

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CV/JN/JW/CPG/CD  
Subject: Draft Legislation

Note No.

From: Govt Sec

To:

ESS

Date:

Cap 66-6076a

17 April 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by ~~the Ministry of Education.~~ **the Ministry of Education.**
2. Your prompt comment is requested.

1 Incl

Law concerning Securing of  
Standard Compulsory Edu-  
cation Expense

Cy to CIAE, LS/LAJ

C. W.

P & P DIV

WFM/EMR/AMK/WKE/ec

010(17 Apr 50)ESS/PF

Proposed Bill Concerning Securing of the  
Standard Compulsory Education Expense

ESS

Govt Sec

2

1. Objection is made to the introduction of this bill, in its present form, in the Diet, on the ground that it retains the same ¥ 3,200 standard pupil unit cost figure to which objection was made in our Check Sheet, dated 27 February 1950, when the bill was originally submitted for consideration.

2. Objection to this figure is based on the following grounds:

a. The ¥ 72 billion which local governments would be required to spend on compulsory education in 1950-51, based on the standard pupil unit cost figure of ¥ 3,200 prescribed in this bill, is equivalent to 100% or more of total expenditures contemplated for this program, when the size of the Equalization Grant was calculated in compiling the 1950-51 National Budget and when the Local Government Budget Plan for 1950-51 was originally estimated.

b. A 100% expenditure requirement of this type is not consistent with the Equalization Grant Plan which is being initiated at this time in accordance with SCAP policy based on the recommendations of the Shoup Tax Mission Report. The Equalization Grant Plan was adopted (1) for the purpose of assisting local governments in the assumption of expanded government functions and responsibilities by strengthening their finances through greater equalization of revenues, and (2) for the purpose of promoting more local autonomy by replacing the previous restrictive subsidy system of national aid to local governments with an en bloc grant system which would permit the local governments a wide latitude of choice in expending the funds granted in aid. The Shoup Tax Mission Report recommended that restrictions on the use of the funds be imposed only if local governments abused this freedom. Since local programs, such as compulsory education, are supported not only by the Equalization Grant but by local taxes, the present bill not only dictates the use of the grant but also the use of independent local revenues. The extension of such a principle to all fields of local government in which the various ministries of the National Government have similar concerns, would quickly eliminate autonomous operations on the part of local governments. This Section recognizes fully the possibility of initial abuses in the use of the en bloc grant as well as the necessity of safeguarding a constitutionally guaranteed program such as compulsory education. It is believed, however, that only minimum though reasonable restrictions should be set up until actual experience indicates that maximum safeguards must be invoked.

3. A careful study has been made of the estimates made of compulsory education expenditures and contemplated requirements as compiled by the Ministry of Education, the Finance Ministry and the Local Autonomy Agency. Officials of PTA groups from various parts of Japan have also been consulted

2  
(contd)

regarding expenditures and contributions in their areas. In calculating the amount of the Equalization Grant in the 1950-51 National Budget, teachers' expense, including all allowances, was estimated on the basis of newly established teacher-pupil ratios and on the contemplated increase in pupils, and the figures were agreed to at that time by the three agencies mentioned above. On the basis of the factors mentioned, it was contemplated that teachers' expense would be approximately ¥ 53 billion compared with approximately ¥ 46 billion in 1949-50. The Ministry of Education apparently now maintains on the basis of a different set of estimates that teachers' expense should be almost ¥ 57 billion. This figure was not contemplated in the original Budget Plans and can be recognized only if expenses of other programs are curtailed or the Equalization Grant increased through a supplementary Budget. Original estimates of pupil expense in the Local Government Budget Plan for 1950-51, prepared by the Local Autonomy Agency, amounted to approximately ¥ 14 billion but were later increased to ¥ 19 billion by agreement with the Finance Ministry. The Ministry of Education now maintains that expenditures for pupil expense on the part of local governments in 1950-51 should be ¥ 26 billion. Such a figure, however, includes a large amount of expenditures supported by contributions from parents and PTA which are not a part of the present Local Government Budget Plan and cannot be recognized as actual local government expenditures within a budget plan until such contributions are supplanted by additional local taxes, a procedure which local governments appear reluctant to undertake in view of the current opposition in the Diet to the proposed Local Tax Law which would provide for such tax increase. On the basis of the above mentioned ¥ 53 billion for teachers' expense and ¥ 19 billion for pupil expense, total compulsory education expense contemplated in the Local Government Budget Plan is ¥ 72 billion, and the ¥ 3,200 standard student unit cost figure computed on this figure must consequently be regarded as a 100% expenditure requirement rather than a minimum requirement.

