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36

Draft of the Board of Education Bill

June 10, 1948

Chapter I. General Provisons

(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 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 herein and hereafter) towns and villages with 10,000 or more population and special school districts.

2. "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 with 10,000 or more population, and special school districts.

(Functions)

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2. "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 with 10,000 or more population, and special school districts.

(Functions)

Article 4. Boards of education shall take charge of and execute affairs concerning education, science and culture (hereafter 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 herein and hereafter), and educational affairs that shall in future be under powers of local public bodies concerned and boards of education by law or government ordinance.

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 conducting the business of the board of education shall be borne by the local public body concerned.

Chapter II. Organization of the Board of Education

Section 1. Members of Boards of Education

(Board members)

Article 6. Prefectural boards 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 a prefectural or local public body who are citizens of Japan.

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

(Term of office)

Article 7. The term of office of the board members by popular vote shall be four years, and half of the members shall be elected every two years. However, the members filling vacancies shall remain in office for the remaining term of office of their predecessors.

2. The term of office provided for in paragraph 1 shall start from the day of the ordinary election of members of the board of education.

3. The term of office of the member elected by the assembly shall be his term of office as assemblyman, notwithstanding the provisions of paragraph 1 and 2.

(Election)

Article 8. Those having the suffrage or eligibility for members of the pre-

(Term of office)

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3. The term of office of the member elected by the assembly shall be his term of office as assemblyman, notwithstanding the provisions of paragraph 1 and 2.

(Election)

Article 8. Those having the suffrage or eligibility for members of the prefectural assembly or city, town or village assemblies shall have the suffrage or eligibility for members of the prefectural or local boards of education.

Article 9. Teachers in actual service (including those in temporary retirement) and the employees of the board of education who hold the certificates as prescribed in the other law concerning certification of educational employees shall have no eligibility for members of any board of education education.

Article 10. Diet members, members of local public bodies (excluding the members prescribed in Article 5) national public officials and paid employees of local public bodies cannot concurrently be members of any board of education.

2. Members of prefectural board of education cannot concurrently be members of local board of education.

Article 11. Ordinary elections shall be held every two years, concerning half of the fixed number of the elected members of boards.

Article 12. With respect to the election of members of board of education, there shall be no division of electoral districts.

Article 13. Affairs concerning the election of the board of education shall be administered by the election administrative committee of the local public body concerned.

Article 14. Election of members of prefectural boards and election of members of local boards of education may be held simultaneously.

Article 15. Election of members of prefectural and local boards of education shall be held in accordance with the voters' lists concerning the election of members of city, town or village assemblies.

Article 16. A candidate for membership in a board of education shall have to be recommended by voters.

2. The above recommendation, after voters get the consent of the candidate, shall have to be reported by the representatives of voters numbering not less than sixty with their joint signature.

Article 17. Those who have the eligibility for membership as prescribed in Article 7 cannot be candidates for two boards of education at the same time.

Article 18. The report of candidate for membership in a board of education shall require no deposit money.

Article 19. At the election of board members, those candidates who have obtained the greatest number of effective votes shall be decided as elected members.

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Article 17. Those who have the eligibility for membership as prescribed in Article 7 cannot be candidates for two boards of education at the same time.

Article 18. The report of candidate for membership in a board of education shall require no deposit money.

Article 19. At the election of board members, those candidates who have obtained the greatest number of effective votes shall be decided as elected members.

2. In case an equality of votes is found to exist, the election chief shall determine the elected person by drawing lots at an election meeting.

Article 20. When a joint election for members with different term of office is held, elected members with longer term of office shall be selected from those who have obtained the greater number of votes.

2. In case it is necessary to decide on the length of term of office among those who have obtained the same number of votes, the election chief shall decide it by drawing lots at an election meeting.

Article 21. In case an elected member declines to be elected, or happens to be dead or fails to be elected according to the provision of Article 57 of Local Autonomy Law, an election meeting shall be held in order to determine the elected immediately

member from among those who failed to be elected in the order of number of votes they have obtained.

2. In case the cases as provided in items from 5 to 7 of paragraph 1 of Article 62 of Local Autonomy Law, or vacancies take place before the time limit as prescribed in paragraph 1 of Article 60 of the Local Autonomy Law, an election meeting shall be held in order to decide elected members from among those who failed to be elected in the order of number of votes they have obtained. Or in case the above cases take place after the time limit and besides there are those who are applicable under paragraph 2 of Article 17, an election meeting shall be held in order to decide elected members from among such people.

Article 22. When a joint election for members with different term of office is held, and at the same time the provision of Article 58 of Local Autonomy Law concerning the election of the assemblies of ordinary local public bodies is applicable, presiding officers of election shall decide by drawing lots at election meetings as to which candidate shall be decided as elected members with longer term of office.

Article 23. In case the cases as provided in items from 1 to 2 of paragraph 1 of Article 62 of Local Autonomy Law take place or in case the cases as provided in items from 4 to 7, paragraph 1 of the same article or vacancies take place before the time limit as provided in item 1 of Article 60 of Local Autonomy Law, and at the same

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Article 23. In case the cases as provided in items from 1 to 2 of paragraph 1 of Article 62 of Local Autonomy Law take place or in case the cases as provided in items from 4 to 7, paragraph 1 of the same article or vacancies take place before the time limit as provided in item 1 of Article 60 of Local Autonomy Law, and at the same time it is impossible to decide elected members without further election, election shall be held.

Article 24. In case the cases or the vacancies as provided for in items 4 to 7 of paragraph 1 of Article 62 of the Local Autonomy Law take place after the time limit as provided for in paragraph 1 of Article 60 of Local Autonomy Law, and at the same time it is impossible to decide elected members, the boards of education concerned shall appoint recruiting members immediately from among those who have the eligibility for members.

2. The tenure of office of recruiting members shall be one day before the date of next ordinary election, and with regard to the vacancies owing to the completion of the tenure of office of the above, the election to fill the vacancies shall be held simultaneously with the next ordinary election.

Article 25. When all the members except those elected by the assemblies become vacant after elapsing the time-limit of paragraph 1 of article 60 of the Local Autonomy Law, an election to fill the vacancies shall be held notwithstanding the provision of paragraph 1 of the preceding article.

2. In case the causes as provided for in the preceding paragraph take place within six months before the next ordinary election, the paragraph 1 of the preceding article shall be applied notwithstanding the provision of the preceding paragraph.

Article 26. In the event that a vacancy occurs in the position for which a member is elected by the assembly, the assembly shall elect a member to fill the vacancy as soon as possible.

Article 27. The provision of election campaign in the election of prefectural governors as provided for in paragraph 1 of Article 72 of the Local Autonomy Law shall apply correspondingly to the election campaign in the election of boards members, and the provision of paragraph 3 of the same Article shall apply ~~correspondingly to~~ that of election of prefectural board members. However, "metropolitan electoral administration committee" or "the district and prefectural electoral administration committee" applied correspondingly in paragraph 1 of Article 72 of the said Law from the paragraph 4 of Article 140 of Law of ~~Educa-~~ election ~~tion~~ concerning the members of the Lower House of the Diet (Law No. 47, 1925) shall be read as "City, town or village electoral administration committee", so

governors as provided for in paragraph 1 of Article 72 of the Local Autonomy Law shall apply correspondingly to the election campaign in the election of boards members, and the provision of paragraph 3 of the same Article shall apply correspondingly to that of election of prefectural board members. However, "metropolitan electoral administration committee" or "the district and prefectural electoral administration committee" applied correspondingly in paragraph 1 of Article 72 of the said Law from the paragraph 4 of Article 140 of Law of election concerning the members of the Lower House of the Diet (Law No. 47, 1925) shall be read as "City, town or village electoral administration committee", so far as the election for local board members is concerned.

Article 28. Concerning the election of the members of the board of education, the provisions concerning the election of members of the assemblies of the ordinary local public bodies as provided for in the Local Autonomy Law shall be applied mutatis mutandis, unless otherwise provided for by this law or the government ordinances based upon this 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 preceding paragraph shall be the same as the request for the dismissal of assembly members of ordinary local public bodies prescribed by the Local Autonomy Law.

(Retirement from Office of Board Members)

Article 30. The board members may retire from office upon obtaining the approval of the board of education concerned.

(Compensation and Reimbursement for Expenses of Board Members)

Article 31. A local public body shall pay reimbursement for expenses to board member incurred in discharge of their duties, but shall pay no salary.

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

(Performance on Duty etc. of Board Members)

Article 32. Matters concerning the oath, duty to obey laws and the performance on duty of board members shall be ordained by the law which provided concerning the officials of local public bodies.

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 vicechairman shall be one year, but they may be re-elected without restriction.

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

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

(Convocation of the Meetings)

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

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

3. Chairman shall have to announce beforehand 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

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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,~~ of necessity 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 shall not be able to continue its meeting

unless a majority of its members in actual service are present, with the exception of the following case:---When twice repeated convocations regarding the same business fail to get a majority of the fixed number.

(Meetings Open to the Public)

Article 37. The meetings of the Board of education shall be open to the public, However, a secret meeting may be held when on the motion of a member, members present decide to that effect by a majority of two-thirds or more.

(~~a. #7~~)

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

(Meeting of Resolution)

Article 38. The proceedings of boards of education shall be decided by 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. But they may attend the meetings and speak.

(Council Rules)

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

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

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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. But they may attend the meetings and speak.

(Council Rules)

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

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

Section 3 Superintendents of Educ tion and Secretariats

(Superintendent of Education)

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

The superintendent of education shall be appointed by the board of education from among those who have certificates as prescribed by the other law concerning certification of education employees.

The term of office of the superintendent of education shall be four years. Reappointment, howeve, shall be permissible.

Article 42. The superintendent of education shall take charge of all educational affairs handled by the board of education, subject to the guidance and control of the board of education.

(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 of the said board.

(Departments or Sections of Secretariats)

Article 44. The secretariat of the prefectural board of education shall have necessary department or sections according to the rules ordained by the said board. However, the department or section conncerning educational research and statistcs and the department or section concerning educational guidance shall be installed.

The secretatriat of the local board of education may have necessary department or section a ccording to the rules ordained by the said board.

(Personnel of Secretariats)

Article 45. The secretariat of the prefectural board of education shall have teachers' consultants and technical exports concerning the approval or selection of text-books, curriculum contents to be taught and their treatment,

3. The fixed number of the personnel as provided for in the preceding two

and the section concerning educational guidance [illegible]

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(Personnel of Secretariats)

Article 45. The secretariat of the prefectural board of education shall have teachers' consultants and technical exports concerning the approval or selection of text-books, curriculum contents to be taught and their treatment,

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

4. The personnel of the paragraphs 1 and 2 as well as the secretarial officials of schools shall be appointed by the board on recommendation of the superintendent of education.

but they shall issue no orders and exercise no control.

Article 47. Professional experts needed for appoval or selection of text-books for matters concerning curriculum contents to be taught and their treatment and other special matters may be provided by using teachers. However, those teachers may temporarily be released from their regular duties duting that period.

CHAPTE III. Powers and Duties of the 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.

