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F 402

PREFECTURAL SOCIAL EDUCATION ASSOCIATIONS TO BE REORGANIZED

Background Concerning Prefectural Social Education Associations

Prefectural Social Education Associations are affiliated with the Tokyo office of the Social Education Federation. Formerly, Education Ministry officials were on the Board of Directors of the Federation, and prefectural officials served on the Board of Directors of the affiliated prefectural associations. This structure enabled the Japanese Government to maintain close supervision over "social education" on a nation-wide scale.

In the early days of the Occupation, the Social Education Federation at the national level was completely separated from Education Ministry control and domination. Education Ministry officials on the Federation Board of Directors resigned, and no government subsidies were allotted to the federation.

At the present time, however, many of the prefectural affiliated associations are still controlled by prefectural government officials who serve on the Board of Directors. Though various officials serve in different prefectures, the Governor is frequently president of the organization; the Chief, Education Department, vice-president; and the Chief, Social Education Section is in charge of general affairs.

Some prefectural associations, though often inactive, theoretically embrace all youth organizations, women's associations, religious groups, and other social and cultural groups.

Suggestions* for reorganization of prefectural Social Education Associations**have been dispatched from the Social Education Federation to its member organizations and by the Education Ministry to Prefectural Governors. (*See document (translation) below.)
(**See translation page 3A)

TRANSLATION OF JAPANESE DOCUMENT*

TO : Prefectural Governors

FROM : Director of Social Education Bureau, Ministry of Education

SUBJECT: The Organization of Social Education Bodies in Prefectures

We believe that social education work in your prefecture, including that of private organizations, is making great progress due to your remarkable effort. But, on the other hand, we presume some of these social education bodies have not abandoned their old tendency of depending upon government offices and therefore show little autonomy in their actions. If so, the situation is likely to have an undesirable effect on the present development of social education bodies and also to

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hinder them from growing in the future. Hence you are requested to take steps toward reorganization of autonomous social education bodies in your prefecture according to the following principles:

1. Prefectural governments may act in the capacity of advisers when so requested by the Social Education Association and other social education bodies; but these bodies should become completely independent of the Prefecture Government in matters of policy, personnel, finance, programs, leadership, and execution of business. Governmental control in any form over specific organizations, such as youths', men's, or residential organizations of any type is unauthorized. Such organizations must function autonomously within the law without government interference.

2. Social Education activities, including the printing and dissemination of information materials, expenses for conferences, public forums, and other types of public meetings are considered to be legitimate functions of appropriate governmental agencies. However, such activities must be restricted to projects whose purpose it is to furnish needed information to all interested organizations or institutions.

3. In principle, prefectural government offices should not allow social education bodies to occupy space in their offices.

4. Prefectural government officials and other semi-officials should not be appointed to the staff for any social education body, and those who now are serving in that capacity should voluntarily resign.

5. Prefectural Government should not give financial support to any specific private organization, and in case they are at present giving such supplementary funds or subsidies, they are required to cease henceforth, in accordance with provisions of Article 89 of the Constitution.

6. For example, it would be illegal for a prefectural government to furnish funds to print materials for a particular women's organization. It would be legal for such an office to expend public funds to print materials which offered suggestions as to how any individual in an autonomous association or group might conduct a meeting according to parliamentary procedures, and to make such materials available to those who wish to obtain them.

7. It would be illegal for a prefectural education office to furnish funds for a meeting of Boy Scouts. It would be legal for funds to be expended for a government-sponsored invitational meeting with voluntary participation by representatives of various organizations and educational groups to consider mutual problems.

8. It would be illegal for such an office to sponsor the federation of organizations or institutions at any level. It would be legal to make available to all groups information on the basic purposes behind democratic federations.

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(Continued from Page 1A)

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1. Prefectural governments may act in the capacity of advisers when so requested by the Social Education Association and other social education bodies; but these bodies should become completely independent of the Prefecture Government in matters of policy, personnel, finance, programs, leadership, and execution of business. Governmental control in any form over specific organizations, such as youths', men's, or residential organizations of any type is unauthorized. Such organizations must function autonomously within the law without government interference.

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9. It would be illegal for any employee of a government office to use office time for carrying on the activities of any specific organization or to use government postage and paper for such an interest. It would be legal to have a governmental employee use government time, paper, and postage to extend invitations to all interested groups to attend a meeting sponsored by an appropriate government agency.

10. It is illegal for the government to force any social education or information program of any type on a private organization. It is legal for a government agency to ask for participation by an organization in conducting an information campaign. However, in case of such request, whether for money or moral support, an organization may or may not agree to participate, depending on its program already in progress.

TRANSLATION** OF A JAPANESE DOCUMENT

THE REORGANIZATION OF LOCAL SOCIAL EDUCATION ASSOCIATIONS

Sent out by the Tokyo Office of the
Social Education Federation

Institutions of social education must take necessary steps to reorganize in order to carry on their activities more efficiently. Consequently, we hope the Social Education Associations in the many prefectures, as well as the civilian associations, will thus contribute more to the promotion of social education. These associations will be responsible for setting up the most desirable and effective programs. However, we propose the following plan as an aid so that local Social Education Associations may establish truly democratic reorganizations.

A. Policy

1. It is desirable that the local Social Education Associations be organized by request of individuals or corporations particularly interested in promoting social education. These associations will be responsible for social education activities and, at the same time, will act as liaison agencies for corporations which voluntarily become members of the associations.

2. The projects of the associations are neither to be supervised nor controlled by the government directly or indirectly. Policy, personnel affairs, leadership, planning, and management should be maintained on an independent basis. Although the associations are not to be governed by prefectural officials, they may request advice from them, if so desired.

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LOCAL SOCIAL EDUCATION ASSOCIATIONS (Continued from Page 3A)

3. The expenses of the associations are to be paid out of the income earned by their own projects, membership fees or donations, without the support of national treasury and local government aid. Government subsidy of a specific private organization is unauthorized.

4. The officials of the associations are to be civilians chosen by democratic elections. Government officials should not be elected to serve as officers of the associations.

5. Offices of the Associations are not to be in prefectural government buildings, but should maintain independent establishments.

6. The Constitution of the associations should be revised immediately in accordance with the above-mentioned policy. If there is not a Constitution in the association, a draft of the Constitution should be made without delay, in accordance with the above-mentioned procedure.

B. Organization

1. The associations, as liaison agencies, may invite as members, social education organizations and cultural corporations in the prefectures.

2. The associations may invite as members individuals particularly interested in social education.

3. In accordance with the peculiarities of the districts, associations may organize according to Clause 1 or 2, or include both. It is very important that the Constitution of the association be drawn up immediately by those parties establishing the association.

C. Institute

It is desirable that in the interest of social education, associations make use of motion picture films, plays, music, and radio mediums. They may organize their own institutes for the study of social problems in cooperation with the various organizations and institutions interested in social education, such as libraries, museums, schools, public halls, adult classes, labor, agricultural organizations, and other groups interested in social work.

D. Projects

It is desirable that the associations encourage comprehensive studies related to home education, women's education, young men's education, civic education, public hygiene, industrial education, vocational guidance, rural education, juvenile delinquency, purity education, scientific education, and recreation. (Continued on Page 5A)

LOCAL SOCIAL EDUCATION ASSOCIATIONS (Continued from Page 4A)

They should also publish and produce informational materials useful in carrying out the above-mentioned projects.

E. Relationship with Members

The associations are to provide constructive plans for their members by furnishing such services as recommending lecturers, supplying various materials, assisting in social education projects, scheduling conferences, giving short courses, and arranging meetings for study and discussion.

F. Officials

The officials are to be elected from among the members by democratic elections, using secret ballot and reaching decisions through majority rule.

G. Finance

The associations may ask the people for voluntary donations. They may invite individuals or groups to join. A regular membership fee may be collected. However, associations should not compel any individual or organization to become a member. The associations may earn income through the showing of motion pictures, giving dramatic plays, sponsoring exhibitions and short courses, publishing books and informational materials, and recommending to various organizations appropriate cultural materials.

TRANSLATION OF HATSU-KYO #101

Communication from the Ministry of Education's Bureau of Textbooks to Prefectural Governors and Directors of Teachers' Training Courses on the Treatment of Courses of Studies for Social Studies:

9 July 1948

FROM: Director of Textbook Bureau

TO: Prefectural Governors
Directors of Teachers' Training Schools

SUBJECT: On the Treatment of Courses of Studies for Social Studies.

Among the learning activities for students and pupils as treated in the books of "Courses of Study," I, II of Social Studies, compiled by the Ministry of Education, there are articles which, if carelessly treated, will be in danger of encoaching upon the principles as designated in the Memorandum for the Imperial Japanese Government, AG 000.3 (15 December 1945) CIE, SCAPIN 448, 15 December 1945, subject: "Abolition of Governmental Sponsorship, Support, Perpetuation, Control, and Dissemination of State Shinto." For this reason, as well as for broader educational viewpoints, the Ministry of Education is now planning to revise the aforesaid books, but their completion will need more than a year. Therefore, as a provisional step to be taken prior to the coming out of the

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HATSU-KYO #101 (Translation)

(Continued from Page 5A)

revised books, each of the schools is requested to interpret correctly the memorandum referred to above, in the light of rightly guiding the pupil's learning activities, especially in social studies, so that it may successfully avoid incurring any mistakes in the treatment.

Careful studies of the following items of the directions are imperative, together with due considerations for not falling into mistakes in the guidance of the courses.

1. Public school-sponsored visits to shrines, temples, and churches are in violation of SCAPIN 448 and are prohibited. By a school-sponsored visit is meant either group visitation planned by a school and conducted with or without participation of teachers or principals, or a visit to a shrine, temple, or church by an individual student as an assignment. Teachers may not suggest study projects which involve such visitation to a religious institution or personage for their proper completion.

2. Shrine or temple visitation by individuals who are students is not in violation of SCAPIN 448 unless such visits are the result of public school assignment. It is not a violation of SCAPIN 448 for students to tell about visits to shrines, temples, or churches during class discussions, but a teacher may not require a student to tell about such visits.

3. The giving of talks or conducting of discussions on religious topics by priests or ministers in public school buildings before students during school hours is a violation of SCAPIN 448.

4. Requiring a public school student to attend a religious festival, or to visit a priest or minister to inquire about religious matters, or suggesting a study topic which implies such a visit for its proper completion is a violation of SCAPIN 448.

5. Requiring an individual student to discuss in class his religious beliefs and practices or those of his family is a violation of religious freedom of conscience.

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Following is a translation of the Social Education Law which passed the Diet 22 May 1949.

(TRANSLATION OF A JAPANESE DOCUMENT)

SOCIAL EDUCATION LAW

(Law Relating to Social Education)

Contents

Chapter I. General (Art. 1 --- Art. 9)

Chapter II. Organizations Relating to Social Education (Art. 10 --- Art. 14)

Chapter III. The Advisory Committee of Social Education (Art. 15 --- Art. 19)

Chapter IV. Citizens' Public Hall (Art. 20 --- Art. 42)

Chapter V. Utilization of School Facilities (Art. 43 --- Art. 48) (School Extension Program)

Chapter VI. Correspondence Course (Art. 49 --- Art. 57)

Supplementary Provisions

Chapter I. General

Art. 1. (Object)

The object of this law is to define clearly the responsibilities of state and local public bodies regarding social education, in accordance with the principles of the Fundamental Law of Education (Law No. 25, 1947).

Art. 2. (Definition)

In this law, "social education" implies systematic activities of education (including physical education and recreation) primaril for out-of-school youths and adults, excluding such educational activities as are conducted in schools as part of curricular work in accordance with the School Education Law (Law No. 26, 1947).

Art. 3 (Function of the State and Local Public Bodies)

The state and local public bodies shall assist in maintaining a congenial environment in which it is possible for individual citizens to engage at sundry times and places in cultural and educational activities, which will assist them in daily living, by providing various kinds of facilities, sponsoring meetings, and

making available information materials necessary for social education in accordance with the prescriptions of this law and other laws and regulations.

Art. 4. (State Aid to Local Public Bodies)

In order to perform the function stated in the preceding article the state shall provide financial aids, furnish supplies, and render assistance in securing them within the limits of appropriated funds, to local public bodies in conformity with the prescriptions of this law and other laws and regulations.

Art. 5. (Business to be Transacted by Boards of Education of Cities, Towns and Villages)

The Boards of Education of cities (including special wards; the term "city" implies the same meaning whenever mentioned hereinafter), towns and villages shall, within the limits of appropriated funds, transact business in social education concerning the following matters in accordance with the local needs in their respective areas:

I. Rendering assistance needed for social education programs.
II. Commission of the members of local Advisory Social Education Committees.
III. Establishment and management of citizens' public halls.
IV. Establishment and management of libraries, museums and other institutions of social education under their jurisdiction.
V. Holding and encouragement of courses for social education purposes such as school extension programs offered by schools under their jurisdiction.
VI. Sponsoring and encouragement of discussion meetings, short courses of lectures, lecture courses on special subjects, popular lectures, exhibitions, and various other types of public meetings.
VII. Sponsoring and encouragement of meetings on vocational education and for giving guidance in scientific technique related to industries.
VIII. Sponsoring and encouragement of meetings concerning scientific rationalization of daily living.
IX. Sponsoring and encouragement of community athletic and recreation meetings, games, matches and other meetings for physical education purposes.
X. Sponsoring of artistic gatherings on music, drama, art, etc., in their community and matters concerning the encouragement of such programs.
XI. Publication of social education materials and matters concerning making them available to the public.
XII. Providing of materials, facilities and equipment necessary for audio-visual education, physical education, and recreation.
XIII. Exchange of various information, and research works.
XIV. Other business necessary for performing the function referred in Art. 3.

