate effect rather than for education which would take time to bear fruits. Therefore, "free compulsory education" has very often been nominal because, in some localities, schools were financed by individual contributions or PTA "dues" to the extent that they might well be called "PTA supported schools" rather than publicly supported ones.

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We hereby submit this petition as unanimously decided by all the LSS in our county on 11 June 1950.

28 June 1950

Mr. Kaoru Chihara,  
Principal of Ohama LSS,  
Representing all the LSS,  
Hidaka-gun, Wakayama Prefecture



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Principals in Hidaka-gun  
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Mr. K. Kitada, Mayor of Kawahara-mura, Naga-gun  
Mr. N. Kitagawa, Mayor of Kurishuku-mura, Naga-gun



DECLASSIFIED E.O. 13526

PETITION ON INDEPENDENT LEGISLATION OF THE PROJECTED  
STANDARD COMPULSORY EDUCATION COST LAW ("Hyojun Gimukyoiku Ho")

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We hereby submit this petition as unanimously decided by all the LSS in our county on 11 June 1950.

28 June 1950

Mr. Kaoru Chihara,  
Principal of Ohama LSS,  
Representing all the LSS,  
Hidaka-gun, Wakayama Prefecture



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Mr. K. Kitada, Mayor of Kawahara-mura, Naga-gun  
Mr. N. Kitagawa, Mayor of Kurishuku-mura, Naga-gun



DECLASSIFIED BY: 11-03 SECTION 5 1027/MSD/MSD

PETITION ON INDEPENDENT LEGISLATION OF THE PROJECTED  
STANDARD COMPULSORY EDUCATION COST LAW ("Hyojun Gimukyoiku Ho")

Free compulsory education and educational equal opportunity have been guaranteed in the constitution. However, in working out budgets, local governments have been liable to make appropriations for immediate effect rather than for education which would take time to bear fruits. Therefore, "free compulsory education" has very often been nominal because, in some localities, schools were financed by individual contributions or PTA "dues" to the extent that they might well be called "PTA supported schools" rather than publicly supported ones.

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We hereby submit this petition as unanimously decided by all the LSS in our county on 11 June 1950.

28 June 1950

Mr. Kaoru Chihara,  
Principal of Chama LSS,  
Representing all the LSS,  
Hidaka-gun, Wakayama Prefecture



List of the Names of the Petitioners in  
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teachers, Naga-gun  
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Mr. K. Kitada, Mayor of Kawahara-mura, Naga-gun  
Mr. N. Kitagawa, Mayor of Kurishuku-mura, Naga-gun



To CE

The Law for partial amendments to  
the Ministry of Education Establishment

Law

Law No. 16

27th March, 1950

The Ministry of Education Establishment Law  
(Law No. 146 of 1949) shall be partially amended  
as follows:

In the Contents, "Section 3 Local Branch  
Offices (Articles 25 -23)" shall be deleted, and  
"Chapter III. Personnel (Articles 29, 30)" shall  
be amended as "Chapter III. Personnel (Articles  
25, 26)".

In the table of Article 24 paragraph 1,

|                     |   |
|---------------------|---|
| "Curriculum Council | To make research and<br>deliberation on matters<br>concerning curriculum. |
|---------------------|---|

|  |  |
|--|--|
| Vocational Education<br>and Vocational Gui-<br>dance Council | To make research and<br>deliberation on vocational<br>education and vocational<br>guidance provided by<br>schools. " |
|--|--|

shall be amended as

|                     |   |
|---------------------|---|
| "Curriculum Council | To make research and<br>deliberation on matters<br>concerning curriculum<br>as well as on vocational<br>education and vocational<br>guidance provided by<br>schools. "; |
|---------------------|---|



"Educational Personnel  
Training Council

To make research and  
deliberation on matters  
concerning pre-service  
training system and in-  
service training of  
educational personnel. "

shall be amended as

"Educational Personnel  
Certification, etc.  
Council

To make research and  
deliberation on matters  
concerning certification  
and training system for  
educational personnel,  
and to take charge of  
business concerning  
qualifying examination  
for teachers. ";

"Social Education  
Council

To make research and  
deliberation on matters  
concerning education for  
citizenship, women's  
education and other forms  
of social education in  
general.

Youth Education  
Council

To make research and  
deliberation on youth  
organization, prevention  
and preform of juvenile  
delinquencies as well as  
culture for children and  
other matters concerning  
children's life outside  
the school.

Laborers' Education  
Council

To make research and  
deliberation on matters  
concerning laborers'  
education. "

shall be amended as

"Social Education  
Council

To make research and  
deliberation on matters



concerning education for citizenship youth education, women's education, laborers' education and other forms of social education in general. "

"Japanese Language Council

To make research and deliberation on matters concerning the Japanese language. "

shall be amended as

"Japanese Language Council

To make research and deliberation on matters concerning the Japanese language and Roman letters. "

and

"Textbook Council

To make research and deliberation on important matters concerning textbooks. "

shall be amended as

"Textbook Authorization and Research Council

To examine textbooks under application for authorization, and to make research and deliberation on important matters concerning textbooks.

Textbook Publication Qualification Examination Council

To examine the matters under the provisions of the Law concerning the Right of Publication, etc. of the Textbooks Compiled by the Ministry of Education. (Law No. 149 of 1949). "



Chapter II Section 3 shall be deleted.

Article 29 shall be made Article 25 and  
Article 30 shall be made Article 26.

Paragraphs 15 to 19 inclusive of the  
Supplementary Provisions shall be deleted.

Supplementary Provisions:

1. This Law shall come into force as from April 1, 1950.
2. The Law concerning the Right of Publication, etc. of the Textbooks compiled by the Ministry of Education shall be partially amended as follows:

In paragraph 4 of the Supplementary Provisions, "the Textbook Committee" shall be amended as "the Textbook Authorization and Research Council".



CIVIL  
EDUCATION

Cabinet Order No. 280

The Cabinet Order Concerning the  
Enforcement of the Social Education Law

In accordance with the provisions of the Social Education Law  
(Law No. 207 of 1949) and for the purpose of enforcing it, the Cabinet  
established this Cabinet Order.

(The Conference Concerning the Expenses for Providing Necessary Information)

Art. 1. In case the chiefs of local public bodies, or other administrative  
agencies request the Boards of Education to act for or cooperate with  
them in providing necessary information concerning matters in their  
charge, in accordance with the provisions of Art. 7 of the Social Edu-  
cation Law (Hereinafter referred to as "the Law"), the former shall  
establish measures necessary for appropriating funds required for such  
activity after discussing with the latter.

(Request for Financial Aids for the Maintenance of a GPH)

Art. 2. When the State provides subsidies required for the maintenance  
of GPH's in accordance with the provisions of Art. 35 of the Law, a  
city (including special wards, herein and hereinafter), town or village  
which desires a subsidy must submit papers to the Minister of Education  
through the prefectural Boards of Education, according to Form No. 1,  
stating the final accounts of the expenses of the previous fiscal year  
provided for in Art. 3 Paragraph 1, by the end of June of the current  
fiscal year.

incl. 5



2        Prefecture Boards of Education shall collect requests stated in the preceding paragraph and transfer them to the Minister of Education, attaching their own suggestions to them according to Form No. 2.

(The Limit of the Expenses to be basis for national subsidies to a CPH)  
Art. 3. Expenses as stated in Art. 36 paragraph 1 item 1 of the Law shall stand for salaries (excluding allowances such as regional, family and special work allowances etc.) required for Officials stated in Art. 27 paragraph 1 of the Law who work full time for CPH's; expenses of Art. 36 paragraph 1 item 2, for all Regular Courses conducted free of charge for not less than 18 days in the aggregate per fiscal year and expenses of Art. 36 paragraph 1 item 3, for the purchase of books, materials and equipment for CPH's necessary for audiovisual education and physical education programs.

2        Each Regular Course mentioned in the preceding paragraph imply such course designed for the general public in a definite educational program, regularly conducted for two hours or more a day and 3 consecutive or non-consecutive days or more.

(Reports concerning Prefectural Subsidies to a CPH)

Art. 4. In case prefectures provide subsidies in accordance with the provisions of Art. 37 of the Law, the Ministry of Education may request the prefectural board of education concerned to submit reports according to the same Article by September 30 of that year on the following matters:



- I. General condition of establishment and maintenance of CPH's.
- II. Details of subsidies granted for the maintenance of CPH's.
- III. The prefectural regulations on subsidies for the maintenance of CPH's, or the method of aiding.

2 Reports stated in item II of the preceding paragraph shall be made according to Form No. 3.

Supplementary Provisions

- 1 This Cabinet Order shall come into force as from the day of its promulgation.
- 2 In case there are cities, towns and villages where the board of education has not been established at the time of the enforcement of this cabinet order, the statement "the Board of Education" as written in Art. 1 shall read: "A city, town mayor and a village master" pending its establishment.



Annexed Paper

Form No. 1.

Application for Subsidy for the Maintenance of a GPH.

Name of GPH

| Classification<br>Expenses  | Figures of Final<br>Account to Set Basis<br>for Subsidy | Breakdown of the Figures<br>of Final Account Shown<br>to the Left. |   |                               |                           | Remarks |
|---|---|--|---|-------------------------------|---------------------------|---------|
|   |   | Name of<br>Full-<br>Time<br>Official                               | Sum of<br>Monthly<br>Salary                         | Number<br>of Months<br>Served | Total<br>Sum of<br>Salary |         |
| Expenses for<br>Full-Time<br>Personnel  |   |  |   |                               |                           |         |
|   |   |  |   |                               |                           |         |
|   |   |  |   |                               |                           |         |
|   |   |  |   |                               |                           |         |
|   |   |  | Total   |                               |                           |         |
| Expenses for<br>Regular<br>Courses  |   | Kind of<br>Course  | Number of Days<br>and Total Hours<br>of Each Course |                               | Expenses<br>Required      |         |
|   |   |  |   |                               |                           |         |
|   |   |  |   |                               |                           |         |
|   |   |  |   |                               |                           |         |
|   |   |  | Total   |                               |                           |         |
| Expenses for<br>Purchase of<br>Books, Equip-<br>ment and<br>supplies for<br>Education |   | Articles<br>Purchased  | Number of<br>Articles<br>Purchased                  | Expenses<br>Required          |                           |         |
|   |   |  |   |                               |                           |         |
|   |   |  |   |                               |                           |         |
|   |   |  |   |                               |                           |         |
|   |   |  | Total   |                               |                           |         |
| Total   |   |  |   |                               |                           |         |



Date:

To: Minister of Education

From: Name of Applicant

We hereby indicate the expenses needed for maintaining the CPN for the previous (19\_\_) fiscal year and request a subsidy in accordance with the provisions of Art. 3 paragraph 3 of the Enforcement Ordinance of the Social Education Law.

