

Papers on the Local Governance System and its Implementation
in Selected Fields in Japan No.9

Educational Administration in Japan and the Role of Local Governments

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Foreword

The Council of Local Authorities for International Relations (CLAIR) and the National Graduate Institute for Policy Studies (GRIPS) have been working since 2005 on a “Project on the overseas dissemination of information on the local governance system of Japan and its operation”. On the basis of the recognition that the dissemination to overseas countries of information on the Japanese local governance system and its operation was insufficient, the objective of this project was defined as the pursuit of comparative studies on local governance by means of compiling in foreign languages materials on the Japanese local governance system and its implementation as well as by accumulating literature and reference materials on local governance in Japan and foreign countries.

In 2007, as a continuation of projects which were begun in 2005, we continued to compile “Statistics on Local Governance (Japanese/English)” and to conduct a search for literature and reference materials concerned with local governance in Japan and overseas to be stored in the Institute for Comparative Studies in Local Governance (COSLOG). We also compiled a “Glossary on Local Governance Used in Japanese Official Gazettes (Japanese/English) (Revised Edition)”. In addition, continuing from the previous year, we finished compiling “Up-to-date Documents on Local Autonomy in Japan” on two themes and “Papers on the Local Governance System and its Implementation in Selected Fields in Japan”, for which we took up 6 themes.

This project is to be continued in 2008, and we aim to improve the materials so that they will be of real use and benefit to those who are working in the field of local governance.

If you have any comments, suggestions or inquiries regarding our project, please feel free to contact the Council of Local Authorities for International Relations (CLAIR) or the Institute for Comparative Studies in Local Governance (COSLOG) of the National Graduate Institute for Policy Studies (GRIPS).

July 2008

Michihiro Kayama
Chairman of the Board of Directors
Council of Local Authorities for International Relations (CLAIR)
Tatsuo Hatta
President
National Graduate Institute for Policy Studies

Preface

This booklet is one of the results of research activities conducted by the Institute for Comparative Studies in Local Governance (COSLOG) in 2007 as one part of a 5-year project that started in 2005 entitled “Project on the overseas dissemination of information on the local governance system of Japan and its operation”, sponsored by the Council of Local Authorities for International Relations (CLAIR). For the purpose of implementing this project, a “Research committee for the project on the overseas dissemination of information on the local governance system of Japan and its operation” has been set up, and a chief and deputy chiefs with responsibility for the project have been designated from among the members concerned with each research subject.

“Papers on the Local Governance System and its Implementation in Selected Fields in Japan” (2007, Volumes 5-10) were written under the responsibility of the following six members. (The official positions are as of March 2008.)

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This booklet, the ninth volume in the series, is about educational administration in Japan and was written by Associate Professor Nagaki Koyama. It provides an overview of educational administration in Japan and the role of local governments from such perspectives as the Japanese educational system, the structure and organization of educational administration at local government level, the division of responsibilities in educational administration between the state (central government) and local governments, and educational finances.

We will continue to take up new topics, and add to the series.

Finally, I would like to express my appreciation to Associate Professor Koyama, and also to other members of the research committee for their expert opinions and advice.

July 2008

Hiroshi Ikawa
Chairperson

Research committee for the project on the overseas dissemination of information
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Educational Administration in Japan and the Role of Local Governments

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Introduction

If we once ask what education is, we can see immediately that the field is very broad. Even if we restrict our enquiry to the Fundamental Law of Education, revised in 2006, we find very many specialist terms used with reference to such fields as compulsory education, ordinary education, school education, home education, pre-school education, social education, political education, religious education, and much more, and there is of course also the related field of lifelong learning. And in addition to these terms, there are a wide range of fields connected with education, such as child care, vocational ability development, and so on. This paper will concentrate particularly on school education within the framework of “school education and social education”, the definition of education given in Article 5, Item 1 of the Ministry of Education, Science and Culture Establishment Law (see Note 1), The law defines the character of and the duties to be undertaken by the Ministry of Education, Science and Culture.

Furthermore, various laws including the School Education Law and the Law concerning the Organization and Management of Local Educational Administration (hereafter Local Educational Administration Law) were revised in June 2007, and the amended laws will come into effect in April 2008. The descriptions in this paper are based on the presumed state of affairs that will exist after April 2008.

1. An Overview of the Japanese Education System

1 – 1 The legal structure of education

After the Meiji Restoration in 1868, education in Japan was implemented and taken forward within a centralized system as a matter of national policy aimed at laying the foundation for the establishment of Japan as a modern state. However, after the end of World War II, as one element of democratic reform, a process of educational reform was carried out aimed at the democratization and decentralization of education.

In the Constitution of Japan, promulgated in May 1947, we find in Article 26, ① the following statement: “All people shall have the right to receive an equal education, correspondent to their ability, as provided for by law.” With these words, it is stipulated that every Japanese citizen has a right to receive an equal education as a fundamental human right. The Article goes on to state: “All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.” (Article 26, ②). From this, we can see that in order to guarantee the right of children to receive education, an obligation is laid on those in charge of them to ensure that they are educated, and it is further stipulated that as a system, compulsory education is the responsibility of the state and shall be free of charge. As can be seen here, education has for the Japanese people the character both of a right and of an obligation. In either case, the specific detail is left to be regulated by the law.

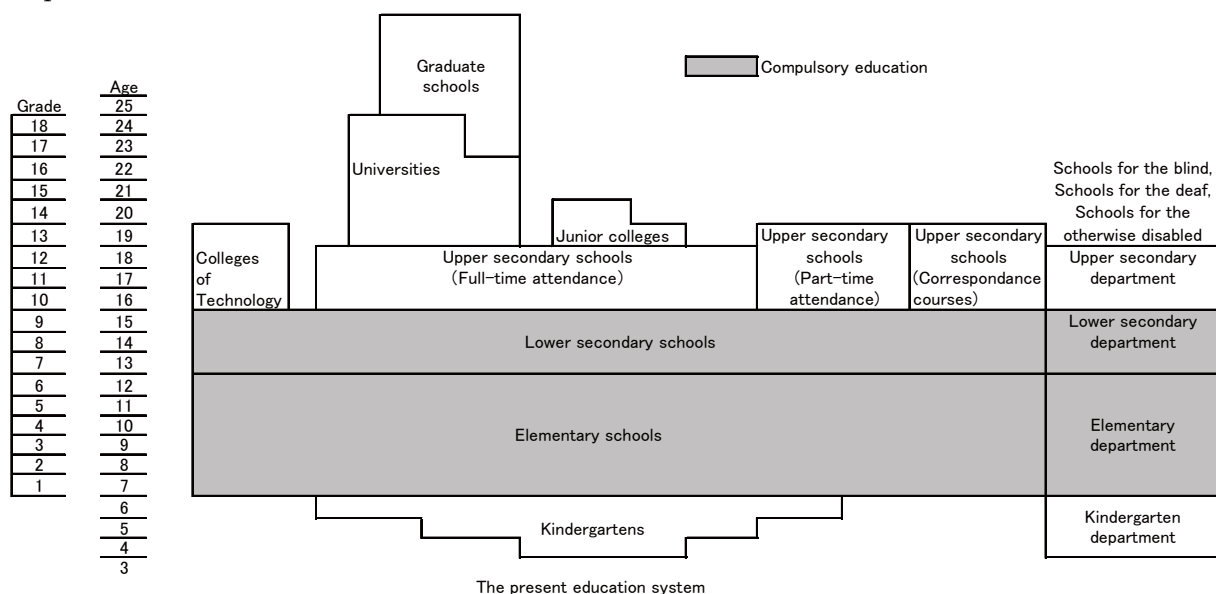
The law that aimed to establish the foundation of education was the Fundamental Law of Education, enacted in March, 1947; this law stipulates the basic concepts of Japanese education, including educational objectives, equality of opportunity in education, the fact that compulsory education is free of charge, and so on. This Fundamental Law of Education did not undergo a single amendment for over half a century following its enactment, but in 2006, it was the object of a wholesale revision. While universal concepts such as individual dignity and the building of a peaceful and democratic state and society are taken over into the new law, items thought to be important as educational objectives in the Japan of today are stipulated afresh, including the importance to be attached to model consciousness possessed by Japanese in such ways as public-spiritedness, and the importance of the culture and traditions within which such consciousness has matured and ripened.