Art. 6. (Business to be Transacted by the Prefectural Boards of Education)

The prefectural Boards of Education shall, within the limits of appropriated funds, transact business in social education as stated in the preceding article (excepting that stated in Item 3) to meet the local needs, as well as business as stated below:

I. Registration of the establishment and abolition of citizens' public halls sponsored by juridical persons.
II. Establishment and operation of facilities necessary for the training of those engaged in social education; sponsoring lecture courses for them; and the preparation and distribution of necessary and available training materials
III. Supply of and making available materials necessary for the establishment and operation of institutions relating to social education.
IV. Liaison with Boards of Education of cities, towns and villages.
V. Other matters within their powers governed by related laws and regulations.

Art. 7. (Boards of Education in their Relation to Chief of Local Public Bodies)

The chiefs of local public bodies may request the Boards of Education to act for or cooperate with them in providing necessary information and giving publicity concerning such matters in their charge as are deemed to be effectively given by means of audio-visual education and other educational means and facilities.

The provisions of the preceding paragraph shall correspondingly apply in case other government agencies request the Boards of Education to act for or cooperate with them in providing necessary information and giving publicity concerning matters in their charge.

Art. 8.

The Boards of Education may request the chiefs of local public bodies as well as related government agencies in their respective areas to present materials or cooperate in other ways, in case it is regarded necessary to do so for the transaction of business relating to social education.

Art. 9. (Libraries and Museums)

Libraries and museums shall be institutions carrying out activities for social education.

Necessary matters concerning libraries and museums shall be provided by law separately.

Chapter II. Organizations Relating to Social Education

Art. 10. (Definition of Organizations Relating to Social Education)

"Organizations relating to social education" in this law implies those private organizations, whether or not they are juridical

persons, whose main object is to execute works relating to social education, and which are not under the control of public authority.

Art. 11. (Their Relationship to the Minister of Education and Boards of Education)

The Minister of Education and Boards of Education may, if requested by organizations relating to social education, give them professional and technical guidance or advice.

The Minister of Education and the Boards of Education shall help to acquire necessary materials for social education conducted by organizations relating to social education upon their request.

Art. 12. (Their Relationship to the State and Local Public Bodies)

The state and local public bodies shall by no means take controlling leadership over organizations relating to social education nor interfere with them in their activities.

Art. 13.

The state and local public bodies shall give no subsidies to organizations relating to social education.

Art. 14. (Report)

The Minister of Education and Education Boards may request organizations relating to social education to submit report necessary for preparing materials for guidance and for research work.

Chapter III. The Advisory Committee on Social Education

Art. 15. (The Structure of the Advisory Committee of Social Education)

A prefecture, city, town and village may have an Advisory Committee on Social Education.

The Board of Education shall appoint the members of the Advisory Committee of Social Education from among the following:

I. Principals of schools located in the prefecture, city, town or village concerned.

II. Representatives of organizations relating to social education, located in the prefecture, city, town or village concerned who are elected by some other procedures.

III. Persons of learning and experience

Appointment of the members of the Advisory Committee provided for in the preceding paragraph shall be made from among those who are listed in the candidates' roster prepared and submitted by the Superintendent of Education.

In case the Board of Education does not consider the persons on the candidates' roster prepared and submitted by the Superintendent to be satisfactory, it may request him to resubmit another roster.

Art. 16. (Advisory Committee on Social Education in their Relation to Citizens' Public Hall Advisory Committee)

The Advisory Committee of Social Education of a city, town or

village having a Citizens' Public Hall may be composed of the members of the Citizens' Public Hall Advisory Committee as provided for in Art. 29.

Art. 17. (Duties of Advisory Committee on Social Education)

The Advisory Committee on Social Education shall transact business concerning the following matters in order to advise the Board of Education through the Superintendent of Education regarding matters concerning social education:

I. To draft plans with regard to social education.
II. To hold regular or special conferences to answer inquiries made by the Board of Education, and give suggestions to the same.
III. To conduct research necessary to perform the functions mentioned in the two preceding items.

Members of the Advisory Committee on Social Education may attend conferences of the Board of Education and express their opinions on matters relating to social education.

Art. 18. (The Fixed Number of Members of the Advisory Committee on Social Education)

The number of members of the Advisory Committee on Social Education, their terms of office, and other relevant matters shall be stipulated by regulations of local governments.

In case a prefecture, city, town or village constitutes the regulations referred to in the preceding paragraph, the provisions from Art. 61 to Art. 63 of the Board of Education Law (Law No. 170, 1948) shall be applied.

Art. 19. (The Payment of Actual Expenses to Members of the Advisory Committee on Social Education)

Local public bodies shall not pay salaries and remunerations to the members of the Advisory Committee on Social Education.

Local public bodies shall meet expenses required by members of the Advisory Social Education Committees in the performance of their duties.

Expenses mentioned in the preceding paragraph shall be met under the provisions of Art. 31 Para. 3 of the Board of Education Law.

Chapter IV. Citizens' Public Halls

Art. 20. (Object)

The object of Citizens' Public Halls is to perform various activities for the cause of education, science and culture by providing the people in a city, town, village or other specific area with certain types of education fitted for daily life to improve their attainments, improve their health, ennoble their sentiment, elevate their cultural life, and in general, increase the social welfare of the community.

Art. 21. (Initiator of the Citizens' Public Halls)

A Citizens' Public Hall may be established by a city, town or village.

Besides the case mentioned above, it cannot be established unless it is done by a juridical person founded with the aim of establishing a Citizens' Public Hall under Art. 34 of the Civil Code (hereinafter called a juridical person in this chapter).

Art. 22. (Activities)

In order to fulfill the object stated in Art. 20, a Citizens' Public Hall may develop the following activities except when prohibited by laws and regulations:

I. Holding of regular courses of lectures.
II. Holding of discussions, short courses, lectures, demonstrations, and exhibitions.
III. Furnishing of books, records and models and making them available to the public.
IV. Holding of athletic meetings and recreation programs.
V. Encouraging cooperation among various bodies, organizations and agencies.
VI. Providing the community with a place for their meetings and for other public use.

Art. 23. (Principles of Activities)

Citizens' Public Halls are prohibited from:

I. Undertaking enterprises primarily for profit-making, allowing its name to be used for specific profit-making enterprises or by other means aiding a profit-making enterprise.
II. Engaging in an activity in connection with a specific political party, or supporting a specific candidate in connection with a public or private election.

A Citizens' Public Hall sponsored by a city, town or village is further prohibited from supporting a specific religion, denomination or sect.

Art. 24. (Establishment of Citizens' Public Halls)

In case a city, town or village desires to establish a Citizens' Public Hall matters concerning the establishment and administration of the Citizens' Public Hall shall be stipulated by local regulations.

As regards local regulations stated in the preceding paragraph the provisions of Art. 18, Para. 2 shall be applied mutatis mutandis.

Art. 25.

Establishment or abolition of a Citizens' Public Hall sponsored by a city, town or village shall be reported to the prefectural Board of Education.

Necessary matters concerning the report provided for in the preceding paragraph shall be governed by the regulations of the prefectural Board of Education.

Art. 26.

Establishment or abolition of a Citizens' Public Hall sponsored by a juridical person and change in the operator shall be reported to the prefectural Board of Education beforehand.

Necessary matters concerning the report provided for in the preceding paragraph shall be governed by the regulations of the prefectural Board of Education.

Art. 27. (Staff of the Citizens' Public Hall)

A Citizens' Public Hall shall have a manager and may have necessary officers on its staff.

The Citizens' Public Hall Manager shall transact business necessary for planning and carrying out various Citizens' Public Hall activities and supervise officers on the staff.

Art. 28.

The manager and officers of the Citizens' Public Hall sponsored by a city, town or village shall be appointed by the Board of Education of the city, town or village with the recommendation of the Superintendent of Education.

Appointment of a Citizens' Public Hall manager referred to in the preceding paragraph shall be made by the Board of Education of the city, town or village after discussion with the Citizens' Public Hall Advisory Committee as provided for by Art. 29.

Art. 29. (Citizens' Public Hall Advisory Committee)

Each Citizens' Public Hall shall have a Citizens' Public Hall Advisory Committee.

The function of the Citizens' Public Hall Advisory Committee is to investigate necessary matters concerning the planning of the activities of the Citizens' Public Hall, to make response to the inquiries made by the Citizens' Public Hall manager.

Art. 30.

In the case of Citizens' Public Hall established by a city, town or village, members of the Citizens' Public Hall Advisory Committee shall be chosen by the Board of Education of the city, town or village from among:

I. Principals of schools located in the city, town or village.
II. Representatives of appropriate community organizations and agencies relating to education, science, culture, industry, labor, social welfare, etc., whose offices are located in the city, town or village concerned and who are interested in achieving the objects given in Art. 20.
III. Persons of learning and experience.

Choice of such committee members as stated in No. II of the preceding paragraph shall be made at the recommendation of respective organization or agency by election or through some other procedures.

The chief of the city, town or village, or their auxiliary personnel or members of the city, town or village assembly may be entrusted with the responsibility of the committee members as provided for in Para. 1, No. III.

Necessary matters concerning the Citizens' Public Hall Advisory Committee as stated in Para. 1 including the number of members, their terms of office, etc. shall be stipulated by regulations of the city, town or village.

As regards above mentioned regulations, the provision of Para. 2, Art. 18 shall be applied mutatis mutandis.

Art. 31

In the case of a Citizens' Public Hall established by a juridical person, officers thereof shall become members of the Citizens' Public Hall Advisory Commitee.

Art. 32.

The provisions of Art. 19 shall be correspondingly applied to members of the Citizens' Public Hall Advisory Committee of a Citizens' Public Hall established by a city, town or village.

Art. 33. (Specific Foundation)

A city, town or village sponsoring a Citizens' Public Hall may set up a specific foundation or build a fund in order to maintain the activities of the Citizens' Public Hall.

Art. 34. (Special Account)

A city, town or village sponsoring a Citizens' Public Hall may set up a special account in order to maintain the activities of the Citizens' Public Hall.

As regards the proposed bill concerning the establishment of a special account as described in the preceding paragraph, the provision of Art. 18, Para. 2 shall be applied mutatis mutandis.

Art. 35. (Subsidies or Other Financial Aid to Citizens' Public Halls)

The National Treasury shall, within the bounds of the budget, provide subsidies or other financial aids required for the maintenance of Citizens' Public Halls to cities, towns and villages sponsoring Citizens' Public Halls.

Art. 36.

In case subsidies are provided by the National Treasury in accordance with the preceding article, the apportion of subsidies shall be made on the basis of the amount spent by the city, town or village concerned sponsoring Citizens' Public Halls in the previous fiscal year on the following items:

I. Expenses required for employment of Citizens' Public Hall officers.
II. Expenses required for Citizens' Public Hall fundamental activities.
III. Expenses required for books and other educational aids to be supplied for a Citizens' Public Hall.

The scope of the expenses as stated in each item of the preceding paragraph and other necessary matters for the apportion of subsidies shall be stipulated by Cabinet Order.

Art. 37.

In case prefectures provide subsidies required for the maintenance of Citizens' Public Halls in accordance with Art. 231 of the Local Autonomy Law (Law No. 67 of 1947), the Minister of Education may request prefectures to submit reports on the amount of the subsidies, the rate of the same, its method and other necessary matters, in accordance with the provisions of related Cabinet Order.

Art. 38.

A city, town or village which has been granted a state subsidy shall return it in the following cases:

I. When a Citizens' Public Hall has violated this law or directives issued according to this law, or actions taken based on these.
II. When a Citizens' Public Hall has abandoned all or part of its activities, or is to be used for the purpose other than the objects which Art. 20 proposed.
III. When it has violated the conditions required for receipt of subsidies.
IV. When it has received subsidies by false procedure.

Art. 39. (Guidance for Citizens' Public Halls)

The Minister of Education and the Prefectural Boards of Education may upon request offer Citizens' Public Halls adequate guidance and advice in their management, activities and other matters.

Art. 40. (Suspension of Citizens' Public Hall Activities or Operation)

When any Citizens' Public Hall is found violating the provisions of Art. 23, the prefectural Board of Education may issue an order to suspend their activities or operation.

Art. 41. (Punishment)

Those who have disobeyed the order for the suspension of Citizens' Public Hall activities or operation as provided for in the preceding article shall be punished with imprisonment with or without

hard labor of one year or less or a fine of 30,000 yen or less.

Art. 42. (Facilities and Institutions Similar to Citizens' Public Halls)

Facilities and institutions similar to Citizens' Public Halls may be established by any person.

As regards the management of the facilities and institutions mentioned in the preceding paragraph and other matters, the provisions of Art. 39 shall be applied mutatis mutandis.

Chapter V. Utilization of School Facilities

Art. 43. (Range of Application)

Matters concerning the utilization of facilities of national and public schools (hereinafter to be called "the school" in this chapter) for social education purposes, shall be managed in accordance with the provisions of this chapter.

Art. 44. (Utilization of School Facilities)

The administering agency of schools shall make efforts to encourage the utilization of school facilities under its jurisdiction for social education purposes, provided such action does not interfere with school education.

The administering agency stated in the preceding paragraph is the Minister of Education in the case of national schools; the head of the local public body which is the founder of the schools, in the case of public universities; and the Board of Education established by the local public body which is the founder of the schools, in the case of public schools except universities.

Art. 45. (Permission for Utilization of School Facilities)

When any one desires to utilize any school facilities for social education purposes, he shall get permission from the administering agency of the school in question.

When the school administering agency is to permit any school facilities to be utilized in accordance with the preceding paragraph, it shall discuss the matter beforehand with the head of the school concerned.

Art. 46.

When the state or the local public body intends to use school facilities for the purpose of social education, it shall consult with the administering agency of the school concerned in spite of the provisions of the preceding article.

Art. 47.

In case the use of school facilities described in Art. 45 is only temporary, the school administering agency may entrust the

school head concerned with the power of authorization regarding the utilization of school facilities as prescribed in Paragraph 1 of the same article.

The matter concerning the entrustment of authority described in the preceding paragraph and other matters necessary for the utilization of school facilities shall be decided by the school administering agency.

