

GHQ/SCAP Records (RG 331, National Archives and Records Service)

Description of contents

- (1) Box no. 2974
- (2) Folder title/number: (29)  
 School Board of Education Law 1949

(3) Date: July - 1948 - Aug. 1948

(4) Subject:

Classification	Type of record
810	d

(5) Item description and comment:

(6) Reproduction:  Yes  No

(7) Film no. \_\_\_\_\_ Sheet no. \_\_\_\_\_

(Compiled by *National Diet Library*)



Law No. 170

Promulgated 15 July 1948

*Job Board of Ed*

## 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.

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.

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.

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

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

2. The above recommendation, after voters get the consent of the candidate, shall have to be reported to the presiding officer of election by the representatives of voters numbering not less than sixty 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.



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.

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 and the provision of paragraph 3 of the same Article 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.



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.

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.

(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 on Duty, etc. of Board Members)

Article 32. Matters concerning the oath, duty to obey laws and the performance on duty of board members shall be ordained by the 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 extraordinary session when two or more members shall request in writing its convocation by designating the matter to be referred to.

3. Chairman shall have to announce 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.



## (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 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 proceedings of boards of education shall be decided by majority of the members present.

## (Limitation of Participation in Proceedings of Meetings)

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

## (Council Rules)

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

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)



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)

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 by-law of the local public bodies concerned.

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

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

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.

Article 49. The board of education shall take charge of the following matters. However, in such cases they may require the advice and recommendations of the superintendent of education.

- (1) Matters concerning establishment and abolishment of schools and other educational institutions.
- (2) Matters concerning operation and control of schools and other educational institutions.
- (3) Matters concerning the curriculum content to be taught and its 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 other law concerning the employment and dismissal etc. of the educational public officials.



- (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 teachers and other educational employees.
- (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.
- (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.
- (16) Keeping certificates and officials documents.
- (17) Matters concerning investigations and statistics concerning education.
- (18) Matters concerning educational affairs of the community under its jurisdiction not otherwise prescribed by law.

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.

- (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.
- (5) Any other matters belonging to its control provided for by laws and regulations.

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 those matters.

(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 shall be publicly announced in conformity to a stated form of public notice.

(Establishment of Attendance Districts)

Article 54. The prefectural board of education shall divide the prefecture into several attendance districts 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.

(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 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 board of education and prefectural board 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 shall have to request the opinion of the board of education beforehand when he intends to reduce the amount of the estimate of expenditures transmitted from the board at the time of preparation of revenue and expenditure budget for every fiscal year.

Article 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.

(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.

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

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 all the matters which are to be subjected to the approval of the assembly concerned by law.



- (1) Matters concerning the establishment, control and disposal of basic property and reserve 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 of Article 66.

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

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

(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 moreover, 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)

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



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 schools.

(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.

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



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.

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).

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

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, guarantee, 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.

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, guarantee, 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



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 58 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.

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.



L No. 170  
Promulgated 15 July 1948

## 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.

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.

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.

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

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

2. The above recommendation, after voters get the consent of the candidate, shall have to be reported to the presiding officer of election by the representatives of voters numbering not less than sixty 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.

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.

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 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 and the provision of paragraph 3 of the same Article 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.

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.

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.

(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 methods of payment shall be ordained by the by-law of the local public bodies concerned.

(Performance on Duty, etc. of Board Members)

Article 32. Matters concerning the oath, duty to obey laws and the performance on duty of board members shall be ordained by the 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 Meeting)

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

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

3. Chairman shall have to announce 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.

(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 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 proceedings of boards of education shall be decided by majority of the members present.

(Limitation of Participation in Proceedings of Meetings)

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

(Council Rules)

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

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)

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)

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 by-law of the local public bodies concerned.

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

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

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 Board 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 following matters. However, in such cases they may require the advice and recommendations of the superintendent of education.

- (1) Matters concerning establishment and abolishment of schools and other educational institutions.
- (2) Matters concerning operation and control of schools and other educational institution.
- (3) Matters concerning the curriculum content to be taught and its 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 other law concerning the employment and dismissal etc. of the educational public officials.
- (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 teachers and other educational employees.
- (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.
- (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.
- (16) Keeping certificates and officials documents.
- (17) Matters concerning investigations and statistics concerning education.
- (18) Matters concerning educational affairs of the community under its jurisdiction not otherwise prescribed by law.



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.

- (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.
- (5) Any other matters belonging to its control provided for by laws and regulations.

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 provision 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 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 shall be publicly announced in conformity to a stated form of public notice.

(Establishment of Attendance Districts)

Article 54. The prefectural board of education shall divide the prefecture into several attendance districts 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.

(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 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 board of education and prefectural board 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 shall have to request the opinion of the board of education beforehand when he intends to reduce the amount of the estimate of expenditures transmitted from the board at the time of preparation of revenue and expenditure budget for every fiscal year.

Article 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.

(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.

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

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 all the matters which are to be subjected to the approval of the assembly concerned by law.

- (1) Matters concerning the establishment, control and disposal of basic property and reserve 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 of Article 66.

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

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

(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 moreover, 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)

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 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 schools.

##### (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.

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 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.



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.)

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

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, guarantee, 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.

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, commensation, efficiency, limitations, disciplinary punishment, guarantee, 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 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.



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, 1949 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 Article 30, 31, and 33 shall be deleted.



L No. 170  
Promulgated 15 July 1948

## 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.

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.

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.

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

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

2. The above recommendation, after voters get the consent of the candidate, shall have to be reported to the presiding officer of election by the representatives of voters numbering not less than sixty 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.

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.

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 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 and the provision of paragraph 3 of the same Article 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.

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.

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.

(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 methods of payment shall be ordained by the by-law of the local public bodies concerned.

(Performance on Duty, etc. of Board Members)

Article 32. Matters concerning the oath, duty to obey laws and the performance on duty of board members shall be ordained by the 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 Meeting)

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

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

3. Chairman shall have to announce 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.

(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 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 proceedings of boards of education shall be decided by majority of the members present.

(Limitation of Participation in Proceedings of Meetings)

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

(Council Rules)

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

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)

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)

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 by-law of the local public bodies concerned.

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

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

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 Board 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 following matters. However, in such cases they may require the advice and recommendations of the superintendent of education.

- (1) Matters concerning establishment and abolishment of schools and other educational institutions.
- (2) Matters concerning operation and control of schools and other educational institution.
- (3) Matters concerning the curriculum content to be taught and its 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 other law concerning the employment and dismissal etc. of the educational public officials.
- (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 teachers and other educational employees.
- (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.
- (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.
- (16) Keeping certificates and officials documents.
- (17) Matters concerning investigations and statistics concerning education.
- (18) Matters concerning educational affairs of the community under its jurisdiction not otherwise prescribed by law.



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.

- (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.
- (5) Any other matters belonging to its control provided for by laws and regulations.

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 provision 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 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 shall be publicly announced in conformity to a stated form of public notice.

(Establishment of Attendance Districts)

Article 54. The prefectural board of education shall divide the prefecture into several attendance districts 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.

(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 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 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 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.

(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.

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

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 all the matters which are to be subjected to the approval of the assembly concerned by law.

- (1) Matters concerning the establishment, control and disposal of basic property and reserve 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 of Article 66.

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

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

(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 moreover, 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)

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 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 schools.

##### (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.

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 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.



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.)

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

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, guarantee, 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.

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, commensation, efficiency, limitations, disciplinary punishment, guarantee, 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 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.



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, 1949 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 Article 30, 31, and 33 shall be deleted.



L. No. 170  
Promulgated 15 July 1948

## 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.

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.

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.

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

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

2. The above recommendation, after voters get the consent of the candidate, shall have to be reported to the presiding officer of election by the representatives of voters numbering not less than sixty 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.

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.

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 items 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 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 and the provision of paragraph 3 of the same Article 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.

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.

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.

(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 methods of payment shall be ordained by the by-law of the local public bodies concerned.

(Performance on Duty, etc. of Board Members)

Article 32. Matters concerning the oath, duty to obey laws and the performance on duty of board members shall be ordained by the 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 Meeting)

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

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

3. Chairman shall have to announce 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.

(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 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 proceedings of boards of education shall be decided by majority of the members present.

(Limitation of Participation in Proceedings of Meetings)

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

(Council Rules)

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

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)

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)

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 by-law of the local public bodies concerned.

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

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

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 Board 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 following matters. However, in such cases they may require the advice and recommendations of the superintendent of education.

- (1) Matters concerning establishment and abolishment of schools and other educational institutions.
- (2) Matters concerning operation and control of schools and other educational institution.
- (3) Matters concerning the curriculum content to be taught and its 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 other law concerning the employment and dismissal etc. of the educational public officials.
- (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 teachers and other educational employees.
- (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.
- (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.
- (16) Keeping certificates and officials documents.
- (17) Matters concerning investigations and statistics concerning education.
- (18) Matters concerning educational affairs of the community under its jurisdiction not otherwise prescribed by law.



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.

- (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.
- (5) Any other matters belonging to its control provided for by laws and regulations.