Moreover, the roots and the trunk of the Japanese education system are determined by a large number of laws, including the School Education Law in connection with school education, and the National University Incorporation Law, the Local Education Administration Law in connection with educational administration, or in connection with educational finances, the Law concerning the National Treasury’s Share of Expenditure on Compulsory Education, and the Law concerning the Share of Salaries of Municipal School Personnel, or with regard to educational personnel, the Teacher Certification Law and the Law for Special Regulations concerning Educational Public Service Personnel, or in connection with social education, the Social Education Law, the Library Law and the Museum Law.

1 – 2 The School Education System

With regard to the system of school education in Japan, “schools” are defined in the School Education Law as including kindergartens, elementary schools, lower secondary schools, upper secondary schools, specially supported schools, and universities (School Education Law, Article 1). The functions of the different institutions are defined as follows: “kindergartens” cultivate the fundamentals of compulsory and subsequent education, “elementary schools” implement, as compulsory education institutions, the fundamental matters of ordinary education, “lower secondary schools” implement ordinary education as institutions of compulsory education, “upper secondary schools” implement high-level ordinary education as well as specialist education, while “universities”, focusing primarily on the arts and sciences, impart a wide spectrum of knowledge and at the same time, teach and research specialist academic areas in depth. The system is often called a “6-3-3-4 system”, from the number of years spent in each type of institution, namely 6 years in elementary school, 3 years in lower secondary school, 3 years in upper secondary school and 4 years in university. And this system is paralleled by the system in specially supported schools, comprising schools for the blind, schools for the deaf and schools for the otherwise handicapped. In terms of the age of the pupils and the educational content, these schools also offer a curriculum corresponding to that in kindergartens, elementary schools, lower secondary schools and upper secondary schools in the ordinary school sector. As described here, the school system in Japan is located along a unitary line.

Diagram 1 The Japanese School Education System (Source: Local Government in Japan 2006)



1 – 3 Compulsory Education

A total of 6 years in elementary school (starting at the beginning of the academic year which falls on the day after the child's sixth birthday or any subsequent day until the end of the academic year which begins after the child's 12th birthday) plus 3 years in lower secondary school (starting at the beginning of the academic year which falls on the day after the child has completed elementary school or any subsequent day until the end of the academic year which begins after the child's 15th birthday) making 9 years in all, is recognized as comprising compulsory education (Fundamental Law of Education, Article 5, ①, School Education Law, Articles 16 and 17). Hence it is prescribed that those in charge of a child are put under an obligation to ensure that the child receives 9 years of ordinary education.

Ordinary education, implemented in the form of compulsory education, sets its objectives as being to extend the abilities of each individual child, and while doing this, to cultivate the foundations of living independently in society, and at the same time, to nurture and develop the skills that are considered necessary to enable young people to function as the formative agents of the National Diet and society. The State and local governments guarantee the provision of compulsory education, and with a view to safeguarding its levels, responsibilities are appropriately allocated within a framework of mutual cooperation. With each party bearing its share of the responsibility for implementation, compulsory education is provided without any tuition fee being collected, in schools established by central government or by local governments (School Education Law, Article 5, ② to ④).

With regard to progression to schools at a level above that of compulsory education, the rate of advancement to upper secondary schools changed from 42.5% in 1950 to 82.1% in 1970, 94.2% in 1990, and 97.7% in 2006, showing that equality of educational opportunity was being taken forward. The rate of advancement to universities and junior colleges also changed from 10.1% in 1954 to 23.6% in 1970, 37.4% in 1980, and 52.3% in 2006.

2. The structure of educational administration in local governments

2 – 1 Boards of education

The bodies that bear responsibility for educational administration in Japan are at central government level, the Ministry of Education, Culture, Sports,

Science and Technology (hereafter MEXT) and at local government level, prefectures and municipalities (cities, wards, towns and villages) as well as boards of education, which perform a leading role and are established as representative councils within each local public body to deal with educational matters. A board of education is one executive organ of a local public body, and it is specified that one such organ must be established within each ordinary local public body (Local Autonomy Law, Article 180-5①).

In Article 93 of the Constitution of Japan, it is stipulated with regard to local public bodies that the members of assemblies, constituting “deliberative organs”, and the chiefs of all local public bodies, constituting executive organs, shall be elected by direct popular vote. To this extent, a presidential system is employed, but the executive organ of a local public body is not constructed in such a way that the chief is the unique apex of authority. In addition to boards of education, there are many other committees and posts, such as the Personnel Committee, the Election Supervision Committee, supervisory auditors, and so on, (often all lumped together under the generic title of “administrative committees”). While all these executive organs have independent authority, at the same time, the system is one in which the chief supervises and represents the local public body, and implements comprehensive adjustment of all the executive organs (pluralism of executive organs). The adoption of this kind of pluralism avoids the centralization of authority in one organ, and the expectation is that by having authority divided among multiple executive organs, and having each of these organs carry out their duties independently, democratic local administration will be implemented.

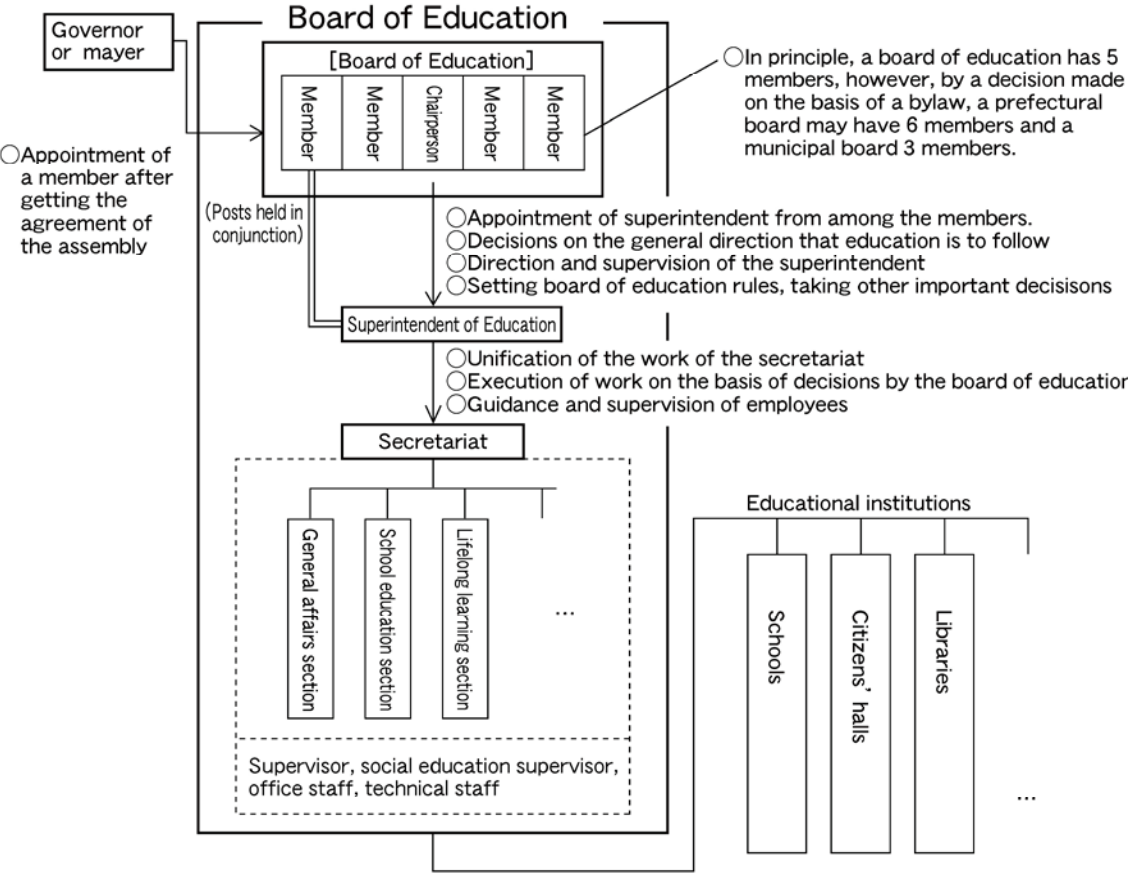
Within this system, the significance of establishing a board of education is comprised, according to documents issued by MEXT, in three points. 1) Boards of education safeguard political neutrality. In an education system which aims to form an individual’s mental and psychological values, it is important that the content maintains neutral impartiality, and in terms of educational administration too, it is necessary that the neutrality of the system is safeguarded against individual value judgments or particular factional influences. 2) Boards of education confirm continuity and stability. In order for children’s healthy growth and development to be promoted, it is necessary for education to be stably administered within the framework of a consistent approach throughout the entire period of learning. 3) Boards of education reflect the views of local residents. Education is an area of administration that