Form No. 2

Notification of Application for Subsidy for the Maintenance of CPNs

| Name of City, Town, Village | Classification | Amount of Final Account to Set Basis for Subsidy | Suggestions |
|-----------------------------|----------------|--|-------------|
|                             |                |  |             |

Date:

To:

From: Prefectural Board of Education

Table shown above indicates the expenses which were required for the maintenance of CPNs during the previous fiscal year (19\_\_); we hereby transfer it in accordance with Art. 3 paragraph 3 of the Enforcement Ordinance of the Social Education Law.







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CE  
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CE should contact  
University Professors  
in Kinki who will,  
in turn, make contents  
known to present and  
former students.  
22 Nov. 49 LSH  
C. Mr. R. Scott

ANNOUNCEMENT OF EXAMINATION  
IN ACCORDANCE WITH SUPPLEMENTARY ARTICLE 9  
OF THE  
NATIONAL PUBLIC SERVICE LAW

This examination will be administered in accordance with the spirit of the National Public Service Law, which aims at the democratic and efficient administration of public affairs, in order to appoint the most highly qualified persons to such higher governmental positions as vice-ministers, bureau, division and section chiefs, etc., as designated by the National Personnel Authority pursuant to Supplementary Article 9 of the National Public Service Law. The examination will therefore be open and competitive; it is open to non-governmental personnel at large as well as to those who are presently engaged in the national public service, providing that the necessary qualifications are met. The employment eligible lists to be established as the result of this examination will be used not only for the first appointments but also for future vacancies for the entire period the eligible lists are valid.

1. Positions for which this Examination is to be Held

The positions for which this examination is to be held shall be designated by a National Personnel Authority directive and shall be named in the Official Gazette.

2. Division of Positions for Purposes of Examination

Positions for which this examination is to be given shall, for the convenience of the examination, be divided into the following kinds of occupations as established by points of similarity in the duties of the positions and other factors.

1. General Administration
2. Pensions
3. Correction and Rehabilitation
4. Printing and Minting Management
5. Meteorology
6. Surveying
7. Narcotic Control
8. Veterinary
9. Horse Racing
10. Sericulture
11. Hunting Inspection
12. Industrial Techniques
13. Patents
14. Postal Service
15. Economic Investigation
16. General Affairs
17. Personnel

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18. Statistics
19. Budgeting and Accounting
20. Finance and Economics
21. Taxation
22. Law
23. Foreign Affairs
24. Education
25. Land Transportation
26. Marine Transportation
27. Public Health
28. Medical Affairs
29. Pharmaceutical Affairs
30. Nursing
31. Health and Welfare Statistics
32. Social Insurance
33. Social Welfare
34. Agricultural Economics
35. Agriculture
36. Agricultural Engineering
37. Agricultural Chemistry
38. Forestry
39. Animal Husbandry
40. Fisheries
41. Labor
42. Telecommunication Management
43. Business Specialist, Economics
44. Business Specialist, Mechanics
45. Business Specialist, Electric Machines
46. Business Specialist, Communication Machinery
47. Business Specialist, Electric Power
48. Business Specialist, Iron and Steel
49. Business Specialist, Mining
50. Business Specialist, Chemistry
51. Business Specialist, Textile
52. Business Specialist, Construction
53. Civil Engineering
54. Architecture
55. Mechanical Engineering
56. Electrical Engineering
57. Mining
58. Telecommunications Engineering
59. Shipping Engineering
60. Police

Annex 1 shows the proper kinds of occupations into which specific positions fall.

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3. Qualifications for Examination

a. Age:

Persons who are a full 30 years of age or over on the deadline date for applications.

However, persons occupying on the deadline date for applications the positions for which this examination is to be given may take the examination even if under 30 years of age.

b. Personal Record:

Persons who have the requisite personal records to be appointed to positions within the kind of occupation for which the examination is to be taken. (Vide "6" below.)

4. Disqualifying Provisions

Persons falling under any of the following are not qualified to take the examination:

- a. Any person who is designated as a person falling under application of any part of Article 38 of the National Public Service Law.
- b. Any person falling under the application of the memorandum pursuant to "Imperial Order Concerning Prohibitions of and Removals from Public Office" (Imperial Order No. 1 of 1947), or any person considered to have been designated as a person falling under the application of the memorandum according to "Order Regulating Organizations, etc." (Cabinet Order 64 of 1949).

5. Division of Positions for Purposes of Appointment

Positions for which this examination is to be given shall, for the purposes of appointments to be made possible by this examination, be divided into the following levels according to the degree of responsibility of the position, etc.

Levels I, II, III and IV

Annex 1 shows the proper levels for specific positions.

6. Qualifications for Appointment

Although any person possessing the qualifications to be appointed to any position for which this examination is to be given may take the examination for the kind of occupation to which that position belongs, appointments to specific positions shall be limited to those persons possessing the qualifications to be appointed to those positions.



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a. General Qualifications

Except in the case of Police occupations, generally speaking, the following experience is required as general qualifications to be appointed to positions for which this examination is to be given.

- (1) In order to be appointed to positions in Level I, it is necessary to have had, within the past 15 years, eight years in a position whose duties are similar or closely related to the duties of a position within the kind of occupation to which the position in question belongs and, also within the past 15 years, at least one year (which may be included in the previously mentioned eight years) in a position belonging to Level II, or a position carrying the same degree of responsibility or higher, or at least two years in a position belonging to Level III or a position carrying the same degree of responsibility or higher.
- (2) In order to be appointed to positions in Level II, it is necessary to have had, within the past 15 years, seven years in a position whose duties are similar or closely related to the duties of a position within the kind of occupation to which the position in question belongs and, also within the past 15 years, at least one year (which may be included in the previously mentioned seven years) in a position belonging to Level III or a position carrying the same degree of responsibility or higher or, at least three years in a position belonging to Level IV or a position carrying the same degree of responsibility or higher.
- (3) In order to be appointed to positions in Level III, it is necessary to have had, within the past 10 years, six years in a position whose duties are similar or closely related to the duties of a position within the kind of occupation to which the position in question belongs and, also within the past 10 years, at least two years (which may be included in the previously mentioned six years) in a position belonging to Level IV or a position carrying the same degree of responsibility or higher.
- (4) In order to be appointed to a position in Level IV, it is necessary to have had, within the past 10 years, five years in a position whose duties are similar or closely related to the duties of a position within the kind of occupation to which the position in question belongs and, also within the past 10 years, experience in a position in pay grade 10 (which may be included in the previously mentioned five years) of the general pay schedule as established by the "Law Concerning New Pay for Government Employees" (Law 46 of 1948) or a position carrying the same degree of responsibility or higher.

Annex 2 shows the details of the general qualifications.



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b. Special Qualifications

Special qualifications in addition to the above general qualifications are, generally speaking, required for individual positions. Annex 2 gives detailed information of special qualifications.

c. Treatment of Experience

With respect to the handling of general qualifications and special qualifications, equal treatment will be given to private and governmental experience whenever they are considered to be of the same type and degree.

The length of experience will be computed up to the deadline date for application.

d. Exceptions for Incumbents

Persons occupying on the deadline date for applications a position for which this examination is to be given shall be eligible for appointment to that position or any position having the same qualifications for appointment regardless of "a" and "b" above.

7. Method of Examination

The examination shall be a written one for each kind of occupation.

a. Kinds of Examinations

The examinations shall be divided into the first and second examinations. The first examination shall be the same for all kinds of occupations and shall consist of a test of general administrative ability. The second examination shall consist of a test of technical knowledge within each kind of occupation. The second test, however, shall not be given for the following kinds of occupations:

1. General Administration
2. Pensions
3. Correction and Rehabilitation
4. Printing and Minting Management
5. Meteorology
6. Surveying
7. Narcotic Control
8. Veterinary
9. Horse Racing
10. Sericulture
11. Hunting Inspection
12. Industrial Techniques
13. Patents
14. Postal Service
15. Economic Investigation



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b. Date of Examinations

The examinations shall be given on the following dates:

|                    |   |
|--------------------|---|
| First Examination  | January 15, 1950  |
| Second Examination | January 22, 1950 (the number of days<br>may be increased as and when necessary) |

c. Places of Examination

SAPPORO, OBIHIRO, AKITA, SENDAI, TOKYO, NIIGATA, NAGOYA, KANAZAWA  
OSAKA, TAKAMATSU, HIROSHIMA, MATSUE, FUKUOKA, KUMAMOTO

d. Follow-up Examinations

Incumbents of positions for which this examination is to be given who, for illness or other unavoidable circumstances, are unable to take this examination shall be given a separate examination subject to National Personnel Authority approval. To obtain National Personnel Authority approval, however, requests must be presented to the National Personnel Authority Director General's Office or Regional Offices within 20 days of the completion of this examination.

8. Method of Application

Persons who wish to take this examination will present, to the addresses below according to the desired place of examination, two application forms, one statement of preferences and one passport size photograph (unnecessary for persons now occupying positions for which this examination is to be given) with the required information written in.

The application may be mailed, but personal presentation is preferred. All necessary forms (application, preference and photograph holder) can be obtained at the National Personnel Authority Director General's Office or Regional Offices. When application forms are requested to be sent by mail, the cover should enclose a return envelope with the return address duly filled in and affixed with postage stamp (12 yen). Persons requesting more than one set of application forms must forward a corresponding number of self-stamped envelopes.

| Examination Center  | Application Center   | Location   |
|---------------------|--|--|
| Sapporo and Obihiro | Sapporo Regional Office of<br>National Personnel Authority | c/o Hokkaido Gov't<br>Office, Nishi 5 .<br>chome, Kitananjo,<br>Sapporo City |



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|                      |  |  |
|----------------------|--|--|
| Sendai and Akita     | Sendai Regional Office of National Personnel Authority   | c/o Miyagi Prefectural Office, Kotodaidori, Sendai City      |
| Tokyo and Niigata    | Examination Section, Bureau of National Personnel Recruitment, National Personnel Authority Bldg., Authority's Secretariat | Kasumigaseki, Chiyoda-ku, Tokyo-to                           |
| Nagoya and Kanazawa  | Nagoya Regional Office of National Personnel Authority   | Minami Sotobori-cho Nakaku, Nagoya City                      |
| Osaka                | Osaka Regional Office of National Personnel Authority  | Baba-machi-kado, Higashi-ku, Osaka City                      |
| Takamatsu            | Takamatsu Regional Office of National Personnel Authority  | c/o Takamatsu Girls Higher School, Gobancho, Takamatsu City  |
| Hiroshima and Matsue | Hiroshima Regional Office of National Personnel Authority  | c/o Hiroshima Prefectural Office, Kasumi-cho, Hiroshima City |
| Fukuoka and Kumamoto | Fukuoka Regional Office of National Personnel Authority  | Tsukishi-machi, Fukuoka City                                 |

9. Limit on Kinds of Occupations for which Application May be Made

There is no limitation on kinds of occupations for which application can be made so long as the applicant is qualified for examination. Those applying for two kinds of occupations or more must present one set of forms for each.