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 provision 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 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 shall be publicly announced in conformity to a stated form of public notice.

(Establishment of Attendance Districts)

Article 54. The prefectural board of education shall divide the prefecture into several attendance districts 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.

(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 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 board of education and prefectural board 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 shall have to request the opinion of the board of education beforehand when he intends to reduce the amount of the estimate of expenditures transmitted from the board at the time of preparation of revenue and expenditure budget for every fiscal year.

Article 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.

(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 within the limits of allocation concerning the budget under its jurisdiction.

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

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 all the matters which are to be subjected to the approval of the assembly concerned by law.

- (1) Matters concerning the establishment, control and disposal of basic property and reserve 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 of Article 66.

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

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

(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 moreover, 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)

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 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 schools.

##### (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.

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 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.



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.)

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

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, guarantee, 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.

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, guarantee, 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 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.



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, 1949 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 Article 30, 31, and 33 shall be deleted.



C  
O  
P  
YL. No. 170  
Promulgated 15 July 1948

## 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.

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.

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.

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

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

2. The above recommendation, after voters get the consent of the candidate, shall have to be reported to the presiding officer of election by the representatives of voters numbering not less than sixty 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.

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.

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 and the provision of paragraph 3 of the same Article 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.

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 Members)

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

2. The request for dismissal of the preceding paragraph shall be the same as the request for the dismissal of assembly members of ordinary local public bodies prescribed by the Local Autonomy Law.

(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 methods of payment shall be ordained by the by-law of the local public bodies concerned.

(Performance on Duty, etc. of Board Members)

Article 32. Matters concerning the oath, duty to obey laws and the performance on duty of board members shall be ordained by the 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.



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

3. Chairman shall have to announce 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.

(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 after the date of session has been 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.

(Meeting 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 proceedings of boards of education shall be decided by majority of the members present.

(Limitation of Participation in Proceedings of Meetings)

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



## (Council Rules)

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

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)

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)

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 by-law of the local public bodies concerned.

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

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

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.

Article 49. The board of education shall take charge of the following matters. However, in such cases they may require the advice and recommendations of the superintendent of education.

- (1) Matters concerning establishment and abolishment of schools and other educational institutions.
- (2) Matters concerning operation and control of schools and other educational institution.
- (3) Matters concerning the curriculum content to be taught and its 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 other law concerning the employment and dismissal etc. of the educational public officials.
- (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 teachers and other educational employees.
- (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.
- (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.
- 1 (15) Matters concerning study and self-improvement of principals, teachers and professional educational personnel.



- (16)(16) Keeping certificates and officials documents.
- (17) Matters concerning investigations and statistics concerning education.
- (18) Matters concerning educational affairs of the community under its jurisdiction not otherwise prescribed by law.

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.

- (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 assistance to the local boards of education.
- (4) Matters concerning establishment or revision of the attendance district of upper secondary schools.
- (5) Any other matters belonging to its control provided for by laws and regulations.

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 those matters.

(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 shall be publicly announced in conformity to a stated form of public notice.

(Establishment of Attendance Districts)

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

(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 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 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 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.

(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.

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

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 all the matters which are to be subjected to the approval of the assembly concerned by law.

- (1) Matters concerning the establishment, control and disposal of basic property and reserve 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 of Article 66.

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

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



(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 moreover, 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)

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 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 schools.

(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.

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 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.

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).

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

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, guarantee, 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.

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, guarantee, 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 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.

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.



*Board of Education*

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

Information Materials Prepared for Military Government Teams

by

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

Contents

1.	Calendar of Events - - - - -	p. 2
2.	An explanation of the Board of Education Law - - - - -	p. 3 - 6
3.	Table of Contents, The Board of Education Law - - - - -	p. 7
	a. Chapter I - General Provisions - - - - -	p. 7
	b. Chapter II. - Organization of the Board of Education - - - - -	p. 7
	c. Chapter III - Powers and Duties of the Board - - - - -	p. 7
	d. Chapter IV - Miscellaneous - - - - -	p. 7
	e. Supplementary Provisions - - - - -	p. 7
4.	Index of the Board of Education Law - - - - -	p. 8 - 11
5.	The Board of Education Law - - - - -	p. 1 - 13
6.	<i>The Cabinet Order &amp; M/Ed Interpretation</i>	<i>p. 1 - 10</i>



## CALENDAR OF EVENTS

## THE BOARD OF EDUCATION LAW, No. 170, 1948

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

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

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



## AN EXPLANATION OF THE BOARD OF EDUCATION LAW

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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



TABLE OF CONTENTS

THE BOARD OF EDUCATION LAW, No. 170, 1948

<u>CHAPTER I. General Provisions</u>	<u>Page</u>
The Aims of this Law, Art. 1, 2 . . . . .	1
Establishment, Art. 3 . . . . .	1
Functions, Art. 4 . . . . .	1
Responsibility for Expenses Art 5 . . . . .	1
Subsidy for Expenses, Art 6 . . . . .	1
 <u>CHAPTER II. Organization of the Board of Education</u>	
<u>Sec. 1. members of Boards of Education</u> . . . . .	1
Board Members, Art. 7 . . . . .	1
Term of Office, Art. 8 . . . . .	2
Election, Arts 9 - 23 . . . . .	2 - 4
Recall of Board Members, Art. 29 . . . . .	4
Resignation and Determination of Qualification of Board Members, Art. 30 . . . . .	4
Remunerations and Reimbursements, Art. 31 . . . . .	4
Performance on Duty, Art. 32 . . . . .	4
 <u>Sec. 2. Meetings of Board of Education</u> . . . . .	4
Chairman and Vice Chairman, Art. 33 . . . . .	4
Convocation of the meetings, Art. 34 . . . . .	4
The Ordinary (Regular) and Extra-ordinary (Special) Sessions, Art. 35. . . . .	5
Quorum of Meetings, Art, 36 . . . . .	5
Meetings Open to the Public, Art. 37 . . . . .	5
Method of Resolution, Art. 38 . . . . .	5
Limitation of Participation, Art. 39 . . . . .	5
Rules of Procedures: (Council Rules) Art. 40 . . . . .	5
 <u>Sec. 3. Superintendents of Education &amp; Secretariats</u> . . . . .	5
Superintendent of Education, Arts. 41, 42 . . . . .	5
Secretariat, Art. 43 . . . . .	5
Departments or Sections of Secretariat, Art. 44 . . . . .	6
Personnel of Secretariats, Arts. 45, 46, 47 . . . . .	6
 <u>CHAPTER III. Powers and Duties of The Board</u>	
Jurisdiction of Boards of Education, Arts. 48, 49, 50 . . . . .	6
51, 52 . . . . .	6 - 8
Regulations of the Board of Education, Art. 53 . . . . .	8
Establishment of Attendance Areas, Art. 54 . . . . .	8
Submission of Reports, Art. 55 . . . . .	8
Preparation of The Budget, Arts. 56, 57, 58 . . . . .	8
Execution of the Budget, Arts, 59, 60 . . . . .	8
Matters to be subjected to the approval of the Assembly Arts 61 - 63 . . . . .	8 - 9
Execution of Business by Proxy, Arts 64 - 65 . . . . .	9
 <u>CHAPTER IV. Miscellaneous</u>	
Personnel of Schools and Other Education Institutions, Art. 66 . . . . .	9
Treatment of Status of Educational Public Official, Art. 67 . . . . .	9
Allowance of Personnel, Art. 68 . . . . .	10
Supplementary Provisions, Art. 69 - 95 . . . . .	10 - 13