Art. 48. (Courses for Social Education)

The school administering agencies may request schools under their jurisdiction to hold courses for social education purposes, such as Cultural Courses, Special Courses, Summer Courses, Community Classes, etc., which are to be given insofar as the capacity of the school faculty and facilities permit.

Cultural Courses are to be held for adults to increase general accomplishments, Special Courses for adults to improve special technical knowledge, and Summer Courses for adults to increase either general accomplishments or special technical knowledge during the summer vacation, in universities or upper secondary schools respectively.

Community Classes are to be held for adults to deal with general accomplishments in elementary and lower secondary schools.

Necessary expenses for lecturers and teachers for the courses, prescribed for in Paragraph 1 shall be borne by the state or the local public bodies concerned within the limits of the budget.

Chapter VI. Correspondence Course

Art. 49. (Range of Application)

This chapter is intended to govern education by means of correspondence other than those conducted in accordance with the provisions of Art. 45, Art. 70 and Art. 76 of the School Education Law.

Art. 50. (Definition of Correspondence Course)

"Correspondence Course" in this law implies courses offered under an established educational program by sending students instruction materials, supplementary instructional materials, etc., and providing them, by correspondence, problems and solutions, corrections, questions and answers based upon such materials.

One who offers a correspondence course shall appoint necessary instructors to develop the program.

Art. 51. (Sanction of Correspondence Courses)

The Minister of Education may give sanction of correspondence courses (hereinafter to be referred to as "sanction") to any correspondence course, upon request, carried out by a school or juridical person under Art. 34 of the Civil Code and recognized as deserving promotion from the viewpoint of social education.

Those who desire to get a sanction mentioned in the preceding paragraph shall apply for it to the Minister of Education in accordance with his regulations about the matter.

When the Minister of Education gives a sanction to any correspondence course in accordance with the provisions of Paragraph 1, he shall consult the Correspondence Course Council in advance.

Art. 52. (Charge for Sanctioning)

The Minister of Education may charge those who apply for sanctions a fee. However, it shall not apply to the correspondence courses offered by state or public schools.

The amount of the fee prescribed in the preceding paragraph shall be set by the Minister of Education within the limits of ¥1,000 to ¥3,000 per course.

Art. 53. (Correspondence Course Council)

The Correspondence Course Council shall be established under the Ministry of Education.

The Correspondence Course Council shall investigate and deliberate on necessary matters concerning correspondence courses, to make response to the inquiries made by the Minister of Education.

The Correspondence Course Council may make recommendations to the Minister of Education concerning the matters referred to in the preceding paragraph.

Members of the Correspondence Course Committee shall be commissioned by the Minister of Education from among persons of learning and experience.

The structure of the Correspondence Course Council and other necessary matters shall be stipulated by Cabinet Order.

Art. 54. (Special Treatment of Postage)

As for the postage needed for sanctioned correspondence courses, a special treatment shall be given in accordance with the provisions of the Mail Law. (Law No. 165 of 1947).

Art. 55. (Discontinuation of Sanctioned Correspondence Courses)

Any one who desires to discontinue a sanctioned correspondence course or to make a change in its terms shall get the approval of the Minister of Education in accordance with the regulations laid down by the latter.

The provisions of Art. 51, Paragraph 3, shall apply mutatis mutandis to the approval mentioned in the preceding paragraph.

Art. 56. (Report and Necessary Action)

The Minister of Education may require any one who has been given a sanction to submit a necessary report, or may order to take necessary action.

Art. 57. (Cancellation of Sanction)

In case any one sanctioned has violated this law or directives issued according to this law, or actions taken based on these, the Minister of Education may cancel the sanction.

The provisions of Art. 51, Paragraph 3, shall apply mutatis mutandis to the cancellation of the sanction mentioned in the preceding paragraph.

Supplementary Provisions

1. This law shall be put into force as of the day of its promulgation.

2. When enforcing this law in a city, town or village with the Board of Education yet to be established and pending its establishment, "the Board of Education of a city, town or village" or "the Board of Education" as stated in this law shall read, "the mayor of the city or town, or a village master"; and the provisions of Paragraph 2, Article 17 shall not apply.

3. Partial amendment shall be made to the Local Autonomy Law as follows. "Citizens' Public Halls" shall be inserted after "libraries" in the statement of Item 5, Paragraph 3 of Article 2.

4. Pending enactment of a law governing libraries, matters concerning libraries shall be managed as heretofore in spite of the provisions of Article 9, Paragraph 2.

5. The correspondence courses sanctioned prior to the enforcement of this Law in accordance with the Regulations for the Authorization of Correspondence Courses (Ministry of Education Ordinance No. 22 of 1947) shall be regarded as having been sanctioned by Article 51, Paragraph 1 of this law.

Draft of Law concerning the Partial Amendment of the Board of Education Law

The Board of Education Law shall be amended in parts as follows.

Art. 70 shall be amended as follows.

Art. 70 The boards of education of cities, towns and villages except Osaka City, Kyoto City, Nagoya City, Kobe City and Yokohama City (to be hereinafter referred to as the Five Big Cities) shall be established by November 1, 1952. However, they shall be established neither in 1949 nor in 1951.

2. The necessary matters concerning the establishment of boards of education of the preceding paragraph may be provided for by government ordinances.

Art. 86 shall be amended as follows.

Art. 86 In spite of the provisions of Art. 30, Para. 2, the authorization of textbooks shall be made by the Minister of Education, untill the paper-allocating system shall be abolished.

Supplementary Provisions

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

2. The necessary matters concerning the establishment of boards of education of the preceding paragraph may be provided for by government ordinances.

Art. 86 shall be amended as follows.

Art. 86 In spite of the provisions of Art. 50, Para. 2, the authorization of textbooks shall be made by the Minister of Education, untill the paper-allocating system shall be abolished.

Supplementary Provisions

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

Reason

In the light of the various conditions after the enforcement of the Board of Education Law, the partial amendment of the law has become necessary because the establishment of boards of education of cities, towns and villages is to be postponed until 1952, because the election of local board members is to be held at the same time as with that of prefectural boards members and because it has become unnecessary to limit the selection of textbooks to the prefectural boards of education only. These are the reasons why this draft shall be submitted to the Diet.

CIV. EDUC. (8)

30 Aug 48

Law No. 170
Promulgated 15 July 1948

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The Board of Education Law

Chapter I. General Provisions
(The Aims of this Law)

Article 1. This law aims at attaining the primary objectives of education by establishing the Board of Education so as to execute educational administration based upon the equitable popular will and befitting actual local conditions, with the realization that education should be conducted without submitting to undue control and should be responsible 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, however, towns and villages, in case of necessity, may establish partial-affairs associations, in which boards of education may be installed.

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

3. "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.

(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 for the conduct of the business of the board of education shall be borne by the local public body concerned.

(Subsidy for Expenses)

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

Chapter II. Organization of the Board of Education

Section 1. Members of Boards of Education

(Board members)

Article 7. Prefectural boards of education shall consist of seven members, and local boards of education shall consist of five members.

Note: Translated by Ministry of Education, Japanese Government.

2. The board members of the preceding paragraph except those prescribed in the third paragraph shall be elected by the inhabitants of a prefecture or city, town or village who are citizens of Japan.

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

(Term of office)

Article 8. The term of office of the 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.

added 10 May '50

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 and from the assembly shall be his term of office as assemblyman.

(Election)

Article 9. Those having the suffrage or eligibility for members of the prefectural assembly or city, town or village assembly shall have the suffrage or eligibility for members of the prefectural or local board of education.

amended 10 May '50

Article 10. ~~Diet members, members of assemblies of local public bodies~~ (excluding the members prescribed in the paragraph 3 of Article 7), national public officials and paid employees of local public bodies ~~cannot concurrently be members of any board of education.~~

2. Members of a prefectural board of education cannot concurrently be members of a 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 local boards of education may be held simultaneously.

amended 10 May '50

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.

added 10 May '50

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

Article 17. Those who have the eligibility for membership 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 presiding officer of election shall determine the elected person by drawing lots at an election meeting.

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Art. 8 para 2: However, in case an ordinary election is held prior to the date of the expiration of the term of office of the members, it shall be computed as starting from the day following the date of the expiration of the term of office of the predecessors.

Amended

Art. 10, para 1: The members of the Diet, the members of the assemblies of local public bodies (excluding the members under Article 7 para 3) national and local public service personnel of full-time service and those who shall be appointed through the election, decision or consent of the Diet or the assemblies of local public bodies cannot concurrently be members of any board of education.

Amended

Art. 15: The election of members of the board of education shall be held by using the electors' register for the members of the House of Representatives and the supplementary electors' register or the abstracts thereof.

2. In case the election of members of the board of education is held in a city, town or village, the election administration committee of the city, town or village shall prepare the supplementary electors' register as provided for in Article 26 paragraph 2 of the Local Autonomy Law (Law No. 67 of 1947).

Article 20. When a joint election for members with different terms of office is held, elected members with longer terms 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 presiding officer of election 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, ~~(Law No. 67, 1947)~~ an election meeting shall be held immediately in order to determine the elected member from among those who failed to be elected in the order of number of votes they have obtained.

deleted 10 May '50

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 above time limit and besides there are those who are applicable under paragraph 2 of Article 19, 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 terms 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 an election meeting as to which candidates shall be decided as elected members with longer terms of office.

Article 23. In case the cases as provided in terms from 1 to 3 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 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 holding further election, further election shall be held.

Article 24. In case the cases as provided for in items 4 to 7 of paragraph 1 of Article 62 of the Local Autonomy Law or vacancies take place after the time limit as provided for in paragraph 1 of Article 60 of the Local Autonomy Law, and at the same time it is impossible to decide elected members, the board 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 members, 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 assembly 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 cases 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 case a vacancy occurs in the position for a member in accordance with the provisions of the paragraph 3 of Article 7, 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 board-members~~ the election campaign in the election of the members of the board of To, Do, Fu or prefecture and of a city under Article 15 paragraph 2 of the same Law and the provision of ~~paragraph 3 of the same Article~~ Article 72 paragraph 3 of the same Law shall apply correspondingly to that of election of prefectural board-members. ~~However, "electoral administration committee of the metropolitan assemblymen" or "electoral administration committee of the district and prefectural assemblymen"~~ 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 "electoral administration committee of the local public body concerned", so far as the ~~election for local board members is concerned.~~

amended 10 May '50

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Amended and added Art. 27

However, in Article 140 paragraph 4 of the Law concerning the Election of the Member of the House of Representatives (Law No. 47 of 1925) as shall apply mutatis mutandis in Article 72 paragraph 1 of the same Law, "the election administration committee of metropolis, district or urban or rural prefectures" shall read "the election administration committee of the said city", in case of the election of the members of the board of education of a city under Article 155 paragraph 2 of the Local Autonomy Law.

2. The provise to Article 90 of the Law concerning the Election of the Members of the House of Representatives as shall apply mutatis mutandis in Article 72 paragraph 1 of the Local Autonomy Law shall, regardless of the provision of the preceding paragraph, not apply mutatis mutandis to the election campaign in the election of the members of the board of education of city under the same paragraph.

deleted 10 May '50

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 in the governmental 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.

the members of a board of education by popular vote

amended 10 May '50

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.

added 10 May '50

(Resignation and Determination of Qualification of Board Members)

Article 30. Concerning the resignations and the determination of qualifications of board members, the provisions of the Section 8 of Chapter 6 of the Local Autonomy Law (except the provision of the proviso of Article 126) shall be applied correspondingly. However, "the assemblies of ordinary local public bodies" shall be read as "the boards of education", and "the assembly members" shall be read as "the board members."

(Remunerations and Reimbursement for Expenses of the Board Members)

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

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

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

(Performance of Duty, etc. of Members)
(~~Performance on Duty, etc. of Board Members~~)

amended 10 May '50

Article 32. ~~Matters concerning the oath, duty to obey laws and the performance on duty of board members shall be ordained by the other law 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 vice chairman shall be one year, but they may be re-elected.

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

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

(Convocation of the Meetings)

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

2. Chairman shall have to convene the extrordinary 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 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 the date of the meeting for the local board of education. However, this shall not apply in case an emergency problem should arise.

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Added Art. 29:
3. As regards the recall of a member under the provision of Article 7 paragraph 3, the provisions of the Local Autonomy Law concerning the demand for dismissal of the member as provided for in Article 88 paragraph 2 of the same Law, shall apply.

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

(The Ordinary and Extraordinary Session)

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

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

3. In case an emergency problem should arise, the estraordinary 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, except when twice repeated convocations regarding the same business fail to get a majority of its members in actual service.

(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 have decided to that effect by a majority of more than two-thirds.

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

(Method of Resolution)

Article 38. The precedings 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.

added 10 May '50

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(Council Rules)

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

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

Section 3 Superintendents of Education and Secretariats.

(Superintendent of Education)

Article 41. Board of education shall have a superintendent of education.
2. The superintendent of education shall be appointed by the board of education from among those who have certificates for educational employees as prescribed by the other law concerning the certification of educational employees.

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

Deleted

amended 10 May '50

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

(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)

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Added Art. 39-(2)(minutes)

All the particulars of the meetings of the board of education shall be recorded in the minutes.

2. Necessary matters concerning the minutes under the preceding paragraph shall be provided for by the regulation of the board of education.

deleted 10 May '50

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

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

(Personnel of Secretariats)

amended 10 May '50

Article 45. The secretariat of the prefectural board of education shall have teachers - consultants and ~~technical experts concerning the approval or selection of text-books, curriculum content to be taught and its treatment, architecture, and other necessary matters as well as other necessary secretarial staffs~~.

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

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

deleted 10 May '50

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.

Deleted

amended 10 May '50

Article 46. ~~Teachers' consultants shall give advice and assistance to teachers, but they shall issue no orders and exercise no control.~~

amended 10 May '50

Article 47. ~~Professional experts needed for approval 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 during that period.

Chapter 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.