(Business of Boards of Education)

Article 49. The board of education shall, upon the advice and recommendation of the superintendent of education concerned, dispose of the following matters.

(1) Matters concerning establishment and abolishment of school and other educational institutions.

(2) Matters concerning operation and control of schools and other education institutions.

(3) Matters concerning the curriculum contents to be taught and their treatment.

(4) Matters concerning selection of text-books.

(5) Matters concerning employment and dismissal and other personnel affairs of principals and teachers based upon the provision of the Law concerning the Employment and Dismissal etc. of the Educational Public officials. (Law No: 1948)

(6) Matters concerning the employment and dismissal and other personnel affairs of the boards of education and schools and other educational

educational institutions.

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(6) Matters concerning the employment and dismissal and other personnel affairs of the boards of education and schools and other educational institutions.

(7) Matters concerning the labor union organized by teachers and other educational employees.

(8) Matters concerning the establishment and change of school site, and planning of repair and presevation of buildings as well as supervision of execution of work of construction.

(9) Matters concerning the planning for arrangement of instructional materials and other equipments.

(10) Matters concerning the legislation, amendment and repeal of the regulations of the boards of education.

(11) Matters concerning budgets of revenue and expenditure under the jurisdiction of the board.

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

(15) Matters concerning social education.

(16) Matters concerning study and self-improvement of principles, teachers and professional education personnels.

(17) Keeping certificates and officials documents.

(18) Matters concerning investigations and statistics concerning education.

(19) Matters concerning educational affairs of the community under its jurisdiction not otherwise prescribed by law.

Article 50. The prefectural board of education shall upon the advice and recommendation of the superintendents of education take charge of the following matters in addition to the affairs as provided for in each item of the preceding article.

(1) Issuing certificates in accordance with the provisions of the other law concerning the certification of educational personnel.

(2) Approving text-books for all the schools within the prefecture concerned in accordance with the standards established by the Minister of Education.

(19) Matters concerning educational affairs of the community under its ju-
risdiction not otherwise prescribed by law.

Article 50. The prefectural board of education shall upon the advice and recommendation of the superintendents of education take charge of the following matters in addition to the affairs as provided for in each item of the preceding article.

(1) Issuing certificates in accordance with the provisions of the other law concerning the certification of educational personnel.

(2) Approving text-bdoks for all the 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 boards of education.

(4) Matters concerning establishment, revision and abolishment of special school district.

(5) Matters concerning establishment or revision of the attendance district of upper secondary schools.

(6) Any other matters belonging to its control provided for by law.

Article 51. So far as boards of education of special wards are concerned, the provisions of items 3 and 4 of paragraph 1 of Article 53 shall not apply, and instead the metropolitan board of education shall dispose of thos matters.

Article 52. The board of education may legislate the regulations of the boards of education concerning the affairs unde their control, as long as such regulations are not contrary to the laws and ordinance..

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

Article 53. Prefectural board of education shall devide the prefecture into several attendance districts for the purpose of promotion propagation and equalizing opportunity of upper secondary education. However, the prefectural board of education may coordinate the attendance of pupils in case it is necessary to attain the objects of the preceding paragraph.

(Submission of Reports)

Article 54. The prefectural board of education may require the local board of education to submit annual reports and other necessary reports concerning education under its jurisdiction. Minister of Education may require the same to the prefectural or local boards of education.

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

(Preparation of Budget)

Article 55. The board of education shall prepare documents concerning the estimates of revenue and expenditures under its control every fiscal year, and ~~draw out~~ transmit the documents to the chief of the local public body concerned

require the same to the prefectural or local board of education.

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

(Preparation of Budget)

Article 55. The board of education shall prepare documents concerning the estimates of revenue and expenditures under its control every fiscal year, and ~~transmit~~ 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 56. The chief of the local public body shall have to 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 57. 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 they shall specify the necessary sources of revenue when the assemblies of the local public body intend to revise the expenditures concerning the board of education.

(Execution of Budget)

Article 58. When the budget is approved by the local assembly, chief of the local public body shall allocate the budget ~~under control~~ of the board of education.

Article 59. The board of education shall issue order to the chief accountant or treasurer to expend money within the limits of allocation concerning to budget under its jurisdiction.

(Settlement of Account)

Delete

Article 60. The settlement of account concerning the board of education shall be submitted to the board of education concerned by the chief accountagnt or treasurer together with necessary documents,

Article 61. When the board of education received the settlement of account, it shall transmit it to the chief of the local public body concerned together with its own opinion.

(Matters to be subjected to the Approval of the Assembly)

Article ~~62~~ 60. The board of education shall transmit to the chief of the local public body the draft of the measure concerning the following items, of the matters which are to be subjected to the approval of the assembly concerned

shall be submitted to the board of education concerned by the chief accountagnt or treasurer together with necessary documents.

Delete

Article 61. When the board of education received the settlement of account, it shall transmit it to the chief of the local public body concerned together with its own opinion.

(Matters to be subjected to the Approval of the Assembly)

Article 60. The board of education shall transmit to the chief of the local public body the draft of the measure concerning the following items, of 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.

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 69.

transmitted by the board of education, he shall attach to his measure the draft transmitted from the board of education and its opinion concerning it.

Execution of business as proxy on the part of the superintendent

Article 65. In case when all the members are vacant and the provision of paragraph 2 of Article 25 cannot be applied, the superintendent of education shall execute the business of the board as proxy.

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

Chapter IV Special School, District

(Special School Districts)

Article 66. Towns and villages of less than 10,000 population shall establish city, tosn or village partial affairs association for educational purposes either in combination with cities or towns and villages of more than 10,000 or only among the towns and villages of less t an 10,000 populations.

2 City, town or village partial affairs associationsof the preceding paragraph shall be called special school districts.

3. The special school district of the paragraph 1, in case established only among towns and villages of less than 10,000 shall not be less than 10,000 in their populations.

Article 67. The special school districts as provided for in the prededing Article shall be established on the basis of the consultation on the part of prefectural board of education with the assemblies of towns and villages of less than 10,000 population and the local boards of education by 31 July 1950.

Article 68. The members of assemblies of sepcial school districts are elected from among the assemblymen of the local public bodies which constitute the special school districts.

2 The fixed number of members elected by the assemblies of local public bodies in accordance with the provision of the preceding chapter shall be established

Article shall be established on the basis of the consultation on the part of prefectural board of education with the assemblies of towns and villages of less than 10,000 population and the local boards of education by 31 July 1950.

Article 66. The members of assemblies of sepcial school districts are elected from among the assemblymen of the local public bodies which constitute the special school districts.

2 The fixed number of members elected by the assemblies of local public bodies in accordance with the provision of the preceding chapter shall be established by the assemblies of local public bodies concerned.

3 Asto the resolution of the assemblies of special school districts, each constituent local body shall have one vote respectively, in spite of the fixed number of the member as provided for in preceding paragraph.

Article 67. The affairs concerning election of members of boards of education of apecial school districts shall be taken charge of by prefectural electoral administration committed

Article 68. Necessary matters concerning the execution of special school districts may be ordained by government ordinances.

Chapter V Miscellaneous

(Personnel of schools and other educational institutions)

Article 69. Principals, teachers and secretarial officials shall be installed in prefectures, cities, towns, villages and special school districts.

2. The fixed number of principals and teachers shall be decided by the bylaw of the puplic local body concerned.

~~3. Establishment, revision and abolishment of the bylaw under preceding paragraph shall be made in accordance with the reasons of the matters which are to be subjected to the approval of the assembly concerned as provided for in Article 66, 67 and 68.~~

[illegible] provided for in the Law

4. Secretarial officials shall be installed in educational institution except schools under the control of the board of education.

Article 7[illegible]. Of the educational personnel [illegible]

The Law concerning the Employment and Dismissal etc. of the Educational Public Officials shall provide for concerning ~~the position classification, examination, appointment and dismissal, compensation, efficiency, limitation, disciplinary punishment, guarrantee, performance on duty and other~~ the treatment of status of such personnel as are required of the certificates of educational personnel ordained by the other law concerning the certification of the educational employees, except otherwise ordained in this law.

2. The other law concerning the personnel of local public bodies shall apply

4. Secretarial officials shall be installed in educational institution except schools under the control of the board of education.

Article 77. The Law concerning the Employment and Dismissal etc. of the Educational Public Officials shall provide for concerning ~~the position classification, examination, appointment and dismissal, compensation, efficiency, limitation, disciplinary punishment, guarrantee, performance on duty and other~~ The treatment of status of such personnel as are required of the certificates of educational personnel ordained by the other law concerning the certification of the educational employees, except otherwise ordained in this law.

2. The other law concerning the personnel of local public bodies shall apply mutat's mutandis, concerning the ~~position classification, examination, appointment and dismissal, compensation, efficiency, limitation, disciplinary punishment guarrantee, limitation and~~ other treatments of status of the personnel other than those provided for in the preceding paragraph and secretarial officials of schools.

Article 78. Concerning the allowance of the personnel as provided for in paragraph 2 of Article 48, the providions concerning the allowance of the personnel who are the auxiliary organs of the chief of the local public body as provided for in Chapter 8 of the Local Authonomy Law shall be applied correspondingly.

Supplementary Provisions

Article 72. This law shall be enforced on and from July 1, 1948.

Article 73. The special school districts shall be established by July 31, 1950.

Article 74. The first election of the members of the boards which are established in towns and villages of 10,000 or more and the special school districts shall take place on October 3, 1950.

Article 75 During the period between the enforcement of this law and the formation of boards of education, the owers and duties of boards of education shall be taken charge of and executed by prefectural governors, city mayors or headmen of towns and villages respectively within the spheres which have hitherto belonged to the powers and duties of prefectural governors, city mayors or headmen of towns and villages. However, the matters provided for in item 3, 4 and 5 of the article 49 concerning the powers and duties of local boards of education shall be disposed of by prefectural governors concerned.

Article 76 The first election of the members of prefectural and local boards of education that will be held under this law shall take place on 4 October 1948, by combining the election of members for four years term of office and those for two years term of office into one election.

Article 77 When the lection of the preceding article has taken place, prefec-

headmen of towns and villages respectively within the spheres which have hitherto belonged to the powers and duties of prefectural governors, city mayors or headmen of towns and villages. However, the matters provided for in item 3, 4 and 5 of the article 49 concerning the powers and duties of local boards of education shall be disposed of by prefectural governors concerned.

Article 76 The first election of the members of prefectural and local boards of education that will be held under this law shall take place on 4 October 1948, by combining the election of members for four years term of office and those for two years term of office into one election.

Article 77 When the lection of the preceding article has taken place, prefectual governors or city mayors shall convene the meeting of the boards of education within seven days.

2. The holding of the meeting of the preceding paragraph shall be considered as the existence of the board.

Article 78 When the board of education has come to exist, the business as prescribed in article 4 shall be transfered ~~by~~ to the board of education concerned within 30 days in the case of prefectural governors and within 20 days in the case of city mayors.