10. Reception Period of Applications

From November 21, 1949, to December 24, 1949 (5 p.m.). No application received in the mail after 5 p.m. of December 24 will be considered.

11. Announcement of Successful Candidates

The method and date are as yet undecided, but all persons passing are scheduled to be notified.

12. Appointment of Successful Candidates

All persons who pass this examination shall be entered on the employment eligible lists for each kind of occupation to be established by the National Personnel Authority. Certification will then be made in the order of their scores and with consideration of personal preferences to positions for which the persons are qualified, and the appointments will be made by the appointing officers.



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13. Outline of Duties and Responsibilities of the Positions and Compensation

An outline of duties and responsibilities of the various positions may be obtained from the "National Administration Organization Law" (Law No. 120 of 1948) and other regulations covering the organization of the agencies such as the establishment law of the various ministries, organization regulations, etc.

Compensation will be made according to the wage bases of the government agencies in accordance with the "Law Administering New Pay for Government Employees" (Law No. 46 of 1948).

14. Any additions or corrections to this announcement (inclusive of Annexes) shall be each printed in the Official Gazette. Your constant attention is requested.

(Note: For details contained in Annexes 1 and 2 referred to above, please see the November 12, 1949 issue of the Official Gazette.)



DECLASSIFIED E.O. 12958 SECTION 5 402/RMS/RS

*Laws*

## THE SIGNIFICANCE OF THE NEW CRIMINAL INDEMNITY LAW

Joint Press Conference of Legal Section  
and Civil Information and Education  
Section. Statement made at 1100 hours,  
19 December 1949.

One of the most praiseworthy accomplishments of the last Extraordinary Diet Session, which has so far received little public notice, was the enactment of a new Criminal Indemnity Law providing more adequate public compensation for errors of criminal justice. Two classes of injustice to a defendant in a criminal proceeding should be distinguished. The first is the detention of a person erroneously accused extending up to his acquittal. The second is that of conviction followed by sentence and imprisonment. The latter injustice is, of course, the more flagrant, but the new Japanese Criminal Indemnity Law, like statutes in most Continental European countries, provides indemnity in both cases.

Japan has had a Criminal Indemnity Law since 1931, modeled after the French Criminal Indemnity Law. The earliest progenitor of such a statute was a Prussian statute sponsored by Frederick the Great in 1766. Today many Continental European countries have such statutes, but Anglo-American law is just beginning to adopt the principle of criminal indemnity, because of the traditional English doctrine that the King or the State can do no wrong. There is still no right to public compensation in the United States for illegal arrest or detention prior to conviction. In only four states--California, New York, North Dakota, and Wisconsin--is there any remedy other than by special legislative grant even for erroneous conviction and imprisonment. Congress passed a Federal statute permitting indemnity not exceeding \$5000 for innocent persons convicted of and imprisoned for Federal crimes on May 24, 1938.

The new Constitution of Japan, enforced since 3 May 1947, expressly recognizes the principle of Criminal Indemnity in two separate and distinct articles. They read as follows:

"Article 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official."

"Article 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law."



Article 17 has been implemented by the so-called State Redress Law (Law No. 125 of 1947) which is limited to indemnity for damage caused by intentionally wrongful or grossly negligent illegal acts of public officials. The principle of Article 40 was already covered by the old Criminal Indemnity Law (Law No. 60 of 1931) now abolished and replaced by the new Law, which fully recognizes the right to indemnity in any case where an innocent person has been arrested or detained through a mistake in the administration of criminal law.

The amount of indemnity provided in the old Criminal Indemnity Law was based upon pre-war monetary values which have long since become obsolete because of inflation, and many other provisions needed revision because of reforms in the Code of Criminal Procedure and other laws since the enforcement of the new Constitution. In the new Law, the rate of indemnity for wrongful arrest or detention was increased from the former maximum of 5 yen a day to an amount not less than 200 yen and not more than 400 yen per day. The provisions regarding indemnity for fines, confiscation, and forfeitures, and for wrongful execution of the death penalty are clarified and liberalized. Interest of 5% per annum is provided in the case of indemnity for fines and forfeitures. Confiscated articles already disposed of are indemnified at their current value. Indemnity for execution of the death penalty may include the amount of any pecuniary loss proved to have been caused by the death, plus an amount not exceeding 500,000 yen. It is expressly provided that indemnity may be recovered under the new Law and under the State Redress Law or other laws providing compensation for damages caused by the same acts--but the amount granted under one law shall be subtracted from the amount to be granted under the other. A whole or part of the indemnity to be granted under the new Law may, in the sound discretion of the court, be denied, where the court finds that the person caused himself to be indicted, arrested, detained, or convicted by making a false confession or otherwise misleading the investigation or trial, or where the person was guilty of part of the offenses with which he was charged.

The cases in which indemnity may be applied for are enumerated in great detail. They include any case where a person who was under arrest



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(yokuryu) or detention (kokin) or against whom a penalty or detention (kochi) has already been executed in accordance with Japanese laws has been subsequently acquitted by a court judgment of not guilty rendered since the enforcement of the new Constitution. Where the judgment of not guilty was rendered during the period between the enforcement of the new Constitution and the promulgation of the new Law, the application for indemnity must be made within one year after the new Law is in effect. In such past cases, where indemnity was already granted under the old Law it shall be subtracted from the amount to be granted under this Law. Where the judgment of not guilty is rendered after the promulgation of the new Law, the application for indemnity must be made within three years from the date on which the judgment of not guilty has become irrevocable.

In addition to the preceding cases where the accused was pronounced not guilty by a judgment after a trial on the merits, the new Law also provides for indemnity in certain other future cases. These include cases where a decision of acquittal or dismissal of public action is rendered after the effective date of the new Law without a judgment on the merits, because of other legal grounds barring the prosecution of the case regardless of the question of guilt--such as double jeopardy, completion of prescription, death of the accused, withdrawal of the indictment or defects in the form, contents, or method of instituting public action, etc. However, an application for indemnity made in such cases may only be approved if the court decides that the accused was really innocent of the crimes charged and would have been found not guilty if a trial had taken place.

The procedure for applications for indemnity, rulings thereon, publication of rulings granting indemnity, payment of indemnity, and kokoku appeals or objections against rulings are also set forth in the new Law. Applications for indemnity are made to the court which pronounced the judgment of not guilty or which renders the decision of acquittal or dismissal of public action, by the person wronged or his proxy or successors. The court renders a ruling on the application after hearing both the public procurator and the applicant. Matters of procedure not specified in the Law itself are governed by the new Code of Criminal Procedure.



DECLASSIFIED BY: [REDACTED] DATE: [REDACTED]

(10) Criminal Indemnity.

Gentlemen, that finishes my necessarily brief summary of the history and contents of the new Criminal Indemnity Law. I shall be glad to answer any questions which you may have about details. In conclusion, however, I hope it is clear to all of you that this new Law is not only of epoch-making significance in the history of Japan, but is one of the most progressive and liberal criminal indemnity statutes now in existence anywhere in the world.



LAWS

20 Jan. 1950  
(Submitted by Minors)

Excerpt from Ed. Standard Finance Law (Draft)

1. Aim:

This law shall aim at setting the standard of expenditures required for public schools (excluding public universities, herein and after) and the amount of money subsidized (hereinafter referred to as subsidy) by the state and prefectures, and the amount of money (hereinafter referred to as share) borne by cities (including special ward; herein and hereafter) towns and villages, and also the rate of these subsidies and shares; and, at the same time, aim at the coordination of local educational finance in accordance with the principle of equalization of school education expenditures in order to assure equal opportunity in education, the equitable share by the people of the financial burden for education, and the establishment of independence of boards of education.

2. (1) Assurance of the minimum standard expenditures;

The state and the local public entity shall guarantee the minimum standard expenditures required for their public schools and must not shift the financial burden upon the people in the form of contribution or in any other form whatsoever.

(2) Since the minimum standard expenditures prescribed in this law is the prescription of the minimum of the ordinary expenditures required for the public school, prefectures, cities, towns or villages can expend the needed amount of money beyond the minimum standard according to the provisions of the budget of the local public entity concerned.

⑨ Compulsory Ed. Cost.  
(Draft)



3. Principle of distributing the subsidy:

The state and prefectural boards of education shall distribute the subsidy according to the fair standards so that the equal opportunity in education may be given and the equitable share by the people of the tax burden be secured.

4. Ordinary expenditures required for public school shall be as follows:

(1) Expenses required for the maintenance and control of schools.

(2) Expenses for the text-books, school supplies and others required for the learning activities of pupils and the expenses required for their health and sanitation.

(3) The expenses of salaries and allowances of principals, teachers and business clerks and the expenses required for study and self-improvement of principals and teachers (hereinafter referred to as teaching personnel).

5. (1) The minimum standard expenditures:

"The minimum standard expenditures" in this law means a necessary and minimum amount of per capita expenses required for the pupil of public school and shall be increased or decreased each year according to the changes of the salary standard, the index of commodity price, cost of living and so forth based upon the following categories of 1950.

|            |         |                              |                    |
|------------|---------|------------------------------|--------------------|
| (a) P.S.   | ¥ 4,531 | (Teaching personnel ¥ 3,031  | Others 1,500)      |
|            |         | expenses                     |                    |
| (b) L.S.S. | ¥ 7,130 | (                            | " ¥ 5,130 " 2,000) |
| (c) U.S.S. | ¥ 9,570 | (                            | " ¥ 7,070 " 2,500) |
|            |         | However in part-time course: |                    |
|            | ¥ 8,477 | (                            | " ¥ 6,477 " 2,000) |



- (d) Blind & Deaf ¥ 29,428 (Pupil Ex. 2,500 )  
(Teaching personnel ¥ 26,928 )
- (e) Kindergarten ¥ 3,736 (Teaching personnel ¥ 3,236 )  
(Other ¥ 500 )

(2) Total educational expenditures of public schools:

"Total educational expenditures of public schools" in this law means the amount of money that is obtained by multiplying the minimum educational expenditures in the preceding provision by the number obtained by adding or subtracting the number of estimated increase or decrease of children for the respective year to or from the number of pupils prescribed in the Mombusho's Designated Statistics of the previous year.

6. The rate of shares or subsidies:

Cities, towns and villages shall bear 13% of the total amount of educational expenditures for the whole country, and the state and prefectures shall subsidize the remaining 50% and 37% respectively.