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

amended 10 May '50

Article 49. The board of education shall take charge of the ~~following~~ matters listed below in order matters. However, in such cases they may require the advice and recommendations ~~of the superintendent of education.~~ to exercise the functions as provided for in Article 4.

added 10 May '50

(1) Matters concerning establishment, control and abolishment of schools and other educational institutions.

amended 10 May '50

(2) Matters concerning ~~operation and control of schools and other educational institution.~~ acquisition, custody and disposal of property used or decided to be used by schools and other educational institutions (to be referred to as "educational property"; hereinafter the same).

(3) Matters concerning the curriculum content to be taught and its treatment.

(4) Matters concerning selection of text-books.

amended 10 May '50

(5) Matters concerning employment and dismissal and other personnel affairs of principals and teachers based upon the provisions of ~~the other law concerning the employment and dismissal etc. of the educational public officials.~~ the Law for the Special Regulations concerning Educational Public Service (Law No. 1 of 1949).

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Necessary secretarial and technical personnel to be engaged in secretarial or technical affairs concerning the approval or selection of textbooks, curriculum contents to be taught and their treatment school health program, architecture and other matters.

Amended Art. 47
Secretarial or technical personnel to be engaged in special secretarial or technical affairs concerning the approval or selection of textbooks, curriculum contents to be taught and their treatment, and other matters.

(6) Matters concerning the employment and dismissal and other personnel affairs of the staffs of the board of education and schools and other educational insitituions.

amended 10 May '50

(7) Matters concerning the labor union organized by ~~teachers and other educational employees.~~ personnel of the board of education, schools and other educational institution.

deleted 10 May '50

(8) Matters concerning the establishment and change of school sites, and planning of repair and preservation of schools and other buildings as well as ~~supervision of~~ execution of work construction.

deleted 10 May '50

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

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

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

(12) Matters concerning the control of basic property and reserve fund for educational purposes.

(13) Matters concerning contracts with other boards of education for educational affairs.

(14) Matters concerning social education.

(15) Matters concerning study and self-improvement of principals, teachers and professional educational personnel.

added 10 May '50

amended 10 May '50

~~(16)~~ (19) Keeping certificates and officials documents.

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~~(17)~~ (20) Matters concerning investigations and statistics concerning education.

amended + deleted 10 May '50

~~(18)~~ (21) Matters concerning educational affairs of the community under its jurisdiction, ~~not otherwise prescribed by law.~~

amended 10 May '50

Article 50. ~~The prefectural board of education shall take charge of the following matters in addition to the affairs as provided for in each item of the preceding article. However, in such cases they may require the advice and recommendations of the superintendent of education.~~ Of the affairs placed under the powers of the board of education, the following affairs shall be taken charge of by the prefectural board of education exclusively.

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

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

(3) Giving technical and professional advice and assistance to the local boards of education.

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

amended 10 May '50

added 10 May '50

(5) Matters concerning the planning of the school lunch program, custody and utilization of the ration for school ~~any other matters belonging to its control provided for by laws and regulations.~~ lunch program for the schools within To, Do, Fu or prefecture.

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

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

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

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Added Art. 49

(16) Matters concerning health, weal and welfare measures for principals, teachers and other educational personnel as well as for pupils, children and kindergarten children.

(17) Matters concerning planning and execution of school health program.

(18) Matters concerning administration of sanitation of school environment.

Added to Art. 50

(6) Matters concerning preservation of historic sites, places of scenic beauty, natural monuments, national treasures, important art objects, etc.

(7) Matters concerning juridical persons concerned with education (excluding those which establish private schools).

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

(The Regulations of the Board of Edcuation)

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

amended 10 May '50

2. ~~The regulations of the board of education shall be publicly announced in conformity to a stated form of public notice.~~ The regulations of the board of education and other rules prescribed by the board which are required to be publicly announced must be promulgated in conformity to a prescribed form of public notice.

added 10 May '50

(Establishment of Attendance Districts)

added 10 May '50

Article 54. The prefectural board of education shall divide the prefecture into several attendance districts, in accordance with the provisions of the regulations of the board of education for the purpose of promoting propagation and equalizing opportunity of upper secondary education. However, the prefectural board of education may coordinate the attendance of pupils in case of necessity.

added 10 May '50

(Submission of Reports)

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

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

(Preparation of Budget)

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

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

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

added 10 May '50

(Execution of Budget)

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

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

added 10 May '50

amended 10 May '50

(Relation of the Board of Education with the Chief or the Assembly of Local Public Body)
~~(Matters to be subjected to the Approval of the Assembly)~~

amended 10 May '50

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

Added Art. 52

(Delegation and Temporary Representation Affairs)

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

Added Art. 53

3. The form of public notice under the preceding paragraph must be prescribed by the regulations of the board of education, and must provide for the signature necessary for the promulgation, method of its promulgation, date of its enforcement and other necessary matters.

Added Art. 54

(School Health Program)

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

2. Health centers shall give advice and assistance to the Board of Education concerning sanitation of school environment furnishing of materials and information on school health program and other matters in accordance with standards as provided for by Cabinet Order.

(Execution of Construction Work)

Art. 54-(3). The board of education may, in principle delegate the execution, the construction work of schools and other educational institutions to the chief of the local public body concerned. In this case the chief of local public body shall conform to the opinion, if any, of the board of education concerning the execution of the construction.

(Duties of Teacher-consultants)

Article 52-(4). Teacher-consultants shall give advice and guidance to principals and teachers. However they shall issue no orders and exercise no control.

Added Art. 58

Art. 58-(2). When any addition to or change in the fixed budget under the jurisdiction of the board of education is to be made or a temporary budget under its jurisdiction is to be worked out, the procedures under the preceding three Articles shall be followed.

Added Art. 60

2. The chief of a local public body may, with regard to the revenues concerning educational affairs, delegate to the board of education of the said local public body the power to issue orders of collecting such revenues.

Added Art. 52

(Delegation and Temporary Representation Affairs)

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

2. The superintendent of education may delegate a part of the affairs, which have been delegated to him by the board of education in accordance with the provision of the preceding paragraph, to the heads of schools or other educational institutions or cause them to administer the same on behalf of the superintendent of education.

(Duty of the Superintendent of Education)

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

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

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

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

5. The superintendent of education must present necessary reports and materials to the board, concerning the execution of his duty affairs and concerning education within the area under the jurisdiction of the board of education.

(Duties of Teacher-consultants)

Article 52-(4). Teacher-consultants shall give advice and guidance to principals and teachers. However they shall issue no orders and exercise no control.

Added Art. 58

Art. 58-(2). When any addition to or change in the fixed budget under the jurisdiction of the board of education is to be made or a temporary budget under its jurisdiction is to be worked out, the procedures under the preceding three Articles shall be followed.

Added Art. 60

2. The chief of a local public body may, with regard to the revenues concerning educational affairs, delegate to the board of education of the said local public body the power to issue orders of collecting such revenues.

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

(2) Matters concerning local bonds for educational purposes.

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

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

amended 10 May '50

Article 62. When the chief of the local public body wants to revise the draft transmitted by the board of education at the time of referring ~~it~~ a measure concerning the matters as provided for in the preceding Article to the resolution of the assembly concerned, he shall require the opinion of the board of education beforehand.

amended 10 May '50

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

added 10 May '50

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

Article 64. In case 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.

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

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

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

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

Chapter IV Miscellaneous

~~(Personnel of Schools and Other Educational Institutions)~~

amended 10 May '50

~~Article 66. Principals, teachers and secretarial officials shall be~~ installed in prefectures, cities, towns, and villages.

2. The fixed number of principals, teachers and secretarial officials of schools shall be decided by the by-laws of the Public local body concerned unless otherwise provided for by laws and government ordinances.

3. Status of principals and teachers shall be provided for in the other law which shall provide concerning the employment and dismissal etc., of the educational public officials except otherwise provided for in this Law.

4. Necessary secretarial officials shall be installed in educational institutions other than schools under the control of the board of education.

(Treatment of Status of Educational Public Officials)

Article 67. Of all the educational personnel appointed by the boards of ~~education, the other law concerning the employment and dismissal etc., of the~~

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Added Art. 63

Art. 63-(2). The chief of a local public body shall when he receives the draft of a measure concerning the matters as provided for in Article 61, prepare the measure thereof and submit it to the assembly of the local public body without delay.

Art. 63-(3). As for the matters as provided for in Article 61, the chief of a local public body shall as a rule not submit the measure of the matter concerned to the assembly of the local public body, until he receives the draft of the measure transmitted by the board of education under the provision of the same Article.

Art. 63-(4). When a school or any other educational institution is to be abolished, the board of education shall consult with the chief of the local public body in advance, about the use of the educational property used by the said educational institution after its abolishment.

Amended Art. 66 - 68

(Personnel of Schools and Other Educational Institutions)
Art. 66. Schools under the control of the board of education shall have principals, teachers and necessary secretarial and technical personnel.

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

3. The fixd number of personnel as provided for in the preceding two paragraphs must be prescribed by the bylaw of the local public body concerned, unless otherwise provided for by the law or cabinet order.

educational public officials shall provide concerning the treatment of status of such personnel (except principals and teachers) 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 mutatis mutandis, concerning the treatment of status of the personnel other than those provided for in the preceding paragraph and secretarial officials of school

(Allowances of Personnel)

Article 68. Concerning the allowance of the personnel as provided for in the preceding two Articles the provisions 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 Autonomy Law shall be applied correspondingly.

Supplementary Provisions

Article 69. This Law shall be enforced on and from the day of proclamation. However, the provision of Article 94 shall be enforced on and from November 1, 1948.

amended 10 May '50

Article 70. The boards of education of cities, towns and villages except Osaka City, Kyoto City, Nagoya City, Kobe City and Yokohama City (To be hereafter referred to as the Five Big Cities) shall be established by November 1, 1950. However, the necessary matters concerning their establishment may be ordained by government ordinances.

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

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

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

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

2. The boards of education of prefectures and the Five Big Cities shall be considered as coming into existence on November 1, 1948.

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

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

Article 76. Except those provided for in the preceding two Articles, the transfer of business of the boards of education according to Article 74 shall be based on the provisions of transfer of business of chiefs of the ordinary

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(Treatment of Status of Superintendent of Education and Others)

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

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

(Salaries and Allowances of Superintendent of Education and Others)

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

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

Amended Art. 70.

Cities excluding Osaka City, Kyoto City, Nagoya City, Kobe City and Yokohama City (to be referred to as "the five major cities", hereinafter the same) and excluding other cities which have already established boards of education must establish boards of education on November 1, 1950, or November 1, 1952, and towns and villages (excluding those which have already established boards of education) on November 1, 1952.

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

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

Article 78. The boards of education shall appoint the superintendents of education from among those who have qualifications as otherwise provided for in a government ordinance, notwithstanding the provisions of Article 41, up until the other law concerning the certification of educational personnel is ordained.

2. For the time being, in case such qualified persons are not available as prescribed in Article 41 and the preceding paragraph, the boards of education may appoint the superintendents of education from among those who have not such qualifications.

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

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

amended 10 May '50

Deleted

Article 80. ~~The fixed number of the principals, 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 of the local instructors or local secretarial officials in accordance with the provisions of the Organization Ordinance concerning the Public Schools (Imperial Ordinance No. 213, 1946) and that of the Organization Ordinance concerning the Public Lower Secondary Schools, the Primary Schools and the Kindergartens (Government Ordinance No. 20, 1948).

~~3. The fixed number of the preceding paragraph shall be considered as ordained by the by-law in paragraph 2 of Article 66.~~

amended 10 May '50

Article 81. ~~Except those otherwise prescribed in this Law, the status~~ treatment of the staffs such as position-classification, examination, appointment and dismissal, compensation, efficiency, limitations, disciplinary punishment, guarrantee, and performance on duty and other treatments as are provided for in paragraph 2 of Article 67, shall be based upon the provisions concerning the personnel who are the auxiliary agencies of chiefs of prefectures ~~or those of cities, towns and villages, up until the other law concerning the personnel of local public bodies is legislated.~~ However, special provisions may be ordained by government ordinances.

amended 10 May '50

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Article 82. ~~The to-date provisions concerning the local secretarial officials~~ of public schools shall apply correspondingly, concerning the status treatments ~~such as the position—classification~~, examination, appointment and dismissal, compensation, efficiency, limitations, disciplinary punishment, guarrantee, and performance on duty and other treatments of those who are secretarial officials of public schools and at the same time local secretarial officials, up until the other law concerning the personnel of local public bodies ~~is legislated.~~ However, special provisions may be ordained by government ordinances.

Article 83. Those who are secretarial officials of public schools and at the same time local secretarial officials at the enforcement of this Law shall be considered as employed as the secretarial officials of public schools concerned with the same classes and salaries as the present classes and salaries respectively, and as appointed to the positions corresponding to the present

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(Principal clause amended)

Until such time as the law which may provide for matters concerning personnel of local public bodies as provided for in paragraph 2 of Article 67 and paragraph 1 of Article 68 shall be issued and enforced, the appointment, dismissal, disciplinary punishment, performance of duty, salaries and allowances and other matters concerning the treatment of the status of personnel as provided for in paragraph 2 of Article 67 shall be regardless of the provisions of these paragraphs, as the treatment of the status of local governmental officials who are anxiliary organs of the chief of the local public body concerned, except for such matters specially provided for by this Law and the Law for the Special Regulations concerning Educational Public Service.

positions consecutively, except otherwise provided for by this Law or by the government ordinances based upon this Law or by other laws.

Article 84. In case when those who are secretarial officials of public schools and at the same time local secretarial officials become secretarial officials of public schools concerned consecutively at the enforcement of this Law, shall be considered as being in continuous service retaining the to-date status, so that the Pension Law (Law No. 48, 1923) shall be applied to them correspondingly. In case such persons become national public officials from secretarial officials of public schools concerned, 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 85. The higher educational institutions as provided for in Article 4 shall include, for the time being, the old-type Koto Gakko, preparatory colleges and teacher-training schools 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 86. The prefectural board of education shall select text-books from among those which have been approved by the Minister of Education or those which have been published by the said Minister until the system of paper allotment is abolished, in spite of the provisions of paragraph 4 of Article 49 and paragraph 2 of Article 50.