## INDEX

BOARD OF EDUCATION LAW No. 170. 1948

- Aims of the law, p. 1, Arts. 1 - 2.
- Allowances of personnel, p. 10, Article 68, pp. 11-12, Arts 82-84
- Attendance Districts, p. 7, Art. 50, (4). p. 8, Art 54,
- Boards of Education, Prefectures and Five Big Cities, p. 10, Arts. 71, 72 (1)
- Boards of Education of cities (exclusive of 5 Big Cities) towns and villages,  
p. 10. Art. 70, p. 12, Art. 87.
- Board Members:
- Election, pp. 2 -- 4, Arts. 9 - 28; (First, 5 Oct, 1948) p. 10, Art. 72 (1)
- Local, pp. 1 - 2, Art. 7
- Number of, pp. 1 - 2, Art. 7 (Prefectural and Local)
- Oath of Office, p. 4, Art. 32
- Performance on duty, p. 4, Art. 32
- Prefectural, p. 1, Art. 7
- Qualifications, p. 2, Arts. 9-10; p. 4, Art. 30
- Recall, p. 4, Art. 29
- Resignation p. 4, Art. 30
- Selection, p. 1, Art. 7; p. 2, Art. 8
- Term of Office, p. 2, Art. 8
- Board Meeting:
- Announcement of, p. 4, Art. 34 (3, 4)
- Chairman, p. 4, Art, 33
- Convocation, p. 4, Art. 34 (First, p. 10, Art. 73 (1) )
- Council rules, i.e., Conduct of the meeting, p. 5, Art. 40
- Extraordinary Emergency, or special, p. 5, Art. 35, (3, 4)
- Frequency, p. 5, Art. 35, (2)
- Hearers' rules, p. 5, Art. 40
- Limitation of participation in meetings p. 5, Art. 39
- Majority (of those present) rule - method of resolution, p. 5, Art. 38
- Open to public, p. 5, Art. 38
- Ordinary or regular meeting, p. 5, Art. 35 (1-2)
- Quorum, p. 5, Art. 36
- Regular, see ordinary.
- Rules of procedure for Board members, p. 5, Art. 40
- Secret meeting, (Executive Session) p. 5, Art. 37
- Specials, see extraordinary.
- Budgetary procedure, p. 7, Art. 49 (11), p. 8, Arts 56-60
- Chairman of the Board of Education, p. 4, Art. 33
- Convocation of the meeting, p. 4, Art, 34, p. 10 Art, 73, (1)
- Council Boards may establish, p. 7, Art. 51.
- Council rules (Conduct of the meeting) p. 5, Art. 40
- Date of establishment of Board of Education in prefectures and 5 Big Cities,  
p. 10, Arts 72, 73
- Date of establishment of Board of Education in small cities, towns and villages  
p. 10, Art. 70
- Date of the election of Board members, p. 10, Art. 72
- Date of proclamation and enforcement, p 1; p. 10, Art. 72
- Dates, other important, see calendar of events.
- Departments or sections of Secretariat, by Board regulation, p. 6; Art. 44
- Departments or sections of Secretariat not allowed p. 6, Art. 44
- Election of board members pp. 2-4, Art. 9-28
- Establishment, Boards of Education shall be, p. 1, Art. 3
- Extraordinary (special) meeting of Board, p. 5, Art. 35 (1, 3, 4)
- First by-laws and regulations, p. 11, Art. 79
- First come into existence, Board of Education, p. 10, Art. 73
- First election of Board members, p. 10, Art. 72 (1)
- First Board meeting after the 1st election, p. 10, Art. 73



First secretarial officials, pp. 11, 12, Arts. 82-84.  
First Superintendents and Secretariat staffs, p. 11, Art. 77  
Fixed numbers of personnel, p. 6, Art. 45 (3), (p. 9, Art. 66 (2)); p. 11, Art. 80  
Functions of the Board of Education Law, p. 1, Art. 4  
Higher educational institutions, p. 12, Art. 85  
Jurisdiction of Boards of Education, p. 6, Art. 48 (local and prefectural)  
Limitations of participation in proceedings, p. 5, Art. 39  
Limitations by assembly, pp. 8, 9, Arts. 61, 62, 63.  
Meeting of the Board, see Board meeting  
Members of Boards of Education, see Board members  
Method of resolution (majority rule), p. 5, Art. 38  
National Treasury may subsidize,....p. 1, Art. 6  
Number of Board members, see Board member.  
Oath of Board member, p. 4, Art. 32  
Ordinary (regular) meeting of Board, p. 5, Art. 35 (2)  
Partial Affairs Association, p. 1, Art. 3, (1,2), p. 12 Arts. 90, 91  
Personnel of Secretariats, p. 6, Arts. 45, 46, 47  
Performance on duty (Board member), p. 4, Art. 32  
Personnel of schools, to be installed, p. 5, Art. 41; p. 8, Arts. 45-47; p. 9, Art. 66; p. 11, Art. 82.

#### Powers and Duties of the Board:

##### (Local)

The local Board of Education shall, through Board regulations, be responsible for:

1. Budgetary procedure, within the law and by-laws, p. 7, Art. 49 (11); p. 8, Arts. 56-60
2. Curriculum (does not apply to wards), p. 6, Art. 49 (3)
3. Contracts with other Boards, p. 7, Art. 49 (13)
4. Community Educational Affairs, p. 7, Art. 49 (18)
5. Employment, dismissal, etc. of teachers, (within the law) p. 6, Art. 49 (5)
6. Employment, dismissal of staffs, p. 7, Art. 49 (6)
7. Equipment and supplies, p. 7, Art. 49 (9)
8. Establishment etc. of schools p. 6, Art. 49 (1)
9. Freedom to administer and control within the law, p. 8, Arts. 53, 55 (2)
10. In-service training of professional personnel, p. 7, Art. 49 (15)
11. Labor unions organized by teachers and other employees p. 7, Art. 49 (7)
12. Powers granted in past...and in the future, by-law and ordinance p. 1, Art. 4
13. Record of certificates and official papers (safeguarding) p. 7, Art. 49 (16)
14. Regulations, adoption, etc. p. 7, Art. 49 (10)
15. Reports to Prefectural Boards and M/Fd. p. 8, Art. 55
16. Research and statistics, p. 7, Art. 49 (17)
17. Reserve funds and basic property for education purposes p. 7, Art. 49 (12)
18. School buildings and grounds, care of, supervise construction of, and change of sites, p. 7, Art. 49 (8).
19. Selection of textbooks (does not apply to wards) p. 6, Art. 49, (4); p. 12, Art. 86
20. Social Education, p. 7, Art. 49 (14)
21. Submitting drafts of certain measures for the approval of the Assembly, p. 4 Art. 31; p. 6, Art. 45; pp. 8-9, Art. 61, 66.
  - a. Establishment, control, and disposal of basic property and reserve fund for education purposes, Art. 61, (1)
  - b. Local bonds for educational purposes, Art. 61, (2)
  - c. Proposed adoption, revision and repeal of the by-law:
    - (a) Reimbursement of Board members for expenses, Art. 31
    - (b) The fixed number of personnel, Arts. 31, 45, 61, 66
  - d. Tuition and other educational rates and charges, Art. 61, (3)



**(Prefectural)**

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

1. Certification of educational personnel within the law, p. 7, Art. 50 (1)
2. Textbook approval for all schools written for prefectural use p. 7, Art. 50 (2)
3. Technical and professional advice and assistance to Local Boards p. 7, Art. 50 (3)
4. Establishment and revision of attendance districts for secondary schools, p. 7, Art. 50 (4); p. 8, Art. 54.
5. Any other responsibility provided by law and regulations, p. 7, Art. 50 (5)

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

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

Proxy, p. 9, Art. 64, 65

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

Quorum of meeting, p. 5, Art. 36

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

Regular meetings, see ordinary.

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

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

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

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

Reports, p. 8, Art. 55

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

Responsibility of Board of Education, see Powers and Duties

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

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

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

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

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

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

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

**Secretariats:**

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

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

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

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

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

p. 6, Art. 45, 46, 47

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

Status of personnel, p. 9, Art. 67

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

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

Technical expert, p. 6, Art. 45

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

Special meetings, see extraordinary.

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

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

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

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

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

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

**Superintendent of Education:**

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

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

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

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

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

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



Serve as proxy on board, p. 9, Arts. 64, 65  
Term of office, p. 5, Art. 41 (3); p. 11, Art. 78  
Qualified p. 5, Art. 41  
Unqualified p. 11, Art. 78 (2, 3)  
Until March 31, 1949, p. 11, Art. 77 (2)

Temporary appointment of superintendent 1 Nov. 1948 until 31 March 1949, p. 11,  
Art. 77 (2)  
Temporary by-laws and regulations, p. 11, Art. 79  
Temporary selection of textbooks, p. 12, Art. 86  
Term of office of board member, p. 2, Art. 8; p. 10, Art. 72  
Term of office of the 1 Nov. 1948 Superintendent of Education p. 11, Art. 77 (2)  
Term of office of unqualified Supt., p. 11, Art. 78 (2, 3)  
Tuition and other educational rates, p. 9, Art. 61, (3)



*Bandy Ch*

Cabinet Order No. 239 , 1948

Promulgated 19 August 1948

## Cabinet Order concerning the Enforcement of the Board of Education Law

The cabinet hereby ordains, in accordance with the provisions of the Board of Education Law, the Ordinance concerning the Enforcement of the Board of Education Law in order to put in force the Board of Education Law. (Law No. 170, 1948)

## Chapter I. Board of Education of a Partial-affairs-association of Towns and Villages.

Article 1. When the town or village in which the board of education has been established, shall form a partial-affairs-association of town or village (hereafter referred to as a partial-affairs-association) provided for in the proviso of Art. 3, par. 1 of the Board of Education Law, the town or village assembly concerned shall consult the board of education before it shall make resolution in accordance with the provision of Art. 290 of the Local Autonomy Law, (Law No. 67, 1947).

Article 2. In case the governor of a metropolis, district or urban or rural prefectures should give permission or rejection regarding the association in accordance with the provision of Art. 284, par. 1 of the Local Autonomy Law, he shall confer with the board of education of a metropolis, district or urban or rural prefectures (hereafter referred to as prefectural board of education).

Article 3. The articles of the association of a partial-affairs-association which administers jointly the matters concerning the lower secondary schools or the upper secondary schools exclusively under the jurisdiction of the board of education shall include the regulation concerning the organization of the board of education of the association and the manner of election of the board members, in addition to the matters provided for in the items of Art. 287, Par. 1 of the Local Autonomy Law.