4. Investigations reveal that when the Cabinet adopted the ¥ 3,200 figure, it was the attitude of all the interested agencies that this figure would require local government expenditures equivalent to 100% of the whole compulsory education program contemplated in 1950-51. The Finance Ministry and the Local Autonomy Agency have specifically stated that this was their attitude. The Education Ministry has implied that it was its intention that a requirement level as near as possible to 100% of the program should be established since it was of the opinion that aside from the more enlightened metropolitan area, local governments might spend no more than they were required to spend under the present bill. By its approval of the ¥ 3,200 figure, it must therefore be concluded that the Education Ministry likewise considered that this required expenditure would be close to 100% of contemplated expenditures. Any possible

010(17 Apr 50)ESS/PF

Proposed Bill Concerning Securing of the  
Standard Compulsory Education Expense

ESS

Govt Sec

<sup>2</sup>  
(contd)

doubt in this regard, however, is removed by a statement regarding the methods of calculating the financial needs of local governments for the purpose of computing the Equalization Grant which appears in an article by S. Okuno, Chief of the Finance Section of the Local Autonomy Agency, entitled "The Influence of the Local Finance Equalization Grant System over the Educational Finance," published in Mombu-zihō, No. 869, February 1950, a semi official publication of the Education Ministry. It states, "Each entity will calculate the whole amount of the compulsory education expense, etc. into the financial need amount, as such expense is deemed appropriate to carry out at least the administration of the standard level, but it will calculate into the financial need amount, other expenses, such as educational expenses other than the compulsory education expense, expenses for public works, etc., all of which are deemed to have a considerably more flexible amount of availability at a lower rate than the standard administration expense." The intention of the Cabinet and the interested agencies in drafting the present bill, therefore, was to provide for computation of the local financial need incident to the compulsory education program under the Equalization Grant Plan at 100% of the actual level of total performance in 1950-51, and to require the local governments to spend 100% of the computed amount. This action on the part of the Cabinet in making a complete exception of the compulsory education program to the rules applying to other local programs is entirely inconsistent with the general principles and purposes of the Equalization Grant and Local Autonomy program.

5. Civil Information and Education Section in its Memorandum to the Chief of Staff, III conclusions, Para 3, states, "It is concluded that the amount which the Cabinet has recommended to the Diet to be reserved for compulsory education is not excessive and that a reduction of this amount might well have the result of forcing a reduction in the total expenditures for compulsory education in Japan." In answer, it must be pointed out that the adoption of a minimum standard requiring expenditures of only 80% of the amount recommended by the Cabinet would in no way force a reduction in any expenditures. On the contrary, it would guarantee an expenditure of some ¥ 57 billion, an amount almost ¥ 11 billion greater than that guaranteed under the subsidy system in effect in 1949-50. This would not only insure that no local government, however backward, could disregard compulsory education, but that in addition the poorer local governments would have to maintain a higher level of performance than that required in previous years. The adoption of such a minimum standard should in no way penalize the compulsory education program provided that it is a program in which there is genuine public interest. Local governments would be free to spend as much as they please, in excess of the minimum requirement, from the resources available to them from the en bloc Equalization Grant and

010(17 Apr 50)ESS/PF

Proposed Bill Concerning Securing of the  
Standard Compulsory Education Expense

ESS

Govt Sec

2  
(contd)

their own local taxes and these resources in 1950-51 will permit a considerable expansion in all local programs over the levels of previous years. It is believed that it is an essential part of SCAP policy that these matters should be decided by the local governments themselves, and that they cannot be summarily settled by the dictate of national law if democracy and local autonomy are ever to be developed beyond a mere academic issue in Japan.

1 Incl  
n/c

-----W.F.M.-----

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CFG/gb

Subject: Draft Legislation

Reference No. From: Govt Sec To: **CIAE** Date: 17 April 1950  
Capt. Guida  
26-6076

1. Immediate introduction of the attached <sup>revised</sup> draft bill in the Diet is proposed by the Ministry of Education.