Article 79 In the case of trasfer of business prescribed in the preceding article, the prefectural governors or city mayors shall ~~prefer~~ refer the documents, accounting books and catalogues of property, and shall describe the disposition, order of business, methods as well as their opinions concerning the undisposed or not yet started matters or those to be planned in future.

Article 80 Except provided for in the preceding two articles, the transfer of business of the boards of education according to article ~~of the supplementary provision~~ shall be based on the provisions of transfer of business of chiefs of the ordinary local public bodies as provided for in section 1 of chapter 4 of the Regulations concerning the Enforcement of the Local Autonomy Law (Government Ordinance No. 16, 1947).

Article 81 Those who are in the positions of chiefs of educational departments or sections and their staffs as well as chiefs of administrative agencies concerning education and their staffs shall be considered as being appointed as superintendents of education or staffs of the secretariats respectively with the same classes and salaries as the present salaries and classes.

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

Article 82 The board of education may appoint for the time being an acting superintendents of education, where no qualified person as prescribed in Article 41 is available, from among those who have no qualification.

2. The term of office of the superintendents of education of the preceding paragraph shall be one year.

~~Article 12. The settlement of accounting for 1946 and 1947 concerning the education of prefectures and cities shall be the same as hereto~~

the same classes and salaries as the present salaries and classes. on October 1, 1948

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

Article 82 The board of education may appoint for the time being an acting superintendents of education, where no qualified person as prescribed in Article 41 is available, from among those who have no qualification.

2. The term of office of the superintendents of education of the preceding paragraph shall be one year.

~~Article 82. The settlement of accounting for 1946 and 1947 concerning the education of prefectures and cities shall be the same as heretofore.~~

Article 83 Of the to-date by-laws and regulations of prefectures and cities, those concerning education shall be considered as the by-laws and the board of education regulations based upon this law.

Article 84 The fixed number of the principals and teachers and secretarial officials of public schools in accordance with the discrimination of classes ~~at the date of the enforcement~~ of this law shall be based upon the fixed number ordained by the by-law of paragraph 2 of Article 69.

2. The fixed number of the preceding paragraph shall be considered as

Article 85 Except otherwise prescribed in this law, the provisions concerning prefectural or city, town or village secretarial officials shall apply ~~mutatis mutandis~~ concerning the position-classification, examination, appointment and dismissal, compensation, efficiency, limitations, disciplinary punishment, gurrantee, performance on duty and other treatments concerning status of

personnel as are provided for in paragraph 2 of Article 72, up until the other law concerning the personnel of local public bodies is legistlated. However, special provisions may be ordained by government ordinances.

2. The fixed number of the preceding paragraph shall be considered as ordained by the by-law of paragraph 2 of Article 71.

Article 186. The former provisions concerning local secretaries shall apply correspondingly, concerning the position classification, examination, appointment and dismissal , compensation, efficiency, limitations, disciplinary punishment, guarrantees, performance on duty and other treatments of status of those whoare secretarial officials of public schools, and at the same time are local secretaries, up until the other law concerning the personnel of local public bodies legistered. However, special regulations can be legislated by the government ordinances.

Article 187. Those who are secretarial officials of public schools and at the same time or local officials at the execution of this law shall be considered as employed as the secretarial officials of schools of local public bodies concerned with the same classes and salaries as the present classes and salaries respectively, and as appointed to the officers corresponding to the present offices consecutively, except otherwise provided for by this law or by the government ordinances based upon this law or by other laws.

secretaries, up until the other law concerning the personnel of local public bodies legistered. However, special regulations can be legislated by the government ordinances.

Article 87. Those who are secretarial officials of public schools and at the same time or local officials at the execution of this law shall be considered as employed as the secretarial officials of schools of local public bodies concerned with the same classes and salaries as the present classes and salaries respectively, and as appointed to the officers corresponding to the present offices consecutively, except otherwise provided for by this law or by the government ordinances based upon this law or by other laws.

Article 88. In case when those who are secretarial officials of public schools and at the same time local secretaries become secretarial officials of schools of prefectures or cities or towns or villages consecutively at the execution of this law, shall be considered as being in continuous service retaining the to-date status, so that Pension Law (Law No. 48, 1923) shall be applied to them correspondingly. In case such persons become national public officials from secretarial officials of schools of prefectures or cities or towns or villages, the period of service as personnel of the local public bodies concerned shall be added up as years of service as public officials, so far as the application of the Pension Law is concerned.

Article 89. The higher educational institutions as provided for in Article 4 shall include the old-type Koto Gakko, preparatory colleges and teacher-training schools which continue to exist as the heretofore schools, in accordance

with the provisions of Article 98 of the School Education Law (Law No. 26, 1947)

Article 90 The prefectural board of education shall select text-books approved by the Ministry of Education or those published by the said Minister until the system of paper allotment is abolished, in spite of the provisions of paragraph 4 of Article 53 and paragraph 2 of Article 54.

Article 91 Up to the date when the board of education is established in towns and villages of population of 10,000 or more and special school districts, educational affairs of towns and villages shall be taken charge of by prefectural boards of education, except those which have hitherto belonged to the powers and duties of towns and villages or headmen of towns and villages.

Article 92 The coming to existence of boards of education in towns and villages of population of 10,000 or more and in special school districts shall be the same as the case of coming to existence of city boards of education.

Article 93 The Law of the General Regulation concerning the local school affairs (Chiho Gakuji Tsusoku) shall be abolished.

Article 94 The partial affairs association of cities, towns or villages established for the sake of educational affairs shall be called the school association of cities, towns or villages, up to the date when the special school districts are established.

2. In case of a school association in which a city, participate its executive organ may

lages of population of 10,000 or more and in special school districts shall be the same as the case of coming to existence of city boards of education.

Article 93 The Law of the General Regulation concerning the local school affairs (Chiho Gakuji Tsusoku) shall be abolished.

Article 94 The partial affairs association of cities, towns or villages established for the sake of educational affairs shall be called the school association of cities, towns or villages, up to the date when the special school districts are established.

2. In case of a school association in which a city, its executive organ may participate be the superintendent of education of the board of education concerned.

3. Concerning the school association of cities, towns or villages, the provisions of partial affairs association as prescribed in the Local Autonomy Law shall be applied correspondingly, except those prescribed in this law.

Article 95 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 provision of Article 4 of the said Law.

Article 96. A part of the Temporary Measures Law in connection with Textbooks Publication (Law , 1948) shall be revised as follows:

2. "Prefectural governors" of paragraph 1 of Article 3, paragraph 1 and 2 of Article 6 and paragraph 1 and 2 of Article 7 shall be revised as "prefectural board of education". "Principlas of national school" of Article 7 shall be revised "local board of education (The board of education in cities, villages, or special school districts) and principals of national and private schools."

Article 97. A part of the School Education Law (~~Law 26, 1948~~) shall be revised as follows.

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

3. "Public or" of Article 34 shall be deleted.

4. "Or towns and villages school associations" of articles 30, 31 and 33 shall be deleted.

5. The following paragraph shall be added as the paragraph 2 of Article 106. The competent authority which executes approval in article 4 and the competent authority of article 14 shall be prefectural boards of education for the time being, concerning public ~~upper high schools~~ school, ~~schools of the blind, schools for the deaf and kindergartens.~~

6. Article 107 The controlling agencies of primary schools established by local public bodies (cities, towns and villages) in this law shall for the time being, be headmen of towns and villages in case of towns and villages in which boards of education are not installed.

Article 98 A part of the Local Autonomy Law shall be revised as follows.

2. "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."

~~for the deaf and kindergartens.~~

6. Article 107 The controlling agencies of primary schools established by local public bodies (cities, towns and villages) in this law shall for the time being, be headmen of towns and villages in case of towns and villages in which boards of education are not installed.

Article 98 A part of the Local Autonomy Law shall be revised as follows.

2. "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."

3. "Inspection commissioners and 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 members of boards of education."

4. "4 Bureaus of Education

(1) Matters concerning education, arts and science.

3 Departments of Education

(1) Matters concerning education, arts and science"

of Article 158 shall be deleted.

5. "Technical officials or educational officials" of paragraph 1 of Article 173 shall be revised as "or techincal officials," and paragraph 4 of the same article shall be deleted.

~~6. Of the paragraph 8 of Article 202, "or the board of education" shall be added next to "the chief of an ordinary local public body."~~

Article 99. "The Law concerning the Employment and Dismissal etc. of the Educational Public Officials" (~~Law No. , 1948~~) shall be revised as follows:

In paragraph 1 of Article 2, "as well as superintendents and professional educational personnels of the boards of education" shall be added to "teachers and chief administrative officials," and the next paragraph shall be added next to the same article.

4. "Professional educational personnels" in this law shall be comprised of those who are required to hold certificates (excluding superintendents of education herein and hereafter) of the staffs of the boards of education.

In Article 3, " as well as superintendents and professional educational personnels of the boards of education" shall be added to "teachers and chief administrative officials."

In paragraph 1 of Article 14, "the Minister of Education (to be read as the competent authorities of prefecture in the case of public schools throughout this Article) shall be revised as "the Minister of Education (to be read as the superintendents of the boards of education controlling the schools to which the principal and teachers concerned belong in the case of public schools herein and hereafter) in paragraph 2 of the same Article, "the Personnel Commission (the competent authorities of prefecture in the case of public schools) as "the Personnel Commission (the prefectural board of education in the case of public schools)" in paragraph 3 of the same Article, "the Rules of the

In paragraph 1 of Article 14, "the Minister of Education (to be read as the competent authorities of prefecture in the case of public schools throughout this Article) shall be revised as "the Minister of Education (to be read as the superintendents of the boards of education controlling the schools to which the principal and teachers concerned belong in the case of public schools herein and hereafter) in paragraph 2 of the same Article, "the Personnel Commission (the competent authorities of prefecture in the case of public schools) as "the Personnel Commission (the prefectural board of education in the case of public schools); in paragraph 3 of the same Article, "the Rules of the Personnel Commission (the rules of the prefectural board of education in the case of public schools).

In paragraph 1 of Article 16, "the competent authorities of prefectures" shall be revised as "the board of education controlling the schools to which the principal and teachers concerned belong "

The next section shall be added to Chapter II.

Section III Superintendents and Professional Educational Personnels

(Methods of Initial Appointment and Promotion)

Article 17. The initial appointment of superintendents and professional educational personnels shall be made by means of evaluation, and the evaluation shall be made, among those who are enlisted on the appointment applicants list, by the board of education concerned in the case of superintendents, and by the superintendents of education concerned in the case of professional educational personnels.

2. The appointment applicants list in the preceding paragraph shall be prepared by the prefectural board of education in accordance with the kinds of certificates, concerning those who have the certificates of superintendents or professional educational personnels and who have applied for the initial appointment.

3. Except prescribed in the preceding two paragraphs, the necessary matters concerning the appointment-applicants list shall be ordained by the rules of the prefectural baord of education.

4. The promotion of professional educational personnels shall be made by means of evaluation based upon the to-date work performance on duty, and the evaluation shall be made by the superintendents of board of education concerned.

(Retriement of the Superintendents of Education)

Article 18. The superintendents of education may retire during their tenure of office with the approval of the board of education only in case of unavoidable reasons.