7. Establishment of the School Education Special Account:

(1) Prefectures, cities, towns and villages shall establish a school education special account and separate the management of its receipts and expenditures from that of the general account.

(2) This account shall be managed by the Bd of Ed of respective pref. C. T. or V. in conformity with the prescriptions of the by-laws. However, in cities, towns and villages where Bds of Ed have not been established, mayors of cities, towns or villages shall be in charge thereof.

8. Amount and sources of the subsidies and shares:

(1) The state shall give precedence to the school education special accounts of prefectures in defraying thereto 50% of the total



amount of the educational expenditures for the whole country from the general equalization funds.

(2) a. Prefectures shall give precedence to the respective school education special accounts in carrying over thereinto from its general receipts the amount of money obtained by multiplying 37% of the total amount of the educational expenditures for the whole country by the figure obtained by dividing the total amount of the tax levy of the prefecture concerned by the total amount of the tax levy of all the prefectures in the state.

(3) A city, town or village shall give precedence to its school education special account in carrying over thereinto from its general receipts the amount of money obtained by multiplying 13 % of the total amount of the educational expenditures for the whole country by the figure obtained by dividing the total amount of the tax levy of the respective city, town or village by the total amount of the tax levy of all the cities, towns and villages throughout the country.

9. Distribution of Subsidies:

(1) The State shall distribute on a quarterly basis in April, July, October and January each year to the school education special account of each prefecture the amount of money obtained by subtracting the total subsidies and shares of a prefecture and its cities, towns and villages from the total amount of educational expenditures of all the public schools in that pref.

(2) Prefectural Bd of Ed shall distribute on a quarterly basis in April, July, Oct, and January each year to the school education special account of each city, town and village within the prefecture concerned the amount of money obtained by subtracting the amount to be borne by all of



those cities towns and villages from their total education expenditures, with the amount of funds obtained by subtracting the expenses required for the schools run by the prefecture from the total funds of school education special account of that prefecture.

(3) In spite of the preceding two provisions, the State and a prefecture can increase within the limit of 10% of the minimum standard expenditures according to the standards to be provided for by the cabinet ordinance, in consideration of local situations, scale of schools and other conditions existing in the locality, when the state or a pref board of education distributes subsidies to school education special account of a prefecture, city, town or village.

10. Business concerning the subsidies of the State according to the provisions of this law shall be managed by Minister of Education.

11. Miscellaneous Provisions:

(1) This law shall come into force as from April 1, 1950.

(2) Abolition of laws:

(a) Law concerning Treasurer's Share of Compulsory Education Expenses.

(b) Enforcement Regulation of the same.

(c) Law concerning Share by the Local Government of Pay of Municipal School Personnel.

(d) Law concerning National subsidy of Pay of Public Part-time Course Personnel.

(3) (a) The burden of teaching personnel expenses of cities, towns or villages in which boards of education are not installed shall remain as heretofore, up to the date when their boards of education are established.



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(b) Not-with-standing the provisions of item 2 of Art. 9, Pref Boards of education shall distribute to the school education special account of cities, towns and villages in which boards of education are not installed the amount of money obtained by subtracting the funds to be allotted for personnel expenses from the total funds to be otherwise distributed to the educational special account of the municipalities concerned.

(c) Cities, towns and villages in which boards of education are not installed shall pay to the school education special account of the prefecture within which they are located the amount of money to be allotted for the personnel expenditures of the respective municipalities from their school education account.

(4) Of the subsidies to be distributed for the finance of USS by the State and prefectures in 1950-51 fiscal year, the expenses only for pay of principals and teachers and for their study and self improvement shall be granted, and other expenses of USS shall remain as heretofore.

(5) USS can collect tuition to finance the expenses of other than teaching personnel.

However, the total amount collected shall not exceed the minimum standard expenses minum teaching personnel expenses.

(6) Standards for account and accounting shall be separately provided for by law or cabinet ordinance.

(7) "City, town or village" in this law shall read "City, town or village School Association in case of cities, towns or villages where school association has been established.



*Gen Loomis  
for field work in  
finance.*

The Board of Education Law  
Law No. 170, Passed by  
the Diet on 5 July 1948

Information Materials Prepared for Military Government Teams

by  
The Education Division, Civil Information and Education Section  
General Headquarters  
Supreme Commander for the Allied Powers

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CALENDAR OF EVENTS

THE BOARD OF EDUCATION LAW, No. 170, 1948

1. Passed Diet, 5 July 1948.
2. Day of Proclamation, 15 July 1948.
3. First election of the members of Boards of Education for prefectures and the Five Big Cities, 5 October 1948. (p. 10, Art. 72)
4. Prefectural and City assemblies shall select one of their members to serve on the Board of Education concerned. Names of prefectural members shall be reported to the Governors on or before 25 October 1948. Names of members chosen from the Assemblies of the Five Big Cities will be similarly reported to the Mayors concerned. (p. 10, Art 72 (2))
5. Prefectural Governors or Mayors of the Five Big Cities shall convene the first meetings of the Boards of Education within 20 days after election, i.e. on or before 25 October 1948. (p. 10, Art. 73 (1))
6. Boards of Education shall come into existence on 1 November 1948. (p. 10, Art. 73 (2) )
7. Chiefs of Educational Departments or Sections and their staffs of prefectures and the Five Big Cities shall be considered as appointed as Superintendents of Education or staff....on 1 November 1948 (p. 11, Art. 77 (1) )
8. Prefectural Governors and Mayors of the Five Big Cities shall legally transfer educational affairs to the Boards of Education concerned, on or before the following dates:  

Prefectural Boards - 1 December 1948;  
Boards of the Five Big Cities - 21 November 1948.

(p. 1, Art. 4; p. 10, Arts 74, 75)
9. Term of office of the first Superintendents of Education (Art. 77, par. 1) shall end on 31 March 1949. (p. 11, Art. 77 (2) )
10. Boards of Education of cities, town and villages shall be established by 1 November 1950. (p. 10, Art. 70)



The Board of Education Law which passed the Diet on 5 July 1948 as Law No. 170, 1948, provided for two kinds of school boards; Prefectural Boards of Education and Local Boards of Education. The Prefectural Board will have control of all schools established by the prefecture. The Local Board will have control of all schools established by the local public body.

Prefectural Boards are delegated the same responsibilities for the schools under their control as those assigned to Local Boards for the schools under their control; and in addition, the responsibility for issuing certificates for educational personnel within the law, for approving textbooks for all schools within the prefecture, for giving advice to Local Boards, for establishing or revising the attendance districts for upper secondary schools, and for other responsibilities provided for by laws and regulations such as serving with the local Boards of Education within the prefecture as a Council. (Arts. 48-51)

The law further provides that the first election of the members of Boards of Education for prefectures and for the Five Big Cities (Osaka, Kyoto Nagoya, Kobe and Yokohama) will be held on 5 October 1948. (Article 72) It further provides that Boards of Education should be established in the other cities, and in towns and villages by 1 November 1950. (Article 70)

Prefectural and City assemblies should select one of their members to serve on the Board of Education concerned. School Board members who are elected, normally will be selected for four-year terms. At the end of every two-year period, elections will be held to choose half the elected members of the Board. In order to inaugurate this system which insures continuity, the following procedure will apply only to the first election (5 October). At that time, half of the Board members will be elected for a four-year term, and the remaining half for a two-year term. (Article 72). The same system will apply when city, town and village Boards are established. (Article 70)

Prefectural Governors shall transfer the educational affairs now under their direction, to the Prefectural Board of Education on or before 1 December 1948. (Article 74) Mayors of the Five Big Cities shall transfer the educational affairs under their direction on or before 21 November 1948. (Art. 74)

The Board of Education is a legislative body and exerts its control over the educational affairs under its direction through Board regulations. This is one of the most essential features of local control. The law definitely uses the word "legislate" in the text. (Article 53) It specifies, however, that the Board regulations that are passed, i.e. legislated, may not be contrary to existing laws and ordinances. (Article 53)

The powers of the Board may be limited by the Assembly in that the Board must submit to that body for approval, its proposed legislation concerning certain items, mainly financial in character. If the proposals are approved by the Assembly, however, they become Board policy. (Articles 45, 56 to 61, 66 (2) ).

On 1 November 1948, the Boards of Education whose members were elected on 5 October 1948 will "come into existence". (Article 73, (2) ) On the same date the present Chiefs of Educational Departments or Sections and their staffs, automatically become Superintendents of Education and staffs, or secretariats of prefectures or of the Five Big Cities, respectively. (Article 77, (1) ) The term of office of the above Superintendents will be up to 31 March 1949. (Article 77, (2) )

It is said by some authorities that the most important responsibility of the Board of Education is the selection of the Superintendent of Education. It is universally agreed, however, that his selection is one of its most important responsibilities. The Board of Education Law just passed by the Diet definitely makes the appointment of the Superintendent of Education, the responsibility of the Board of Education on and after 31 March 1949. (Articles 41 & 77)



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On that date, and thereafter, the Superintendent of Education is to be appointed by the Board of Education, from among those who have certificates, for a four-year term. The law definitely states that he may be reappointed to the position. The law further provides that when qualified persons are not available, the Board of Education may appoint a Superintendent who does not hold a certificate, but such appointment shall be for one year only. (Article 78, (3) )

The Board of Education law says, "The Superintendent of Education shall take charge of all the educational affairs managed by the Board of Education, subject to the guidance and control of the Board of Education." (Article 42) Stated in another way, the Superintendent of Education shall administer and execute the policy of the Board of Education, subject to Board regulations.

The Superintendent is the adviser of the Board and may make recommendations; in fact, the Board may require that his recommendations be given. (Article 49) It should be pointed out, however, that the Board is not compelled to accept the recommendation of the Superintendent of Education; neither is it compelled to ask his advice or his recommendation. Subject only to certain limitations which include the law, its interpretation, the approval of the Assembly in some instances, and its own regulations, the Board is supreme in determining educational policy. (Articles 53, (1), 55, 59, 66, 67, 68, 80, 81, 82, 83, 84, etc.)