Article 4. In case the partial-affairs-association is to be dissolved, report shall be made to the governor of a metropolis, district or urban or rural prefectures as well as to the prefectural board of education.

Article 5. When the assembly of the association expresses its opinion on the partial-affairs-association in accordance with Art. 291, par. 3 of the Local Autonomy Law, it shall consult the board of education beforehand.

Article 6. Concerning the partial-affairs-association, the provision of Art. 1 shall apply to the mutual agreement provided for in art. 286, par. 1, Art. 288, par. 1 and art. 289, of the Local Autonomy Law and the provision of Art. 2 shall apply to the permission or rejection in accordance with Art. 286, par. 1 of the same Law.

## Chapter II. Election for the Members of Board of Education

Article 7. In case of application mutatis mutandis of the provisions of the Local Autonomy Law in accordance with the provision of Article 28 of the Board of Education Law, those phrases which are used in the provisions of the former law as mentioned in the left column of the following table and at the same time are mentioned in the central column of the said table shall read the phrases as mentioned in the right column of the said table respectively:

Note: Translated by Ministry of Education, Japanese Government.



Art. 24, par. 5	Art. 25, par. 3	Art. 14 of the Board of Education Law
Art. 31, par. 2		
Art. 35, par. 2		
Art. 36, par. 2		
Art. 25, par. 5	par. 1 or 3	Art. 14 of the Board of Education Law
Art. 31, par. 3	Art. 25, par. 1 or 3	Art. 14 of the Board of Education Law
Art. 32, par. 2		
Art. 58, par. 2		
Art. 53, par. 2	a person whose name has been entered in the electors' register	electors
Art. 53, par. 3	in conformity to the preceding two paragraphs	in conformity to the preceding paragraph and Art. 16 of the Board of Education Law
Art 56, par. 4	preceding three paragraphs	par. 1 and Art. 21 of the Board of Education Law
Art. 60, par. 3	Art. 92	Art. 10 of the Board of Education Law
Art. 61, par. 3 item 2	prefectural governor	prefectural board of education
Art. 61, par. 3, item 4	a prefectural governor and electoral administrative committee and a city mayor or headman of a town or village	a prefectural board of education, a prefectural electoral administrative committee and a board of education in city, (including special wards), town or village
Art. 62, par. 2	preceding paragraph	Art. 23 of the Board of Education Law

Article 8. The provisions concerning the election for the assemblymen of an ordinary local public body (excluding those of Article 69, par. 1 and 2 and Art. 90) provided for in the Cabinet Order concerning the Enforcement of the Local Autonomy Law (Cabinet Order No. 16, 1947) shall apply to the election for the members of the board of education. However, those phrases which are used in the provision of the said Order as mentioned in the left column of the following table and at the same time are mentioned in the central column of the said table shall read the phrases as mentioned in the right column of the said table respectively:



Art. 67, par. 2	Art. 25, par. 3 of the Local Autonomy Law	Art. 14 of the Board of Education Law
Art. 70, par. 1	name and political party of the candidate	Name of candidate
Art. 89	"Those persons as mentioned in Art. 8" shall read "those persons as mentioned in Art. 21, par. 1 of the Local Autonomy Law" and "personal history, etc." of Article 140, par. 4 of the said Law shall read "political opinions, etc."	"those persons as mentioned in Art. 8" shall read "those persons as mentioned Art. 21, par. 1 of the Local Autonomy Law"

Article 9. When the electors intend to file a notice of recommendation of a candidate in accordance with the provision of Art. 16, par. 2 of the Board of Education Law, the report shall be made by document and at the same time, the writing of the consent of the person recommended and the list of recommenders with their joint signatures shall be presented in addition.

2 In the document of the preceding paragraph, the name, occupation, address and date of birth of the candidate as well as the name, address and date of birth of the representative of the recommenders shall be given.

3 The name, address and date of birth of the recommenders shall be given in the list of recommenders with their joint signatures and it shall be arranged according to city, including special wards, and in (case of cities provided for in Art. 155, par. 2 of the Local Autonomy Law, ward shall replace it), town or village of the recommenders.

Article 10. The provisions of Art. 55, and Chapter XI, XII and XII-II of the Ordinance concerning the Enforcement of the Law for the Election of the members of the House of Representatives (Imperial Ordinance No. 13, 1926) shall apply to the election for the members of the board of education, and the provisions of Chapter X (excluding articles 69 and 73) of the same law shall apply to the members of the prefectural board of education and the boards of education of Osaka, Kyoto, Nagoya, Kobe and Yokohama Cities. (hereafter to be called the five big cities) However, those phrases which are used in the provisions of the said Ordinance as mentioned in the left column of the following table and at the same time are mentioned in the central column of the said table shall read the phrases as mentioned in the right column of the said table respectively:

Chapter X, XI, XII and XII-II	"an electoral administrative committee for the assemblymen of a metropolis or an electoral administrative committee for the assemblymen of a district or urban or rural prefectures"	"the electoral administrative committee which administers the affair concerning the election concerned"
Art. 70, Art. 71, par. 1	national treasury	a metropolis, district or urban or rural prefectures, or the five big cities
Art. 87-3, par. 3	the national electoral administrative committee	prefectural electoral administrative committee



Art. 87-8	Art. 71, par. 1 of the Law for the Election of the Members of the House of Representatives	Art. 58, par. 1 of the Local Autonomy Law
Art. 87-11	name and political party	name

Chapter III. Establishment of the Board of Education in City, Town or Village, Excluding the Five Big Cities

Article 11. When city, town or village except the five big cities (hereafter in this chapter referred to as city, town or village) intends to establish the board of education in accordance with the provision provided for in Art. 70 the Board of Education Law, the city, town or village concerned shall report its intention to the governor of a metropolis, district or urban or rural prefectures and prefectural board of education 90 days before the election day provided for in Art. 12.

2 A resolution of the assembly of city, town or village shall be required for the report provided for in the preceding article.

Article 12. The first electing of the board of education of city, town or village provided for in the preceding article shall be held on October 5 of the year a board of education is established, by combining the election of board members for four year term of office and those for two year term of office into one election.

Chapter IV. Officials appointed by the Board of Education

Section 1. Temporary Qualifications of the Superintendents of Education.

Article 13. Those who have the qualification of the superintendent of education as provided for in Article 78, par. 1 of the Board of Education Law shall be those who satisfy any one of the following items and at the same time who have finished the lecture-course as ordained otherwise by the Minister of Education:

1. Those who have been at the post of the chief of school (school in this case shall be the school that is ordained by Article 1 of School Education Law, and school which is provided under the hithertofore regulation except miscellaneous schools herein and hereafter) more than one year.

2. Those who have been Shigakukan (School inspector) or Shigaku (supervisor) more than one year.

3. Teachers or those who have engaged in educational affairs as national or local government officials of first or second rank for a period of more than one year.

4. Teachers or those who have been national or local government officials of third rank or engaged in educational affairs for a period of more than five years.

5. Those who have been in office for the required years ordained by the Minister of Education according to their type of work among those who have been business clerks of city, town and village or private schools and at the same time who have been engaged in educational affairs, those who have been local governmental officials of city, town and village and at the same time who have been engaged in educational affairs or teachers of private schools.



2 The term of actual service of each post as prescribed in each item of the preceding paragraph shall be added up. However, in case of adding up the term of actual service differing in required term of service, the number of years obtained by multiplication of the required term of service of post B by the ratio of the actual term of service of post A to its required term of service shall be added up to the actual term of service of post B as the actual term of service of post A.

Section 2. Officials of the Secretariat of Board of Education in a Metropolis, District or Urban or Rural Prefecture

Article 14. Except for the superintendent of education the officials of the secretariat of prefectural board of education shall be classified as the first class, the second class and the third class.

Article 15. The teachers' consultant shall be of the first or second class.

Article 16. In addition to those provided for in the Board of Education Law, the following officials, shall be installed in the secretariat of prefectural board of education:

1. Chief of section
2. Director
3. Technician
4. Social education director

2 The chief of section shall be a second or third class official. He shall be directed by the senior official and shall take charge of the affairs of the section concerned.

3 The director, technician and social education director shall be a first, second or third class official.

4 The social education director shall be directed by a senior official. He shall supervise and take the lead in social education and shall take charge of other affairs concerning social education.

5 The director or technician shall be directed by a senior official and shall take charge of the affairs or techniques other than those allotted to the officials provided for in the preceding paragraph.

Article 17. In addition to those provided for in the preceding article, an assistant superintendent of education and a chief of division may be installed in the secretariat of a prefectural board of education.

2 The assistant superintendent of education shall be a first or second class official and shall assist the superintendent of education and supervise the affairs allotted to other officials.

3 The chief of division shall be a first or second class official. He also shall be directed by superintendent of education and shall take charge of the affairs of the division concerned and direct and supervise the subordinate officials.

Article 18. Matters concerning the allowances of the superintendent of education shall be ordained by the by-law of the local public body concerned.

Article 19. The provisions concerning the status of the governmental officials shall not apply to the superintendent of education.