2. Your prompt comment is requested.

1 Incl  
Law concerning Securing of  
Standard Compulsory Edu-  
cation Expense

Cy. to ESS, LS/L&J C. W.

014 From: **CIE** To: Govt Sec Mr. Morgan 57 8702  
Date: 18 April 1950

2

CIE finds no objection to subject amended draft legislation which has been revised to meet objections by LS and ESS, and to incorporate provisions necessitated by amendments to draft legislation, "Local Finance Equalization Grant Law."

1 Incl  
n/c

-D. R. N.-

Rey GS 4/19

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS  
Government Section

1 May, 1950.

MEMORANDUM FOR THE RECORD:

SUBJECT : Draft Legislation: "Law Concerning Securing Standard  
Compulsory Education Expense".

Action indicated in para 6, GS C/N 2. above was taken on 28  
April, 1950.

Present were:

Mr. Masuda, Chief Cabinet Secretary  
Mr. Kimura, Chief, CLB.  
Mr. Shimanouchi, CLB.  
Mr. Rizzo, GS.

F.R.

Copy to:

Mr. Hauge  
Major Napier  
F Rizzo  
P & P Division

Bill

to be submitted for GS approval  
Legislative Affairs Section, FOM  
(TEL. 87-6010)

February 10, 1950

1. FOM Number: 88
2. Name of Bill: Bill for Partial Amendments to the Board of Education Law
3. Competent Ministry: Ministry of Education
4. Date of Cabinet Approval: February 7, 1950
5. SCAP Section concerned:  
J. C. Trainer, Deputy Chief, Education Division, CI&E
6. Remarks: (reference):  
See attached paper.  
.....  
.....  
.....  
.....  
.....
7. G.S. Reviewers:

CS:  
CIE  
ESS  
LS/LS  
PHW  
GS/PA  
GS/CS

Received by GS

Date 2/10/50

(11)



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHN/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: LS/L&J

Capt. Morris

26-6076

Date: 10 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Education Ministry.

2. Your prompt comment is requested.

1 Incl  
Partial Amendments to the  
Board of Education Law

C. W.

U

P & P DIV

Subject: Partial Amendments to the  
Board of Education Law

From: LS

To: GS

F. C. Goodman-2635-269

Date: 25 February 1950

2.

1. The following criticism on subject bill is offered:  
Article 32, Paragraph 2, which provides that "Members of the Board of Education must not act in such a way as to impair the honor and credit of their positions and to lose the dignity of education", is considered meaningless a mere admonition and should be eliminated.

2. Article 32 (2) which provides that "The members of the Board of Education shall carry out the duties of the Board of Education as a body, and shall not discharge its powers as individual members" is likewise considered superfluous because the Boards of Education are collegiate bodies.

3. Article 70, Paragraph 1, of the basic law, is amended by changing the date for the establishment of local Boards of Education in towns and villages from 1 November 1950 to 1 November 1952. Whether the postponement of the establishment of local Boards of Education contravenes the principles of local autonomy and might be interpreted by the public as a retreat from the original democratic intent of the law is a question of policy and of primary concern to CLE.

*Deleted from  
Text 3/2  
See attached  
text corrected in  
red pencil  
accepted by  
me 3/2*

(Cont'd)

Partial Amendments to the Board of Education Law

LS

GS

F.C.Goodman-2635-269  
25 February 1950

4. The many provisions of subject bill dealing with the election of members of Boards of Education in cities, towns and villages, appear inconsistent with the proposed Election Law. While Legal Section seriously objected and still objects to essential parts of the Election Bill, and in paragraphs 1 and 2 of the appendix to its check sheet of 17 February 1950, pointed out that careful consideration should be given to the question of whether elections to Boards of Education should be dealt with in the same law that regulates national elections, nevertheless, in view of such proposed legislation, consideration should be given to the inconsistencies in the two bills.

5. From the point of view of policy, it should also be considered whether the far-reaching delegations as provided in Article 52 (2) as well as the increased functions of the Superintendent of Education do not threaten to defeat the very purpose of the establishment of the Boards.