The procedure for the conduct of the Board of Education meeting definitely assures free and orderly discussion of the problems involved with decisions made by the rule of the majority. (Par. 38) Regular or ordinary meetings of the Board are to be held once every month and members are to be notified before the date of the meeting. (Article 35) A quorum must be present at the roll call of the members if the meeting continues and official action is to be taken. (Article 36) All of these precautions that are written into the law are for the purpose of securing prompt attendance of members, orderly and business-like procedure and the prevention of control by a small part of the Board. (Article 40) Provision has also been made for special meetings (extra-ordinary meetings) for special purposes (Article 35) and for procedure when a quorum is not present. (Article 36)

The chairman of the Board, or the vice-chairman in his absence, presides over the meeting of the Board. (Article 33) In actual practice the Superintendent of Education should prepare for the chairman, the agenda of the important items to be considered. After the preliminaries of the meeting, which include "Call to order" by the chairman, "roll-call" and the "establishment of a quorum" by the secretary, the Chairman calls on the Superintendent for a statement of the first item on the agenda and an explanation of the need for action. This should be done before the chairman and the members participate in its discussion. (1)

The decisions of the Board become its policy and should be publicly announced. (Article 53) Determining these decisions, and recording them, represents the method of Board control by deliberation. All policy is made and all action is initiated only through the minutes. Minutes (or resolutions) Article 40, then, represent the official source of policy and the "taking" of the minutes becomes an important responsibility of the stenographer working under the direction of the superintendent. (1)

Policy as defined above may be termed "Board policy" or Board of Education policy. Its execution is the responsibility of the Superintendent of Education in cooperation with the members of his staff. The policy adopted by the Board of Education may be thought of as the "frame-work" within which the Superintendent and his staff cooperate in running the educational system. (1)

The minutes of the Board of Education represent its "meeting by meeting" policy and usually can be amended, revised, stricken out or superseded by minutes officially passed at the same or later meetings. However, most of the problems that are before the Board of Education for its consideration demand "long-time planning and thinking" and the development of comprehensive policy that will effect public education for a year, for ten years, for a century and possibly for always. For example,



when the budget, proposed by the Superintendent of Education has been approved by the Assembly (Article 59) and officially adopted by the Board of Education by motion (or resolution) and recorded in the minutes of the Board, that entry is quite different in significance from a motion to adjourn. On the one hand, the budget covers a long period of time and the adjournment is an official action at one meeting, only. Another example will suffice. Suppose a Board of Education is considering the problem of a salary schedule for all teachers under its jurisdiction. The passage of the minute or resolution is of significance now, tomorrow and possibly for years to come. It should be subject to change, after-ratification, modification or elimination when some time in the future the conditions that prevailed when it was passed no longer maintain. But in the meantime, this long term policy of the Board is protected by making its amendment cover a period of two or more meetings with a larger number of the members of the Board voting affirmatively than is necessary to pass the usual motion. Such motions or resolutions that have long-time implication become a part of the regulations of the Board. They represent continuing or comprehensive policy. (1)

.. Board of Education exists only when it is in session. It can only be in session when a quorum is present (with certain exceptions). (Article 36) It can officially speak only through its minutes and its regulations. (1)

The general public should realize that the major purpose of the Board of Education Law is to administer the schools by democratic procedures and to make them responsible to all the people, through representatives of their own choosing. (Article 1) Long experience has established the desirability of Boards of Education with from five to seven members selected for long periods of time but subject to frequent review by the people. Elected members therefore must stand election every four years. The Board member appointed by and from the Assembly, remains with the Board until his term as Assembly man, expires. (Articles 7, 8)

In order to have continuity of policy, half of the elected members are selected by the people every two years (Article 11) at elections administered by the election administrative committee of the local public body concerned. (Article 13)

A candidate for election as a member of a Board of Education is to be nominated by 60 or more electors in the manner described in the law. (Article 16) A citizen cannot be a candidate or a member of more than one Board. (Article 10) Public officials and certain others cannot be candidates or members of Boards. (Article 10). There is also provision in the law for the recall of Board members. (Article 29)

The Secretariat of the Board of Education shall have necessary departments or sections which shall include educational research and statistics and educational guidance, but shall not include accounting or public works. (Article 44) The personnel of the Secretariat shall appointed by the Board of Education on the recommendation of the Superintendent of Education. (Article 45) Members of the Secretariat will include teacher-consultants who will give advice and assistance to teachers; however, consultants will exert no administrative control over teachers. (Articles 45, 46)

The Ministry of Education shall have no administrative or operational control over Boards of Education except as provided by law but may require them to submit annual reports and other necessary reports concerning education under their jurisdiction. (Article 55) The Prefectural Boards of Education shall have no administrative or operational control over Local Boards of Education except as provided by law, but may require them to submit annual reports and other necessary reports. (Article 55)

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(1) Most of the details of this paragraph are not in the law but will be made available to Boards and Superintendents as a pamphlet on "Suggested Procedures for Boards of Education".



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"During the period between the enforcement of this law and the formation of Boards of Education for prefectures and the Five Big Cities, the business (educational responsibilities) which are to be taken charge of (assumed) by the Boards of Education by this law shall be taken care of (assumed) by each corresponding agency as heretofore respectively." (Article 71) The abstract refers to the period from 15 July 1948, the date of proclamation, to 1 November 1948 when Boards of Education "shall be considered as coming into existence." (Art. 73 (2) )

Educational responsibilities which are to be assumed by the Boards of Education in the cities, (except the Five Big Cities) towns and villages on or before 1 November 1950, shall be assumed, until Cabinet Order specifies other dates, by each corresponding agency as heretofore respectively, except those responsibilities that have been delegated to the Prefectural Boards of Education by this law. (Articles 48, 49, 50, 70, and 87)

It is universally agreed that an administrative unit should have within its borders sufficient numbers of pupils to offer a complete satisfactory program without excessive overhead costs. In case of necessity, this can be accomplished by several towns and villages jointly establishing a Partial Affairs Association in which a Board of Education may be installed. (Article 3)



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  - d. Tuition and other educational rates and charges, Art. 61, (3)



(Prefectural)

The Prefectural Board of Education, in addition to the duties above while serving as a Local Board for all schools established by the prefecture, shall, through Board regulations, be responsible for:

1. Certification of educational personnel within the law, p. 7, Art. 50 (1)
2. Textbook approval for all schools written for prefectural use p. 7, Art. 50 (2)
3. Technical and professional advice and assistance to Local Boards p. 7, Art. 50 (3)
4. Establishment and revision of attendance districts for secondary schools, p. 7, Art. 50 (4); p. 9, Art. 54.
5. Any other responsibility provided by law and regulations, p. 7, Art. 50 (5)

Procedure until formation of Boards, p. 10, Art. 71; p. 12, Art. 87

Professional experts needed, p. 6, Arts. 45, 47

Proxy, p. 9, Art. 64, 65

Qualifications of Board member, p. 2, Arts. 9, 10; p. 4, Art. 30

Quorum of meeting, p. 5, Art. 36

Recall of Board member, p. 4, Art. 29

Regular meetings, see ordinary.

Regulations of the Board of Education (legislative) p. 8, Art. 53

Reimbursement for, by national treasury, p. 1, Art. 6

Reimbursement of Board member for expenses, p. 4, Art. 31

Remuneration for expenses of Board member p. 4, Art. 31

Reports, p. 8, Art. 55

Responsibility for expenses, Board, p. 1, Art. 5

Responsibility of Board of Education, see Powers and Duties

Resignation of Board member, p. 4, Art. 30

Revision: Local Autonomy Law, p. 13, Art. 94

Revision: School Education Law, pp. 12-13, Art. 93

Revision: Temporary Textbook Law, p. 12, Art. 92

School Association of towns and villages, p. 1, Art. 3 (1,2) and p. 12, Arts. 90-91

Secretarial officials, pp. 11-12, Arts. 82, 83, 84.

Secretariats, pp. 5-6, Arts. 43-47

Secretariats:

Appointment and fixed number of personnel, p. 6, Art. 45 (3) (4)

Limitation of departments, p. 6, Art. 44; p. 6, Art. 45 (2)

Nomination of personnel by Superintendent p. 6, Art. 45 (4)

Personnel of, (includes certified and non-certified) p. 6, Arts. 45, 46, 47.

Professional experts (teacher consultant, technical experts, etc.)

p. 6, Art. 45, 46, 47

Secretarial officials, p. 6, Art. 45 (4)

Status of personnel, p. 9, Art. 67

Secretarial staffs, p. 6, Art. 45 (1)

Teacher consultant, p. 6, Arts. 45, 46

Technical expert, p. 6, Art. 45

Transfer of personnel on 1 Nov. 1948, p. 11, Art. 77 (1)

Special meeting, see extraordinary.

Status of educational public officials, pp. 9 - 10, Arts. 67, 68

Status of principals and teachers, p. 13, Art. 95

Status of secretarial personnel transfers, pp. 11-12, Arts. 81-84

Status of first superintendents, p. 11, Art. 77

Subject to the approval of the Assembly, pp. 8-9, Arts. 61-63

Subsidy for expenses by National Treasury p. 1, Art. 6

Superintendent of Education:

Appointed by Board of Education, p. 5, Art. 41 (2); p. 11, Art. 78.

(for period 1 Nov. 1948 to 31 March 1949 p. 11, Art. 77 (1,2))

Executive officer (take charge of) subject to Board regulations, p. 5, Art. 42

Nomination by, to Board (Prof. experts and sec. officials) p. 6, Art. 45 (4)

Qualifications of, p. 5, Art. 41; p. 11, Art. 70

Required that Board have a, p. 5, Art. 41



DECLASSIFIED E.O. 12958 SECTION 5 402/RMS/MS  
Serve as proxy for Board, p. 9, Arts. 64, 65  
Term of office, p. 5, Art. 41 (3); p. 11, Art. 78  
Qualified p. 5, Art. 41  
Unqualified p. 11, Art. 78 (2, 3)  
Until March 31, 1949, p. 11, Art. 77 (2)

Temporary appointment of superintendent 1 Nov. 1948 until 31 March 1949, p. 11,  
Art. 77 (2)

Temporary by-laws and regulations, p. 11, Art. 79

Temporary selection of textbooks, p. 12, Art. 86

Term of office of Board member, p. 2, Art. 8; p. 10, Art. 72

Term of office of the 1 Nov. 1948 Superintendent of Education p. 11, Art. 77 (2)

Term of office of unqualified Supt., p. 11, Art. 78 (2, 3)

Tuition and other educational rates, p. 9, Art. 61; (3)



*School Education Law*

SCHOOL EDUCATION LAW 31 March 1947

Article 100 When schools under former ordinance have been converted into schools under Article 1, Education Minister shall stipulate necessary matters concerning the students studying in those schools.

Article 101 Necessary matters concerning graduation requirements of schools under former ordinance shall be based on Education Minister's stipulations.