Article 20. The affairs concerning the resolution of discipline of the superintendent of education shall be administered by the Higher Disciplinary Committee of Government Officials.

Section 3. Secretarial Officials of the Public School

Article 21. In respect to the years in office necessary for the appointment, conferment of warm reception prescribed in the Ordinance for the Appointment and Conferment of Governmental Officials (Imperial Ordinance No. 190, 1946) and the Ordinance Regarding the Warm Reception of Senior Officials and Hannin Officials



(Imperial Ordinance No. 23, 1921), the year in office of governmental officials or secretarial officials of Public primary schools, lower and upper secondary schools, schools for blind and deaf and kindergarten (hereafter in this section referred to as public schools) after the day of enforcement of the Board of Education Law shall be aggregated with the years in office of each corresponding local official or governmental official.

Article 22. The Board of Education upon the recommendation of the superintendent of education, shall appoint, retire, promote, suspend from office and reappoint secretarial officials of public schools (excluding the procedures concerning the investigation or resolution of disciplinary committee in case of dismissal from office).

Article 23. The affairs concerning the nomination of those to be appointed or conferred as secretarial officials of public schools, the affairs concerning the recognition prescribed in the Ordinance for the Appointment and Conferment of Governmental Officials, and the affairs concerning the limitation and the investigation and resolution of disciplinary, the provisions provided for in Article 25, 26, 30 par. 2, and Article 31 of the Enforcement Provisions of the Local Autonomy Law (Cabinet Order No. 19, 1946) shall apply mutatis mutandis.)

#### Section 4. Principals and Teachers of Public Schools.

Article 24. In case former regulations are followed for the treatment of status of principals and teachers in accordance with the provision of Art. 95 of the Board of Education Law, in the contents of Art. 18 of the Organization Ordinance concerning Public Schools (Cabinet Order No. 213, 1946) "the prefectural governor" shall read "the board of education" and in the contents of Art. 19 of the same Ordinance and Art. 4 of the Organization Ordinance concerning Public Lower Secondary Schools, Primary Schools and Kindergartens (Cabinet Order No. 20, 1948) "the prefectural governor" shall read "the board of education in a metropolis, district or urban or rural prefectures."

#### Supplementary Provisions

Article 25. This cabinet order shall be enforced on and from the day of proclamation, provided that the provisions of Section 3 of Chapter IV shall apply on and from July 15, 1948.

Article 26. When city, town or village intends to establish the board of education in 1948, it shall submit the report provided for in Article 11 to the prefectural governor by August 25, 1948.

Article 27. A part of the Enforcement Provisions of the Local Autonomy Law shall be amended as follows:

Item 6 and 8 Art. 18, par. 1 shall be deleted and item 7 shall be item 6, item 9 shall be item 7 and the number of the following items up to item 14 shall be changed by 2.

"School inspector, social education director" of Art. 18, par. 4 shall be deleted.

In the contents of Art. 18, par. 7 "par. 1, items 6 to 14" shall be amended as "par. 1, items 6 to 12."

Primary schools, lower and upper secondary schools, universities, schools for blind and deaf, schools for handicapped, kindergartens and" of Art. 69, item 1 shall be deleted.

Paragraph 2 of the supplementary provisions shall be deleted

\*\*\*\*\*

Note: The Ministry of Education's interpretation of Article 66, par. 2, of the Board of Education Law is as follows: "Subject to the by-laws of the local assembly, the local board of education may decide the number of teachers in addition to the number provided by Law or Cabinet Order."



Cabinet Order Concerning the  
ENFORCEMENT OF THE BOARD OF EDUCATION LAW  
(Cabinet Order No. 239, 1948)

TABLE OF CONTENTS

Chapter I.	Board of Education of a Partial-Affairs-Association of Towns and Villages, Arts. 1-6
Chapter II.	The Election of the Members of the Board of Education, Arts. 7-10
Chapter III.	Establishment of the Board of Education in City, Town or Village, excluding the five big cities, Arts. 11-12 (also see Art. 26)
Chapter IV.	Officials appointed by the Board of Education:
	Sec. 1. Temporary Qualifications of the Superintendents of Education, Art. 13
	Sec. 2. Officials of the Secretariat of Board of Education in a Metropolis, District or Urban or Rural Prefecture, Arts. 14-20
	Sec. 3. Secretarial Officials of the Public Schools, Arts. 21-23
	Sec. 4. Principals and Teachers of Public Schools, Art. 24
	Supplementary Provisions, Arts. 25-27

\* \* \* \* \*

INDEX

Articles of the Association of the Partial-affairs-Association, Art. 3.
Assistant Superintendent of Education, Art. 17.
Association, Partial Affairs, Arts. 1-6.
Assembly of City, town or village, resolution of intention to establish a board of education, Arts. 11, 26.
Board of Education; changes in laws and ordinances to make possible election of, Arts. 7-10.
Election of members in cities, towns and villages, excluding the five big cities, Arts. 11, 12, 26.
Changes in laws and ordinances to make possible the election of school board members, Arts. 7-10.
Chief: of section, Art. 16; of division, Art. 17.
Consultant, teacher, Art. 15.
Date of election in cities, towns or villages, excluding the five big cities, Art. 12.
Date of submitting report of intention, Arts. 11, 12, 26.
Director, Art. 16.
Dissolution of partial-affairs-association, Art. 4.
Election of members of the board of education:
Changes in laws and ordinances to make possible, Arts. 7-10.
Filing procedure, Art. 9.
In cities, towns and villages, excluding the 5 big cities, Arts. 11, 12, 26.
Information that must appear on notice of recommendation, Art. 9.



## Establishment of a board of education:

Of a partial-affairs-association, Arts. 1-6

In a city, town or village, excluding the five big cities,  
Arts. 11, 12, 26.

Filing notice of recommendation, art. 9.

Information that must appear on notice of recommendation, art. 9.

Laws and ordinances, changes in, to make election possible, Arts. 7-10.

Ministry of Education, training school for superintendents, art. 13.

Notice of recommendation, Art. 9.

Officials of the Secretariat, Arts. 14-20.

Partial-Affairs-Association, Arts. 1-6.

Principals and teachers of public schools, Art. 24.

Secretarial officials of public schools, art. 21-23.

Secretariat of the Board of Education, officials of, Arts. 21-23.

Social Education Director, Art. 16.

Superintendent of Education:

Allowances of, by-law of local public body, Art. 18.

Assistant, Art. 17.

Discipline of, art. 20.

Qualifications of, Art. 13.

Teacher Consultant, Art. 15.

Technician, art. 16.

Training course for superintendents of education, art. 13.

\* \* \* \* \*

MINISTRY OF EDUCATION INTERPRETATION OF  
THE CABINET ORDER CONCERNING  
THE ENFORCEMENT OF THE BOARD OF EDUCATION LAW  
Cabinet Order No. 239, 1948

The Establishment of the Board of Education in City, Town or Village  
Excluding the five big cities.

When a city, town or village excluding the five big cities wishes to establish a board of education in accordance with Art. 70 of the Board of Education Law, a resolution of its assembly shall be reported to the prefectural governor and to the prefectural board of education 90 days before the election, which shall be held on 5 October of the year the board is established; (Arts. 11, 12), except that where a city, town or village intends to establish a board of education in 1948, the report shall be submitted to the governor by 25 August 1948. (Art. 26)

The Election of the Members of the Board of Education.

The changes in laws and ordinances that are necessary for the election of school board members are included in Articles 7-10 of the Cabinet Order. The "notice of recommendation" of a candidate for election as a member of a school board, the written consent of the person recommended and the signatures of the recommenders are to be presented by their representative to the presiding officer of the election to comply with Art. 16 (2) of the Board of Education Law. (Art. 9) The document referred to above shall bear the name, occupation, address, and date of birth of the candidate and the name, address and date of birth of the representative of the recommenders. The list of the signatures of the recommenders shall be arranged according to city (including special wards), town or village of residence, and shall show the address and date of birth of each recommender. (Art. 9)

The Board of Education of a Partial-Affairs-Association ....