is seen by local residents as being very close to their daily lives and is the object of a high degree of interest, hence it is important that it is not simply the responsibility of specialists, but that it is administered on the basis of the sentiments of a wide range of local opinion.

2 – 2 The organization of boards of education

Diagram 2

《The organization of a board of education》



A board of education is a representative type of administrative committee normally composed of 5 members who are appointed by the chief of the local public body after obtaining the consent of the assembly; (however, as a result of determinations in bylaws, in the case of prefectures or cities, or associations of which these are members, it is possible for the number to be set at 6 or more, or in the case of associations to which only towns or villages belong, to be set at 3 or more (Local Education Administration Law, Articles 3 and 4).

In 1948, when the system of boards of education was first established, the

members were publicly elected. However, it was found that ① elections were held on a political basis, and this was incorporated into the management of the boards, ② persons with large funds or with a powerful body supporting them were elected more easily, and ③ large and powerful organizations used their power to get members elected. Against the background of these three points; there was an increasing tendency to centralize control over educational administration, and for reasons such as this, the system of public elections was abolished in 1956 and changed into the currently existing system.

The term of office of members of a board of education is 4 years, and reappointment is possible. A member may only lose his position or be dismissed for a specific reason such as one of the following: 1) when a recall motion is submitted during the member's term of office in the form of a petition signed by one-third or more of eligible voters, 2) when it is acknowledged that the member is unable to continue in office due to physical or mental incapacity, or 3) when it is acknowledged that the member is in violation of the terms of office. It is on the basis of the fact that a member's position is safeguarded by not being able to be removed from office for other reasons, that the stability of educational administration is guaranteed. Furthermore, in a case where members belonging to the same political party constitute a majority on the board of education, the member or members who joined the party most recently will lose their post (Local Education Administration Law, Article 7, ②③). It is also forbidden for members to become office-holders in a political party or to actively engage in party political activities. In ways such as these, the political neutrality of educational administration is safeguarded.

Details of the average age and type of employment held by board of education members are given in Table 1.

Table 1 Overview of board of education members (As of May 1, 2005.
Source: Educational administration survey)

		Prefectures	Municipalities
Total of members		233	9,880
Average number of years in post		3.4	5.5
Average age		60.7	61.7
Percentage of women		31.3%	27.1%
Occupation	Doctor, teacher	41.2%	20.4%
	Company office holder	42.9%	18.7%
	Agriculture	0.4%	13.8%
	Commercial management	0.4%	6.0%
	Other	0.4%	4.1%
	Unemployed	14.6%	37.1%
Percentage with educational experience		21.0%	31.4%
Percentage of parents or guardians		16.3%	14.5%

(Note : Excluding the post of superintendent of the board of education)

2 – 3 Superintendent of the Board of Education

A superintendent of education is placed in charge of all the duties pertaining to the authority of a board of education to be carried out under the direction and supervision of the board members (Local Education Administration Law, Articles 16, 17). In addition, a secretariat will be established to deal with clerical duties, and a teachers' consultant, office staff and technical staff will normally also be appointed (ibid, Articles 18, 19).

The superintendent has special status in that at the same time as giving advice to the members of the board of the education about their proceedings from the standpoint of a specialist in educational administration, he is also responsible for the specific implementation of the course of action decided by the board. It was with these points in mind that in the past, from the point of view of seeing the appointment procedures as something requiring careful deliberation and of wanting to ensure that

the right person occupied the post, when a board of education nominated a superintendent, then in the case of a prefecture or an ordinance-designated city, the approval of the Minister of Education, Science and Culture was needed, or in the case of a municipality, the approval of the prefectural board of education. However, since a query was raised as to whether this device permitting intervention by central government or a prefectural government in the personnel matters of a different local public body did not symbolize a centralization of authority, it was felt that with a view to developing educational administration autonomously and positively in line with the actual conditions of the local area concerned, it was necessary to introduce a system whereby the local public body, on its own initiative, could secure a suitable person for the post of superintendent of education. It was from this perspective that by means of a revision of the Local Education Administration Law within the Omnibus Decentralization Law (implemented in April 2000), this system of seeking and granting permission was abolished, and at the same time, in both prefectures and ordinance-designated cities, local boards of education were enabled to nominate a superintendent of education from among their members (excluding the head of the board of education) (Local Education Administration Law, Article 16, ②). In the case of the superintendent of education in a municipality, or an association of municipalities, it was stipulated that the system should be as in the past, whereby the superintendent of education was nominated from among the members of the board of education. Details of such items as the average age of superintendents of education, the degree of administrative experience possessed by them, etc, are given in Table 2.

Table 2 Overview of board of education superintendents (As of May 1, 2005,
Source: Educational administration survey)

	Prefectures	Municipalities
Total	46	2,354
Average number of years in post	2.2	3.9
Average age	58.9	63.7
Percentage of women	0.0%	2.5%
Percentage with administrative experience	65.2%	31.3%
Percentage with experience in educational administration	76.1%	74.5%
Percentage with teaching experience	26.1%	68.3%

2 – 4 The duties of a board of education

A board of education deals with a wide range of duties, including education, culture and sport. The following duties are stipulated in Article 23 of the Local Education Administration Law as falling within the professional authority of the board of education.

- Matters pertaining to the establishment, administration or closure of a school or other educational facility(see Note 2) coming within the jurisdiction of the board of education.
- Matters pertaining to the administration of the properties that serve the purposes of a school or other educational facility.
- Matters pertaining to the appointment of an employee of the board of education or of a school or other educational facility, or other personnel matters.
- Matters pertaining to school education.
 - Matters pertaining to children of school age entering school, changing schools or leaving school.
 - Matters pertaining to the structural organization of schools, the curriculum, learning guidance, pupil guidance, and professional duties.

- Matters pertaining to textbooks or to the use of other educational materials.
 - Matters pertaining to the maintenance of school facilities and educational equipment.
 - Matters pertaining to the training of the school principal and other educational staff members.
 - Matters pertaining to the health, safety and welfare of the school principal and other staff members as well as to pupils.
 - Matters pertaining to school meals.
- Matters pertaining to the environmental hygiene of school and other educational facilities.
 - Matters pertaining to the education of young people and of women, and to the running of citizens' halls and other aspects of social education.
 - Matters pertaining to sport.
 - Matters pertaining to the protection of cultural assets.
 - Matters pertaining to UNESCO activities.
 - Matters pertaining to juridical bodies concerned with educational matters.
 - Matters pertaining to educational investigations as well as to designated statistics and other statistics.
 - Matters pertaining to discussions on educational administrative issues concerned with legally enforceable issues.
 - Matters pertaining to duties having to do with education within the administrative jurisdictional area of the local public body concerned.