ENFORCEMENT REGULATIONS OF SCHOOL EDUCATION LAW 23 May 1947

Article 92-3 When the university, university preparatory course, kotogakko, senmon gakko or teacher education institution under former ordinance are converted into universities under school education law, they may admit as shown in the lower (right) columns (below) the persons who have completed the course of or graduated from the schools listed in the upper (left) columns, at the beginning of a school year.

|   |   |
|---|---|
| Persons who have completed courses of the below listed grades of university departments under former ordinance.   | Number of years to be in school when a person is admitted into a certain grade of a university under the school education law.                  |
| Those who have completed 1st year. (Those who have studied for 1 year in case of a university having no grade system.)  | More than 1 year (At least)   |
| Those who have completed the course of the below mentioned grades of, or have graduated from, university preparatory course, higher course of kotogakko, regular course of senmon gakko (including preparatory course which required, for admission, secondary school graduation) or teacher training institutions (regular course in case of normal schools and youth normal schools) under former ordinance | Number of years to be in school when a person is admitted into a university or into a certain grade of a university under school education law. |
| Those who have completed 1st year   | More than (at least) 4 years  |
| Those who have completed 2nd year   | " " " " 3 years   |
| Those who have completed 3rd year or those who have graduated.  | " " " " 2 years   |
| Those who have completed 4th year or those who have graduated.  | " " " " 1 year  |

*Copy done*



Article 92-4 Those who have been admitted into a certain grade of a university or into a university, have to complete a curriculum which this particular university decides.

Notes: Article 92 is based upon articles 100 and 101 of the school education law.

SCHOOL EDUCATION LAW  
Law No. 26 31 March 1947

ARTICLE LXIII. Those persons who have studied at the university for more than (at least) four years, and taken regular examinations and passed them, can be called Gakushi (Bachelor). Matters concerning Gakushi shall be decided by the competent authorities.  
(Translation in "Education in New Japan" Volume II.)

以上 (i-jo) At least  
を越え (o-ko-eru) more than

以下 (i-ka)  
未満 (mi-man) less than



DECLASSIFIED E.O. 12958 SECTION 5.402/HRMS 101

THE FUNDAMENTAL LAW OF EDUCATION

1947 3, 31.

Having established the Constitution of Japan, we have shown our resolution to contribute to the peace of the world and welfare of humanity by building a democratic and cultural state. The realization of this ideal shall depend fundamentally on the power of education.

We shall esteem individual dignity and endeavor to bring up the people who love truth and peace, while education which aims at the creation of culture general and rich in individuality shall be spread far and wide.

We hereby enact this Law, in accordance with the spirit of the Constitution of Japan, with a view to clarifying the aim of education and establishing the foundation of education for new Japan.

Article I. Aim of Education

Education shall aim at the full development of personality, striving for the rearing of the people, sound in mind and body, who shall love truth and justice, esteem individual value, respect labour and have a deep sense of responsibility, and be imbued with the independent spirit, as builders of the peaceful state and society.

Article II. Educational Principle.

The aim of education shall be realized on all occasions and in all places. In order to achieve the aim, we shall endeavor to contribute to the creation and development of culture by mutual esteem and co-operation, respecting academic freedom, having a regard for actual life and cultivating a spontaneous spirit.

Article III. Equal Opportunity in Education.

The people shall all be given equal opportunities of receiving education according to their ability, and they shall not be subject to educational discrimination on account of race, creed, sex, social status, economic position or family origin.

The state and local public corporations shall take measures to give financial assistance to those who have, in spite of their ability, difficulty in receiving education for economic reasons.

⑦ Fund. Ed.



Article IV. Compulsory Education.

The people shall be obligated to have boys and girls under their protection receive nine years' general education.

No tuition fee shall be charged for compulsory education in schools established by the state and local public corporations.

Article V. Co-education.

Men and women shall esteem and co-operate with each other. Co-education therefore, shall be recognized in education.

Article VI. School Education.

The schools prescribed by law shall be of public nature and, besides the state and local public corporation, only the judicial persons prescribed by law shall be entitled to establish such schools.

Teachers of the schools prescribed by law shall be servants of the whole community. They shall be conscious of their mission and endeavor to discharge their duties.

For this purpose, the status of teachers shall be respected and their fair and appropriate treatment shall be secured.

Article VII. Social Education

The state and local public corporation shall encourage home education and education carried out in places of work or elsewhere in society.

The state and local public corporation shall endeavor to attain the aim of education by the establishment of such institutions as libraries, museums, civic halls, etc, by the utilization of school institutions, and by other appropriate methods.

Article VIII. Political Education

The political knowledge necessary for intelligent citizenship shall be valued in education.

The schools prescribed by law, shall refrain from political education or other political activities for or against any specific political party.



Article IX. Religious Education.

The attitude of religious tolerance and the position of religion in social life shall be valued in education.

The schools established by the state and local public corporations shall refrain from religious education or other activities for a specified religion.

Article X. School Administration.

Education shall not be subject to improper control, but it shall be directly responsible to the whole people.

School administration shall, on the basis of this realization, aim at the adjustment and establishment of the various conditions required for the pursuit of the aim of education.

Article XI. Supplementary Rule.

In case of necessity appropriate laws shall be enacted to carry the foregoing stipulations into effect.

Appendix Rule

This Law shall be enforced on the day of its promulgation.



SCHOOL EDUCATION LAW

SCHOOL EDUCATION LAW.

Chapter I. General Regulation.

Article I. The schools provided for in this law shall be primary schools, secondary schools, high schools, universities, schools for the blind, schools for the deaf, schools for the handicapped and kindergartens.

Article II. The State, prefectural and local public entities and incorporations provided for in a separate law alone can establish schools.

The "Government schools" in this law means the schools established by the State, the "public schools" the schools established by prefectural and local public entities, and the "private schools" the schools established by incorporations provided for in the separate law.

Article III. Those who want to establish schools shall do that in compliance with the school establishment standards of equipment, organization and others set up by the competent authorities according to the types of schools.

Article IV. The establishment and abolition of schools (including faculties of universities and their postgraduate schools) change of their establishments and other items to be decided by the competent authorities except for government schools and those schools which are established by agencies incurring the responsibility of establishing schools in compliance with this law, shall be subject to the approval of the competent authorities.

Article V. The establishers of schools shall manage the schools which they established and defray the expenses of the schools except for the cases specifically stipulated by laws or ordinances.

Article VI. Schools may collect tuition fees. As to compulsory education, however, in government and public primary schools and secondary schools, or schools for the blind, schools for the deaf and schools for the handicapped, which are equivalent to the above, no tuition fees shall be collected.

Matters regarding tuition fees and other expenses in government and public schools shall be decided by the competent authorities.

Article VII. Schools shall have principals and an adequate number of teachers.

Article VIII. Matters regarding certificates and other qualifications of principals and teachers shall be decided by the competent authorities.

Article IX. Those who come under any of the following items shall be excepted from becoming principals or teachers:

1. Those persons who have been adjudged incompetent, and quasi-incompetent persons.

2. Those persons who have been condemned to six year's imprisonment or a heavier punishment.

3. Those persons who were sentenced to penal servitude or imprisonment of less than six years and who have not completed the punishment or have not been acquitted of the punishment yet.

4. Those persons who were sentenced to the cancellation of their teachers' certificates mentioned in Article VIII, and who have not spent two years.

5. Those persons who have been recognized as unacceptable to any position in educational service by the Imperial Ordinance 263 of 1946.

6. Those persons who have been recognized as inferior in character and conduct.



Article X. Private schools shall appoint their principals and the appointment shall be reported to the competent authorities.

Article XI. Principals and Teachers of schools may punish their students, pupils and children, when they recognize it necessary in the light of education, in compliance with the regulations issued by the competent authorities. They shall not, however, inflict corporal punishment.

Article XII. Schools shall conduct physical examinations in order to increase the health of students, pupils and children as well as teachers and provide adequate facilities for their hygiene and protection.

Matters regarding physical examinations and facilities for hygiene and protection shall be decided by the competent authorities.

Article XIII. The competent authorities may order the closing of schools in any of the following cases:

1. In cases where they have intentionally violated the provisions of laws and ordinances.
2. In cases where they have acted against the instructions issued by the competent authorities in compliance with the provisions of laws and ordinances.
3. In cases where they have not conducted teaching for more than six months.

Article XIV. In cases where schools acted against the provisions of laws and ordinances or the regulations established by the competent authorities may order changes of the items.

Article XV. Private schools shall make budgets for revenue and expenditure and report them to the competent authorities before the opening of every fiscal year, and shall settle accounts for both revenue and expenditure and report the settlement to the competent authorities within two months after the closing of every fiscal year.

Any important changes to be made in the budgets for revenue and expenditure shall be reported as well.

Article XVI. Those persons who employ children shall not prevent the said children from receiving compulsory education because of the employment.

## Chapter II Primary School

Article XVII. The primary school shall aim at giving children elementary general education according to the development of their minds and bodies.

Article XVIII. In primary school education efforts shall be made to attain the principles mentioned in each of the following items in order to effect the aim stated in the foregoing article.

1. To cultivate a right understanding and the spirit of cooperation and independence in connection with relationship between human beings on the basis of children's experience in social life both in and outside the school.

2. To develop a proper understanding of the actual conditions and traditions both of children's native communities and of the country, and, further, to cultivate the spirit of international cooperation.

3. To cultivate a basic understanding and skills on food, clothing, housing, industries, etc. needed in everyday life.

4. To cultivate ability to understand and use correctly words and expressions of the Japanese language needed in everyday life.



5. To cultivate ability to understand and manage correctly mathematical relations needed in everyday life.

6. To cultivate ability to observe and dispose natural phenomena met with in everyday life in a scientific manner.

7. To cultivate a habit needed for a sound, safe and happy life and to effect a harmonious development of minds and bodies.

8. To cultivate a basic understanding and skills on music, fine arts, literature, etc. which make life bright and rich.

Article XIX. The course of the primary school shall cover six years.

Article XX. Matters concerning the curriculum of the primary school shall be decided by the competent authorities in compliance with the provisions of Articles XVII and XVIII.

Article XXI. The primary school shall use the textbooks approved or published by the competent authorities.

Books other than the above-mentioned textbooks and other teaching materials may be used if they are good and suitable.

Article XXII. The protectors (i.e. those persons who exercise parental authority over the children, or, in case there are no such persons, the guardians, or those persons who exercise the duties of guardians. The word is hereinafter to be used in this meaning) shall be obligated to send their children to the primary school or the school for the blind, the school for the deaf or the school for the handicapped, for the period from the beginning of that school year which is the first to begin on or after the following day of the children's attaining full six years of age to the end of that school year in which the children attain full twelve years of age.

Matters regarding the pressing for fulfilment of the obligation mentioned in the foregoing paragraph and other necessary matters regarding the obligation shall be decided by the competent authorities.

Article XXIII. As for the protectors of those children who are to be sent to school according to the provision of the foregoing article. (Such children are hereinafter to be called the school age children) but who are acknowledged as being difficult to attend school because of their invalidity, imperfect growth or other unavoidable obstacles, the managing agency of the primary school established by a city, town or village may allow them to postpone the fulfilment of their obligation stipulated in the first paragraph of the foregoing article or exempt them from their obligation according to the regulations stipulated by the competent authorities after obtaining the approval of the competent authorities which exercise jurisdiction over the area of the prefecture regarding education (such competent authorities are hereinafter to be called the prefectural competent authorities).