The articles of the association of a partial-affairs-association shall include the regulations concerning the organization of the board of education and the manner of the election of its members, if the board of education is to be responsible for lower or upper secondary schools. (Art. 3)

Attention is called to the following statement in par. 1, Art. 3 of the Board of Education Law: "Article 3. Boards of education shall be established in metropolis, district and urban and rural prefectures, cities,



(including special cards 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." Local boards of education may, therefore, be established by partial-affairs-associations that comply with Art. 3 of the Cabinet Order, (see previous paragraph) by the procedure prescribed for establishment in Articles 11, 12, and 26 and for election of members in Article 7-10 of this Cabinet Order. When the proposed partial-affairs-association includes a town or village in which a board of education has been established, the local town or village assembly shall consult with the local board of education before it takes action. (Art. 1)

The governor of the prefecture shall consult with the prefectural board of education concerning a proposed board of education for a partial-affairs-association before he approves or disapproves the proposal. (Art. 2)

#### Officials Appointed by the Board

##### /The Superintendent of Education/

In reference to par. 1 of Art. 78 of the Board of Education Law, the Cabinet Order outlines the temporary qualifications of superintendents of education as follows: (Art. 13 (1))

1. Completion of the Ministry of Education training course for superintendents of education.
2. Acceptable experience of more than one year:
  - a. As the chief of a school ordained by Art. 1 of the School Education Law. Law No. 26, 1947; or
  - b. As school inspector or supervisor; or
  - c. As national or local government official of first or second rank engaged in educational work and who is a teacher; or
  - d. As a teacher or official of lower rank with much more educational experience than a, b or c; or
  - e. As a person in educational work comparable to the above but is not so classified. (Example: teacher in private school)

Provision has also been made in the ordinance for adding terms of service. (Art. 13 (2))

The Cabinet Order also mentions the allowance of the superintendent of education (Art. 16) and provides for an assistant superintendent. (Art. 17) The concept of the advisory function of the superintendent of education is rather clearly expressed in the Cabinet Order in Art. 22 when it says, "The Board of Education upon the recommendation of the superintendent of education shall appoint, retire, promote, suspend from office and reappoint secretarial officials of public schools ....", (Art. 22) within the provisions of Art. 23 of this Cabinet Order. (Art. 23)

##### /Officials of the Secretariat/

Article 45 (2) of the Board of Education Law says that, "The secretariat of the local board of education may have necessary staffs corresponding to that of the prefectural boards." The provisions of the Cabinet Order relative to the officials of the secretariat are therefore of interest to local boards and local superintendents as well as to prefectural boards and prefectural superintendents. The Cabinet Order, in addition to assigning titles and classes to officials, states line of responsibility in the following instances:

The chief of section shall be directed by the senior official.  
(The superintendent of education or the assistant superintendent.) (Art. 16)

The social director shall be directed by a senior official. (The superintendent of education or the assistant superintendent.) (Art. 16)



The assistant superintendent of education shall assist the superintendent of education and supervise other officials. (Art. 17)

The chief of division shall be directed by the superintendent of education and shall direct and supervise subordinate officials. (Art. 17)

Secretarial Officials

The secretarial officials have already been referred to in discussing the superintendent of education. Their temporary status is included in Arts. 21-23 of the Cabinet Order.

Principals and Teachers of Public Schools

The temporary status of principals and teachers in Art. 95 of the Board of Education Law is somewhat further clarified by Art. 24 of the ordinance.

Subject to the approval of the local assembly, the local board of education is solely responsible through the regulations of the local board for determining the total number of teachers hired by the local board of education, provided the number is as large or larger than the number provided by law or Cabinet Order. (Art. 66 (2) Board of Education Law.) or stated in another way:

Subject to the by-laws of the local assembly, the local board of education may decide the number of teachers in addition to the number provided by law or Cabinet Order.



## CIVIL INFORMATION OFFICER

HEADQUARTERS EIGHTH ARMY  
United States Army  
Office of the Commanding General  
APO 343

AGMGCI 000.8

31 August 1948

SUBJECT: Information Plan for The Board of Education Law Program

TO: See Distribution

1. Transmitted herewith is a suggested information plan designed to enlighten the populace as to the significance and intent of The Board of Education Law, and to point out the value to the community of being able to direct the educational activities which shape the future citizens of Japan. The law makes the way clear for further revamping of schools to bring about those long-term educational ideals which foster individual development and liberal inquiry and suppress standardized indoctrination. The law takes the power for determining educational policy away from a centralized agency and places it squarely in the hands of the people. So the success of the law, sound and far-reaching on paper, depends upon the degree to which the populace accepts and acts upon those concepts which brought it into being.

2. It will be noted that much direct action is advocated for the civil information officer. This does not indicate a permanent departure from the policy of stimulating Japanese agencies to do the major share of activity, but is an expedient because of time limitation.

3. This material is being sent directly to all echelons. Supplemental information and instructions may be issued by corps and regions as desired. The material is non-directive in nature.

BY COMMAND OF MAJOR GENERAL RYDER:

1 Incl:  
Information Plan for The Board of  
Education Law

*S. R. Mohr*  
for  
R. SCHAFER  
Lt Col, AGD  
Asst Adj Gen

DISTRIBUTION:  
CGs I and IX Corps  
COs All MG Regions and Prefectural  
Teams



HEADQUARTERS EIGHTH ARMY  
United States Army  
APO 343

PLAN FOR  
CIVIL INFORMATION ACTIVITIES  
ON  
THE BOARD OF EDUCATION LAW

References:

- The Board of Education Law, No. 170, dated 15 July 1948.
- Cabinet Order No. 239, 1948.
- Report of the United States Education Mission to Japan, 30 Mar 1946.
- Education in the New Japan (GHQ), Part I, Vol. 1, May 1948.
- Pamphlet of information materials prepared by CI&E, SCAP.
- Hatsu-Teki #65, 10 August 1948.
- Hatsu-Teki #69, 20 August 1948.

Long-range Objectives of the Program:

1. To convince the public of the necessity for and desirability of placing control of public schools in the hands of the people.
2. To explain the functions of boards of education and the duties of elected members.

Immediate Objectives of the Program:

1. To encourage the most qualified persons to make themselves available for nomination to boards of education.
2. To inform the public of procedures in nomination and electing members of boards of education.
3. To indicate to the public desirable qualifications of members of boards of education.

SECTION I  
THE SITUATION

The Board of Education Law was passed by the Diet 5 July 1948 and was promulgated and became effective 15 July. Candidates for prefectural boards must have submitted their screening documents to the Central Screening Committee in Tokyo by 15 September. Candidates for local boards must have submitted their screening documents to governors by the date announced by the governors. First elections (in prefectures and five major cities) will take place 5 October. Boards will start functioning 1 November and the superintendents they select will commence their duties under board supervision 1 April 1949.

Inclosure 1



To place the current situation in proper perspective and understand the significance of the drastic revision provided in the law, it is well to look into the development of education in Japan starting with the Meiji Restoration and follow its course up through the end of World War II. Through realizing the powerful grasp Japan's leaders held over the education of the young, each being molded into a single pattern, the modifications provided in the new law and the reasons for those modifications will come into clearer focus.

In 1867, the 15th Shogun of the Tokugawa family surrendered to the Emperor the mandatory powers that had been held by the Shogunate for over 250 years. The Emperor was Mutsuhito, a boy of 15, better known as the Emperor Meiji, from the name meaning "Enlightened Government" given the period of his reign (1868 - 1912).

Shortly after the change from shogunal to Imperial rule, in 1870, all schools were closed while a new education system was being planned. In 1871 the Ministry of Education (Mombusho) was organized and was vested with authority over all educational and cultural matters. A national system of universal education was planned by the new ministry and began operation in 1872. There have been frequent changes in the details of this organization, but until August 1945 it remained the basic pattern for Japanese education.

The latter part of the 19th Century saw many Japanese beliefs and customs shattered. Western civilization was being absorbed into nearly every phase of Japanese life. Old ideals and values were being cast aside and new business, social, and political activities were threatening to produce moral disintegration, as the leaders of the Imperial rule saw it.

Efforts were made to give renewed life to the teaching of ancient ethics and the Emperor himself used the force of his position to halt the changes. In 1890, the Emperor Meiji issued the Imperial Rescript on Education which remained the accepted statement of the underlying principles of education until the end of World War II. The Rescript paraphrases the acceptable and highly moralistic Confucian virtues, but also contains the principles from which much of the militaristic and ultranationalistic emphasis in education was later developed. Coming from the Emperor, the rescript had not only the force of law, but also that of a divine injunction. It amounted to a formulation of an educational philosophy subservient to the aims of the State.

All the concepts of divine rule were propagated by the Ministry of Education during the years before and during World War II. School children were continuously indoctrinated with blind loyalty to the Emperor and empire. The Imperial Rescript was a doorway through which Shintoism entered the schools. It contained most of the fundamental principles of State Shinto: obedience, loyalty, filial piety, pride of ancestry, pride in nation, belief in divinity, and willingness to die for the Emperor.

Militarism and ultranationalism were incorporated into the school curriculum, but the results achieved were still unsatisfactory to the authorities. Accordingly, in 1941 a National School Plan was set up to reorganize the elementary schools. A major change was to load the curriculum with courses to instill nationalism.



The National School Plan was a clear and frank crystallization of the new philosophy of education. Its avowed purpose was to create an "original educational system" that would train the Japanese "to obey the Imperial Rescript on education in order to guard and maintain the prosperity of our Imperial throne", and to eliminate the idea that "the main object of education is to develop individuality". Until the end of the war, educational activities were an implementation of the policies formulated in this plan.

## SECTION II SUMMARIZATION OF THE BOARD OF EDUCATION LAW

Main provisions of the law are:

School Boards - Prefectural boards, and boards for the five large cities (Osaka, Kobe, Kyoto, Nagoya and Yokohama) called local boards, must be elected on 5 October 1948. Local boards for other cities, towns and villages, may be elected by 1 November 1950.