A board of education may establish board of education regulations on matters within its jurisdictional authority provided that these do not infringe laws or bylaws. Furthermore, a board of education may, by virtue of the board of education regulations so established, delegate a part of its jurisdictional authority to the superintendent of education. However, according to the 2006 revisions to the Local Education Administration Law, with a view to clarifying the responsibilities and role to be carried out by a board of education as a representative body, the following 6 matters are stipulated as ones that must be administered and implemented by the board of education itself and that may

not be delegated to the superintendent of education: ① basic policy directions in educational administration, ② establishment or revision of board of education regulations, ③ the establishment or closure of a school or other educational facility, ④ personnel matters concerned with educational personnel or with the staff of the secretariat of the board of education, ⑤ examination or evaluation of the activities of a board of education, and ⑥ submission of opinions concerned with budgetary matters or draft bylaws (Local Education Administration Law, Article 26, ①②).

Furthermore, from among educational matters, the following matters are ones that must be administered and implemented not by the board of education but by the chief (governor or mayor) of the local public body concerned: ① matters to do with universities, ② matters to do with private schools, ③ matters to do with the acquisition or disposal of educational properties, ④ matters to do with the conclusion of a contract relating to the board of education, and ⑤ matters concerning the implementation of a budget concerned with the board of education (Local Education Administration Law, Article 24). In particular, on matters concerned with private schools other than universities, the jurisdiction of the prefectural governor is stipulated in the School Education Law (School Education Law, Articles 28, 44, 49, and 62). In this connection, bearing in mind that there is an insufficient guarantee of the presence of specialist staff within the governor's secretariat, it is stipulated in the law that the prefectural governor may, when it is deemed necessary in connection with the administration or implementation of duties concerned with private schools, seek advice or assistance on specialist matters concerned with school education, from the prefectural board of education (Local Education Administration Law, Article 27-2).

2 – 5 Debate concerning the ideal pattern of a board of education

Many different issues have been raised concerning the ideal pattern of a board of education. In a report entitled “Concerning the ideal pattern of a board of education in an age of decentralization”, issued in January 2005 by the Local Education Administration Group, a small committee within the Education System Sub-Committee of the Central Council for Education, a consultative organ to the Minister of MEXT, the following points are specified: ① A board of education does not implement conscious decision-making simply by confirming a submission from the secretariat. ② There is a strong tendency for a board of

education to carry out educational administration in line with the intentions of educational specialists such as teachers and without adequately reflecting the intentions of local residents. ③ What kind of role a board of education plays and what kind of activities it undertakes are not very familiar matters to local residents. Without any point of contact between the board and local residents, the board's existence is remote. ④ Focusing its main attention on the intentions shown in instructions from central government and the prefecture, a board of education does not necessarily adhere strongly to policies that are in line with the actual conditions in the local area concerned. ⑤ There is a strong tendency for schools to attach a higher priority to the courses of action advocated by central government and prefectures than to those of municipalities, which are the establishing bodies of the schools. Mention was also made of the fact that the consciousness of links with municipalities was very weak among teachers.

In addition to the above points, in recent years, there has been debate about the relationship between governors or mayors and boards of education as one element in the movement to take a fresh look at the relationship between the governor or mayor and administrative committees.

In a report entitled "Report on the Expansion of Local Autonomy and Independence as well as the Ideal Management Pattern of Local Assemblies", issued in December 2005 by the Local Government System Research Council, an advisory organ to the Prime Minister, we can find reference to issues concerned with administrative committees, in particular to the need "to improve the circumstances that have given rise to the growth of administrative areas in which the demand for responsibility to be taken by the directly elected governor or mayor has not necessarily been met, and to aim at simplifying the structure and the comprehensive and effective management of local administration". Within the report, in connection with the system of boards of education, it is pointed out that unified organizational management is hindered by the fact that both the board of education and the governor or mayor have analogous duties with regard to day nurseries and kindergartens (Note 3), private sector and public sector schools, and other issues, and it is suggested that it would be appropriate to choose either that a local public body to establish a board of education on the basis of its own judgment and carry out duties concerned with education, or that the governor or mayor carry out such duties without establishing a board of education. Reasons for this kind of report are as follows: At national level, there is no administrative committee system concerned with education, but the demands for the safeguarding of political neutrality and

reflection of residents' views in addition to the issue raised above of analogous duties carried out by both the governor or mayor and the board of education, as a reason for the need to establish a board of education cannot be considered simply as a distinctive characteristic of local educational administration. It is also possible to respond to these demands by means of the activities of deliberative councils and by other methods. In particular, the report makes the point that from the perspective that the public election of a governor or mayor is a more appropriate method of reflecting the views of local residents, there is no reason for all public bodies to establish a board of education.

Furthermore, with reference to duties concerned with such items as culture, sport, lifelong learning support, kindergartens, social education and the protection of cultural assets, i.e. duties other than those connected with school education in public-sector elementary, junior high and senior high schools, the Council report referred to above says that a mechanism should be put in place immediately to enable a choice to be made over a wide range between having these duties carried out by the governor or mayor or by the board of education on the basis of a decision by the local public body.

Against the above background, the Local Education Administration Law was revised in June 2007, making it possible for the governor or mayor to be responsible, by virtue of a decision made in a bylaw, for administering and implementing either matters pertaining to sport (excluding physical education in schools) or matters pertaining to culture (excluding the protection of cultural assets) or both these matters (effective as from April 2008). From the perspective of the advance of decentralization, it is important, in connection with the organizational pattern of the implementing organs of a local public body, for the local public body to be able to make choices, as far as at all possible, that are in line with the actual conditions of the local area concerned. It is fair to say that there are hopes of further reforms in this direction in the future.

3 The division of responsibilities between the State (=central government) and local public bodies in educational administration

3 – 1 The principles of the division of responsibilities between the State and local public bodies

In the Local Autonomy Law, it is stipulated as a basic principle of the division of

responsibilities between the State and local public bodies that “the task of a local public body shall be to promote the welfare of its residents, for which purpose it shall carry out a wide range of tasks in the autonomous and comprehensive performance of local public administration” (Local Autonomy Law, Article 1-2). On the other hand, it is stipulated that in order to accomplish this objective, the role of the State shall in the main be ① to attend to matters relating to Japan’s position as a nation in the international community, ② to attend to matters concerning basic rules on national activities or local autonomy that should be standardized nationally, ③ to attend to matters concerning policies or programs to be implemented on a national level or from a national viewpoint, ④ to attend to those matters which should fundamentally be carried out by the State, while observing the basic principle that administrative matters close to the people shall as far as possible be referred to local public bodies. While there should be an appropriate sharing of roles with local public bodies, in the working out of rules and the implementation of programs relating to local public bodies, the independence and autonomy of local public bodies must be fully exercised (Local Autonomy Law, Article 1-2 ②). It is a matter of course that these principles also apply to the field of educational administration.

In Article 16 of the revised Fundamental Law of Education, it is stipulated that educational administration should be carried out fairly and properly with an appropriate sharing of roles and on the basis of mutual cooperation between the State and local governments. Through these words, a division of responsibilities between the state and local public bodies is decided. Specifically, the State, on the basis of aiming at equality of educational opportunity and the raising of educational levels throughout the country as a whole, must formulate and implement policies concerned with education in a comprehensive way, while on the other hand, local public bodies, on the basis of aiming to promote education within a specified local area, must formulate and implement policies concerned with education that fit the actual conditions prevailing in that area. It is further stipulated that both the State and local public bodies, with a view to ensuring that education is implemented smoothly and continuously, must install mechanisms on the basis of the necessary funds.

3 – 2 Establishing and managing schools

(1) The establishing body of schools and establishment procedures

The paper will turn now to a look at the establishment and management of schools in the context of a sharing of roles between the State and local public bodies.