Article XXIV. The protectors of those school age children who live within such an area which is exempt from the responsibility of establishing primary schools according to the provision of Article XXIII shall be regarded as exempted from their obligations provided for in the first paragraph of Article XXII.

Article XXV. The city, town or village shall give necessary aids to the protectors of those school age children who are recognized to be difficult to attend school for financial reasons.

Article XXVI. The managing agency of the primary school established by a city, town or village may suspend those children from attending school who are suffering from infectious diseases or feared to be in danger of suffering, or who are recognized as being so bad in their character and conducts that



they may obstruct the education of other children.

**Article XXVII.** Those children who have not attained the age for entering the primary school shall not enter the school.

**Article XXVIII.** The primary school shall have a principal, teachers, nurse-teacher and business clerks. Under special circumstances, however, it may dispense with the business clerks.

The primary school may have assistant teachers and other necessary personnel besides the above.

The principal shall administer school affairs and supervise the personnel of the school.

The teachers shall take charge of the education of children.

The teacher-nurses shall take charge of nursing and protection of children.

The business clerks shall engage in the office works.

The assistant teachers shall assist the teachers in their duties.

**Article XXIX.** Each city, town or village shall establish primary schools sufficient for admitting the school age children living within its own boundary through the deliberation of its assembly.

**Article XXX.** In case some towns or villages recognize that it is impossible or improper for them to follow the provision of the foregoing article, they may organize a city-town-village school union or a town-village school union.

**Article XXXI.** In case some towns or villages recognize that it is impossible or improper for them to follow the provisions of the foregoing two articles, they may, through the deliberation of their assemblies, commit the educational affairs of the whole or a part of their school age children to other cities, towns or villages, or a city-town-village school union, or a town-village school union instead of establishing primary schools.

**Article XXXII.** In case the prefectural competent authorities recognize that some towns or villages are unable to afford the expenses which they are to defray in following any of the provisions of the foregoing articles, the prefecture concerned shall, through the deliberation of its assembly, give necessary aids to the towns or villages.

**Article XXXIII.** In case the prefectural competent authorities recognize that, although there are such circumstances as are mentioned in Article XXXI, which make it impossible or improper for town or villages, or a city-town-village school union, or a town-village school union to follow the provisions of Articles XXIX and XIX for the part of its area, the provisions of Articles XXXI and XXXII cannot be followed, the competent authorities may exempt the town or village, or the city-town-village school union, or the town-village school union from the responsibility of establishing a primary school, so far as that part is concerned.

**Article XXXIV.** Public or private primary schools shall be under the jurisdiction of the prefectural competent authorities.

### Chapter III. Secondary School

**Article XXXV.** The secondary school shall aim at giving the pupils secondary general education according to the development of their minds and bodies on the basis of the education given at the Primary School.

**Article XXXVI.** In secondary school education efforts shall be made to attain



the principles mentioned in each of the following items in order to realize the aim stated in the foregoing article.

1. To cultivate the qualities necessary as the members of a society and the State, securing the objectives of the primary school education more thoroughly.

2. To cultivate the fundamental knowledge and skill of the vocations required in the society, the attitude to respect laboring and the ability to select their future course according to their individuality.

3. To promote their social activities in and out of the school, to guide the sentiment rightly and to cultivate the fair judgment.

**Article XXXVII.** The course of the Secondary School shall cover three years.

**Article XXXVIII.** Matters concerning the subjects of the secondary school shall be decided by the competent authorities in accordance with the provisions of Articles XXXV and XXXVI.

**Article XXXIX.** The guardians shall be obligated to send their children to the secondary school, the school for the blind or the school for the deaf or the school for the handicapped from the beginning of that school year which is the first to begin on or after the following day of their finishing the course of the primary school to the end of that school year in which they attain full fifteen years of age.

The children whom the guardians are obligated to send to school according to the above provision shall be called school age pupils.

**Article XL.** The provisions of Article XXI, the second paragraph of Article XXII, Articles XXIII to XXVI and Articles XXVIII to XXXIV, shall apply to the secondary school.

#### Chapter IV. High School

**Article XLI.** The high school shall aim at giving the students higher general education and technical education according to the development of their mind and bodies on the basis of the education given at the secondary school.

**Article XLII.** In high school education efforts shall be made to attain the principles in each of the following items in order to realize the aim stated in the foregoing article.

1. To cultivate the qualities necessary as the able members of the society and state, developing the results of the secondary school education.

2. To make them decide on the future course according to their individuality on the basis of their consciousness of the mission they are to carry out in the society, to cultivate the higher general culture and to make them skilled in technical arts.

3. To cultivate the broad and deep understanding and ability of sound judgment regarding the society and to attempt the establishment of their individuality.

**Article XLIII.** Matters concerning the courses and curricula of the high school shall be decided by the competent authorities in accordance with the provisions of the foregoing two articles.

**Article XLIV.** The high school may have the night course or the part-time course in addition to the regular one.

The high school may have only one of the above mentioned courses without the regular one.



Article XLV. The high school may conduct the education by correspondence.

Matters necessary in connection with the correspondence education shall be decided by the competent authorities.

Article XLVI. The course of the high school shall cover three years. But in case of special technical education and in case of having the courses mentioned in the first paragraph of Article XLIV, the course may cover more than three years.

Article XLVII. Those who can enter the high school shall be those who have graduated from the secondary school or the equivalent school or those who have been recognized to have the scholastic attainments equal to them according to the provisions laid down by the competent authorities.

Article XLVIII. The high school may have the graduate course and the special course. The graduate course of the high school shall aim at giving instructions on special matters to the more advanced degree to the graduates of the high school or the equivalent school or those recognized to have the scholastic attainments equal to them according to the provisions laid down by the competent authorities and guiding them in their study. The course shall cover more than one year.

The special course of the high school shall aim at providing those mentioned in the foregoing article with special technical education to the simpler degree. The course shall cover more than one year.

Article XLIX. Necessary matters concerning the textbooks, entrance, withdrawal, transfer, etc. shall be decided by the competent authorities.

Article L. The high school shall have the director, teachers and business clerks.

Article LI. The provisions of the 2nd to 4th, 6th and 7th paragraphs of Article XXVIII and Article XXXIV shall also apply to the high school.

Chapter V University

Article LII. The university, as a center of learning, shall aim at teaching and studying higher learning and technical arts as well as giving broad general culture and developing the intellectual, moral and practical abilities.

Article LIII. The university, as a general rule shall provide for several faculties, but a university may be formed with only one faculty, if special need be.

Article LIV. The university may have the faculty giving instructions in the evening.

Article LV. The course of the university shall cover four years.

As to the faculties teaching and studying special professional matters or the faculties mentioned in the above article, however, the course may cover more than four years.

Article LVI. Those who can enter the university shall be those who have graduated from the high school or completed the twelve year schooling with the regular courses (including those who have completed the schooling equivalent to this, with the course other than the regular one) or those who have been recognized to have the scholastic attainments equal to the persons mentioned above under the provisions laid down by the competent authorities.

Article LVII. The university may have the graduate course and the special course.



The graduate course of the university shall aim at providing instructions on the special matters to more advanced degree to those who have graduated from the university or those recognized to have the scholastic attainments equal to them under the provisions laid down by the competent authorities and guiding them in their study. The course shall cover more than one year.

Article LVIII. The university shall have the president, professors, assistant professors, assistants and business clerks.

The university may have others in addition to those mentioned above.

The president shall govern all the affairs of the university and supervise all the staff of the university.

The professors shall give instructions to the students guiding them in their study and pursuing their own study.

The assistant professor shall assist the professors in their duties.

The assistants shall assist the professors and assistant professors in their duties.

Article LIX. The university shall have a faculty meeting to discuss and deliberate over important matters.

The faculty meeting may include the assistant professors and others in its organization.

Article LX. The competent authorities shall consult the University Creditation Committee in regard to the approval of the establishment of a university.

Matters concerning the University Creditation Committee shall be decided by the ordinance.

Article LXI. The university may have the research institutes or other research facilities attached to it.

Article LXII. The university may have the post-graduate school.

Article LXIII. Those persons who have studied at the university for more than four years, taken regular examinations and passed them, can be called Gakushi (Bachelor).

Matters concerning Gakushi shall be decided by the competent authorities.

Article LXIV. Public or Private Universities shall be under the jurisdiction of the Minister of Education.

Article LXV. The post-graduate school shall aim at teaching and studying the theory and practice of learning, mastering the secrets of it and, thus, contributing to the development of culture.

Article LXVI. As a general rule the post-graduate school shall have several post-graduate courses. Only one post-graduate course, however, may make the post-graduate school, if special need be.

Article LXVII. Those who can enter the post-graduate school shall be those persons provided for in the second paragraph of Article LXVII.

Article LXVIII. Universities which have post-graduate schools may give Doctor and other degree according to the provisions laid down by the competent authorities.

In laying down provisions regarding the Doctor and other degree the competent authorities shall consult the University Creditation Committee.



Article LXIX. The university may be provided with facilities for university extensions.

Necessary matters concerning university extensions shall be decided by the competent authorities.

Article LXX. The provisions of the sixth paragraph of Article XXVIII and Article XLV shall also apply to the university.

#### Chapter VI. Education for the Handicapped

Article LXXI. The school for the blind, the school for the deaf and the school for the handicapped shall aim at giving education respectively to the blind, the deaf, and the mentally and physically handicapped such as the mentally or physically weak etc. on the same levels as the kindergarten, the primary school, the secondary school, or the high school, and, at the same time, giving necessary knowledge and skill to supplement their infirmities.

Article LXXII. The school for the blind, the school for the deaf and the school for the handicapped shall have the primary school and the secondary school sections. They may have only one of them, however, if special need be. The school for the blind, the school for the deaf, and the school for the handicapped may have the kindergarten and the high school sections.

Article LXXIII. Curricula and textbooks of the primary and the secondary sections, courses, curricula and textbooks of the high school section, and the content of education of the kindergarten section of the school for the blind, the school for the deaf, and the school for the handicapped shall be decided by the competent authorities in applying those of the primary school, the secondary school, the high school and the kindergarten.

Article LXXIV. The prefecture shall establish with the approval of its assembly, schools for the blind and schools for the deaf or schools for the handicapped sufficient to accommodate the blind, the deaf and the mentally and physically handicapped such as the mentally or physically weak etc., of school age children and pupils who live in the area under its jurisdiction.