Election of Board Members - Prefectural boards are to be composed of 7 members: six elected by the people (each person is allowed to vote for one candidate) and one by the assembly from members of the assembly. Local boards are to have five members: four elected from the citizenry and one from the local assembly.

Term of Office - The term of office is four years, except for the first members elected, where those receiving the largest vote become four-year members, the others two-year members. Thereafter, elections are to be held every two years for half of the membership. Members elected from the assemblies by the assemblies serve for the time for which they were elected to the assembly.

Candidates - Candidates must be endorsed by 60 citizens. Public officials may not serve as board members. However, such persons may campaign, then resign the public office held if elected to boards. In case of a tie vote, the matter is decided by casting lots. Women may be elected to school board membership. School board elections are subject to the general election laws. School board members are subject to recall.

Election Results and Board Operations - Results of elections are to be transmitted to governors and mayors within twenty (20) days after the election. The governors and mayors convene board meetings (20) days after the election. School boards come into existence 1 November. Local boards begin operations 20 days after 1 November and prefectural boards begin 30 days after 1 November. Regular meetings shall be held monthly. Two members may demand special meetings. Meetings are open to the public, except that secret meetings may be voted. The by-laws are to be published. A majority constitutes a quorum, except when a majority is not present for two (2) meetings in succession. The vote is by majority of members present.

Interim School Boards - From 15 July to the time the elected boards assume their duties, the present departments of education in the prefectures and in the five large cities act as boards of education. Until 1 November 1950, the schools of cities (other than the five large cities) towns and



villages are to be under the general supervision of prefectural boards for certain matters delegated to local officials, unless otherwise specified by law (ordinance).

The Superintendent of Schools - School boards appoint superintendents of schools for 4-year terms from a list of eligibles. But persons who do not meet qualifications may be appointed for 1 year. The present chiefs of education, both prefectural and local, are to be superintendents of schools from 1 November 1948 to 31 March 1949. Superintendents are to take charge of all the educational affairs managed by the boards of education, subject to the guidance and control of the boards. School boards may require advice and recommendations from the superintendents.

Powers and Duties of School Boards - In addition to powers and duties common to prefectural and local boards, the prefectural boards have such duties as (1) certification of teachers, (2) selection of textbooks, (3) determination of attendance districts, (4) advising and assisting local school boards, (5) requiring reports from local boards and (6) transferring schools from prefectural to local control, and transferring from local to prefectural control, in consultation and agreement with the local boards. The Ministry of Education has no administrative or operational control over school boards, nor does the prefectural board have such control over local boards. Higher educational institutions and private schools shall not be under the jurisdiction of boards of education, except as may be otherwise provided by law.

Miscellaneous Provisions - The school boards prepare budgets, which require approval by assemblies. The assemblies must approve matters relating to property, reserve funds, bonds, tuition, rental fees, etc. All employees of the school boards are subject to the regulations of the Local Autonomy Law. Board members receive remuneration but no salary, the amount to be determined by the public bodies. Teachers' consultants may assist and advise teachers, but may not issue orders or exercise control.

### SECTION III THEMES

The following themes are divided into two categories: (1) those to accomplish immediate objectives during the interim period until elections and (2) those to be used on a continuing basis, designed to produce conviction among the public that schools should be controlled by the local electorate.

During the coming election campaign emphasis should be placed on getting capable men and women to make themselves available for selection to board membership and arousing interest in the election to make certain that a large part of the electorate takes part in the voting. To do this it is imperative that the public be convinced of the importance and significance of the law. Although immediate stress should be placed on goals which concern the election, the long-range themes should not be slighted. Rather, the more permanent themes should be used as a backdrop against which the points are made that the best qualified persons must seek election and that all must participate in the balloting.



After the election will come the long-term program to make control of public schools through representative board members a prevailing concept.

Themes for the Interim Period Until Elections:

1. Success of the law depends upon the calibre of board members. The best qualified persons must come forth and make themselves available for elections.
2. Eligibility requirements for election to boards of education are the same as those for election to prefectural, city, town or village assemblies. However, no national public officials or paid employees of the government may serve. Teachers and other public officials may enter the campaign but must resign their former positions if elected.
3. Procedures for nomination and election. (See articles 9 to 28 in the Board of Education Law and Cabinet Order No. 239).
4. Every eligible voter must participate in the election of board of education members on 5 October 1948 to assure that those elected are truly representative of the community and are not hand-picked tools of grasping minority groups that seek to perpetuate their influence and control the schools to further their own selfish ends.
5. Women in particular must assume their responsibility to help nominate and elect competent board members, make themselves available for election, and actively take part in the campaign to make schools conform to the desires of local communities.

Continuing Themes:

1. Now each citizen determines the policies for local schools through elected members of boards.
2. Now schools are (will be) controlled through deliberation of chosen representatives rather than by arbitrary command of a central agency.
3. Duties of the new school boards include:
  - Prefectural Boards
    - a. Certification of teachers.
    - b. Selection of textbooks and courses.
    - c. Determination of attendance districts.
    - d. Advising and assisting local school boards.
    - e. Formulation of educational policy for the prefecture.

Local Boards

- a. Establishment of educational policy for the community.
- b. Establishing policy to be carried out by superintendents of schools.



c. Acquiring and maintaining school buildings and sites and purchasing supplies.

d. Recommending budgets to local assemblies.

4. The responsibility of citizens to their schools does not end with election of boards of education. Only continued surveillance by an alert electorate will make certain that schools are being administered according to the popular will of the people and are not being used to indoctrinate pupils in ideologies contrary to the Constitution.

#### SECTION IV METHODS

##### METHODS OF PROMOTING IMMEDIATE OBJECTIVES

###### Press:

The law should be explained in great detail along with its significance in placing the training of the coming and future generations in the hands of parents and other citizens who have the greatest interest in their development. After general presentation with emphasis on the news value, future articles should take up the provisions of the law point by point and contrast the new features with those that existed at the end of hostilities.

Newspapers should give editorial support to the movement to nominate and elect the best community talent to boards.

The mechanics of nominating and electing board members should be explained, using the Board of Education Law and local and national election laws for background material. This whole plan ties in directly with the Local Autonomy Program for giving communities a major voice in deciding their own affairs.

To encourage support for the law and coming elections, civil information officers should interview managing editors of major newspapers to impress upon them the importance of the law and elections.

Short profiles of all candidates could be presented listing their qualifications for board membership.

As the election approaches, a daily block reminding people of the coming election should aid in getting out a large vote.

###### Radio:

Stations should give over a considerable part of local broadcast time to explanations of the law and election procedures. Wherever practicing teachers make these presentations their appearances should be counter-balanced with lay citizens.

Roundtable and question-and-answer shows are ideal for presenting this type of program.



"Local Bulletin Board," 1145 to 1159:30 daily, could be used to present features of the law and to encourage participation in the election.

As the election approaches, spot announcements should be intensified to get out the vote. A small vote will provide well-organized minorities with a better opportunity to elect their candidates. A station break occurs for 1½ minutes at 1418 Monday through Saturday, and because it follows shortly after "Teachers' Hour", spot announcements would reach an interested carry-over audience.

#### Visual Materials:

The following pamphlets, leaflets and posters are in production and are scheduled to be shipped to prefectural governments on 9 September (recognition copies, distribution data and translations will be forwarded to MG teams):

1. Pamphlet outlining the Board of Education Law.
2. Leaflet explaining functions of boards.
3. Poster--Education Shall Be in the Hands of the People.
4. Poster--Qualified Persons Shall Be Elected.
5. Series of 10 posters--Provisions of the Board of Education Law.

Encouragement should be given to producing visual material from the local viewpoint.

The two movies, "A Day at School," and "Everybody's School" should be shown continuously before appropriate groups.

#### Organizations:

PTAs should be encouraged to nominate and campaign for their candidates.

Local political party leaders should be approached to nominate and support candidates on a non-partisan basis. The public-service aspects of such actions and the implication of possible minority control of packed school boards should be stressed.

Local representatives who attended the six regional meetings conducted by the Ministry of Education should hold similar meetings in their own communities to explain the functions and importance of boards of education.

#### METHODS OF PROMOTING LONG-RANGE OBJECTIVES

##### Press and Radio:

After the election campaign will come the difficult task of sustaining interest in school boards. Then will come the job of exhorting the public to discharge another responsibility of citizenship: continuing surveillance over



elected officials. Frequent news articles, as well as radio presentations, should point out the accomplishments of the new boards as well as their shortcomings.

The results of the elections with appropriate compliments and predictions of future success should be given wide play.

Sustained repetition of the duties and responsibilities of boards as provided by the new law contrasted with actual practice will go far to insure that the spirit of decentralization and local autonomy is being carried out.

Important future dates, such as boards assuming duties on 1 November and superintendents taking their posts on 1 April 1949, will provide news pegs for additional publicity activity to drive home the basic principle of local control.

#### Visual Materials:

A filmstrip, "Functions of Boards of Education," will be completed and ready for distribution the latter part of September and can be used to acquaint PTA's, teachers' unions and other interested segments of the population with board activities.

The two movies mentioned above should be used continuously to spread the conviction that schools are the responsibility of every citizen.