1 Incl. w/d

----- A.C.C. -----

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/CHM/vs

Subject: Draft Legislation

Capt. Norris

Note No.

From: Govt Sec

To: ESS

26-6076

Date: 10 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Education Ministry.

2. Your prompt comment is requested.

1 Incl  
Partial Amendments to Board  
of Education Law

C. W.

U

P & P DIV

File: OLO(10 Feb 50)ESS/PT

*Scanned*  
*Am...*  
WFM/EMR/AMM/COY/eb  
Mr. Yeomans, 26-6143

From: ESS

To: Govt Sec

2

There is no objection to the introduction in the Diet of the attached draft bill, subject: Partial Amendments to Board of Education Law, as proposed by the Education Ministry.

1 Incl:  
n/o

-----W.F.M.-----

*Rec'd GS 2/21*

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JN/JW/CHN/vs**

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: **PH&W**

Date: **10 February 1950**

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Education Ministry.**

2. Your prompt comment is requested.

1 Incl

Partial Amendments to the  
Board of Education Law

C. W.

From: **PH&W**

To: Govt Sec

Dr. Wheeler 26-8211  
17 February 1950

2

1. Public Health and Welfare Section's interest in the Partial Amendments to the Board of Education Law, lies in the following articles: Article 45, paragraph 1; Article 47; Article 49, items (16), (17) and (18); Article 50, Item (5); and, Article 54 - (2) and paragraph 2.

2. Public Health and Welfare Section offers no objection to the provisions of the articles, items and paragraphs referred to in paragraph 1 above.

1 Incl  
n/c

----- C. F. S. -----

*Rec'd GS 2/18*

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JN/JW/CHN/vs**

Subject: Draft Legislation

**Capt. Norris**

26-6076

Note No.

From: Govt Sec

To: **CI&E**

Date: **10 February 1950**

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Education Ministry.**
2. Your prompt comment is requested.

1 Incl

**Partial Amendments to the  
Board of Education Law**

C. W.

000.8

From: **CI&E**

U

To: Govt Sec

**Mr. Trainor 26-5679**

Date: **16 Feb 1950**

2

**CI&E has no objection to subject draft legislation.**

1 Incl

n/c

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

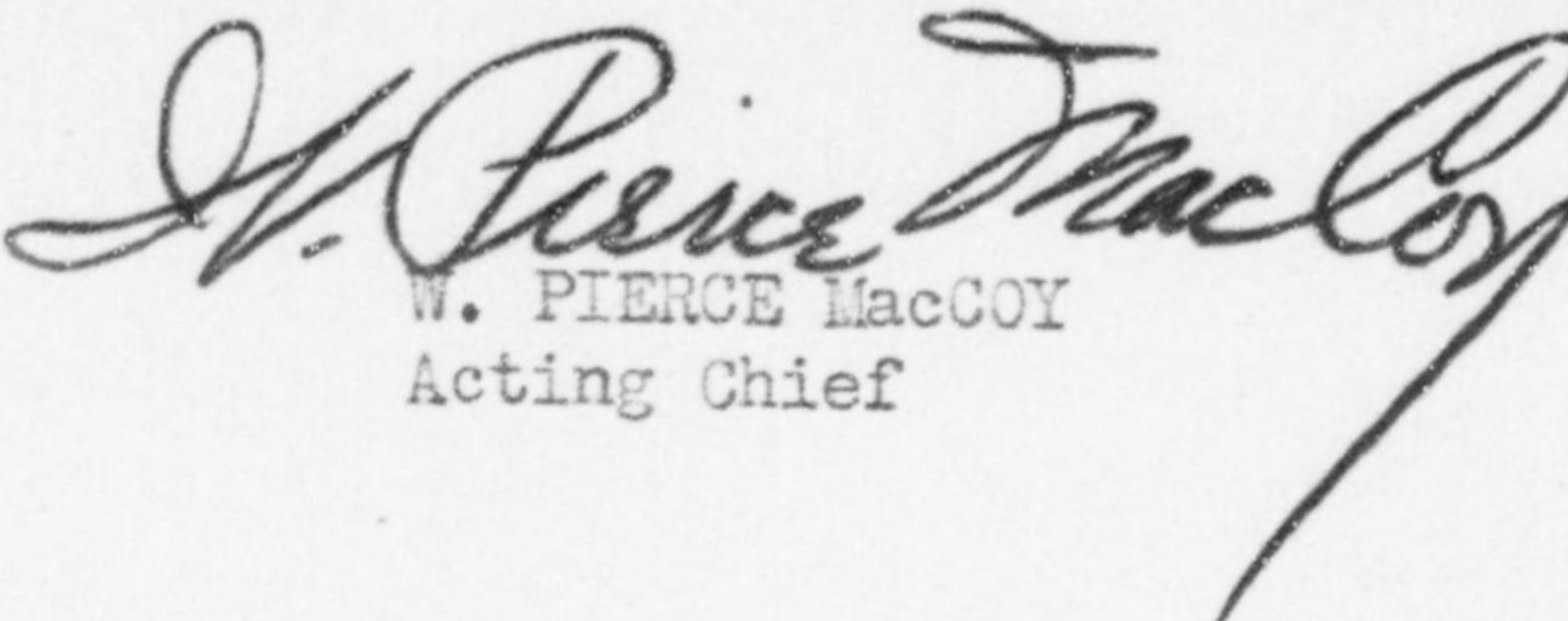
CIVIL SERVICE DIVISION  
Government Section