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

amended 10 May '48

Article 88. ~~The coming into existence of the boards of education in cities (except the Five Big Cities), towns and villages shall be the same as the case of the coming into existence of the boards of education of the Five Big Cities.~~

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

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

Article 91. The property of school ward (Gakku) as prescribed in the General Regulations concerning 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 92. A part of the Temporary Measures Law concerning Text-books publication (Law No. 132, 1948) shall be revised as follows:

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

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

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

"Public or" of Article 34 shall be deleted.

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

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Amended Art. 88.

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

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

3. The provisions of Article 74 to 77 inclusive and 79 shall apply mutatis mutandis to the case where the board of education shall have come into existence in accordance with the provision of the preceding paragraph. However, in Art. 74, "within 30 days from the date of their coming into existence in the case of prefectural governors and within 20 days from the above date in the case of mayors of the Five Big Cities" shall read "from the prefectral boards of education or the heads of cities, towns and villages, within 20 days from the date of their coming into existence"; in Article 75, "the prefectural governors or the mayors of the Five Big Cities' mayors" shall read "the prefectural boards of education and the heads of cities, towns and villages"; in paragraph 1 of Article 77, "chiefs of educational departments or sections and their staffs of prefectures and the Five Big Cities.....on November 1, 1948" shall read "chiefs of educational department or sections and their staffs of cities, towns and villages concerned.....on the day when the board of education shall have come into existence in accordance with the provision of paragraph 2 of Article 88"; in paragraph 2 of the same Article, "1949" shall read "of the year when the board of education shall have come into existence in accordance with the provision of paragraph 2 of Article 88"; and in Article 79, "prefectures and the Five Big Cities" shall read "cities, towns and villages concerned".

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

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

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

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

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

"Inspection commissioners 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 boards of education.

" 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.

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

Article 95. The treatment of status of principals and teachers shall remain as heretofore, notwithstanding the provisions of item 5 of Article 49 and paragraphs 1 and 3 of Article 66, up until the other law concerning the appointment and dismissal of educational public officials is legislated. However, the special provisions may be ordained by government ordinances.

Supplementary Provisions

1. This law shall come into force as from the day of its promulgation.

2. The law concerning the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (Law No. 44 of 1919) shall be partially amended as follows:

In Article 1 paragraph 2 and Article 3, "the prefectural governor" shall be amended as "the prefectural board of education".

3. The Social Education Law (Law No. 107 of 1949) shall be partially amended as follows:

Article 18 shall be amended as follows:

(the fixed number etc. of the members of the Advisory Committee of Social Education)

Article 18. The fixed number, the term of office and other necessary matters concerning the members of the advisory committee of social education shall be provided for by the by-law of the local body concerned.

2. As for the drafting of the bill of the by-law under the preceding paragraph and the submittal of it to the assembly, the procedure concerning the matters as provided for in Article 61 of the Board of Education Law (Law No. 170 of 1948) shall apply.

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Reason

In the light of the experiences in operating the system of the board of education after the enforcement of the Board of Education Law, it has become necessary that the time when local boards of education of towns and villages are to be established should be postponed until 1952, and that the provisions of the above Law should be rearranged so as to make the duties and powers of the board of education more clear, for instance. These are the reasons why this bill shall be submitted to the Diet.

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THE BOARD OF EDUCATION LAW

(REVISED)

June 1950

SHIKOKU CIVIL AFFAIRS REGION

The Board of Education Law

(Law No. 170 of 1948)

As of 14 June 1950

Chapter I. General Provisions

(The Aims of this Law)

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

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

(Establishment)

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

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

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

(Functions)

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

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

(Responsibility for Expenses)

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

(Subsidy for Expenses)

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

subsidized by national treasury.

Chapter II. Organization of the Board of Education

Section 1. Members of Boards of Education

(Board Members)

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

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

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

(Term of Office)

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

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

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

(Election)

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

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

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

Article fran 11 to 25 Inclusive. Deleted. ((Amended by Election Law Enforcement Law)

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

Article 27. and 28. Deleted._____(Amended by Election Law Enforcement Law)

(Recall of Board Member)

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

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

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

(Resignation and Determination of Qualification of Board Members)

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

(Remunerations and Reimburesement for Expenses of the Board Members)

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

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

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

(Performance of Duty of Members)

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

Section 2. Meetings of Boards of Education

(Chairman and Vice-chairman)

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

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

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

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

(Convocation of the Meetings)

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

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

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

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

(The Ordinary and Extraordinary Session)

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

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

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

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

(Quorum of Meetings)

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

(Meeting Being Opened to the Public)

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

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

(Method of Resolution)

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

(Limitation of Participation in Proceedings of Meetings)

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

(Minutes)

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

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

(Council Rules)

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

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

Section 3. Superintendents of Education and Secretariats

(Superintendent of Education)

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

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

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

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

(Secretariat)

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

(Departments or Sections of Secretariats)

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

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

(Personnel of Secretariats)

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

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

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

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

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

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

Chapter III. Powers and Duties of Board

(Jurisdiction of Boards of Education)

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

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

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

(1) Matters concerning establishment, control and abolishment of schools and other educational institutions; _____ (Partially amended by No. 168 Amendment Law of 1950.)

(2) Matters concerning acqisition, custody and disposal of property used or decided to be used by schools and other educational institutions (to be referred to as "educational property"; hereinafter the same); _____ (Amended by No. 168 Amendment Law of 1950.)

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

(4) Matters concerning selection of text-books;

(5) Matters concerning employment and dismissal and other personnel affairs of principals and teachers based upon the provisions of the Law for the Special Regulations concerning Educational Public Service (Law No. 1 of 1949); _____ (Partially amended by No. 168 Amendment Law of 1950.)

(6) Matters concerning the employment and dismissal and other personnel affairs of the staffs of the board of education and schools and other educational institutions;

(7) Matters concerning the labor union organized by personnel of the board of education, schools and other educational employees; _____ (Partially amended by No. 168 Amendment Law of 1950.)

(8) Matters concerning the establishment and change of school site, and planning of repair and preservation of school and other buildings as well as execution of work of construction; _____ (Partially amended by No. 168 Amendment Law of 1950.)

(9) Matters concerning the arrangement of instructional materials and other equipments; _____ (Partially amended by No. 168 Amendment Law of 1950.)

(10) Matters concerning the legislation, amendment and repeal of the regulation of the board of education;

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

(12) Matters concerning the control of basic property and reserve fund for educational purposes;

(13) Matters concerning contracts with other boards of education for educational affairs;

(14) Matters concerning social education;

(15) Matters concerning study and self-improvement of principals, teachers and professional educational personnel;

(16) Matters concerning health, weal and welfare measures for principals, teachers and other educational personnel as well as for public, children and kindergarten children. _____ (Added by No. 168 Amendment Law of 1950.)

(17) Matters concerning planning and execution of school health program. _____ (Added by No. 168 Amendment of 1950.)

(18) Matters concerning administration of sanitation of school environment. _____ (Added by No. 168 Amendment of 1950.)

(19) Keeping certificates and official documents;

(20) Matters concerning investigations and statistice concerning education;

(21) Other matters concerning educational affairs of the community under its jurisdiction. _____ (Partially amended by No. 168 Amendment Law of 1950.)

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

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

(2) Approving textbooks for all schools within, the prefecture concerned in accordance with the standards established by the Minister of Education;

(3) Giving technical and professional advice and assistance to the local board of education;

(4) Matters concerning establishment or revision of the attendance district of upper secondary school;

(5) Matters concerning the planning of the school lunch program, custody and utilization of the ration for school lunch program for the schools within To, Do, Fu or prefecture; _____ (Added by No. 168 Amendment Law of 1950.)

(6) Matters concerning the enforcement of Cultural Property Protection Law (Law No. 168 of 1950) and Matters concerning the Preservation of Important Art Objects (Law No. 43 of 1933.); _____ (Added by No. 168 Amendment Law of 1950.) (Amended by Cultural Property Protection Law.)

(7) Matters concerning juridical persons concerned with education (excluding these which establish private schools). _____ (Added by No. 168 Amendment Law of 1950.)

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

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

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

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

(Delegation and Temporary Representation of Affairs)

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

2. The superintendent of education may delegate a part of the affairs, which have been delegated to him by the board of education

in accordance with the provision of the preceding paragraph, to the heads of schools or other educational institutions or cause them to administer the same on behalf of the apperintendent of education.
(Added by No. 168 Amendment Law of 1950.)

(Duty of the superintendent of Education)

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

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

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

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

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

(Duties of Teacher consultants)

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

(The Regulations of the Board of Education)

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

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

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

(Establishment of Attendance Districts)

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

(School Health Program)

Article 54-(2). The Board of Education shall request chiefs of

local public bodies which establish health centers for the cooperation of the health centers concerning school physical examination, close medical examination and other matters, in accordance with standards as provided for by Cabinet Order.

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

(Execution of Construction Work)

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

(Presentation of Reports)

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

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

(Preparation of Budget)

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

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

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

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

(Execution of Budget)

Article 59. When the budget is approved by the local assembly,

the chief of the local public body shall allocate the budge under control of the board of education to the board concerned.

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

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

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

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

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

(2) Matters concerning local bonds for educational purposes;

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

(4) Matters concerning legislation, or revision and repeal of the bylaw as provided for in paragraph 3 of Article 31, paragraph 3 of Article 45 and paragraph 3 of Article 66. _____ (Partially amended by No. 168 Amendment Law of 1950)

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

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

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

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

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

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

Superintendent)

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

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

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

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

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

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

Chapter IV. Miscellaneous Provisions

(Personnel of Schools and Other Educational Institutions)

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

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

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

(Treatment of Status of Superintendent of Education and Others)

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

2. The appointment, dismissal, disciplinary punishment, performance of duty and other matters concerning the treatment of the status of the superintendent of education, personnel as provided for in paragraph

1 and 2 of Article 45 and personnel as provided for in paragraphs 1 and 2 of the preceding Article shall be, unless otherwise provided for by this law and the Law for the Special Regulations concerning Educational Public Service, in accordance with the provisions of the law which may provide for matters concerning personnel of local public bodies separately.

(Salaries and Allowances of Superintendent of Education and Others)

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

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

Supplementary Provisions

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

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

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

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

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

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

Article 73. In case where the election of paragraph 1 of the preceding Article has taken place, prefectural governors or mayors of the Five Big Cities shall [illegible]

of the Five Big Cities shall convene the meeting on the boards of education within 20 days.

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

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

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

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

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

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

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

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

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

Article 81. Until such time as the law which may provide for matters concerning personnel of local public bodies as provided for in paragraph 2 of Article 67 and paragraph 1 of Article 68 shall be issued and enforced, the appointment, dismissal, disciplinary punishment, performance of duty, salaries and allowances and other matters concerning the treatment of the status of personnel as provided for in paragraph 2 of Article 67 shall be regardless of the provisions of these paragraphs, as the treatment of the status of local government officials who are auxiliary organs of the chief of the local public body concerned, except for such matters specially provided for by this Law and the Law for the Special Regulations concerning Educational Public Service. However, special provisions may be ordained by cabinet

orders. _____ (Partially amended by No. 168 Amendment Law of 1950)

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

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

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

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

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

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

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

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

3. The provisions of Article 74 to 77 inclusive and 79 shall apply mutatis mutandis to the case where the board of education shall have come into existence in accordance with the provision of the pre-

ceding paragraph. However, in Article 74, "within 30 days from the date of their coming into existence in the case of prefectural governors and within 20 days from the above date in the case of mayors of the Five Big Cities" shall read "from the prefectural boards of education or the heads of cities, towns and villages, within 20 days from the date of their coming into existence"; in Article 75, "the prefectural governors or the mayors of the Five Big Cities' mayors" shall read "the prefectural boards of education and the heads of cities, towns and villages"; in paragraph 1 of Article 77, "chiefs of educational department or sections and their staffs of prefectures and the Five Big Cities ..... on November 1, 1948" shall read "chiefs of educational department or sections and their staffs of cities, towns and villages concerned ..... on the dat when the board of education shall have come into existence in accordance with the provision or paragraph 2 of Article 88"; in paragraph 2 of the same Article, "1949" shall read "of the year when the board of education shall have come into existence in accordance with the provision of paragraph 2 of Article 88"; and in Article 79, "prefectures and the Five Big Cities" shall read "Cities, towns and villages concerned".

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

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

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

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

"Prefectural governors" of paragraph 1 of Article 5, paragraph 1, 2 of Article 6 and paragraphs 1, 2 of Article 7 shall read "prefectural boards of education." "Principals of national schools" of Article 7 shall read "the boards of education in cities, towns and villages and principals of national and private schools."

Article 93. A Part of Schools Education Law shall be revised as follows:

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

In Article 34 "public or" shall be deleted.

In Article 30, 31 and 33 "Or towns and villages school association" shall be deleted.

The following paragraph shall added as paragraph 2 of Article 106.

The competent authority to approve in Article 4 and the competent authority of Article 14 shall be prefectural boards of education for the time being, concerning the public primary schools, lower and upper secondary schools, schools for the blind, schools for the deaf, schools for the hand-capped, and the kindergartens.

Article 107. The controlling agencies of primary schools established

by cities, towns and villages in this Law, shall, for the time being, be mayors of cities or headmen of towns and villages in which boards of education are not installed.

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

In Article 121 "Inspection commissioners and members of public safety committees of cities, towns and villages" shall read "Inspection commissioners, members of public safety committees of cities, towns and villages and members of boards of education.

In article 125 "Inspection commissioners and members of public safety committees of cities, towns and villages concerned" shall read "Inspection commissioners, member of public safety committees of cities, towns and villages concerned and boards of education."

In Article 148, "4 Bureaus of Education (1) Matters concerning education, arts and science." and "3 Departments of Education (1) Matters concerning education arts science" shall be deleted.