Article LXXV. The primary school, the secondary school and the high school may provide special classes for the children and pupils who come under any of the following items:

1. Those who have abnormal characters.
2. Mentally weak.
3. The deaf and those who have difficulty in hearing.
4. The blind and the weak-sighted.
5. Those who have difficulty in speaking.
6. Other handicapped persons.
7. Those who have weak constitution.

The schools mentioned in the foregoing paragraph may give education to those children and pupils who are under medical care by providing special classes or by dispatching teachers.

Article LXXVI. The provisions of Articles XIX, XXVII, XXVIII (including the cases to which this shall apply in articles XI and II), XXIV, XXVII, to XLV, XLVIII L, Articles LXXX and LXXXI shall also apply correspondingly to the school for the blind, the school for the deaf and the school for the handicapped.



Chapter VII Kindergarten

Article LXXVII. The Kindergarten shall aim at bringing up young children and developing their minds and bodies providing suitable environment for them.

Article LXXVIII. In order to realize the aim in the foregoing article the Kindergarten shall endeavor to attain the objective in each of the following items:

1. To cultivate everyday habits necessary for a sound, safe and happy life and to effect a harmonious development of bodily functions.
2. To make children experience in the Kindergarten a group-life and to cultivate willingness to take part in it as well as the germ of the spirit of co-operation and independence.
3. To cultivate the germ of the right understanding of and the right attitude towards the surrounding social life and happenings.
4. To guide the right usage of the language and foster an interest in fairy-tales and picture-books.
5. To cultivate an interest in expression of their own through music, dances, pictures and other means.

Article LXXIX. Matters concerning the content of education in the Kindergarten shall be decided by the competent authorities according to the provisions of the foregoing two articles.

Article LXXX. Those who can enter the Kindergarten shall be children from the age of full 3 years up to the age at which they are sent to the primary school.

Article LXXXI. The Kindergarten shall have a chief and teachers.

It may have others besides them.

The chief shall manage the affairs of the Kindergarten and supervise teachers and other staff.

Teachers shall take charge of nursing of children.

Article LXXXII. The provision of Article XXXIV shall also apply to the Kindergarten.

Chapter VIII Miscellaneous Regulations

Article LXXXIII. Those institutions other than those mentioned in Article I which give education similar to school education shall be classified as miscellaneous schools.

Miscellaneous schools shall not assume the same name as the schools mentioned in Article I.

The provisions of Articles IV to VII, IX to XX, XIII, XIV, and LXXIV shall also apply to miscellaneous schools.

Necessary matters concerning miscellaneous schools besides the above shall be decided by the competent authorities.

Article LXXXIV. When the prefectural competent authorities have recognized any institution other than the schools or miscellaneous schools to be conducting miscellaneous school education, the authorities may inform the institution of its being recognized as such and make it comply with the provision of the foregoing article.

Article LXXXV. So far as school education is not interrupted, schools may



have facilities annexed to them for social education or offer school facilities to be used for social education and other public purposes.

**Article LXXXVI.** In an area not in the political administrative system of town and village, the provisions of this law concerning the town and village and the town-village school union shall apply to the organizations similar to these.

In case there is any difficulty, however, in following the provisions of this law, the prefectural competent authorities may take special measures.

**Article LXXXVII.** The cities in this law shall include the wards of Tokyo Metropolis.

**Article LXXXVIII.** Besides those provided for in this law, matters needed for carrying out this law into effect shall be decided by the competent authorities.

#### Chapter IX. Penal Regulations

**Article LXXXIX.** If a person gets the closing order provided for in Article XIII (including the cases to which this shall apply in the third paragraph of Article LXXXIII), but does not obey it, he shall be punished with a penal servitude or imprisonment not longer than six months, or a fine not exceeding ten thousand yen.

**Article XC.** A violator of the law in Article XVI shall be fined three thousand yen or less.

**Article XCI.** If a person is reminded of his duty provided for in the first paragraph of Article XXII, or in the first paragraph of Article XXXIX, but does not do it, he shall be fined one thousand yen or less.

**Article XCII.** A violator of the provision of the 2nd paragraph of Article LXXXIII shall be fined five thousand yen or less.

#### SUPPLEMENTARY PROVISIONS

**Article XCIII.** This law shall come into force as from April 1, 1947. The date for enforcement, however, of the part regarding the obligation of protectors to send children to the school for the blind, the school for the deaf, the school for the handicapped provided for in the first paragraph of Article XXII, and in the first paragraph of Article XXXIX, and regarding the responsibility of establishing such schools provided for in Article LXXIV shall be stipulated by an Imperial Ordinance.

**Article XCIV.** The following laws and Imperial Ordinances shall be abolished:-

- a. National Subsidy Law for Public School Teachers' Long Service Allowances.
- b. National Subsidy Law for Salaries of Elementary School Teachers in Military Service.
- c. National Subsidy Law for Salaries of Youth School Teachers in Military Service.
- d. National Subsidy Law for Educational Expenses of Youth Schools.
- e. Elementary School Ordinance.
- f. Youth School Ordinance.
- g. Secondary School.



- i. College Ordinance.
- j. Higher School Ordinance.
- k. University Ordinance.
- l. School for the Blind and School for the Deaf and Dumb Ordinance.
- m. Kindergarten Ordinance.
- n. Private School Ordinance.
- o. Teacher Certification Ordinance.
- p. Degree Ordinance.

Article XCV. Partial amendment shall be made to the Law for Defrayment by the Treasury of Compulsory Education Expenditure:

Article I. One half is defrayed by the National Treasury of the expenditure required by the Prefectures for the salaries, special additional grants, death grants, and travelling allowances provided for by the Imperial Ordinance for the teachers and officials (those excepted who are provided for by the Imperial Ordinance) engaged in compulsory education in public primary schools and secondary schools.

In Article II, "the Hokkaido Province expenditure and prefectures" reads "prefectures (To-Do-Fu-Ken)"

Article XCVI. The obligation of the guardians provided for in the first paragraph of Article XXXIX shall in 1947 be limited to the end of the school year whereto belongs the day when their children attain full thirteen years of age. The guardians obligation in and after 1948 provided for in the first paragraph of Article XXXIX shall be ordained by an Imperial Ordinance.

Article XCVII. Elementary schools, schools equal to the elementary school, school similar to it and kindergartens under the former laws which exist at the time of the enforcement of this law shall be considered the primary schools and kindergartens established by the new law.

Article XCVIII. Schools under the former laws (the Elementary School Ordinance being excepted) which exist at the time of the enforcement of this law may continue their existence as schools under the former laws.

Schools under the foregoing paragraph may, according to the provisions laid down by the Minister of Education, become schools of other types under the former laws. Necessary matters regarding the schools under the foregoing two paragraphs shall be decided by the Minister of Education.

Article XCIX. As to matters regarding the validity, granting, etc. of teachers' certificates for the schools under the foregoing paragraph, former laws shall be followed, despite the provision of Article XCIV, except for those matters to which the provisions laid down by the Minister of Education apply.

Article C. Necessary matters regarding the students of the schools under the former laws when they have become the schools under Article I shall be in accordance with the provisions laid down by the Minister of Education.

Article CI. Necessary matters regarding the qualifications of graduates of schools under the former laws shall be in accordance with the provisions laid down by the Education Minister.

Article CII. By "incorporations provided for in a separate law" shall be meant is for a temporary for a time being agricultural associations and



other public bodies similar to them, or foundational juridical persons according to the Civil Law.

But, the establishers of schools for the blind, schools for the deaf, schools for the handicapped or kindergartens or of schools under the former laws existing at the time of the enforcement of this law, which are not foundational juridical persons according to the Civil Law, or whose establishers who are not foundational juridical persons according to the Civil Law, shall be for the time being not required to be foundational juridical persons according to the Civil Law.

Article CIII. Primary schools and Secondary schools may for the time being not have teacher-nurses, despite the provision of Article XXVIII (including cases to which this shall apply in Article XL).

Article CIV. Cities, towns, villages may, despite the provision of Article XXXI (including cases to which this shall apply in Article XV) for the time being entrust the educational affairs of the whole or part of school age children and pupils to the State, Prefectures or incorporations or private persons running private schools.

Private schools cannot take tuition fees for the compulsory education entrusted to them according to the provision of the foregoing paragraph.

Article CV. The secondary school may for the time being give education by correspondence to the children who have finished the lower course of the elementary school.

Necessary matters regarding the education under the foregoing paragraph shall be in accordance with the provisions laid down by the Minister of Education.

Article CVI. The competent authorities under the following Articles and paragraphs shall for the time being be the Minister of Education.

Article III; 2nd paragraph of Article VI; Article VIII; Article XI; 2nd paragraph of Article XII; Article XX; 1st paragraph of Article XXI; 2nd paragraph of Article XXII; Article XXVIII; Article XLIII; Article XLV, Paragraph II; Article XLVII; Article XLVIII, Paragraph II; Article XLIX; Article LXXIII; Article LXXIX; 4th paragraph of Article LXXXIII, and Article LXXXVIII; and the competent authorities with power et stipulate under Articles IV and XXIII shall also be the Minister of Education.

But the Minister of Education may entrust the above powers to the competent authorities.

Article CVII. In this law, the managing agency of the city, town or village primary school shall for the time being be the Mayor, the headman of town or village; the prefectural competent authorities shall for the time being be the prefectural governor.

Article CVIII. The degrees under the former Degree Ordinance may, despite the provision of Article XCIV be given according to provisions of the former ordinance by the universities under Article XCVIII, except for these cases to which the provisions laid down by the Minister of Education apply.

① 2000/1/19



DECLASSIFIED E.O. 12958 SECTION 1.4  
Following is a translation of the Ministry of Education Establishment Law which passed the Diet 23 May and was promulgated as Law No. 146, 31 May 1949.

(TRANSLATION OF A JAPANESE DOCUMENT)

The Ministry of Education Establishment Law

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Chapter I General Provisions

Purpose of this Law

Article 1

The purpose of this Law is to define clearly the scope of responsibilities and the powers of the Ministry of Education, and to provide for an organization fit for the efficient conduct of the affairs under the jurisdiction of the Ministry.

Definitions

Article 2

1. For an understanding of this Law, the following definitions will apply:

- (1) "Science" is used to include cultural science and natural science as well as research in the application thereof;
- (2) "Culture" is used to include: art and people's amusements; national treasures, important art objects, historic sites, places of scenic beauty, natural monuments, and other cultural properties; publications and copyrights; as well as activities for developing the people's cultural life concerning these;
- (3) "Elementary education" is used to mean education in elementary schools and kindergartens;
- (4) "Secondary education" is used to mean education in lower secondary schools and upper secondary schools (including vocational education);
- (5) "Special education" is used to mean education in schools for the blind, schools for the deaf, and schools for the otherwise handicapped;

③ Min. Ed. Establish.