(Appointing Officers)

Article 19. The appointing powers of the superintendents of education and professional educational personnels shall vest with the board of education con-

means of evaluation based upon [illegible] evaluation shall be made by the superintendents of board of education concerned.

(Retriement of the Superintendents of Education)

Article 18. The superintendents of education may retire during their tenure of office with the approval of the board of education only in case of unavoidable reasons.

(Appointing Officers)

Article 19. The appointing powers of the superintendents of education and professional educational personnels shall vest with the board of education concerned.

2. The provision of paragraph 2 of Article 16 shall be applied mutatis mutandis to the superintendents and professional educational personnels.

"Prefectural competent authorities" in paragraph 2 of Article 17 shall be revised as "boards of education".

"Prefectural competent authorities" in paragraph 3 of Article 18 shall be revised as "boards of education".

"As well as superintendents and professional educational personnels of board of education" of Article 21 shall be added to "teacher and chief administrative officials".

"Article 9 (including the case applied correspondingly in Article 29)" in Article 22 shall be revised as "Article 9 (including the case applied correspondingly in Article 32)".

Article 23 shall be revised as Article 26, and Article 24 as Article 27, and "until the other law concerning the educational administration of local public bodies is ordained" in the same Article shall be revised as "until the provision concerning their employment in this law is enforced".

"until the other law concerning the educational administrative organs of local public bodies is ordained" in Article 24, and 32 shall be revised as "until the board of education is installed".

"in Article 31" in Article 33 shall be revised as "in Article 34".

"How to read the Competent Authorities of Prefectures" of the heading of Article 24 shall be deleted, and the same article shall be revised as follows:

"The board of education" in paragraph 2 of Article 20 and paragraph 3 of Article 21 shall be read as "Governors of Prefectures" until the prefecture boards of education are installed.

Articles from Article 26 to 31 shall be taken down in order by three articles.

Article 35 shall be revised as Article 39, and "the presidents at the time of execution of this law" in the same Article shall be revised as "the presidents of national school at the time of execution of this law", and an Article is added in front of the same Article as follows:

(Temporary Measures of Certificates of Superintendents of Education etc.)

Article 38. The certificates of the superintendents of education and chief

"The board of education [illegible]

Article 21 shall be read as "Governors of Prefectures" until the prefecture boards of education are installed.

Articles from Article 26 to 31 shall be taken down in order by three articles.

Article 35 shall be revised as Article 39, and "the presidents at the time of execution of this law" in the same Article shall be revised as "the presidents of national school at the time of execution of this law", and an Article is added in front of the same Article as follows:

(Temporary Measures of Certificates of Superintendents of Education etc.)

Article 38. The certificates of the superintendents of education and chief administrative officials in paragraph 4 of Article 2 and paragraph 2 of Article 17 may be, for the time being, substituted with qualification prescribed by government ordinance.

Article 36 shall be revised as Article 42, and the following two articles shall be added in front of the same article.

Article 40. Except prescribed in this law or in the ordinances based upon this law or specifically prescribed in other laws, presidents, principals, teachers and chief administrative officials who are education-ministry instructors, education-ministry secretaries, local instructors at the time of execution of this law, shall be considered as employed as public officials of local public bodies concerned, with the same classes and salaries as the present classes and salaries, and as appointed to the offices corresponding to the present offices consecutively.

(Application mutatis mutandis of the Pension Law)

Article 41. In case when those who are education-ministry instructors, education-ministry secretaries, local instructors or local secretaries of public schools become public officials of local public bodies at the execution of this law, they shall be considered as being in continuous service retaining the to-date status, so that the provision of the Pension Law shall be applied to them correspondingly for the time being. In case such persons become national public officials from public officials of local public bodies, the period of service as personnel of the local public bodies concerned is added up as years of service as public officials, so far as the application of the Pension Law is concerned.

The following article shall be added next to Article 42.

Article 43. Except those provided for in this law or regulations based upon this law or otherwise provided for in other laws, the special provisions can be made by government ordinances, in the case of necessity of treatment concerning superintendents and professional educational personnels correspondingly to that of auxilliary organs of heads of local public bodies, until the other law concerning the personnel of local public bodies is ordained.

16 JUN 1948

Revisions of Draft of Board of Education Law

1. Item 14 of Article 49 shall be transfered to item 3 of Article 162. (new Article 60)

2. Paragraph 1 of Article 59 shall be deleted.

3. Articles 60 and 61 shall be deleted.

4. Paragraph 3 of Article 71 (now Article 69) shall be deleted.

5. Articles 62---84 shall be moved up by two Articles.

6. Article 85 shall be deleted.

7. Article 86--102 shall be moved up by three Article.

8. Minor mistakes or falling off in the Articles have been corrected respectively.

Reason

It is necessary to attain 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 acual local conditions, with the realization that education should be concuted without submitting to undue control and should be responsible to the entire people. This is the reason why this Bill is submitted to the Diet.

Education File

I take this opportunity to talk to you about something very important; that is the enforcement of the School Board of Education law, one of the fundamental problems of the Local Autonomy, about which Mr. Chilton and other speakers kindly explained today.

The School Board of Education has been passed on July 15,1948. The election of members of School Board of Education is going to take place on October 5 in Hokkaido. Those who desire to run for candidates should report to the Election Management Committee by Sep. 28, and inclose the certificate of the Screening Board that they have been approved for teaching. They should apply the Election Management Committee for screening by september 15.

The date of election, application for caddidates, and screening is near at hand. The school Board of Education Dissemination Office have been established in the Prefectural Government, and are doing their best to disseminate the objectives of the board of education.

I would like to take this opportunity to talk to you about the most important objectives of the board of education. The enforcement of the school board of education law means an epoch-making reorganization of the local government in our country. Its objectives are to submit education to any unjustifiable control or pressure no longer, and to conduct an educational administration according to the people's will so that all the needs in the community may be met.

The School Board of Education consists of 7 members, one recommended from among the members of the prefectural assembly, and the other six elected from among all over Hokkaido, just as the members of the prefectural assembly are. All the powers concerning education which used to belong to the Governor are to be transferred to the School Board of Education.

The education which the school board of education is going to take care of is concerned with a way of thinking. It is upon education that the establishment of local autonomy, democratic and cultural Hokkaido, and peaceful Japan depends.

It is up to its members that the school board of education can achieve its important functions. The people in Hokkaido are held responsible for the election of its members. I hope you will all think over what I have just told you, and elect those who are well qualified.

Translation of address delivered by Governor Tanaka of Hokkaido on 25 August 1948 to approximately 1600 persons, including many local public officials from all of Hokkaido, attending the Local Autonomy Conference.

These sentiments were publicly concurred in by Eighth Army representatives at the conference.

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28 June 1948

Suggested amendment of Board of Education bill:

a. In the last line of Article 9, the words "boards of" should be inserted before the word "education".

b. In Article 10, second line, the words "Article 5" should be changed to "Article 6, Item 3."

c. The second paragraph of Article 37 provides that the motion of a member of a board of education for holding a secret meeting shall be voted without discussion. The reason for this provision is not apparent. Certainly, discussion by members of the board should be permitted before the vote although perhaps where the public interest requires, such discussion should be held in closed session of the board rather than in public. Where such discussion is to be held in a closed session however, an announcement should be made to the public concerning the general reasons for holding the discussion in closed session, and also for decision to hold a secret meeting if voted.

d. Article 52, Item 2, provides for the publishing of the regulations of the Board of Education in a public notice. It is suggested that the device of a public hearing before the regulations are made be provided in the law, as well as a mention of the right of petition for the issuance, amendment or repeal of any such regulation as provided in the Constitution. Whenever it is contemplated to make a rule affecting the public and not merely internal regulations, adequate public notice to all who may be affected or interested should be given. The notice should state the subject matter of the proposed regulation and the reasons for making it and that the opinions of all interested persons who express themselves at the meeting shall be considered by the board.

e. Para. 3 of Article 66 appears obscure. If there were two constituent regular bodies in the assembly of a public school district and each has only one vote, the ties might frequently prevent action of the assembly.

f. Article 68 provides that "necessary matters concerning the execution of public school districts" may be ordained by Government ordinances. This delegation of power appears to be extremely broad and should be made more limited and specific.

g. A second line of Article 71 refers to "Para. 2 of Article 48". This appears to be an error since Article 48 has only one paragraph. It must refer to Article 31.

h. In the second line of Article 78, the phrase "transferred by" should be changed to "transferred to".

i. In the second line of Article 79, the word "prefer" should be changed to "prepare".

j. In Article 57, line 4, the word "they" should be changed to read "he".

k. In Articles 74 and 76, the dates in both Articles should be deleted and in article 74 the following should be inserted: "on the first Tuesday in October 1950", and in Article 76: "on the first Tuesday in October 1948". Or the dates may remain in both Articles 74 and 76, but if that is done Article 14 should be amended by inserting a paragraph 2 which should read as follows:

> "2. The ordinary election of members to prefectural and local Boards of Education shall be held on the first Tuesday in October bi-annually."

If the dates are left as originally stated in the draft, it would mean that the term of office of the prefectural Board of Education and the local town, village and special school district Board of Education would expire on different dates, as their tenure of office is 4 years and eventually you would have an election for the prefectural and city Board of Education on the 5th of October and town, village and special school district Board of Education on the 3rd of October. This would not be in line with the expression set forth in Article 14, which provides that the election of members to the prefectural and local Boards of Education may be held simultaneously.

Cabinet Counterproposal to C.I.E. Education Bill
Cy to August

A. Outline of the Plan for the Establishment of Boards of Education, decided at the cabinet meeting on May 24, 1948.

B. Explanations for the above.

(For Reference)

C. Outline of BOARD OF EDUCATION DRAFT, dated 2 April 1948, which was handed by CI & E to the Ministry of Education on April 8, 1948.

(A).

Outline of the Plan for the Establishment of
Board of Education (JG - 24 May, 1948)

1. Aims

With the realization that education should be canducted without submitting to undue control, and with the aim that educational administration should be executed in accordance with the equitable popular will and befitting actual local conditions, boards of education shall be established.

2. Establishment

Boards of education shall be established in metropolis, district, urban and rural prefectures and cities (to include special wards).

With respect to towns and villages, they shall, either independently or in amalgamation, have education boards in the future; provided that it shall not be later than five years after the enforcement of this law. During this period, prefectural boards shall exercise jurisdiction over educational affairs of towns and villages.

No

With respect to such matters as the organization and powers of education boards to be established for individual towns and villages or their groups, provisions shall be made, following the pattern of the boards of cities, by a separate law within one year of the enforcement of this law.

3. Organization

The prefectural boards of education shall consist of

seven

seven members, and boards of cities shall consist of five members.

The term of office of the members shall be four years and half of the members shall be elected every two years.

The boards of education shall respectively have superintendents of education who satisfy certain qualifications.