Schools may be established by central government (including national university corporations), by local governments (including public university corporations) and by school corporations, and the institutions established by each of these bodies will be national schools, public schools or private schools (School Education Law, Article 2). As explained above, the concept of “schools” as used here covers institutions of various types, including kindergartens, elementary schools, junior high schools, senior high schools and universities, and the question of which body can establish each of these types is not defined in a single, unified way. However, municipalities (cities, towns and villages) must establish the necessary elementary and junior high schools for attendance by pupils of school age resident within the area of their jurisdiction (ibid, Articles 38 and 49), while prefectures must establish necessary specially supported schools for those pupils from among pupils of school age resident within the area of their jurisdiction who satisfy set criteria relating to visual handicap, aural handicap, cognitive handicap, mobility impairment or physical frailty (ibid, Article 74). An obligation regarding the establishment of the foregoing schools is laid upon the municipality and the prefecture respectively.

Those bodies that aim to establish a school must comply with the establishment criteria relating to facilities, organization and such matters, as laid down by the Minister of MEXT (ibid, Article 3), must, in the event of establishing a school, excluding national universities, schools that must be established as a result of a legal obligation (elementary and junior high schools in the case of municipalities, and specially supported schools in the case of prefectures), and schools established by prefectures (excluding universities), obtain permission from the Minister of MEXT in the case of public (=municipal or prefectural) and private universities, from the prefectural board of education in the case of municipal kindergartens and senior high schools, and from the prefectural governor in the case of private kindergartens, elementary schools, junior high schools and specially supported schools (ibid, Article 4①).

In terms of the main establishers of schools, if we look at the results of the basic survey carried out every year by MEXT, we see that the breakdown into categories of establishers is as follows (as of May 2006): for elementary schools (total of 22,878), 73 (0.3%) are national, 22,607 (98.8%) are public, and 198 (0.9%) are private, and for junior high schools (total of 10,992), 76 (0.7%) are national, 10,190 (92.7%) are public, and 726 (6.6%) are private. Almost all elementary and junior high schools fall into the category of public (municipal) schools. Turning to senior high schools (total of 5,385), we find that 15 (0.3%) are national, 4,045 (75.1%) are public, and 1,325 (24.6%) are

private. The percentage of senior high schools in the private sector is higher than for elementary and junior high schools, but three-quarters of the schools are still public sector schools (according to a survey implemented by the Ministry of Internal Affairs and Communications, about 96% of the schools are prefectural). Looking next at universities (total of 744), we find that 87 (11.7%) are national, 89 (12%) are public, and 568 (76.3%) are private, while in the case of junior colleges (total of 468), 8 (1.7%) are national, 40 (8.5%) are public, and 420 (89.7%) are private; in both these two latter categories, there are high percentages of institutions in the private sector.

(2) Public universities

Looking more specifically at universities, at the same time as imparting knowledge, focusing primarily on the arts and sciences, over a wide area, they also carry out in-depth research in specialist fields, and aim to develop cognitive, moral and applied abilities in their students. In accordance with the respective pattern of their establishment, national, public and private universities have raised the level of educational research and achieved wide-ranging and distinctive developments. In particular, public universities have, in addition to the general objectives listed here and reflecting the fact that they are established and administered by local public bodies, played a central role in functioning as intellectual and cultural focal points in local areas and in providing opportunities in higher education in those areas. As of April 1, 2006, among a total of 76 public universities, the number of universities centered on the nursing sciences has shown a sharp increase, reflecting the advent of the aging society and the introduction of a care insurance system. In terms of the categories of subjects, large numbers of students are found in the social sciences (31%), health sciences (20%) and humanities (17%).

Table 3 Changes in the number of public universities and the number of students

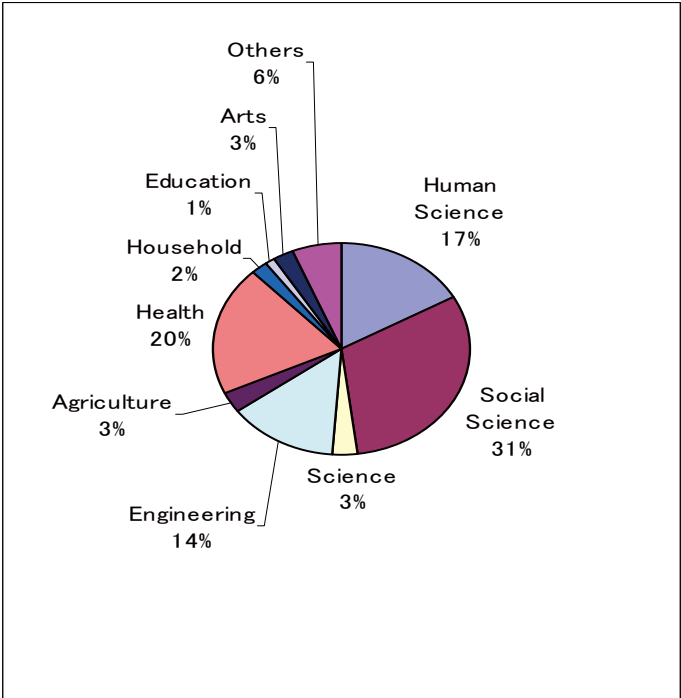
Year	1980	1989	1993	1998	2003	2006
Number of universities	34	39	46	61	76	76 *
Number of students	52,082	61,264	74,182	95,976	120,463	127,872

(Data sources: for university numbers: All-Japan Universities Directory; for student numbers; Basic school survey)

*Excluding universities that have stopped recruiting students

Diagram3 Students in public universities grouped by specialty (source: HP of the MEXT)

public universities	
Human Science	18,792
Social Science	33,755
Science	3,770
Engineering	15,607
Agriculture	3,541
Health	21,686
Household	2,179
Education	1,290
Arts	3,688
Others	5,739



However, looking at the organizational status of public universities, in April 2005, the concept of local independent administrative institutions was implemented, and it became possible for the bodies establishing public universities to achieve corporate status as such institutions. The independent administrative institution system started in fiscal 2000 in respect of national institutions, and using that as a model, the same kind of system was introduced at a local level, and has been applied by local public bodies to a variety of institutions established by such bodies, provided that they meet certain set criteria, including research institutes, public universities, local publicly managed firms, social welfare enterprises, and so on; these bodies have been established as local independent administrative institutions, the intention being that through this restructuring, they should be able to provide administrative services in a more effective way. With this aim in mind, as a basic criterion of the change to the new system, the main object is to eliminate as far as possible prior intervention and control by the local public body, and instead to aim at implementing post-incorporation checks and safeguarding a high level of flexibility, efficiency and transparency.

Looking in more detail at the specific mechanisms of the system, in the

first instance, the governor or mayor of the local public body that aims to establish a local independent administrative institution (the establishing body) decides on an intermediate target in the form of a time scale of between 3 and 5 years for the local independent administrative institution, and establishes it via the medium of an assembly resolution. Then the Chairman of the Board of Directors of the local independent administrative institution thus established takes receipt of the decision, draws up an intermediate plan designed to meet the intermediate target, and obtains approval of the plan from the governor or mayor of the establishing body. As a result of these procedures, the local independent administrative institution is enabled to carry out its activities in accordance with the intermediate target and the intermediate plan, and intervention on the part of the establishing body is reduced to an absolute minimum. Furthermore, the establishing body, with the aim of firmly ensuring that the local independent administrative institution implements its duties and activities, is able to give a grant of management expenses to the local independent administrative institution, but since this grant takes the form of a lump-sum payment, flexible implementation is possible, and concrete operational details are left to the independence and autonomy of the local independent administrative institution, furthermore the mechanism is such that accomplishments of employees can be reflected in the salary levels of the local independent administrative institution and its employees, hence the mechanism can be seen as a device for raising levels of eagerness and enthusiasm on the part of employees.

The converse of affording a high level of respect to the independence and autonomy of the local independent administrative institutions is that accomplishments are evaluated very strictly by reference to such measures as the intermediate targets. The Local Independent Administrative Institution Evaluation Committee, established as an attached organ of the implementing organ of the establishing body, regularly carries out objective evaluations, and at the end of the intermediate period, the governor or mayor of the establishing body listens to the opinions of the Evaluation Committee and, in the light of these, examines the overall organization and management of the local independent administrative institution and makes decisions about such matters as the need for it to continue its activities and about the ideal future pattern of its organization. As a result of this examination, appropriate measures will be adopted, which may include discontinuance or privatization.