#### Organizations:

PTA's should be aware that they are the "watchdogs" of the new system and be encouraged to make their wishes known to boards and school officials. These groups should know that they are free to enlist support of public media for publicity in their efforts to promote better schools.

Teachers' unions should have access to all visual materials and should be encouraged to present it to their memberships to counteract slanted presentations of the meaning of the law and the effect it will have upon their well-being. These important groups will exert a tremendous influence on the administration of the law and should have the facts laid before them in order that they may act with complete knowledge.

#### Future Elections:

Since many local communities are and will be holding further elections, they should be given counsel in methods of publicizing them with similar themes and methods used in the prefectural and large city elections.

#### 2 Incls:

1. Hatsu-Teki No. 65, 10 August 1948
2. Hatsu-Teki No. 69, 20 August 1948



DRAWN UP AUGUST 10, 1948

HATSU-TEKI #65

FROM: Chief, Acceptability Inquiry Board

TO: All Prefectural Governors

SUBJECT: Part Amendment of Government Ordinance etc. relative to the elimination and exclusion of teachers and educational service officials

Amended Government Ordinance relative to the elimination and exclusion of teachers and educational service officials and its related orders will be made public on the 13th inst., as per attached document going into effect on the day of issue.

The present amendment provides that the members of the Educational Council should be screened for educational service and that the candidate for Educational Council should submit to the election chairman a copy of the letter of confirmation for educational service acceptability, thereby prohibiting unacceptables from becoming Educational Council members. In its execution your attention is drawn to the following points in the statement besides disseminating it to all the related agencies, so that the election of the Educational Council members to be held on October 5th will come off satisfactorily.

Matters relative to the candidates' confirmation of acceptability, such as the dissemination of the period of submitting questionnaires, forwarding the questionnaires to the Ministry of Education and delivery of the letters of confirmation, should be handled in the section responsible for educational service screening.

STATEMENT

1. An unacceptable is not authorized to become a candidate for the Educational Council. In making the recommendation of a candidate for Educational Council a copy of a letter confirming that the candidate is an acceptable for educational service should be submitted to the election chairman by the person making such recommendation. In case a candidate has been designated an unacceptable, it is understood that he has resigned from the candidacy.

2. (1) A person who has already been found acceptable for educational service and who has been awarded a letter of confirmation for educational service acceptability need not be screened again. But in making recommendation of any other person for the candidates of Educational Council members, application for confirmation of educational service acceptability should be submitted to the Minister of Education if he is a candidate for the prefectural Education Council and to the prefectural Governor if he is a candidate for the local Educational Council by the appointed date.

Inclosure 1 to Information Plan on Board of Education Law



(2) As regards the period during which application should be submitted it is stipulated to be August 14th-25th 1948, for the candidates of the Prefectural Educational Council, as per announcement in attached document No. 2.

As for the period for the submission of application for educational service acceptability for the candidates of Local Educational Council, the respective Prefectural Governor will make decision and announcement.

In the submission of application for confirmation of educational service acceptability for the candidates of Prefectural Educational Council, it should be submitted through the Prefectural Governor as a rule. In this case the period being from 14-23rd August, that is two days less, all such applications received by the Prefectural Government before 23rd August 12 PM should be brought to the Acceptability Inquiry Board, Ministry of Education, the following day.

All applications received after that hour should be handled in the same way, provided that the envelopes are stamped with the date of August 23rd or before, or there is an evidence that the application has been sent out before that time.

If, under unavoidable circumstances, the application letters are posted, and not brought by the messenger, the words "Questionnaires of Educational Council Candidates" should be written on the envelope in red ink.

(3) For the dissemination of the period during which the questionnaires should be submitted, the newspaper and the radio should be made use of, besides making notification to the cities, towns and villages.

(4) The letter of application should be accompanied by two questionnaire copies; in order to expedite the screening the column for occupation and military career should be written up in details, and it should also be accompanied by the candidate's books, articles and lecture notes without fail.

3. Candidates for the Educational Council are candidates for public service through election, but as regards the application of Imperial Ordinance (No. 1, 1947) Article VIII relative to the elimination and exclusion from public service, and exemption has been recognized. The submission of a copy of educational service acceptability is understood to be the submission of a letter of confirmation under Art. VIII, Par. 1.

It is a matter of course, however, that the Educational Council members will have to be screened for public service after election.

4. In case there is no superior certifying the statement in the column in the questionnaire to be submitted by the candidate, it may be certified by the person making the recommendation.

5. Letters of confirmation for educational service awarded by other Ministers of State are as valid as those awarded by the Minister of Education or Prefectural Governor.



DRAWN UP AUGUST 9, 1948

Announcement which accompanied Hatsu-Teki #65

FROM: Chief, Acceptability Inquiry Board.

May we make the following announcement in the name of the Minister of Education regarding the date and so forth for the candidates for the Prefectural Educational Council to make application for confirmation of acceptability?

Announcement No.--16

Regarding the candidates for the Prefectural Educational Council the following dates are hereby appointed as the period for them to make application to the Minister of Education for confirmation of acceptability under the provisions of Government Ordinance (No. 62, 1947) relative to the elimination and exclusion of teachers and educational service officials), enforcement regulations (Prime Ministerial Ordinance, Foreign Ministry Ordinance, Finance Ministry Ordinance, Attorney General's Office Ordinance, Education Ministry Ordinance, Welfare Ministry Ordinance, Agriculture and Forestry Ministry Ordinance, Transportation Ministry Ordinance and Communications Ministry Ordinance) No.--, Art. 5, Par. 2.

August 1948

MORITO TATSUO,  
Minister of Education.

Period: - August 14th, 1948 - August 25th, 1948.

Provided that in case such applications should be submitted to the Minister of Education through the Prefectural Governor they should be submitted to the governor during the period: August 14th, 1948 - August 23, 1948.

Remarks: This announcement will be published in the Official Gazette of August 13th or 14th.

Screening Schedule of the Screening Committee, Ministry of Education:

August 14th - 25th: Period during which application for confirmation of acceptability should be submitted (direct to Education Minister)  
 August 14th - 25th: " (through Prefectural Governor)  
 August 24th - 25th: Period during which the application papers should be forwarded to the Minister of Education.  
 August 26th - Sept. 1st: Period of Screening (Schedule)  
 September 2nd - 4th: Period during which confirmation papers should be delivered to the applicants.  
 September 5th: Announcement.  
 October 5th: Election.



HATSU-TEKI #69

Date: August 20, 1948

FROM: Chief, Acceptability Inquiry Board  
TO: All Prefectural Governors  
TO: All Chairmen of Prefectural Screening Committees  
SUBJECT: Application for Confirmation of Educational Council Candidates' Acceptability for Educational Service

Whereas the period for the submission of application for confirmation of Prefectural Educational Council candidates' acceptability for educational service was fixed under Education Ministry Announcement No. 72 dated August 13th, it is expected that an announcement will be made fixing a second period from August 26 to September 15. You are requested, therefore, to take measures for its dissemination to all people concerned with due attention paid to the following statement:

STATEMENT

1. Application for confirmation of Prefectural Educational Council candidates' acceptability for educational service shall be submitted through the Prefectural Governor as a rule, as before, but you are requested to expedite it by despatching a special messenger as they are received in a sufficient quantity to justify it, or authorize a person making recommendation, if he so desires, to take it to the Ministry of Education and so on, so that they may be received here with quick despatch--by September 15th at the latest.
2. The candidates shall be screened in the order that the application papers are received, and it is expected that all the candidates will be screened by September 22 or 23. (As for the applications received here by August 25, it is expected that they will all be screened by September 1, as we previously notified.)
3. With the exception of the preceding two paragraphs, confirmation of the candidates acceptability for educational service shall be dealt with in conformity with the former notification (Hatsu-Teki No. 65).
4. The findings of the Screening Committee shall be wired promptly to the Chief of Education Department of the Prefectural Government concerned, and you are requested to take measures accordingly.

May we make the following Education Ministry Announcement concerning the period for the submission of application to the Minister of Education for confirmation of Prefectural Educational Council candidates' acceptability for educational service?

Inclosure 2 to Information Plan on Board of Education Law



STATEMENT

Announcement No. \_\_\_\_\_

A second period is hereby fixed as follows for the submission of application to the Minister of Education for confirmation of Prefectural Education Council candidates' acceptability for educational service under the provisions of the Enforcement Regulations (Prime Ministerial Ordinance, Foreign Affairs Ministry Ordinance, Finance Ministry Ordinance, Attorney General's Office Ordinance, Education Ministry Ordinance, Welfare Ministry Ordinance, Agriculture and Forestry Ministry Ordinance, Transportation Ministry Ordinance and Communications Ministry Ordinance No. 3, 1948) Article 2, of the Government Ordinance (Government Ordinance No. 62, 1947) concerning the elimination and exclusion and so on of teachers and educational service officials.

25 August

MORITO, TATSUO  
Minister of Education

Period: From August 26 to September 15, 1948

Remarks: This announcement will be made public in the Official Gazette of August 25th.