In paragraph 1 of Article 173 "Technical officials or educational officials" shall read "and technical officials," and paragraph 4 of the same Article shall be deleted.

(Article 95. Was deleted by Law for Special Regulations concerning Educational Public Service (Law No. 1 of 1949).)

Supplementary Provisions: (Law No. 168 of 1950)

1. This Law shall come into force as from the day of its promulgation.

2. The Law concerning the Preservation of Historic Sites, Places of Scenic Beauty and Natural Monuments (Law No. 44 of 1919) shall be partially amended as follows:

In Article 1 paragraph 2 and Article 3, "the prefectural governor" shall be amended as "the prefectural board of education".

3. The Social Education Law (Law No. 107 of 1949) shall be partially amended as follows:

Article 18 shall be amended as follows:
(The Fixed Number etc. of the Members of the Advisory Committee of Social Education)

Article 18. The Fixed number, the term of office and other necessary matters concerning the members of the advisory committee of social education shall be provided for by the by-law of the local public body concerned.

2. As for the drafting of the bill of the by-law under the preceding paragraph and the submittal of it to the assembly, the procedure concerning the matters as provided for in Article 61 of the Board of Education Law (Law No. 170 of 1948) shall apply.

THE LOCAL AUTONOMY LAW

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Section III. Disbursements

* * *

Article 230. An ordinary local public body shall not pay public money for the benefit or maintenance of any religious institution or association or any charitable, educational or benevolent enterprises not under the control of public authority.

Article 231. An ordinary local public body may, if it is necessary to do so for the public interests thereof, effect donation or subsidy.

Article 212. Any of the property or establishments of an ordinary local public body shall not be appropriated for the use, benefit or maintenance of any religious institution or association or for any charitable, educational or benevolent enterprises not under the control of public authority.

CI&E BULLETIN SUPPLEMENT III

A complete translation of The Law for the Special Regulations Concerning Educational Public Service is printed below in English version furnished to SCAP by the Japanese Government. Special regulations under the National Public Service Law provide for the employment, promotion, dismissal, or demotion of all educational personnel in universities and other national schools and in all prefectural and local schools. This Law defines the powers and duties of the Superintendent of Education and the Boards of Education concerning educational personnel. Passed in the Diet on 14 December, it will become effective upon its date of promulgation by the Cabinet.

TRANSLATION OF A JAPANESE DOCUMENT

THE LAW FOR THE SPECIAL REGULATIONS CONCERNING EDUCATIONAL PUBLIC SERVICE

CHAPTER I. GENERAL PROVISIONS

(The Purport of this Law)

Article 1. This law shall provide for matters concerning the employment and dismissal, limitation, disciplinary punishment, performance on duty, and study and self-improvement of the educational public service personnel who serve the entire nation by means of education on the basis of the speciality of their duties and responsibilities.

(Definition)

Article 2. "Educational public service personnel" in this Law shall be presidents, principals (including chiefs of kindergartens hereinafter), teachers, and chief administrators of national and public schools which are defined in Art. 1 of the School Education Law (Law No. 26, 1947) and defined in Art. 2 of the same Law as well as superintendents and professional educational personnel of boards of education.

2. "Teachers" in this Law shall be professors, assistant-professors, teachers, assistant-teachers, teacher nurses and lecturers (only full-time employees hereinafter) of the schools prescribed in the preceding paragraph.

3. "Chief Administrators" in this Law shall be deans and other chiefs of administrative offices of universities of the schools designated by the Cabinet order.

4. "Professional educational personnel" in this Law shall be those who are required to hold certificates (excluding superintendents hereinafter) of the personnel of boards of education.

(Status)

Article 3. Presidents, principals, teachers and chief administrators of national schools shall hold the status of national public service personnel while those of public schools as well as superintendents and professional educational personnel of boards of education shall hold the status of local public service personnel.

CHAPTER II. EMPLOYMENT AND DISMISSAL, LIMITATION, DISCIPLINARY PUNISHMENT AND PERFORMANCE ON DUTY

Section I. Presidents, Teachers and Chief Administrators of Universities

(Method of Initial Appointment and Promotion)

Article 4. Initial appointment of presidents and chief administrators as well as initial appointment and promotion of teachers shall be made by means of evaluation, and the evaluation shall be made by the immediate governing body of each institution.

2. The evaluation prescribed in the preceding paragraph shall be made, in regard to presidents, in accordance with the standard established by the immediate governing body of each institution, with persons who are of noble character, of profound learning and of a wide range of knowledge and views concerning educational administration, in regard to deans, on the deliberation of faculty conference concerned, and in regard to teachers and chief administrators other than deans, in accordance with the standard established by the immediate governing body of each institution.

(Transfer)

Article 5. Presidents, teachers, and chief administrators shall not be transferred against their will, unless based on the result of the inquiry of the immediate governing body of each institution.

2. In case the immediate governing body of each institution conducts the inquiry specified in the preceding paragraph, the Authority shall deliver the written statement of charges to the person concerned..

3. If the person subject to the inquiry demands a hearing within thirty days after he has received the written statement specified in the preceding paragraph, such hearing shall be accorded by the immediate governing body of each institution. If requested by the person concerned, the hearing shall be a public hearing.

4. The person subject to the inquiry may appear at all hearings, be represented by counsel of their own choosing, be heard and present witness, books, records and any pertinent facts and data.

5. Persons other than those mentioned in the preceding paragraph may present to the authority any facts and data concerning the case.

(Demotion and Dismissal)

Article 6. Presidents, teachers and chief administrators shall not be dismissed against their will, unless based on the result of the inquiry of the immediate governing body of each institution. Demotion of teachers shall be the same as above.

2. The provisions of Par. 2 to 5 of Art. 5 shall be applied mutatis mutandis to the case of the inquiry specified in the preceding paragraph.

(Period of Temporary Retirement)

Article 7. Concerning the period of temporary retirement of presidents, teachers, and chief administrators, temporary retirement, in case a long rest is necessary owing to mental or physical debility, shall be determined with each individual case by the immediate governing body of each institution.

(Tenure of Office and Age-limit)

Article 8. The tenure of office of presidents and chief administrators shall be determined by the immediate governing body of each institution.

2. The age-limit of teachers shall be determined by the immediate governing body of each institution.

(Disciplinary Punishment)

Article 9. Presidents, teachers and chief administrators of national universities shall not be subject to any disciplinary punishment unless based on the result of the inquiry of the immediate governing body of each institution.

2. The provisions of Par. 2 to 5 of Art. 5 shall be applied mutatis mutandis to the case of the inquiry specified in the preceding paragraph.

(Appointing Officers)

Article 10. The employment, dismissal, temporary retirement, reinstatement, retirement, and disciplinary punishment of presidents, teachers, and chief administrators of universities shall be made by appointing officers on the basis of the representation from the immediate governing body of each institution.

(Performance of Duty)

Article 11. In regard to the performance of duty of presidents, teachers, and chief administrators of national universities, necessary matters concerning the enforcement of the fundamental standard of Par. 1 of Art. 96 of the National Public Service Law (Law No. 120, 1947) shall be provided by the immediate governing body of each institution excluding those prescribed in Art. 97 through Art. 105 of the same law.

(Evaluation of Work Performance)

Article 12. The evaluation of work performance and the measure taken in accordance with the result of the evaluation concerning presidents, teachers, and chief administrators shall be made by the immediate governing body of each institution.

2. The evaluation of work performance prescribed in the preceding paragraph shall be made in conformity to the standard established by the immediate governing body of each institution.

Section II. Principals and Teachers of Schools Other than Universities

(Method of Initial Appointment and Promotion)

Article 13. The initial appointment of principals and teachers shall be made by means of evaluation, and the evaluation shall be made by the deans of universities in case of schools attached to the universities, by the Minister of Education in case of national schools other than schools attached to universities or by superintendents of education controlling the schools to which principals or teachers belong in case of public schools other than schools attached to universities (to be called as evaluating officers hereinafter in this article) from among those who shall be listed in the appointment-applicants list.

2. The appointment-applicants list prescribed in the preceding paragraph shall be prepared by the Personnel Authority in case of national schools or by boards of education of the metropolis, district or urban or rural prefectures in case of public schools in accordance with the kinds of certificates concerning those who shall hold certificates for principals or teachers and apply for initial appointment.

3. Excluding those prescribed in the preceding two paragraphs, necessary matters concerning the appointment-applicants list shall be determined by the Rules of the Personnel Authority in case of national schools and by the rules of the prefectural boards of education in case of public schools.

4. The promotion of teachers shall be made by the evaluation based on the actual results of their to-date work performance, and the evaluation shall be made by their respective evaluating officers.

5. Evaluating officers shall hear the opinions of the principals of the schools concerned at the time of evaluation as prescribed in Par. 1 and the preceding paragraph concerning teachers.

(Period of Temporary Retirement and its Effect)

Article 14. The period of temporary retirement of principals and teachers shall be full two years in case of necessity of a long rest owing to tubercular diseases.

2. Those who are temporarily retired as prescribed in the preceding paragraph shall receive their full pay including allowances during the temporary retirement.

(Appointing Officers)

Article 15. Appointing power toward principals and teachers of

public schools shall vest in boards of education controlling the schools to which the principals and teachers concerned belong.

2. The employment, dismissal, temporary retirement, reinstatement, retirement and disciplinary punishment of principals and teachers prescribed in the preceding paragraph shall be made by appointing officers.

3. In the case where the appointing officer demotes or dismisses the principals or teachers specified in the preceding paragraph, or otherwise conducts greatly a disadvantageous action as well as administers a disciplinary punishment, to him the provisions of Art. 89 to 2nd paragraph of Art. 92, of the NPSL shall be applied mutatis mutandis. However, "the Personnel Authority" in the preceding Articles of the NPSL shall be read as "the appointing officer."

Section III. Superintendents and Professional Educational Personnel

(Method of Initial Appointment and Promotion)

Article 16. The initial appointment of superintendents and professional educational personnel shall be made by means of evaluation, and the evaluation shall be made with those who are listed in the appointment-applicants list by boards of education concerned in regards to superintendents, and by superintendents of boards of education concerned in regard to professional educational personnel.

2. The appointment-applicants list prescribed in the preceding paragraph shall be prepared by prefectural boards of education in accordance with different kinds of certificates for those who have certificates for superintendents or professional educational personnel and have applied for initial appointment.

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

4. The promotion of professional educational personnel shall be made by means of evaluation based upon the actual results of their to-date work performance, and the evaluation shall be made by superintendents of boards of education concerned.

(Retirement of Superintendents of Education)

Article 17. Superintendents of education may retire during their tenure of office with the approval of boards of education concerned.

(Appointing Officers)

Article 18. The appointing power toward superintendents of education and professional educational personnel shall vest with boards of education concerned.

2. The provision of Par. 2 and 3 of Art. 15 shall be applied mutatis mutandis to superintendents and professional educational personnel.

CHAPTER III. STUDY AND SELF-IMPROVEMENT

(Study and Self-improvement)

Article 19. Educational public service personnel shall make incessant efforts in study and self-improvement in order to perform their duties and responsibilities.

2. The immediate governing body of each institution in regard to educational public service personnel of universities and schools attached to universities, the Minister of Education in regard to educational public service personnel of national schools other than universities and schools attached to universities or boards of education concerned in regard to educational public service personnel of national schools other than universities and schools attached to universities as well as superintendents and professional educational personnel (hereinafter referred to as competent authorities) shall take measures for the establishment of necessary facilities for the study and self-improvement of educational public service personnel as well as form plans for the encouragement of study and self-improvement and shall make efforts for their realization.

(Opportunities for Study and Self-improvement)

Article 20. Educational public service personnel shall be given opportunities for study and self-improvement.

2. Teachers may leave their place of service for their study and self-improvement with the approval of the chief of their appropriate administrative agencies provided that it shall not impede their class work.

3. Educational public service personnel may be allowed to make study and self-improvement extending over a long period of time retaining their current positions in accordance with the provision ordained by competent authorities.

CHAPTER IV. MISCELLANEOUS REGULATIONS

(Engagement in Other Duties)

Article 21. Educational public service personnel shall not be engaged in any other duties with or without pay unless in accordance with special provisions ordained by the law, the rules of Personnel Authority or other by-laws, or unless competent authorities acknowledge that the engagement in other duties concerning education shall not impede the execution of regular duties.

(Application mutatis mutandis of this Law to Those other than Educational Public Service Personnel)

Article 22. This law shall be applied mutatis mutandis to those persons who shall perform duties corresponding to those of teachers at national or public schools and to principals and teachers of national or public miscellaneous schools in accordance with the provisions ordained in the Cabinet order.

SUPPLEMENTARY PROVISIONS

(Date of Enforcement)

Article 23. The present Law shall come into force as from the day of its promulgation. In the event when provisions of this Law are recognized to be inconsistent or in conflict with the provisions of the National Public Service Law, the provisions of the National Public Service Law shall prevail regarding those matters.

(Application Mutatis Mutandis of this Law to Teachers, etc., of Old-System Schools)

Article 24. The provisions in this Law concerning presidents, teachers, and chief administrators of national or public universities shall be applied mutatis mutandis to presidents (hereinafter shall read Socho in case of universities having several faculties established), teachers and those who shall be designated by the Cabinet order of national or public universities as provided in Par. 1 of Art. 98 of the School Education Law respectively.

2. The provisions in this Law concerning presidents, teachers, and chief administrators of national or public universities shall be applied mutatis mutandis to principals, teachers, and those who shall be designated by the Cabinet order of national or public university preparatory schools, old-type Koto Gakko, college, and training schools for teachers as provided for in Par. 1 of Art. 98 of the School Education Law except otherwise provided for in the Cabinet order.

3. The provisions concerning principals and teachers of national or public schools other than universities as provided in this Law shall be applied mutatis mutandis to principals and teachers of national or public secondary schools, schools for the blind, and schools for the deaf and dumb as provided in Par. 1 of Art. 98 of the School Education Law.