Moreover, with a view to enhancing the transparency of the local independent administrative institution vis-à-vis local residents, strenuous efforts are made to publicize via the internet and other means, details of such items as the work of the local independent administrative institution, its financial situation, plans, and the results of the evaluation.

With regard to public universities, their system of management is different from that of local independent administrative institutions, and they are known by the generic name of Public University Corporations. They are treated as a special case within the system of local independent administrative institutions (just the same treatment as national university organizations within the system of independent administrative institutions). Specifically, special measures are put in place from the viewpoint of respect for university autonomy and for the freedom of education and research; these include the fact that the establishing body must always take consideration of the special character of university education and research, that the appointment of the president of the university is based on election by an electoral body, that the appointment of teaching and administrative staff is based on an application from the President, and that when setting intermediate targets, consideration must be given to the opinions of the university. Public university corporations following this pattern total 33, including such examples as Akita International University (Akita Prefecture, granted permission in April 2004) and Tokyo Metropolitan University (Tokyo Metropolis, granted permission in March 2005), and embrace a total of 42 public universities.

(3) The promotion of private schools

As explained above, “schools” can be established by the State, by local public bodies, or by an educational corporation. The percentage of pupils and students at private educational institutions amounts to about 75% for universities and junior colleges, about 95% for special training colleges and miscellaneous schools, about 30% for senior high schools, and about 80% for kindergartens. Hence it is clear that private schools make a large contribution to the development of school education in Japan. Moreover, against the background of a society that is becoming increasingly internationalized and technologically sophisticated in terms of such items as information technology, demands are growing for the development of distinctive kinds of education and research that can meet the very diverse needs of the Japanese people, and

private schools are enthusiastically developing activities with a rich individual flavor on the basis of the spirit that inspired their foundation. In ways such as these, private schools are playing an important role in qualitative and quantitative terms in contributing to school education in Japan.

It is against the above background that the promotion of private schools has become an important policy issue in educational administration. Specifically, with the aim of strengthening healthy management at the same time as aiming to maintain and improve educational and research conditions and to reduce the financial burden borne by students in private schools, various promotion policies have been implemented, focusing primarily on assistance with running expenses. The policies and measures include loan schemes administered by “The Promotion and Mutual Aid Corporation for Private Schools of Japan”, an organization that aims to provide help to private education, special devices to assist with taxation issues, and advice on improving management techniques.

Extracting from the above the element of private school assistance focusing primarily on help with running expenses, it is stipulated in the Private School Promotion Subsidy Law (enforced in April 1976) that the State is able to give financial assistance to an educational corporation that establishes a university or other educational institution in respect of the running expenses concerned with the education and research carried out by the said institution, and that when a prefecture gives financial assistance to an educational corporation that establishes a kindergarten, elementary school, junior high school, senior high school, specially supported school, etc, within the area of its jurisdiction, central government can assist with part of that expense.

Private kindergartens, elementary schools, junior high school, senior high schools, etc, fall within the jurisdiction of a prefectural governor (School Education Law, Articles 28, 44, 49, 62, etc) and in addition to the implementation of private school subsidies, which can amount to a considerable sum, the governor has the authority to grant permission for the establishment of a private kindergarten, elementary school, junior high school, senior high school, etc (School Education Law, Article 4①) as well as the authority to issue an order for change in the event of a breach of the law in respect of any item concerned with the establishment of the institution, the teaching or other matter (School Education Law, Article 14). In these ways, the prefecture has come to play a role in respect of the promotion of private school education in

Japan.

3 – 3 The role of the State and the role of local public bodies in compulsory education

(1) The role of municipalities

The central role in compulsory education is that of schools. Municipalities (cities, towns and villages) must establish elementary schools and junior high schools for attendance by children of school age resident with their respective jurisdictions (School Education Law, Articles 38 and 49), and in fact, almost all elementary and junior high schools are municipal schools.

Municipalities play a very large role in the implementation of compulsory education. Specifically, they are responsible for establishing, managing, and determining the catchment area of elementary and junior high schools, and for implementing a wide variety of matters, including supervision of the service of municipal education employees, investigations into the number of school pupils, arrangements for admission to and leaving schools, class grading systems, and the selection of textbooks,

In ways such as the above, municipal schools are the central focus of compulsory education, and have come to play a direct role in it. At the same time, in the light of the importance of compulsory education in forming the character of each individual and in bringing up the members of the State and society, prefectures and central government also play their respective roles in compulsory education as outlined below.

(2) The role of prefectures

Firstly, prefectures exercise authority over personnel matters concerning the educational staff of municipal elementary and junior high schools.

Educational employees in municipal elementary and junior high schools are employees of the municipality concerned, but the prefecture implements decisions concerned with their appointment, transfer, status, disciplinary matters and salary level (Local Education Administration Law, Article 37①), aiming at the appropriate disposition and personnel exchange of educational staff over a wide area beyond the boundaries of the particular municipality. However, it is stipulated that the municipality will prepare a confidential report in each case (in the event of a school principal proposing an opinion, that

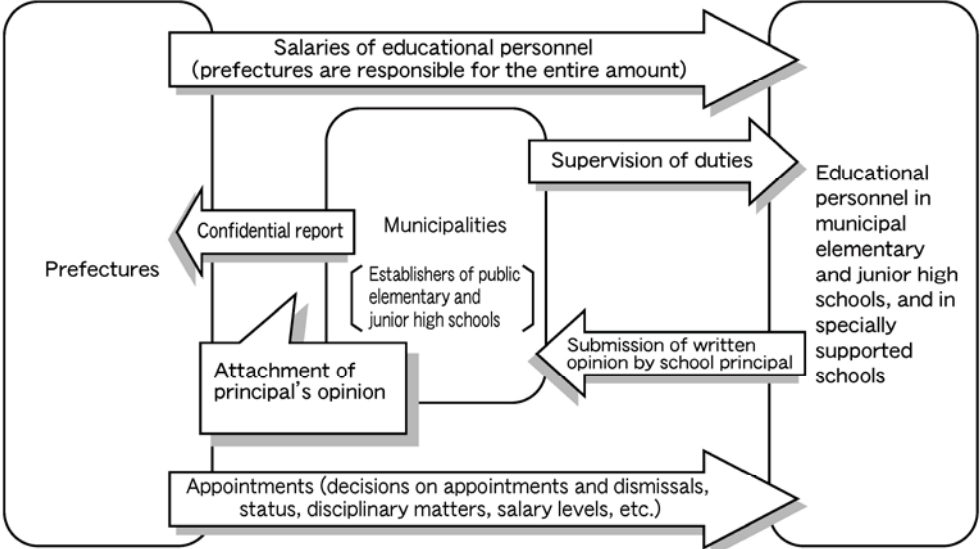
opinion shall be attached to the confidential report, so that in this way, the principal's opinion is reflected), and the prefecture is required to await the confidential report from the municipality and to treat it with all due respect. Furthermore, from April 2008, with particular reference to transfers of educational personnel within the same municipality, the principle is that the prefecture will act on the basis of the confidential report from the municipality, with even greater weight being attached to the direction of the municipality's opinion (Local Education Administration Law, Article 38). Furthermore, it is the prefecture which will enact bylaws concerned with set quotas, or with salaries, hours and conditions of service, or with appointments and dismissals, status and disciplinary matters (Local Education Administration Law, Articles 41, 42, 43③).

Furthermore, in the case of ordinance-designated cities, authority over personnel matters, and in the case of core cities, authority only over the obligatory implementation of training from within personnel matters, shall be transferred from the prefecture (Local Education Administration Law, Article 58 and Article 59). With reference to this point, opinions have been expressed on the part of core cities that authority over all personnel matters, and not just over study training matters, should be implemented by the cities themselves, and general municipalities have also expressed the view that authority over personnel matters should be transferred to them, and the matter has become one for debate within the context of decentralization. However, from the perspective of possible disparities in achieving educational standards resulting from the maldistribution of human resources or difficulties in respect of personnel movements over a wide area, opposing opinions have also been put forward, and the question of how to respond to the points raised here has become an important issue.