4. Appointment

One member of each board of education shall be appointed by the assembly of the local public body concerned from among its members and the other members shall be elected by the inhabitants of the local public body concerned; provided that, in the appointment of the first members of the board, those members other than the one appointed by the assembly from among its members shall be appointed by the governor or mayor upon the assent of the said assembly.

No 1

5. Powers

The boards of education shall take charge of and execute educational, scientific and cultural affairs (hereafter referred to as "educational affairs") that have hitherto been under the powers of the governor or mayor and educational affairs that shall in the future be under the powers of board of education by law.

Among the main functions of the boards of education are the following:

(a) To manage and exercise jurisdiction over schools (excluding universities) established by the local public body concerned.

(b)

(b) To carry out the appointment and dismissal of the heads of schools and teachers thereof; provided that, the education boards of cities shall, in the appointment or dismissal, put the matter before the prefectural boards.

(c) To formulate the draft of the budget which requires to be passed by the assembly and to submit it to the governor or mayor.

When the governor or mayor amends such draft of the budget, the opinion of the board shall be obtained beforehand.

When the governor or mayor curtails the amount of the original budget of the board, there shall be appended to the budget bill details of the original draft of the board and the financial resources in a case where the assembly increases the appropriations.

6. Effectuation

No 1 This law shall be enforced as of October 1, 1948.

Note:

a. The manner of appointment of the first members of the boards shall be roughly the same as that of the Public Safety Commissions.

b. Both the metropolis, district, urban and rural prefectures, and the cities, towns and villages may have upper secondary schools (Shinsei Kōtō Gakkō).

Explanations for the "Outline of
the Plan for the Establishment
of Boards of Education"

24 May, 1948

I. General policy underlying the Plan

1. The education board system will be adopted to effect the decentralization of education and achieve the democratization thereof, and all the principles set forth in the CI & E draft will be embodied therein.

2. In consonance with prospects of stabilization of the national economy, consolidation of local finance, the training and supply of teachers, etc. the time of the complete effectuation of this system will be set at five years after the enforcement of this law.

3. The experiences gained in the effectuation of the 6-3 system will be fully utilized.

4. There will be given sufficient room for the reflection of the will of the local inhabitants in the process of execution of this law.

II. Explanations for the respective paragraphs of the Government draft.

1. That education should not be submitted to undue control but should maintain its independence and be

carried

carried out in accordance with the equitable popular will and befitting actual local conditions, it is necessary that its functions as an administrative machinery should be made independent and democratic, and to this end boards of education consisting of persons chosen from among the citizens shall be established.

2. The objective should be to establish boards of education in metropolis, district, prefectures and cities, towns and villages throughout the country. Nevertheless, the economic conditions and financial potentialities of this country at the present time have not as yet reached the stage of sound recovery and stabilization, and local finance especially is in extremely dire straights. By an economic recovery program of five years, the government is attempting to consolidate and stabilize the economy. The consolidation of local finance is related to national finance and national finance in its turn depends on the stabilization of the national economy. Therefore, this program of educational decentralization will be brought under close consonance with the progress of general economic policies, and the objective of its completion shall be set at five years from hence.

Thus

Thus, for this year, education boards shall be established only in metropolis, district, urban and rural prefectures and cities, and with respect to the areas of towns and villages, they will be gradually set up within a period of five years. Regarding this, however, the following problems arise.

a. According to the CI & E draft, it purports to establish independent boards for towns and villages with more than 10,000 population. But it is doubtful whether it is rational to set a standard in population only or whether also, even if such standard is set in population, the figure of 10,000 is rational. It is considered that the basic unit of educational administration should be determined by taking into consideration the various pertinent factors such as school population, distance and difficulty of school attendance, financial ability of the local public body concerned, etc.

b. Among the towns and villages in this country there are some which are too small and weak to be suited as basic units of educational administration in consequence of the expansion of compulsory education through the effectuation of the 6-3

program

program and popularization of upper secondary schools (Shinsei Koto Gakko). Accordingly it is necessary to group them into suitable size from a new viewpoint. Regarding this, however, measures should be taken as a matter of course, in order to have the wishes of the town and village inhabitants concerned to be reflected. The problems are: How is this to be done; How will the deep and long-standing relation between the inhabitants of the towns and villages which hitherto had been the principal in the effectuation of the compulsory education system and their primary and secondary schools be considered (the enthusiasm of towns and villages which are striving hard to implement the 6-3 system under conditions of considerable difficulty must on no account be impeded); and What will be the organization and powers of the boards which are to be established in these amalgamated units and their relation to the respective towns and villages.

Concerning these problems, the actual conditions in Japan and the present system in the United States will be studied carefully so that legislative measures will be taken within a year. And it is contemplated

that

that in this law provisions be made for a scheme which will enable the will of the local inhabitants concerned to be fully reflected in the process of effectuation of the law.

Until such time as these measures for the town and village areas are completed, with respect to affairs of the schools and other educational matters in the town and village areas, the affairs which hitherto came under the powers of the governors will be disposed of by the prefectural boards.

3. Inasmuch as boards of education are executive organs of the representative type, the number of board members should not be too many, seven or five being an appropriate number. In order to retain continuity in educational policy, it would be appropriate to have half the members change alternately every two years. Since boards of education consist of local inhabitants who are amateurs in educational matters, where sound decisions based on common sense concerning education are given by the inhabitants, superintendents of education will be appointed who are specialized administrative officials of education with certain qualifications and give advice in specialized fields.

4. From the standpoint of finance, inasmuch as

boards

but have to be dependent on the decision of the assemblies, to have one member of the board chosen from among the members of the assembly to join the board members is appropriate in the sense of creating a link between the two. The other members are to be elected by popular election, but for the following reasons the immediate effectuation thereof is considered inappropriate.

a. The board of education system is a drastic experiment in this country. If the election of the board members were to be carried out immediately on a popular election basis, judging from the unstable ideological conditions as well as the conception of the populace concerning public elective offices, there is considerable danger of the positions of these board members being occupied by so-called boss elements as well as other undesirable persons. Actually taking advantage of the lack of interest of the general public toward educational problems, organized groups are even now maneuvering to gain these positions with political and specific aims in view.

b. Since individual election expenses mount to

considerable

considerable proportions, really desirable persons cannot run for office under present conditions of the economy of individuals. Furthermore, the expenses for conducting election and the procurement of necessary paper rests heavy on the national government as well as local public bodies. In view especially of the fact that the execution of the 6-3 system is already constituting a considerable burden on local finance to increase the burden further should be avoided.

Accordingly, the first occasion roughly follows the pattern of appointment of the members of the Public Safety Commissions and having shown the general public what education boards should look like and upon the adjustments in local finance being made, it would then be most appropriate to institute popular election.

5. Inasmuch as the education boards are to become an administrative organ to achieve the independence of education by becoming detached from the general administrative machinery, educational, scientific and cultural affairs which had hitherto been under the powers of the governor or mayor will come under the powers of the boards of education and, furthermore,

in

in the future when relevant laws are provided for, they will come under the jurisdiction of the education boards as a matter of course.

The following are some of the main powers thereunder:

a. Schools established by the metropolis, district, and urban and rural prefectures, and cities will respectively come under the jurisdiction of the education boards and will be managed by the boards. With respect to universities, in accordance with the principle of autonomy of universities, it is expected that a law will be enacted separately and so they are excluded from the powers of the boards.

b. The appointment and dismissal and other personnel administration concerning the heads and teaching staff of schools which come under the jurisdiction of the boards will be disposed of by the boards. In this case, the personnel administration by the education boards of cities should be confined to recommendations to the prefectural boards to make the final decisions. The reasons therefor are as follows:

(1) At present there is a shortage of some 110,000 teachers for primary and secondary

schools

schools, in addition to the extremely unbalanced distribution of teachers by curriculum category. The present situation is one where the allocation and adjustment of these personnel at the prefectural level have been barely maintained with difficulty.

(ii) Housing and other economic and livelihood conditions are very divergent by each locality and then individual teachers have their preferences for their own private reasons. Therefore, to carry out the appointment and dismissal of teachers in each city would lead to the local stagnation and exhaustion of personnel material under the present adverse circumstances.

(iii) The above will immediately result in discrepancies in local educational conditions and jeopardize the spirit of equal opportunity in education.

(iv) Normal schools which constitute the source of supply of teachers are established at the prefectural level.

(v) Salaries of teachers are paid from the prefectural expenses. It would be appropriate to have the powers of appointment and dismissal

and

and powers of disbursement of expenses at the same level.

c. The revenue and expenditure must balance in the budget. Accordingly, it is necessary that the authority to draft it should be where the authority of revenue is. As there is at present no independent financial resources for education and it is dependent upon the general financial resources, the boards cannot by themselves formulate a complete budget. Now the boards can formulate an original budgetary requirement and submit it to the governor or mayor wherein resides the authority of drafting the budget, who in his turn can submit it to the assembly. The governor or mayor may not appraise the educational budget at will, but should be required always to obtain the opinion of the boards when he does so.

In case the opinions of the two do not come to an agreement, the governor or mayor will submit, together with the draft of the budget which he has formulated, the original requirementoff the board for the final decision of the assembly. In this case, the assembly might very well recognize the original draft of the board, so that it would be necessary

to

to enter therein at the same time plan for the financial resources therefor. By the above measures it would be possible to establish the financial authority of the boards and the relation of the boards, governors (mayors) and assemblies will be clarified. The above copies the method provided for in the Finance Law with respect to the budgetary requirement of the National Diet secretariates, the Supreme Court and the Board of Audit.

6. For the effectuation of this system which is a drastic experiment it is necessary to have its aims adequately disseminated to the general public. So that, since a period of preparation for general edification and propagation of at least three months seems to be requisite, the date of enforcement of this law is fixed at October 1 of this year.

Note:

1. There is an opinion that with the aim to popularize secondary school education, the 6-3-3 system should be transferred en bloc to cities, towns and villages. It will mean the uniform transfer of the present prefectural upper secondary schools (Shinsei Koto Gakko) to the cities, towns and villages. This is considered inappropriate for the following reasons:

a. The most urgent need to-day is the completion of the compulsory education system of primary and secondary schools, and the cities, towns and villages are finding it difficult as it is to bear the burden of expenses therefor. To transfer the upper secondary schools to these entities on a uniform basis, therefore, would almost certainly impede the completion of the new system of compulsory education.

b. It is practically impossible, judging from the present financial ability of the cities, towns and villages, for them to shoulder the burden of expenses for the operation and maintenance of the school.

c. By reason of the fact that a prefectural upper secondary school happens to be located in a city, town or village, to transfer it to such city, town or village, would run counter to the actual circumstances, where such schools are doing service to areas which exceed those of such city, town or village. It will thus impair the principle of equal opportunity in education.

d. The School Education Law provides that primary and secondary schools shall be established in cities, towns and villages on a compulsory basis, while upper secondary schools may be established either by the prefectures

or

or cities, towns and villages. It is considered that this principle should be maintained.

2. According to the CI & E plan, at least one upper secondary school is to be established in each city, town or village of more than 10,000 population, or special school district by 1950. But it is practically impossible for the reasons stated in a. b. and d. above.