(How to Read Immediate Governing Body of Each Institution, etc.)

Article 25. "The immediate governing body of each institution" in this Law shall read for the time being in accordance with the discrimination in each of the following items:

1. Concerning Par. 1 of Art. 4, "Conference composed of councillors (constituent members of a faculty conference in case of universities hereinafter) and chief administrators (shall read conference hereinafter)" in case of presidents, "presidents" in case of chief administrators and "presidents based upon the deliberation of faculty conferences" in case of teachers.

2. "Presidents based upon the deliberation of the conference" concerning that part related to the evaluation of president in Par. 2 of Art. 4, Art. 7, Par. 1 of Art. 8, Art. 11 and Par. 2 of Art. 12.

3. Concerning that part related to the evaluation of teachers and chief administrators other than deans in Par. 2 of Art. 4, "presidents based upon the deliberation of councils (faculty

conference in case of universities establishing one faculty hereinafter)" in case of teachers and "presidents based upon the deliberation of a conference" in case of chief administrators other than deans.

4. Concerning Art. 5, Art. 6, and Art. 9 "conference" in case of presidents, "councillors" in case of teachers and "presidents" in case of chief administrators.

5. Concerning Par. 2 of Art. 8, "presidents based upon the deliberation of councillors."

6. Concerning Art. 10, "presidents."

7. Concerning Par. 1 of Art. 12, "conference" in case of presidents, "presidents based upon the deliberation of faculty conference" in case of teachers and deans and "presidents" in case of chief administrators other than deans.

8. Concerning Par. 2 of Art. 19, "the Minister of Education."

2. "Appointing officer" in Art. 10 shall read for the time being "chiefs of local public bodies establishing the universities" in case of presidents, teachers, and chief administrators of public schools.

(Treatment of Temporarily Retired Personnel, etc., in Accordance with Former Provisions)

Article 26. Presidents, teachers, and chief administrators of universities who have been ordered temporary retirement or are in the process of disciplinary punishment or have got disciplinary punishment in accordance with former provisions shall be treated as heretofore so far as their temporary retirement or disciplinary punishment is concerned in spite of the provisions of Art. 7 and 9.

Article 27. In the application of the provision of Par. 1 of Art. 14 to those who shall be on temporary retirement owing to tubercular diseases at the time of the enforcement of this Law, the to-date period of temporary retirement shall be aggregated.

(Disciplinary Punishment of Presidents, etc., of Public Universities)

Article 28. Concerning the disciplinary punishment of presidents, teachers, and chief administrators of public universities, the provision of Art. 9 shall be applied mutatis mutandis until the law concerning the personnel of local public bodies is enacted and enforced.

(Transitional Measures for Certificates of Professional Educational Personnel)

Article 29. In regard to those who shall be required to have certificates for professional educational personnel as prescribed in Par. 4 of Art. 2, the Cabinet order shall be ordained until the time when a law shall otherwise be enacted and enforced concerning the certification of educational personnel.

(Treatment of Those who shall be Presidents, etc., at the Time of the Enforcement of this Law)

Article 30. Those who shall actually be presidents, principals, teachers, or chief administrators of national schools at the time of the enforcement of this Law shall be considered as appointed to the posts of presidents, teachers, chief administrators respectively by this Law.

Article 31. Excluding those prescribed in this Law or the Cabinet order based upon this Law or specifically prescribed in other laws, presidents, principals, teachers, and chief administrators who shall be Education Ministry instructors, Education Ministry secretaries, local instructors or local secretaries as well as superintendents of education and professional educational personnel at the time of the enforcement of this Law shall be considered as appointed public service personnel of local public bodies concerned with the same classes and salary grades as the present classes and grades and as installed to the offices corresponding to the present offices consecutively.

(Application Mutatis Mutandis of the Pension Law)

Article 32. In case public service personnel as prescribed in Art. 19 of the Pension Law (Law No. 48, 1923) shall become consecutively the personnel of public schools at the time of the enforcement of this Law, they shall be regarded as being in office as educational personnel as prescribed in Art. 22 of the same Law, and the provisions of the same Law shall be applied to them mutatis mutandis for the time being.

(Special Provisions concerning Presidents, etc., of Public Schools)

Article 33. Excluding those prescribed in this Law or orders based upon this Law or specifically prescribed in other laws, special provisions may be ordained by the Cabinet order in case of necessity in regard to presidents, principals, teachers, and chief administrators of public schools.

(Alteration and Abolition of Other Laws)

Article 34. Part of the Board of Education Law shall be revised as follows: Art. 95 shall be deleted.

(1)

(321) (8)

Draft for Partial Revision of
School Education Law

Part of the School Education Law shall be revised as follows:

The following paragraph shall be added to Article 56.

Those who can enter the university with the faculty of medicine or dentistry must, irrespective of the provision of the preceding paragraph, be persons who have studied in the other faculty of the same university or in another university 2 years or more and have studied the curriculum prescribed by the competent authorities or persons recognized as having equal or better scholastic attainment according to the provision laid down by the competent authorities. However, the provision shall not apply to persons who wish to enter the university chiefly for the purpose of studying pharmacology.

The following two Articles shall added after Article 108.

Article 109. With the permission of the Minister of Education, the length of study in the university may be either two or three years, for the time being, irrespective of the provisions of the main text of Article 55. Such a university shall be called a short-course university. The provisions of Article 62 shall not apply to such a university.

persons recognized as having equal or better scholastic attainment according to the provision laid down by the competent authorities. However, the provision shall not apply to persons who wish to enter the university chiefly for the purpose of studying pharmacology.

The following two Articles shall added after Article 108.

Article 109. With the permission of the Minister of Education, the length of study in the university may be either two or three years, for the time being, irrespective of the provisions of the main text of Article 55. Such a university shall be called a short-course university. The provisions of Article 62 shall not apply to such a university.

Article 110. In case those who graduated from the university provided for in the preceding Article enter the university provided for in Article 55, the length of the course they have completed can be added to that of the university into which they are enrolled in the light of the standard set by the Minister of Education.

In this case the length of study in the university from which they graduated can be included in the length of study in the university which they entered.

Supplementary Provisions:

The amended provisions of Article 56 of this law shall come into force as from the day of its promulgation and the provisions of Articles 109 and 110 shall come into force as from March 1, 1950.

Reason

It is necessary to improve and elevate the standard of medicine or dentistry by approving special cases of entrance qualifications regarding universities of medicine or dentistry. As there are some of the old system higher schools, colleges, etc. which it is difficult to switch over to the new 4 year system university in view of the actual facilities and personnel of each school, there is a necessity to attempt the completion of the new school system as speedily as possible by recognizing the 2 or 3 year system university, for the time being.

This is the reason for introducing this bill:

Reference Data

Table of the number of schools judged as ineligible by the University Chartering Committee of schools which applied for approval for the new system university.

	Number of Schools	Number of Schools which applied for new system university	Number of eligible schools	Number of ineligible schools	Number of the undecided or non-applied schools
Government, Public and Private Colleges	358 (51)	239 (8)	204 (8)	31	154 (43)
Government, Public and Private Higher Schools	39	33	33		6
Total	397 (51)	272 (8)	237 (8)	31	160 (43)

Remarks: The number in parenthesis shows the number of schools of medicine or dentistry.

CI&E BULLETIN SUPPLEMENT I

OUTLINE OF PROPOSED LAW GOVERNING UNIVERSITIES

* * *

TRANSLATION OF JAPANESE DOCUMENT

(NOTE: This proposed draft bill is being studied and discussed throughout Japan in educational circles. It is being circulated for discussion purposes only. The draft bill has not been approved by Japanese education officials.)

I. Scope and Function

All four-year government universities (daigaku) organized under the provisions of the School Education Law of 29 March 1947 shall be governed by this law, which may be referred to as the "Universities Law." Government universities are those which receive the major portion of their financial support from the national government and are controlled in accordance with the provisions of this law.

The function of government universities shall be (1) general and specialized education of citizens; (2) preparation of competent practitioners in recognized professions and semi-professions; (3) basic research, particularly in preparation of professional and research workers; (4) applied research that may be of special service to the country as a whole or to the community in which the university is located.

II. Location

At least one government university shall be authorized in each prefecture. (See Note A.)

III. Organization

At least one government university in each prefecture shall be of the multiple-faculty type, with a faculty of liberal arts (humanistic, social, and natural sciences) and a faculty of education. Due attention shall be given, also, to possible need for additional faculties of agriculture (including, if desired, forestry, fisheries, and veterinary medicine), engineering, law, commerce, business administration, medical science (including, if desired, dentistry, pharmacy, and nursing), and other professional or semi-professional fields. Branches may be established in other cities in the prefecture. Such branches may offer one-, two-, or three-year courses of study in special fields if approved by the Governing Board later provided for.

IV. Chartering

1. Chartering Agency. A university shall be chartered by the national government upon recommendation of the University Chartering Committee. (See Note B.)

2. Criterion for Chartering. The University Chartering Committee shall give consideration to the standards for universities as recommended by the University Accreditation Association. It

shall consider the reasonable probability that a proposed new university can meet these standards satisfactorily within two years from date of provisional charter.

3. Provisional Charters. Charters shall be provisional only for an initial period of two years. Permanent charters shall be granted at the end of the two years if the University Chartering Committee judges that initially stated conditions have been met.

4. Permanent Charters. Permanent charters shall be subject to revocation only by special vote of the Diet, following recommendation of the University Chartering Committee and the National Advisory Board, provided below.

V. Staff

1. Classification. Each university shall have professional staff members, including president, dean for each faculty, business manager, librarian, registrar, professors, assistant professors, lecturers, and assistants; and nonprofessional staff members including clerical and maintenance employees.

2. Status. All professional staff members shall have status as regards pay, tenure, leave, retirement, disability, and other features in accordance with provisions of the National Public Service Law, as supplemented by the Educators Public Service Law.

VI. National Advisory Board

1. Membership. The National Advisory Board of 15 members shall be made up as follows:

a. Three members elected by the presidents of the government and public universities.

b. Three members elected by the presidents of the private universities.

c. One member appointed from the Committee on Education of the House of Representatives.

d. One member appointed from the Committee on Education of the House of Councillors.

e. Seven members appointed by the Minister of Education, with the approval of the National Diet.

2. Terms of Office. Terms of office of members of the National Advisory Board shall be five years each, so arranged that terms of three members shall expire each year. Members may succeed themselves.

3. Officers. The National Advisory Board shall have a chairman and vice-chairman, each elected for a three-year term. It shall also appoint a secretary (not a member of the Board) and necessary clerical assistants.

4. Meetings. Regular meetings of the National Advisory Board shall be held at least once a year. Special meetings may be held at the call of the chairman. The chairman shall call a special meeting whenever requested to do so by any five members of the Board.

5. Quorum. Eight members of the National Advisory Board shall constitute a quorum for the transaction of official business.

6. Compensation. Members of the National Advisory Board shall receive no salary or other compensation for their services. They may, however, receive necessary travelling expenses and living expenses while attending regular or special meetings of the Board.

7. Powers. The National Advisory Board shall have the following powers and responsibilities:

a. To make recommendations on all matters of general policy affecting higher education in the country.

b.. To recommend specific change in laws affecting higher education.

c. To advise the Ministry of Education regarding desirable studies and investigations to be made by the Ministry.

d. To make recommendations concerning participation in international conferences and organizations affecting higher education.

e. To make recommendations for the revocation of the charter of any university.

f. To make recommendations regarding maximum tuition and other fees in government universities, as provided in Article XI, below.

g. To make recommendations concerning special appropriations for capital improvements for universities, as provided in Article XI below.

VII. Governing Board

1. Membership. Each university shall have a Governing Board of 13 members made up as follows: (See Note C)

a. National. Three members appointed by the Minister of Education, with approval of the Diet. At least one to be a resident of the prefecture in which the institution is located.

b. Prefectural. Three members appointed by the prefectural governor, with approval of the prefectural assembly. All to be residents of the prefecture in which the institution is located.

c. Alumni. Three members selected by the alumni of the institution, either by direct election or by such other means as the alumni body may determine. At least one to be a resident of the prefecture in which the institution is located.

d. Faculty. Three members of the faculty conference of the institution, selected by the faculty conference by any appropriate means that it may determine.

e. President. The president of the institution, ex-officio. (See Note D)

None of the national, prefectural, or alumni groups may be salaried members of the staff of the institution.

2. Terms of Office. Each member of the Governing Board shall hold office for a term of six years. He may be selected for a second term, but shall not hold office for more than 12 consecutive years. He may, however, be reelected or reappointed after a lapse of two years. Terms of office of two members shall expire each year. Terms of office of national and alumni members shall expire in odd-numbered years (1949, 1951, etc.). Initially each of the two groups shall be divided by lot into a one-year, a three-year, and a five-year term. Terms of office of prefectural and faculty members shall expire in even-numbered years (1950, 1952, etc.). Initially each of these two groups shall be divided by lot into a two-year, a four-year, and a six-year term. (See Note E)

3. Officers. The Governing Board shall have a chairman and a vice-chairman, each elected for a two-year term. It shall also appoint a secretary (not a member of the Board) and necessary clerical assistance.

4. Meetings. Regular meetings of the Governing Board shall be held at least once every three months. Special meetings may be held at the call of the chairman. The chairman shall call a special meeting whenever requested to do so by any three members of the Board.

5. Quorum. Seven members of the Governing Board shall constitute a quorum for the transaction of official business. Seven affirmative votes shall be necessary to pass any motion.

6. Compensation. Members of the Governing Board shall receive no salary or other compensation for their services. They may, however, receive necessary traveling expenses and living expenses while attending regular or special meetings of the Board. The secretary and other employees shall receive suitable salaries.