20 February 1950

MEMORANDUM FOR: Parliamentary and Political Division  
Government Section

SUBJECT : Bill for Partial Amendments to the Board of  
Education Law

The Civil Service Division has no objection to subject bill.

  
W. PIERCE MacCOY  
Acting Chief

WPM:GWP:gb



GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/CHE/eb

Subject: Draft Legislation

Capt. Morris

26-6076

Note No.

From: Govt Sec

To: FSS

Date: 21 March 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the House of Representatives.**

2. Your prompt comment is requested.

1 Incl

**Amendment to Amendments  
to Board of Education  
Law**

Cy to CIE, PHW, LS/LJ

C. W.

P & P DIV

3/4

Amend to Board of Education  
(Educ 2m)

File: 010(21 Mar 50)ESS/FF

*WPM/EMR/AMM/CDI/ob*  
Mr. Yecmans, 26-6148  
12 APR 1950

From: ESS

To: Govt Sec

2

There is no objection to the introduction in the Diet of the attached amendment to Amendments to the Board of Education Law, as proposed by the House of Representatives.

1 Incl:  
n/c

-----H.F.M.-----

*Apr 69 4/12*

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHN/gb

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: CIE

Date: 21 March 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives.

2. Your prompt comment is requested.

1 Incl  
Amendment to Amendments  
to Board of Education  
Law

Cy to PHW, ESS, IS/LA

C. W.

Note No.

Subject: Draft Legislation

Mr. J. C. Trainor  
26-5679

2

From: CIE To: Government Section

27 March 1950

This Section has no objection to subject draft legislation.

1 Incl  
n/c

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

Recd 65  
3/29/50

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/CIS/eb

Subject: Draft Legislation

Capt. Morris

26-6076

Note No.

From: Govt Sec

To: PIR

Date: 21 March 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives.

2. Your prompt comment is requested.

1 Incl  
Amendment to Amendments  
to Board of Education  
Law

cy to CIE, ESS, LS/LJ

C. W.

P & P DIV

Board of Education Law  
HR Amendment  
3/21

2

FROM: PH&W

TO: Govt Sec

Dr. Wheeler - 26-8211  
25 March 1950

1. The deletion of the provisions amending Articles 8, 15, 16, 31, 27 and 28, and the amendment of the amended Article 29, paragraph 2 of the "Partial Amendments to the Board of Education Law", do not directly concern Public Health and Welfare Section.

2. Public Health and Welfare Section offers no objection to the provisions of the "Amendment to the Bill for Partial Amendments to the Board of Education Law" as proposed by the House of Representatives (Japanese Government) on 20 March 1950.

Incl: H/c

-----C. F. S.-----

Recd GS  
3/28/50

GENERAL HEADQUARTERS  
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JX/JK/CHN/ed

Subject: Draft Legislation

Capt. Norris

20-6076

Note No.