Secondly, prefectures are also responsible for paying the salaries of educational personnel in municipal elementary and junior high schools (Law concerning the Share of Salaries for Municipal School Personnel). In addition to the responsibility that the prefecture has, as explained above, for personnel matters relating to municipal elementary and junior high school educational personnel (= teachers, etc), the prefecture also bears a financial burden in respect of such teachers and other staff. Specifically, educational personnel in municipal (city, town and village) elementary and junior high schools are employed by the municipality concerned, but because their salaries are

regarded as compulsory expenses and amount to a high figure, exceptionally, with the aim of ensuring that teachers' salaries are at a set level and with the further aim of maintaining and raising educational standards, the salaries are made the responsibility of the prefecture, which maintains financial stability over a wider area than that of individual municipalities.

Diagram4 Image of the system whereby prefectures are responsible for the costs of municipal educational personnel (Source: The material of the MEXT)



Thirdly, the duties that prefectures implement in respect of compulsory education, such as setting criteria for the organization of students into grades, deciding on textbook selection areas, and so on, are carried out over a very broad spectrum.

Fourthly, it is stipulated that prefectures may, with a view to achieving a proper settlement of educational duties, offer necessary guidance, advice and help to municipalities (Local Education Administration Law, Article 48).

(3) The role of the State (=Central Government)

The role of central government in compulsory education is firstly to establish the fundamental framework of the system of school education. Establishing the school education system by the use of the School Education Law and other laws and regulations, establishing a system of local educational administration, establishing a system of textbook examination and approval, and establishing a system of teacher certification (types of certificates, stipulation of authority for issuing them, details of their validity, etc), all these

various tasks are implemented by central government.

Secondly, central government also establishes criteria for compulsory education over the whole of Japan.

In the first place, it is stipulated (School Education Law, Article 3) that bodies wishing to establish a school must implement the establishment procedures that adhere to the criteria relating to facilities, school organization, and so on, laid down by the Minister of MEXT with reference to the particular type of school concerned. In 2002, official regulations were issued by MEXT determining the criteria for the establishment of elementary schools, junior high schools and senior high schools, also criteria for the organization of classes into grades, the size of school buildings and grounds, the facilities that are required to be located in schools, and so on.

In addition to the above, central government also establishes criteria for the organization of classes into grades and for the permitted number of teachers in respect of elementary and junior high schools and for the elementary and junior high sections of specially supported schools (Law concerning Class Size and the Standards of Fixed Numbers of Personnel in Compulsory Education Schools). The standards for the numbers of pupils in one class are decided by prefectures, taking as a criterion the number of 40 pupils in a class when dividing pupils of the same grade into classes. Furthermore, since fiscal 2000, in line with advances in the decentralization of education, it has become possible, from the perspective of trying to strengthen and enrich school education in accordance with the actual situation of pupils, for prefectures to set class size numbers, as an exceptional measure, at a lower level than the national standard where this is deemed to be necessary in consideration of the actual situation of the pupils concerned. Where prefectures make such a decision about setting lower numbers as a standard, the actual organization of classes will be undertaken by municipalities as the establishing bodies in line with the standard set by the prefecture. When carrying out class organization in such circumstances, municipalities must consult with the prefectural authorities and get their consent. By the use of these procedures, a mechanism is put in place whereby the fixed number of teachers can be calculated on the basis of the number of classes that are decided on. and a very close connection is thus established between the number of classes and the number of educational personnel.

Furthermore, the curriculum, which is made up of the educational content

to be taught to pupils in schools, is also determined by central government. The names of individual subjects and the number of hours for which each is to be taught are set down in the School Education Law and the School Education Law Implementation Regulations, and the standards relating to specific educational content are laid down in the Courses of Study, which are compiled and issued by type of school. The view of MEXT is that these Courses of Study constitute an official notification by the Minister of MEXT and have legal force, but this view is intertwined with the debate on whether the authority to determine educational content is vested in the Minister or in the Japanese people, and the question of their legally binding force has also been disputed in the courts. On May 21, 1976, the Grand Chamber of the Supreme Court of Justice expressed the view in its judgment in what became known as the National Unified Academic Ability Test affair that the (then) Minister of Education “is able to establish necessary and rational standards aimed at meeting the objective of guaranteeing equality of educational opportunity” and that the courses of study for junior high schools are “recognized as having the character of national fundamental principles” and that consequently, they are “recognized as setting out necessary and rational standards”. Besides this, in its judgment of January 18, 1990 (in the Denshukan Senior High School affair), the Supreme Court acknowledged that Courses of Study for Upper Secondary Schools (= senior high schools) have the character of legal rules. In terms of the content of the various Courses of Study, it was possible to observe a tendency aimed at achieving a gradual lightening, carried out from the perspective of providing a form of education that gave “time and space for reflection”, but with a view to meeting criticisms of a “lowering of academic ability”, there has been a partial revision since 2003. It was also confirmed that all children had to learn the contents of the Courses of Study, and it was made clear that with this knowledge as a basis, children could be taught content that was additional to that included in the Courses of Study, which were clearly identified as having the character of minimum standards.

Furthermore, the textbooks used in schools must be ones which have been officially approved by MEXT or ones over which MEXT holds the copyright (School Education Law, Article 34①, etc.). The authority to select textbooks is vested in municipalities in the case of municipal elementary and junior high schools, but by the Law concerning the Free Provision of Textbooks in Compulsory Education, the areas defined as areas for textbook selection are

“cities or counties (see Note 4), or areas which embrace both these units”, and it has been decided that the same textbooks will be selected for common use within the schools in the area. The textbook selection areas are areas within which it is considered suitable for the same textbook to be used, and the prefectural boards of education make their decisions in consideration of the natural, economic and cultural conditions of the areas involved. As of April 2003, there were 544 textbook selection areas in Japan as a whole, with an average of 11 areas per prefecture. Within any one area, there was an average of 3 cities or counties.

Thirdly, the State gives financial assistance on educational matters in local public bodies.

Specifically, the State bears the costs of one-third of the salaries paid to teachers in public compulsory education schools (Law concerning the National Treasury’s Share of Compulsory Education Expenses)(for more detailed information on this system, please refer to section 4-2) and also provides a subsidy toward the cost of the construction of school buildings, etc. (Law concerning the National Treasury’s Share of Local Public School Construction).

Moreover, the State also implements the free provision of textbooks (Law concerning the Free Provision of Textbooks in Compulsory Education). This provision is based on a broad interpretation of the stipulation that compulsory education shall be free in Article 26 of the Constitution of Japan. Implemented by means of a burden shared among all the people of Japan in respect of the children who will grow up to bear the future of Japan on their shoulders, the law was put into effect for the first time in 1963 in respect of Grade 1 children in elementary schools, and the coverage of the law was extended in each subsequent year until fiscal 1969, when free textbooks were provided for all children in elementary and junior high schools.

Fourthly, the State, i.e. central government, also provides guidance, advice and assistance in respect of the appropriate settlement of educational matters.

It is stipulated that the Minister of MEXT can provide necessary guidance, advice and assistance to prefectures and municipalities (Local Education Administration Law, Article 48). With reference to this provision, by means of the revision of the Local Education Administration Law carried out within the framework of the Omnibus Decentralization Law (enforced in April 2000), the stipulation concerning the role of the Minister of MEXT was changed from “shall provide” to “can provide”.

In ways such as these, the relationship between central government and local governments in the area of educational administration came to be defined in terms of methods that did not involve compulsion, described as “guidance, advice and assistance”. However, the reality is that within the framework of a vertically divided, hierarchical structure comprising the Ministry, prefectural boards of education and municipal boards of education, the perception is that of an effective display of the concepts of command and supervision.