(C)

Outline of BOARD OF EDUCATION DRAFT

(CI & E - 2 April 1948)

1. Aim of Law

With the realization that education should be conducted without submitting to undue control, and with the aim that education administration should be executed in accordance with the equitable popular will and befitting actual local conditions, boards of education shall be established.

2. Establishment

Boards of education shall be established in metropolis, district, urban and rural prefectures, in cities, and towns and villages with more than 10,000 population and special school districts.

Special school districts shall be the 'partial affairs association' of towns and villages formed for the purpose of education by towns and villages with fewer than 10,000 population; provided that the population of such associations shall be more than 10,000.

3. Organization

The prefectural boards of education shall consist of seven members, and boards of city, town or village or special school district shall consist of five members. One member of each board of education shall be elected by the assembly of the local public body concerned from among its members, and the other members shall be elected by the inhabitants of such public body.

The

The term of office of the members shall be four years, and half of the members shall be elected every two years.

The boards of education shall respectively have superintendents of education who satisfy certain qualifications.

4. Appointment

The suffrage for election, eligibility and manner of election shall on principle be in accordance with the provisions relating to the election of the members of assemblies of local public bodies.

5. Powers

The boards of education shall, in accordance with this law, take charge of and execute educational, scientific, and cultural affairs, hereafter referred to as "educational affairs" that have hitherto been under the powers of the chiefs of local public bodies by laws and regulations and educational affairs that shall in the future be under the powers of boards of education.

Among the main functions of the boards of education, are the following:

(a) To manage and exercise jurisdiction over schools (excluding universities) established by the local public bodies concerned.

(b) To carry out the appointment and dismissal of heads of school and teachers thereof.

(c) To formulate the draft of the budget which requires to be passed by the resolution of the local public body concerned and to submit it directly to the assembly.

6. Measures for effectuation

(a) This law shall be enforced as from July 1, 1948.

(b) The election of the first board members shall be carried out on October 5, 1948.

(c) Special School Districts shall be established on or before July 31, 1949.

(d) Any Local public body which has a board of education shall have at least one upper secondary school (Shinsei Kōtō Gakkō) on or before July 31, 1950.

Note: According to this plan:

1. Personnel administration of teachers will be conducted independently by each city, town or village board of education.

2. The present prefectural upper secondary schools (Shinsei Kōtō Gakkō) will be uniformly transferred to city, town or village.

14 June 1948

TO : Mr. Orr

FROM : Arthur K. Loomis

SUBJECT: Necessary Changes in Draft - Board of Education Bill
(Article numbers refer to amended draft of 10 June 1948)

1. Article 5. Insert provision that the national treasury may subsidize local and prefectural boards of education for operating expenses and school buildings and equipment.

2. Article 44. Insert provision that no accounting section and no public works section shall be included.

3. Article 48. Insert provision for the transfer of prefectural new upper secondary schools to local boards of education or the transfer of local new upper secondary schools to prefectural boards of education by mutual agreement of the boards of education concerned.

4. Article 54. Insert in line 5 "nor operational" after "administrative".
Insert in line 6 "nor operational" after "administrative".
~~Strike out~~ "except otherwise provided by law" ~~and substitute notwithstanding the provisions of any other law now in force.~~"

5. Article 63. Insert provision that, if local board of education and the superintendent all resign or are recalled, the prefectural board shall appoint an acting superintendent for sixty days or until a new board of education is elected and holds its first meeting. Provide further that the prefectural superintendent may appoint the acting local superintendent if the prefectural board has resigned or been recalled. If the

prefectural superintendent has also resigned, the Minister of Education shall appoint an acting superintendent for the prefecture.

6. Article 74. Insert provision, "When a special school district is formed by attaching towns or villages to another town or village or city which has a board of education, the members having unexpired terms shall continue on the special school district baord and only members for four year terms shall be elected."

7. Article 76. Date should be 5 October.

8. Article 99. Should be deleted.

Arthur K. Loomis
Advisor on Educational
Reorganization

1. appoint instead of election
2 Five yr frontforman
3 appt by pref board
4 No town + village board

11 May 1948 as amended

15 May 1948

The Opinions of Ministry of Education on Board of Education Bill

I. Boards of Education shall be installed in prefectures, cities, special wards, towns and villages of population of 10,000 or more and special school districts. However, the execution of the special school district system shall be postponed for two years.

(Reasons)

1. To discriminate towns and villages on the line of population of 10,000, by basing merely on population and without taking educational and other local elements into consideration would be very difficult to find any objective grounds and to convince the people at large. So far as local police system is concerned, it is not based on population of 5,000 merely, but is stipulated as towns and villages, having urban appearances and population 5,000 or more. In other words, the ability of maintaining the policy system is adjudged from the relations with neighbouring towns and villages.

2. To organize towns and village with population of less than 10,000 into special school districts is too artificial measure. Up to now it has been recognized by law for towns and villages to organize themselves into a partial affairs association for educational purposes. For example, the associations for the Shinsei Chugakko can be found everywhere, which are, however, based on the automous initiative on the part of the local community. Would it not be an undemocratic measure which ignores the will of the local communities to confine such association only to towns and villages of less than 10,000 or attach them with other towns and villages compulserily?

3. In view of present situations, it would be impossible for towns and villages to have competent superintendents of education, teacher consultants and other experts at once. Several years at least would be required for their training. Even from the standpoint that the selection of textbooks is to be handled by the prefectural board of education for the time being, it is more practicable to postpone the establishment of towns and villages boards of education.

II. As to the election method of the board members, direct popular vote shall be instituted on principle, but the first election shall be executed

according to the method proposed by J.E.R.C.

(Reasons)

1. In view of the present situations of democratization and popular understanding towards election for public service, to allow candidates freely will result in electing only what is so called "bosses" or radicals, and the position might fall prey to ambitious people.

2. The collossal expenses are needed for election and the most desirable people as board members are apt to stay aloof from election as is usually the case with Japanese social customs. However, through the nominating committee system, such people could be found out as candidates from wider circles, and have them brought to the knowledge of people at large.

3. When the nominating committee representing various fields of society nominates the candidates, the people from the wider circles of society will be chosen as candidates. It would benefit actual present situation that the board members shall be elected by popular vote, from among such candidates.

III. The Schools to be controlled by the boards shall not be limited.

(Reasons)

1. It is considered as almost impossible to transfer the present prefectural (New) Koto Gakko to the city, town or village in which it is located, in view of the present financial capacities of the said local public body. Although the School Finance Law might institute financial measures sufficient to establish and maintain (New) Koto-Gakko in such local public body, it would merely give rise to difficulties and troubles in relation to general finance of city, town or village; so long as the educational finance is not granted its complete independence.

2. It would tend to hamper the equal opportunity for education to transfer the present (new) Koto-Gakko to the local level by reason of its locality, because this is contrary to the actual situations that such (new) Koto-Gakko serve today the wider communities, transcending its located community. It is true that the C.I.E. peroposal contrives the remedies inthe forms of the contracts among the boards concerned or administrative measures by the prefectural boards. But it would be more appropriate to keep the prefectural (New) Koto-Gakko as it is now, instead of adopting such complicated methods.

3. The present emergent problem is the completion of the compulsory 6-3 system. It is quite obvious to hamper the completion of the above problem, not to speak of its giving pressures upon local public finance, to have each and every board maintain at least one (New) Koto-Gakko respectively,

when the satisfactory equipment is not still carried out. The equal distribution of (New) Koto-gakko within a prefecture cannot be effected by the compulsory measures which ignore the actual situations.

4. According to the School Education Law the new Koto-gakko can be established either by prefectures or by other local public bodies, although the local public body is responsible for the establishment of 6-3 system. We deem it appropriate to keep to the above principle as it is.

IV. The final decision concerning employment and dismissal of teachers shall be made by the prefectural board of education.

(Reasons)

1. Under the most unfavourable conditions such as scarcity of teachers in number, or their problems of housings, it would hamper the equitable distribution of teachers and bring in favoritism, which would give rise to the stagnation of personnel affairs, to administer employment and dismissal of teachers in every local community. Consequently, the unequal distribution of teachers in quantity and quality will immediately give rise to the local inequality in education. Especially the equal opportunity for education for youngsters will be hampered, Even at present, the above tendency is very strong, which, however, is barely adjusted by the personnel administration on prefectural level. This factor should be especially taken into consideration, when teachers are excessively lading in their number.

2. Teachers-training schools are located on prefectural level, and teachers are distributed on prefectural level. To transfer, therefore, the personnel affairs of teachers to the local level would engender confusion.

3. Teachers' certificates are to be published on prefectural level, which accords with our contention in spirit.

4. As the teachers' salaries are payed by prefecture (half of them being payed by the national treasury), it is rational to keep the powers of payment and employment on the same level. To adopt the measures of the payment of teachers' salaries forcibly on local level is difficult because of the same reasons enumerated in item I of paragraph 3.

5. The binding recommendation of the local board shall be recognised to take the local conditions into consideration, so that the responsibility of the prefectural level concerning personnel affairs is the minimum of its co-ordination within the prefecture. Practically, the things will be carried out according to the binding recommendation of local boards.

V. Educational budget shall be prepared by the boards and decided by the appropriate assemblies after passing through the hands of local governors, mayors or headmen of towns and villages.

(Reasons)

1. The budget should maintain equilibrium between income and expenditure on principle. As the board has no powers over income, the budget cannot be prepared, unless it is consolidated and balanced by the governor or mayor who has powers over incomes.

2. If the board submits the budget directly to the assembly, the latter, having no method of decision with the estimates of expenditures submitted by the board, must necessarily hear the opinions from the governor concerned who has the power over incomes. On the other hand, the governor is not in a position to prepare the general budget which maintains equilibrium between incomes and outcomes, unless he knows the estimate of expenditure prepared by the board.

3. The above measures would not necessarily safeguard the establishment of the educational independence by obscuring the provinces of the three parties, that is, the board, the governor and the assembly. To make the provinces of the three clariry will contribute to the establishment of education, and it is more reasonable from the administrative point of view.

N.B. The opinions of the Minitry of Education described in the above agree with those expressed or appealed by JERC, Teachers' Union, National Conference of Prefectural Directors of Education, and Chairman of the National Association of Headmens of Towns and Villages.

DRN/MTO/ent

Board of Education Bill

CIE OS 15 June 1948

1 1. CIE has no objection to the submission of the second amended Draft of the Board of Education Bill, dated 10 June 1948, to the Japanese Diet. (Incl 1)

2. The following modifications should be made when the draft is discussed in the Diet committee hearings:

a. Article 99 should be eliminated. Later, this item can be embodied in the draft of the proposed Law Concerning the Employment and Dismissal, etc., of the Educational Public Officials.

b. Article 5. Insert provision that the national treasury may subsidize local and prefectural boards of education for operating expenses and school buildings and equipment.

c. Article 44. Insert provision that no accounting section and no public works section shall be included.

d. Article 48. Insert provision for the transfer of prefectural new upper secondary schools to local boards of education or the transfer of local new upper secondary schools to prefectural boards of education by mutual agreement of the boards of education concerned.

e. Article 54. Insert in line 5 "nor operational" after "administrative." Insert in line 7 "nor operational" after "administrative." Insert "this" before "law" in line 8.

f. Article 63. Insert provision that, if local board of education and the superintendent all resign or are recalled, the prefectural board shall appoint an acting superintendent for sixty days or until a new board of education is elected and holds its first meeting. Provide further that the prefectural superintendent may appoint the acting local superintendent if the prefectural board has resigned or been recalled. If the prefectural superintendent has also resigned, the Minister of Education shall appoint an acting superintendent for the prefecture.

g. Article 74. Insert provision, "When a special school district is formed by attaching towns or villages to another town or village or city which has a board of education, the members having unexpired terms shall continue on the special school district board and only members for four year terms shall be elected."