From: Govt Sec

To: LS/LJ

Date: 21 March 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the House of Representatives.**

2. Your prompt comment is requested.

1 Incl  
Amendment to Amendments  
to Board of Education  
Law

Cy to CIE, PHW, ESS

C. W.

3/4

Subject: Amendment to Amendments to Board of Education Law

(HR) Edusa *Ami*

From: LS

To: GS

F.C. Goodman-2635-269

Date: 24 March 1950

2.

1. This Section has no legal objections to subject bill.

2. The deletion of Articles 8, 15, 16, 21, 27 and 28 of the previously proposed amendment covers some of the objections raised by Legal Section by check sheet to Government Section dated 25 February 1950. However, Legal Section points to its previous comment on the original amendment as far as the postponement of the Election is concerned.

1 Incl. w/d

----- A.C.C. -----

*Rec'd GS 3/4*

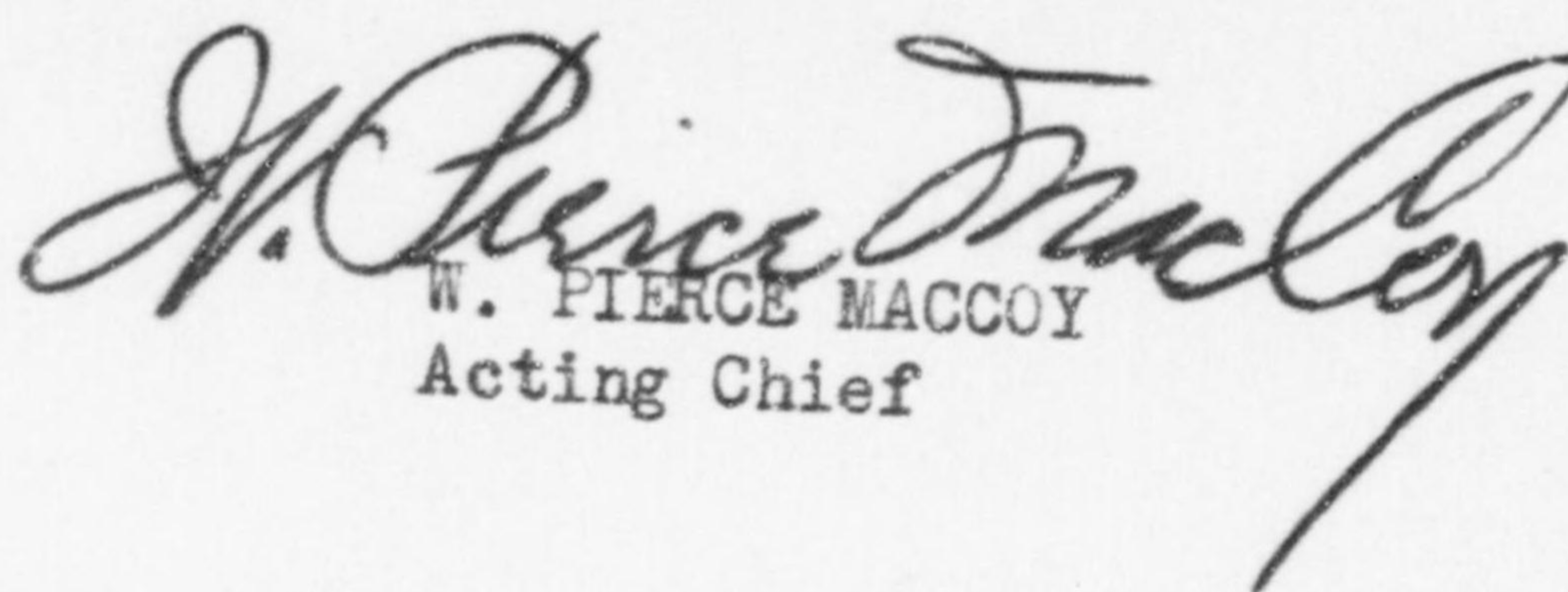
CIVIL SERVICE DIVISION  
Government Section

22 March 1950

SUBJECT: Amendment to Bill for Partial Amendments to the Board of  
Education Law

TO: Parliamentary and Political Division, Government Section

1. The Civil Service Division does not object to the bill for  
Amendment to Bill for Partial Amendments to the Board of Education  
Law recommended in the House of Representatives on 20 March 1950.

  
W. PIERCE MACCOY  
Acting Chief

WPM/GWP/feh