7. Powers. The Governing Board shall have power to determine general policies, both academic and financial, for the organization and administration of the institution. More particularly it shall have the following powers and responsibilities.

a. Election of president of the institution, and delegation to him of powers and responsibilities under a written contract. Also the power to remove him, for cause, at any time.

b. Election and determination of terms of employment of deans and professional staff members, upon recommendation of the president and staff members of the faculty concerned, in accordance with the provisions of the Educators Public Service Law.

c. Establishment of new faculties in the university.

d. Preparation and adoption of the budget, subject to limitations under Section XI, "Finance," below, and securing of funds to meet it.

e. Determination of number of students to be admitted each year, upon recommendation of the president.

f. Authorization and execution of contracts for new grounds, buildings, or equipment.

g. Authorization of degrees for graduates as recommended and certified by the registrar and faculty.

h. Acting as court of final appeal in all matters which may properly be referred to it.

The Governing Board shall give full consideration to public sentiment and local needs of higher education in developing the general policies for the university. The Governing Board, however, shall place full executive responsibility on the president for carrying out the policies which it establishes.

VIII. The President

1. Responsibility. The president shall be directly responsible to the Governing Board.

2. Term of Office. The president shall be selected for a six-year (or four-year) term and shall be eligible for reelection for any number of terms.

3. Powers and Duties. The president shall have the following powers, responsibilities, and duties:

a. Administration of general policies as determined by the Governing Board.

b. Administration of general policies as determined by the Faculty Conference, in accordance with Section IX below.

c. Supervision and ultimate responsibility for the work of all members of the staff, both professional and

nonprofessional, subject to the standards and provisions of the Educators Public Service Law.

d. Acting as professional adviser to the Governing Board, making recommendations to it on his own initiative or as initiated by the Faculty Conference.

e. Maintenance, through the business manager, of adequate system of financial accounting, and preparation of the annual budget.

f. Maintenance, through the registrar, of adequate system of student records and reports.

g. Making a written annual report to the Governing Board, a copy of which shall be sent to the Ministry of Education.

IX. Faculty Conference

1. Definition. The "Faculty Conference" shall consist of the president, deans, librarian, business manager, registrar, all professors, and all assistant professors in the institution, provided each such individual shall be giving more than half-time service to the institution.

2. Powers and Duties. The Faculty Conference shall have the following powers, responsibilities, and duties:

a. Recommendations concerning appointment of president and other professional staff members.

b. Determination of entrance and graduation requirements, both undergraduate and graduate.

c. Recommendations concerning number of students to be admitted.

d. Determination of policies concerning variety of courses of study, organization of courses of study, major fields of study, and teaching methods.

e. Determination of policies concerning student health, welfare, and guidance services.

f. Determination of policies concerning student organizations and activities, including athletics, in cooperation with duly elected representatives of the students.

X. Degrees

A university shall have the power to grant the following degrees, subject to the standards by the University Accreditation Association:

1. Associate's Degree (_____), to students who successfully complete a prescribed two-year course of study in advance of the secondary school in some semi-professional, vocational, or liberal arts field.

2. Bachelor's Degree (Gakushi), to students who successfully complete a prescribed four-year course of study in advance of the secondary school with major subject in some recognized field.

3. Master's Degree (Shushi), to students who successfully complete a prescribed course of study requiring a minimum of one year in advance of the Gakushi degree.

4. Doctor's Degree (Hakushi), to students who successfully complete a prescribed course of study requiring a minimum of three years in advance of the Gakushi degree.

Universities shall not give either or both of the graduate degree unless they have established departments of graduate work which meet the standards established by the University Accreditation Association.

XI. Finances

1. Tuition. The Ministry of Education shall, upon recommendation of the National Advisory Board, establish a maximum limit for tuition, examination, admission, and other fees which may be charged to individual students. Maximum tuition may be different faculties, for example, in medicine and liberal arts.

2. Income from National Treasury. Each university shall receive from the national treasury, each year, the following sums:

a. ¥_____ as a flat amount, to be used primarily for meeting the general administrative expenses of the institution,

b. ¥_____ for each full-time student (or equivalent) who has successfully completed the work of the previous year.

c. ¥_____ for each full-time (or equivalent) member of the teaching staff who has completed the previous year of service, provided the number of such members shall not exceed one for each 15 (?) full-time students. (See Note F)

Definitions of full-time student and member of the teaching staff shall be made by the Ministry of Education.

3. Cost-of-Living Adjustment. The above sums are based upon the purchasing value of the yen in July 1948. They shall be revised upward or downward in accordance with the Bank of Japan Retail Cost-of-Living Index each year.

4. Support for Special Projects and Research. A university may also receive from the national treasury additional sums for support in whole or in part of special projects, research work, etc., upon specific recommendation of an appropriate legally constituted representative advisory body or of a Ministry or other governmental agency.

5. Capital Improvements. A university may also receive from the national treasury additional sums for capital improvements (land, buildings, equipment, etc.) upon recommendation of the Ministry of Education and the National Advisory Board.

6. Prefectural Taxation. The prefectural assembly shall have power and authority to raise additional sums by prefectural taxation, for current expenses, for capital expenses, or for special purposes.

7. Donations. The Governing Board of each university shall have power to accept special donations from individuals or organizations for particular purposes, such as buildings, equipment, or research work, provided such donations are not inconsistent with the general purposes of the institution, nor with the national welfare.

8. Limitation on Enrollment. To prevent excessive increase in costs in any one year, no university shall enroll in any one year a number of students in excess of 10 percent more than the number of students enrolled the previous year in it or in the separate institutions of university grade united to compose it. Any exception to this restriction shall require special authorization by the Diet.

XII. Ministry of Education

The Ministry of Education shall have powers and responsibilities with reference to government universities only as explicitly authorized in the law for the organization of the Ministry of Education. (See Note 6).

(8)

Law concerning the Right of Publication etc. of the Textbooks compiled by the Ministry of Education(Draft)

(Administration of the Copyright)

Article 1 The copyright of the textbooks compiled under the name of the Ministry of Education (hereinafter referred to merely as textbooks) shall be administered by the Minister of Education.

2. The Minister of Education may establish the right of publication of the textbooks (hereinafter referred to merely as the right of publication).

3. In the present Law "copyright" shall mean the right as provided for in Article 1 of the Copyright Law (Law No. 39, 1899) and "right of publication" shall mean the right established in accordance with the provision of Article 28-2 of the same law.

(Qualification Examination)

Article 2 Those who apply for undertaking the publication of the textbooks shall be subjected to examination about qualification made by the Minister of Education.

2. The examination of the preceding paragraph shall aim to make examination whether those who want to procure the right of publication have enough business ability as well as credit

of publication;

3. In the present Law "copyright" shall mean the right as provided for in Article 1 of the Copyright Law (Law No. 39, 1899) and "right of publication" shall mean the right established in accordance with the provision of Article 28-2 of the same law.

(Qualification Examination)

Article 2 Those who apply for undertaking the publication of the textbooks shall be subjected to examination about qualification made by the Minister of Education.

2. The examination of the preceding paragraph shall aim to make examination whether those who want to procure the right of publication, have enough business ability as well as credit ability to manufacture and supply good-quality textbooks by the time they are required in schools, prior to conduct the competition as provided for in Article 4, so that no trouble shall cause in education.

(Textbook Publication Qualification Examination Committee)

Article 3 The Minister of Education shall inquire of the Textbook Publication Qualification Examination Committee (hereinafter referred to as the Examination Committee) as to the examination as provided for in the preceding article.

2. The Examination Committee shall consist of not exceeding twenty (20) Committee-men

3. The committee-men as provided for in the preceding paragraph shall be appointed by the Minister of Education from among men of leaning and experience and officials of Ministries (or Boards) concerned.

4. Besides those provided for in the three preceding paragraphs matters needed for the Examination Committee shall be prescribed by the cabinet order.

(Form of the Contract for the Establishment of the Right of publication)

Article 4 The establishement of the right of publication of the textbooks shall be made by means of the competition among those who have passed the examination as provided for in Article 2. However, in case where there is no time enough to carry out the competition, the establishment may be made by a private contract with any person who has passed the examination as provided for in Article 2.

(Deposit)

Article 5 One who desires to be admitted to a competition shall deposit in cash or with Government bonds the deposit not less

(Form of the Contract for the Establishment of the Right of publication)

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(Deposit)

Article 5 One who desires to be admitted to a competition shall deposit in cash or with Government bonds the deposit not less than one percent of the sum multiplied by the estimated manufacturing cost price by the prescribed number of copies which shall be published at the first time.

2. In case where the person who has ~~knocked down~~ been awarded a contract, does not conclude the contract, his contract deposit shall be reverted to the National Treasury.

(Bidding)

Article 6 The competition shall be conducted by bidding as to the manufacturing cost price per copy, and the right of publication shall be established for the person who made the lowest bidding not exceeding the prescribed manufacturing cost price as indicated by the Minister of Education.

2. In case where a competition will be effected, it shall be publicly notified, in Official Gazette, journals, notice or any means possible at least ten days before computing from the day before the date of bidding. However, in urgent cases, the term may be shortened to five days.

3. The notice prescribed in the preceding Article, shall contain the following items.

   1 Kinds of textbooks and number of copies of them which are prescribed to publish at the first time.

   2 Place at which clauses of contract is indicated.

   3 Standards of computation of manufacturing cost price

   4 Place and date of bidding

   5 Condition about the deposit of bidding

4. The standards of computation of manufacturing cost price as provided for in Item 3 of the preceding paragraph shall be prescribed by ordinance in advance.

5. The Minister of Education or officials in charge shall estimate an amount for the manufacturing cost price of textbooks to be bidden and shall put it, enclosing in an envelop, at the opening of bidding at its place.

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5. The Minister of Education or officials in charge shall estimate an amount for the manufacturing cost price of textbooks to be bidden and shall put it, enclosing in an envelop, at the opening of bidding at its place.

6. The net price of textbooks shall be computed on the basis of the bidding price as to the manufacturing cost price prescribed by ordinance.

(Opening of Bidding)

Article 7 The opening of bidding shall be carried out before the bidders at the place and at the date and time indicated in the public notice. However, in case of absence of any bidder, an official who has no concern in the bidding shall attend at its opening.

2. The bidder is not allowed to exchange, to change or to cancel his bidding already submitted.

(Second Bidding)

Article 8 If, upon opening bids, none is found coming up the expected manufacturing cost price limit established in accordance with the provisions of parag.5 of Article 5. bids may be called for anew forthwith.

(Determination of successful Bidder)

Article 9 In case where there are two or more persons who have made a sucessful bid with one and the same price, the successful bidder shall be determined forthwith by drawing.

2 In the case as stipulated in the preceding parag, if there be any of the bidders who fails to turn up or to draw lots, an official having no concern with the bidding may be caused to draw lots for such bidders.

(Term of Public Notice of second Bidding)

Article 10 When, in case there is no bidder or no successful bidder at a competition, or in case to sucessful bidder fails to conclude the contract, bids are again to be called for, the period prescribed in Parag 2 of Article 5 may be shortened to five days.

(Duty of Publication)

Attiole 11 When the Minister of Education has designated kinds and necessary number of copies of textbooks to be published based on the demand number of textbooks as reported from prefectural

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(Duty of Publication)

Article 11 When the Minister of Education has designated kinds and necessary number of copies of textbooks to be published based on the demand number of textbooks as reported from prefectural board of education, under the provisions of Article 8 of the Law of Provisionary Measures concerning the Publication of Textbooks (Law No. 132. 1948), any one on whom the right of publication has been established (hereinafter refereed to merely as the owner of right of publication) shall be responsible to publish the textbooks designated.

(Revision of Manufacturing Cost Price)

Article 12 In case where, owing to the change in the prices of commodities and other inevitable reasons, it becomes necessary during the period of duration of the right of publication, to change the manufacturing cost price, the Minister of Education may confer, with the owner of the right of publication to revise the price.

(Obligation to pay the Charge for Publication)

Article 13 When the publication has been designated the owner of the right of publication shall pay quickly to the national treasury the charge for publication in limit between 2% and 16,6% of net price (except sum same with the charge for publication), in proportion to the number or volumes of which the publication has been designated.

However, the Minister of Education may fix the period for the payment of the charge for publication not exceeding four months as from the day of designation of publication.

(Mitigation and Exemption of the Obligation of Payment of Charge for Publication)

Article 14 In case where the Minister of Education has recognized that the owner of the right of publication has become unable to manufacture and supply all or part of the textbooks and it has become difficult to him to pay the charge for publication, due to natural calamities or other reasons unaccountable to him, or in case where the said Minister has recognized that it has been necessary to reduce the price particularly from the viewpoint of the compulsory education when the number of publication of textbooks are not over 50,000, the

day of designation of publication.

(Mitigation and Exemption of the Obligation of Payment of Charge for Publication)

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(Lapse of a Right of Publication)

Article 15 In case where there is a certain reason fallen under one of the following cases, the Minister of Education may have a right of publication lapsed.

1 When it has been recognized that the enterprising ability and state of credit of the owner of the right of publication has gotton so low, as compared with that of the time when the right of publication has been established that he has been unable to manufacture and supply the textbooks causing no trouble in education.

11 When the said owner fails to fulfil his obligation as provided for in Article 11 or Article 13.

111 When the Minister of Education has canceled the designation of publication in accordance with the provisions of Article 14 or Article 15 of the Law of Provisionary Measures concerning the Publication of Textbooks.

2. The Minister of Education shall inquire of the Examination Committee before he makes the recognition as provided for in item 1 of the preceding paragraph.

3. In case where the conference as provided for in Art 12 has not been settled, or the owner of the right of publication or the Minister of Education may have a right of publication lapsed.

Article 16 In case where a right of publication has lapsed, the Minister of Education may order the person for whom a right of publication has been established, toconfer with the person for whom the Minister of Education has newly established the said right in accordance with the Provisions of Article 4, as to the assignment of the textbooks, half-made as well as ready-made and the printing-mould which the former owner has possessed at the time of the lapse.

2. In case where it has passed more than one month as from the day of the lapse of a right of publication, the order toconfer as provided for in the preceding paragraph shall not be made.