MINISTRY OF EDUCATION

Functions

1. Promote the development of education by furnishing professional and technical consultant services to local and prefectural boards of education and to administrators of higher educational institutions:

   a. Encouraging the production of library materials and other supplementary aids.

   b. Conducting research studies in the field of education.

   c. Disseminating information in all phases of education.

   d. Encouraging the development of in-service training.

   e. Conducting research pertaining to teacher welfare, salaries, working conditions, and publishing findings thereon.

   f. Exerting leadership in the development of curricula which will attain the objectives of education in a democracy such as:

      (1) Worthy membership in home, community, nation and world
      (2) Health
      (3) Character
      (4) Vocational proficiency
      (5) Language arts

   g. Promoting the development of standards for:

      (1) Teacher preparation and certification
      (2) Curricula
      (3) School buildings and equipment
      (4) Programs for recreation and physical education in school and society

   h. Promoting international understanding and UNESCO.

2. To carry out necessary administrative duties based on the recommendations of legally constituted bodies so as to promote the development of basic research in the natural and cultural sciences by:

   a. Supporting the undertaking of research projects by competent research workers.

   b. Encouraging the development of research workers.

   c. Coordinating the research activities of all institutions (supported by national funds) engaged in basic research.

   d. Preparing budgets for research projects.

2. Perform the following administrative and ministerial functions:

a. Gather and compile all statistics and data of a continuing nature that pertain to pupils, personnel, finances, and other pertinent educational and research matters.

b. Prepare the national budget for education and basic research.

c. Administer and control such educational and research institutions as presently administered until such time as otherwise provided for by law.

d. Administer the distribution of the following funds:

(1) National subsidies and other funds for the support of education and basic research.

(2) National funds and food supplies allocated for the welfare and relief of students.

(3) National funds allocated for the maintenance of libraries and museums, the preservation of cultural treasures, and the encouragement of the arts.

e. Allocate equitable scarce materials necessary for construction and operation of schools.

f. Administer program of textbook approval, production and paper allotment until such time as otherwise provided for by law.

g. Administer the copyright law.

h. Administer the general affairs of the Ministry as they pertain to personnel and finance within the Ministry.

i. Coordinate activities involved in the international exchange of students, professors, and research workers.

Supplementary Provisions

The organs and personnel as authorized by the present law should provisionally remain as presently constituted until such time as by Cabinet Order the permanent organization of the Ministry of Education is affected except that the Religious Affairs Section of the Secretariat shall be abolished, and its functions shall not be undertaken by any other agency of government.

Those administrative functions which the Ministry of Education has heretofore performed in the management of schools, institutes, and museums, and the compilation of textbooks, shall continue to be performed by the Ministry until such time as otherwise specifically authorized by law.

29 May 1948

(2)

CIE Comments on Bill Proposed by Ministry of Education for the Establishment of the Ministry of Education, Science and Culture

1. The attached draft law to establish the Ministry of Education, Science and Culture was submitted to CIE Section by the Ministry of Education on 15 May 1948.

2. The draft is not acceptable to CIE and considerable revision will be necessary.

3. In general, the draft does not adequately differentiate between the advisory and administrative functions of the Ministry. Such terms as "implementation," "disposition of business," "matters concerning," "to conduct liaison," "to handle business," etc., are too indefinite to indicate the nature of the functions to be performed. Inasmuch as legislation which provides for the decentralization of certain administrative functions is now in process, it is essential that the nature of each function of the Ministry be clearly defined.

4. The draft also sets up certain controls and authority over several activities which the Education Division cannot approve. The School Education Law (Law No. 26, 1947) sets up the new educational program and contemplates that the incidence of control shall be the local and prefectural boards of education. There should be no reference to its implementation by the Ministry of Education (Item 1, Article III).

5. Freedom of the press and freedom of religion are fundamental tenets of democratic form of government. There should be no bureaucratic control or supervision, expressed or implied, over the press, publications, broadcasting, or religion (Items 6 and 10, Article III).

6. As decentralization is the goal of reorganization, with control being transferred from the Ministry to local and prefectural boards of education, CIE does not approve of the establishment of branch offices of the Ministry of Education. (Article V)

7. The advisory and administrative functions of the Ministry should be defined clearly. Ultimately, most functions of the Ministry should be of an advisory nature. In the transitional period, it will be necessary for the Ministry to continue its administrative control over certain institutions and activities. Such administration and control should be recognized as temporary in character and when further progress is made toward decentralization these administrative functions must be transferred to other bodies.

8. The responsibilities of the Ministry in regard to scientific research must be in harmony with the proposed law which will establish the Science Council of Japan. The point should be made that the Ministry will carry out the necessary administrative duties based on the recommendations of legally authorized bodies so as to promote the

development of a program of basic research in the natural and cultural sciences by:

a. supporting the undertaking of research projects by competent research workers

b. encouraging the development of research workers

c. coordinating the research activities of all institutions (supported by national government funds) engaged in basic research)

d. preparing budgets for research projects

9. Attached is a list of the functions and administrative responsibilities which CIE recommends as a basis for a law to establish the Ministry of Education.

10. Interested SCAP sections, such as ESS/ST, PH&W, NRS, CCS, and GS have given the Ministry of Education draft hasty consideration. All sections object to its present form.

(4)

BILL FOR THE ESTABLISHMENT OF THE MINISTRY OF EDUCATION, SCIENCE AND CULTURE

(Establishment and Its Aim)

Art. I. In view of the fact that the establishment of a democratic and cultural state depends fundamentally upon the promotion of education, science and culture, the Ministry of Education, Science and Culture shall be established by the present law in order to consolidate the various conditions indispensable to the promotion and diffusion of education, science and culture.

The head of the Ministry of Education, Science and Culture shall be the Minister of Education, Science and Culture.

(The authority and responsibility of the Ministry and the specific functions for which the Ministry is responsible.)

Art. II. The specific functions for which the Ministry is responsible shall be within the following scope and the Ministry must function within the scope in accordance with laws including orders based on laws.

1. To furnish professional and technical aid and advice to local and prefectural boards of education and to administrative organs of higher educational institutions by:

a. Disseminating information in all phases of education.

b. To give advice concerning the interpretation, and operation of the laws and ordinances about education, the management of the school, etc.

c. Encouraging the production of library materials and other supplementary aids for education.

d. Encouraging the development of in-service training.

2. Promoting the development of the standards of the school facilities, organization and curricula.

3. Handling the business necessary for the enforcement of the School Education Law (Law No. 26, 1947).

4. Distributing national funds for the support of education, and promoting the improvement of educational finance.

5. Promoting the development of the welfare and relief of students as well as the encouragement of scholarship of students.

6. Promoting the development of standards for teacher preparation and adjusting the supply and demand of teachers.

7. Promoting the development of standards for the qualification, status and treatment of teachers.

8. Promoting scientific research by promoting the development of basic research in natural and cultural science by:

a. Supporting the undertaking of research projects by competent research workers.

b. Encouraging the development of research workers.

c. Coordinating and adjusting the research activities of all institutions (maintained or subsidized by national funds) engaged in basic research.

d. Distributing national funds for supporting researches.

9. Distributing the national funds for the encouragement of the arts, and promoting and encouraging the development and diffusion of the arts.

10. Administering the copyright law (Law No. 39, 1899) and handlingother necessary business concerning publication and copyright.

11. The improvement of the Japanese language and its diffusion.

12. Administering the law concerning the Preservation of National Treasures (Law No. 17, 1929), the Law concerning the Preservation of Important Objects of Fine Arts (Law No. 43, 1933), and the Law concerning the Preservation of Historic Sites, Places of Scenic Beauty, Natural Preserves (Law No. 44, 1918), and Taking other steps for the preservation and utilization of cultural treasures.

13. Contributing to the promotion of international culture and promoting the international understanding by:

a. Encouraging, promoting, making adjustment within the country, and rendering services, towards, the participation in the UNESCO and other international cultural undertakings.

b. Sending research students abroad and coordinating activities involved in the international exchange of students, professors and research workers.

c. Exchange of literature, and other cultural objects.

14. Encouragement of citizens' education, laborers' education, and other kinds of education conducted in society atlarge.

15. Promoting and encouraging the development and diffusion of such facilities as libraries, museums, citizens' public halls, school extension, and correspondence education.

16. Promoting and encouraging the development and diffusion of various programs of recreation and the physical education at school and in the society.

17. Promoting and encouraging the development and diffusion of health education, school lunch, school hygiene and sanitation.

18. Exerting leadership in the development of curricula which will attain the objectives of education in a democratic country.

19. Administering program of Textbook approval and production.

20. Making research in, and preparing statistics of, education, science, culture, and utilizing them.

21. Collecting, arranging and compiling the materials concerning education, science and culture, and utilizing them.

22. Handling business necessary for the reconstruction, rehabilitation, complete equipment and preservation of educational and cultural institutions as well as securement of necessary materials for educational and cultural institutions and for other educational and cultural purposes.

23. Forming plans concerning the selection of sites for educational and cultural institutions and planning and promoting its prosecution.

24. Execution of rehabilitation and repair works of school facilities financed by the state.

25. Handling coordination and liaison with regard to administration and finance of local education and culture.

26. Promoting and encouraging the development and diffusion of education, science and culture besides the above-mentioned items.

27. Handling business concerning personnel, accounts, general affairs, and other business relating to coordination and adjustment, of the Ministry in connection with its administration, provided that as regards the personnel affairs, it shall be required to dispose of them in accordance with the National Public Service Law (Law No. 120, 1947).

Art. III. The Ministry of Education, Science and Culture establishes provisionally at a necessary place a local branch office in order to allot the office duties mentioned in Art. II par. 22 - par. 24. The name and location of the branch office, the area under its jurisdiction and other necessary matters shall be decided by the cabinet order.

Supplementary Provisions

1. The present law shall be put in force as from 1 July 1948.

2. The Regulation Governing the Organization of the Ministry of Education (Imperial Ordinance No. 748, 1942), the Imperial Ordinance for the Establishment of Research Bureau in the Ministry of Education (Imperial Ordinance No. 589, 1946) and the Regulation for the Establishment of Temporary Personnel in the Ministry of Education (Imperial Ordinance No. 293, 1920) shall be abolished. Unless stipulated specifically in the law including the orders based on the law, however, the organs and the personnel under the old law shall remain the same as corresponding organs and personnel under the present law.

BILL FOR THE ESTABLISHMENT OF THE MINISTRY OF EDUCATION

(Establishment and Its Aim)

Art. I. In view of the fact that the establishment of a democratic state depends fundamentally upon a sound program of education, the Ministry of Education shall be established by this law.

The head of the Ministry of Education shall be the Minister of Education.

(The authority and responsibility of the Ministry and the specific functions for which the Ministry is responsible.)

Art. II. The specific functions for which the Ministry is responsible shall be within the following scope and the Ministry must function in accordance with laws including orders based on laws.

1. To furnish professional and technical aid and advice to local and prefectural boards of education and to administrative organs of higher educational institutions by:

a. Disseminating information in all phases of education.

b. Encouraging the production of library materials and other supplementary aids for education.

c. Encouraging the development of in-service training.

2. Promoting the development of standards for school facilities, organization and curricula.

3. Distributing national funds for the support of education, and promoting the improvement of educational finance.

4. Promoting the development of the welfare and relief of students as well as the encouragement of scholarship of students.

5. Promoting the development of standards for teacher preparation.

6. Promoting the development of standards for the qualification, status and treatment of teachers.

7. Promoting the development of scientific research in the natural and cultural sciences in institutions and activities under the jurisdiction of the Ministry of Education by:

a. Encouraging the undertaking of research projects by competent research workers.

b. Encouraging the development of research workers.

c. Coordinating and adjusting the research activities of institutions (maintained or subsidized by national funds) engaged in research.

d. Distributing national funds for supporting research.

8. Distributing national funds for the maintenance of the National Museum, for the encouragement of the arts, and for the protection, preservation, and utilization of cultural treasures.

9. Administering the copyright law (Law No. 39, 1899) and handling other necessary business concerning publication and copyright until otherwise provided for by law.

10. Promoting the improvement of the Japanese language and its diffusion.

11. Contributing to the promotion of international culture and promoting international understanding by:

a. Encouraging, promoting, making adjustment within the country, and rendering service, towards, the participation in the UNESCO and other international cultural undertakings.

b. Facilitating the sending of research students abroad and coordinating activities involved in the international exchange of students, professors and research workers.

c. Exchange of literature and other cultural objects.

12. Encouragement of citizens' education, laborers' education, and other kinds of education conducted in society at large.

13. Promoting and encouraging the development and diffusion of such facilities as libraries, citizens' public halls, school extension, and correspondence education.

14. Promoting and encouraging the development and diffusion of various programs of recreation and the physical education at school and in society.

15. Promoting and encouraging the development and diffusion of health education, school lunch, hygiene and sanitation, except as undertaken by the Ministry of Welfare.

16. Exerting leadership in the development of curricula which will attain the objectives of education in a democratic country.

17. Administering the program of textbook approval and production.

18. Making research in, and preparing statistics of, education, science, and culture, and disseminating the findings.

19. Collecting, arranging and compiling the materials concerning education, science and culture, and disseminating such materials.

20. Promoting and encouraging the development and diffusion of education and culture besides the above-mentioned items.

21. Handling business concerning personnel, accounts, general affairs, and other business relating to coordination and adjustment of the Ministry in connection with its administration, provided that as regards the personnel affairs, it shall be required to dispose of them in accordance with the National Public Service Law (Law No. 120, 1947).

Supplementary Provisions

1. The present law shall be put in force as from 1 July 1948.

2. The Regulation Governing the Organization of the Ministry of Education (Imperial Ordinance No. 748, 1942), the Imperial Ordinance for the Establishment of Research Bureau in the Ministry of Education (Imperial Ordinance No. 589, 1946) and the Regulation for the Establishment of Temporary Personnel in the Ministry of Education (Imperial Ordinance No. 293, 1920) shall be abolished. Unless stipulated specifically in the law including the orders based on the law, however, the organs and the personnel under the old law shall remain the same as corresponding organs and personnel under the present law.

3. The Ministry will assist in securing necessary building materials for educational and cultural institutions and for other educational and cultural purposes during the time that the Temporary Supply and Demand Law is in effect.

(Draft 1)

(1)

BILL FOR THE ESTABLISHMENT OF THE MINISTRY OF EDUCATION, SCIENCE AND CULTURE

(Establishment)

Art. I. The Government will establish the Ministry of Education, Science and Culture by the present law.

The head of the Ministry of Education, Science and Culture will be the Minister of Education, Science and Culture.

(Organization)

Art. II. The following field organization will be set up in the Ministry of Education, Science and Culture besides the Ministry Proper.

The Committee on Paper Allotment for the Press and Publications.

(The function of the Ministry and the work it is in charge of.)

Art. III. The scope of the work in connection with education, science and culture which the Ministry is in charge of will be as follows, and the Ministry must function within the scope in accordance with the law including orders based on the law.

1. Matters concerning planning and operations as to improvement on school system and school finance.

Matters concerning establishment and maintenance of standard regarding the equipment, organization and so on of schools.

Matters concerning approval of establishment and abolishment of universities and other matters relative to enforcement of School Education Law.

Matters relative to giving various kinds of aid as well as technical assistance and advice to schools.

2. Matters concerning welfare and relief of students as well as encouragement of learning for students.

3. Matters concerning qualifications of educational personnel and training of educational personnel as well as planning and operation of in-service education.

Matters concerning the status, salary, allowances, treatment, welfare of educational personnel.

4. Matters concerning promotion and encouragement of scientific research as well as utilization of the results of research.

5. Matters concerning promotion, encouragement and service work in connection with improvement and popularization of art and recreation.

6. Matters pertaining to research and service work in connection with the press, publications and broadcast.

7. Matters concerning protection of copyright and adjustment of copyright utilization.

8. Matters concerning simplification and improvement of the Japanese language.

9. Matters concerning liaison and coordination with regard to international cultural undertakings as well as service work, promotion and encouragement in connection with international cultural undertakings.

10. Matters concerning preservation of freedom of religious faith, research in connection with religion and other matters concerning religion.

11. Matters concerning preservation and utilization of the national treasures, important objects of fine arts, historic sites, places of scenic beauty, natural monuments and other cultural objects.

12. Matters concerning encouragement of education conducted at home, at places where people work or in society at large.

Matters concerning promotion, encouragement and service work in connection with improvement and popularization of the facilities of library, museum, public hall, etc., as well as school extension and correspondence education.

13. Matters concerning promotion, encouragement and service work in connection with improvement and popularization of physical education both at school and in society.

14. Matters concerning promotion, encouragement and service work in connection with improvement and diffusion of health education, school lunch and school hygiene.

15. Matters concerning research for curriculum, textbooks and other teaching materials.

Matters concerning authorization and approval of textbooks, as well as compilation, revision and publication of textbooks.

Matters concerning study, compilation and publication of courses of study.

16. Matters concerning research for and statistics of education, science and culture.

Matters concerning collection, adjustment, utilization and publication of materials in connection with education, science and culture.

Matters concerning statistics and publication in connection with education, science and culture.

17. Matters concerning reconstruction, complete equipment and preservation of educational and cultural institutions as well as securement and allotment of necessary materials for educational and cultural institutions and for other administrative purposes under the jurisdiction of the Ministry.

Matters concerning selection of sites for educational and cultural institutions.

Matters concerning construction and repair of educational and cultural institutions.

18. Matters concerning liaison, coordination, aid and advice with regard to administration and finance of local education and culture.

19. Matters concerning personnel affairs, accounts and general affairs of the Ministry Proper in connection with its administration.

20. Matters concerning improvement and diffusion of education, science and culture other than cited in the foregoing items.

(The function of the Committee on Paper Allotment for the Press and Publications and the work it handles)

Art. IV. The scope of the work handled by the Committee on Paper Allotment for the Press and Publications will be as follows, and the Committee must function within the scope in accordance with the law including orders based on the law.

1. Matters concerning allotment of paper for the press and publications.

(Branch Office)

Art. V. The Minister of Education, Science and Culture can establish at a necessary place a branch office of the Bureau in order to allot office duties of the Bureau of the Ministry mentioned in Item 17, Art. III. The name and location of the branch office, the area under its jurisdiction and other necessary matters will be decided by the Minister of Education, Science and Culture.

Supplementary Provision

The present law will be put in force as from 1 June 1948.

The Regulation Governing the Organization of the Ministry of Education (Imperial Ordinance No. 748, 1942), the Imperial Ordinance for the Establishment of Research Bureau in the Ministry of Education (Imperial Ordinance No. 589, 1946) and the Regulation for the Establishment of Temporary Personnel in the Ministry of Education (Imperial Ordinance No. 293, 1920) will be abolished. Unless stipulated specifically in the law including the orders based on the law, however, the organs and the personnel under the old law will remain the same as corresponding organs and personnel under the present law.

DRN/MTO/ent

Proposed Bill for the Establishment of
the Ministry of Education

From: CIE To: GS Date: 15 June 1948

1 1. CIE does not approve the draft of Bill for the Establishment of the Ministry of Education, Science and Culture (Incl 1) submitted to this Section for comment or concurrence on 11 June 1948.

2. CIE approves the amended draft (Incl 2) re-titled the Bill for the Establishment of the Ministry of Education.

3. In a conference held on 14 June 1948, the following interested staff sections concurred in the amended draft (Incl 2): NRS (Mr. Roche); ESS/ST (Brig. O'Brien, Dr. Kelly, Dr. Henshaw); PHW (Gen. Sams); CCS (Mr. Gonzales); CIE (Mr. Orr, Dr. Loomis, Dr. McGrail, Dr. Edmiston). GS (Mr. Porter) participated in the conference but did not express concurrence or non-currence.

2 Incls
As indicated

- D.R.N.- - - - - -

REFORM OF UNIVERSITY SYSTEM

(Translation from the editorial of the Mainichi, March 9, 1948)

A general plan for the reform of the existing university system will be decided during May, and the budget thereof will be compiled. Through this program institutions of higher learning will be basically reorganized. Universities and colleges which have applied for new status to the Education Ministry are 645 in total, including 280 governmental, 94 public, and 271 private institutions. Since the number of higher institutions even in the United States is about 400, this number in Japan is in comparison surprisingly large.

The new university system is bound in great measure to influence the culture of future Japan. Education and culture of a people does not, of course, solely depend on the university education. Education given by schools is quite small in the amount of knowledge, but the total sum of studies and experiences after graduation will determine the real height of cultural standard of a people. Even if the amount of knowledge is meager gained in the higher institution of learning, it will nevertheless contribute to the frame work of knowledge. Consequently school education is an important factor in determining a people's culture. This is particularly true of the university education. Thus the reform of the university system must be undertaken after serious consideration. That the number of universities and colleges is 645 is not tantamount to cultural advancement.

One of the most important points in the reform of the university system is the so-called decentralization of education, which has two aims, namely, one is dispersion to the provinces, and the other is dispersion through regional administration. As a tentative plan the existing seven government universities and three new ones to be founded in three districts will be financed by the state income, and will be placed under direct jurisdiction of the Education Ministry. And those schools which will be placed in the hand of respective districts include all the other state