Furthermore, following the emergence of problems such as the lack of an appropriate response by boards of education to suicides and the revelation that numbers of high school students had not taken required courses, in order to enable central government to carry out its role as the ultimate holder of responsibility for education, the law was revised to the effect that when children’s right to receive education has been impaired as a result of legal contravention or a mistake in the execution of its duties on the part of a board of education, a “demand for correction” can be issued as a device to show the specific content, and in cases of urgency, where there is a need to protect the life and person of children, a “direction” can be issued (Local Education Administration Law, Articles 49 and 50, effective from April 2008). In actual fact, the number of cases to which these provisions can be thought of as almost zero, but criticisms have been made to the effect that these revisions run counter to the current of decentralization.

3 – 4 The role of local public bodies in social education

In the field of educational administration, a major supporting pillar, which stands alongside school education, is social education.

In the Fundamental Law of Education, it is stipulated that: “With a need to responding to the desires of the individual or the needs of society, education carried out within the setting of society shall be encouraged by the state and by local public bodies.” (Fundamental Law of Education, Article 12①). It is further stipulated that: “The state and local public bodies shall make efforts to promote social education by means of establishing libraries, museums, citizens’ halls and other social education facilities as well as by using school facilities, as well as by providing learning opportunities, supplying information and using other appropriate methods.” (ibid, Article 12②).

With more specific reference to the concept of social education, the Social Education Law defines it as “organized educational activities (including

physical education and recreational activities) targeted chiefly at youths and adults and excluding educational activities carried out as the school curriculum on the basis of the School Education Law” (Social Education Law, Article 2). The duties of the State and local public bodies are defined as follows: “By establishing and managing the facilities necessary for social education, and by organizing meetings, preparing and distributing documents and other means, they must make efforts to bring into being an environment in which all the citizens of Japan can utilize all kinds of opportunities and locations to enhance by their own initiative general cultural knowledge that is attuned to their actual daily lives.” (ibid, Article 3①). It is further stipulated that in the course of exercising these duties, “thought must be given to the very close relationship that exists between social education on the one hand and school education and home education on the other, and on the basis of efforts to confirm the links with school education, the necessary consideration must also be given to making a contribution toward raising the level of education within the home.”

Policies aimed at social education which are actually now being implemented cover a very wide range from the establishment and management of such institutions as citizens’ halls, libraries and museums to the arranging of lecture meetings. The fact that these policies are implemented by local public bodies that are very close to the daily lives of citizens increases their effectiveness, and in the Social Education Law too, the role of the State is specified primarily as being to provide support in such forms as financial assistance to local public bodies (ibid, Article 4), and local public bodies are expected to play a very important role. In particular, the establishment of citizens’ halls is limited to being specified within the duties of a municipality (city, town or village), showing that the role played by the municipality, which is the administrative organ closest to the lives of ordinary citizens, is very important in the context of social education administration. As far as libraries and museums are concerned, the duties pertaining to which are to be carried out by municipalities and prefectures, it is necessary that there is an appropriate division of responsibilities, with prefectures, as local government bodies covering a wide area, carrying out duties of liaison and adjustment vis-à-vis municipalities, and implementing projects that are of a scale and character that makes it impossible for ordinary municipalities to bear the burden of implementing them.

Furthermore, in recent years, in the context of the implementation of

services for citizens by local public bodies, mechanisms have been put in place whereby services are provided by means of cooperation with private-sector bodies in such ways as PFI or a system of designated providers, and in line with this process, new movements can be identified in such areas as the management of public libraries, public museums and so on. We can expect to see a range of innovations that make use of the know-how and the creative ingenuity of the private sector.

4. Educational finance

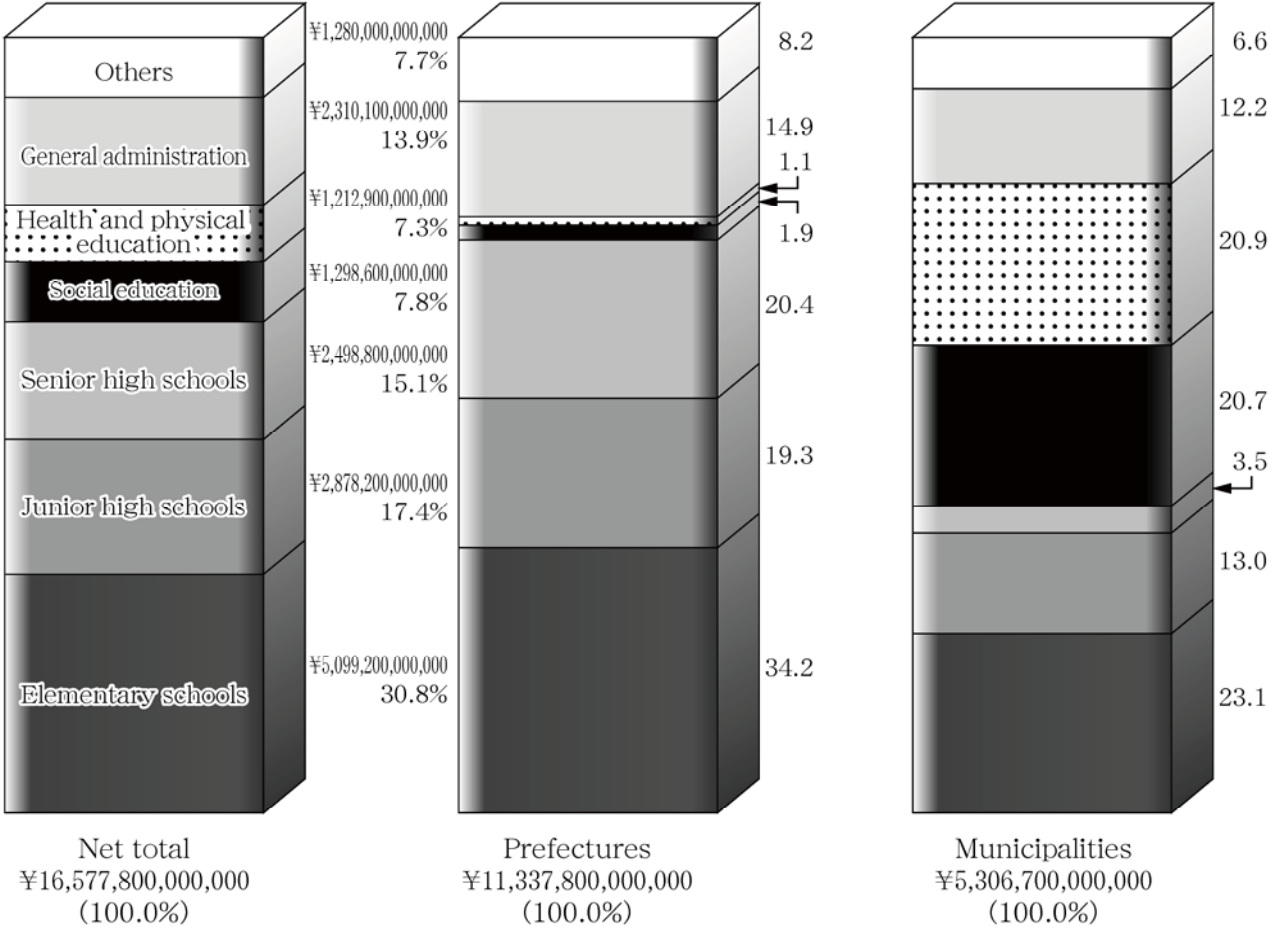
4 – 1 An overview of educational finance in local government

In order to get an overview of educational finances in local government, we will look at the net final figure (settlement) in ordinary general accounts in respect of local public bodies (47 prefectures, 1,821 municipalities, 23 special wards, 1,464 partial-affairs associations, and 63 wide-area unions) for fiscal 2005.

The total of educational expenses, meaning the expenses necessary for taking forward the educational administration of school education and social education, as implemented by local public bodies, was 16,577.8 billion yen, constituting 18.3% of total expenditure, the highest percentage for any expenditure item. If we look at the percentage breakdown of educational expenses by type of organization, we see that prefectures accounted for 23.7% and municipalities for 10.8%.

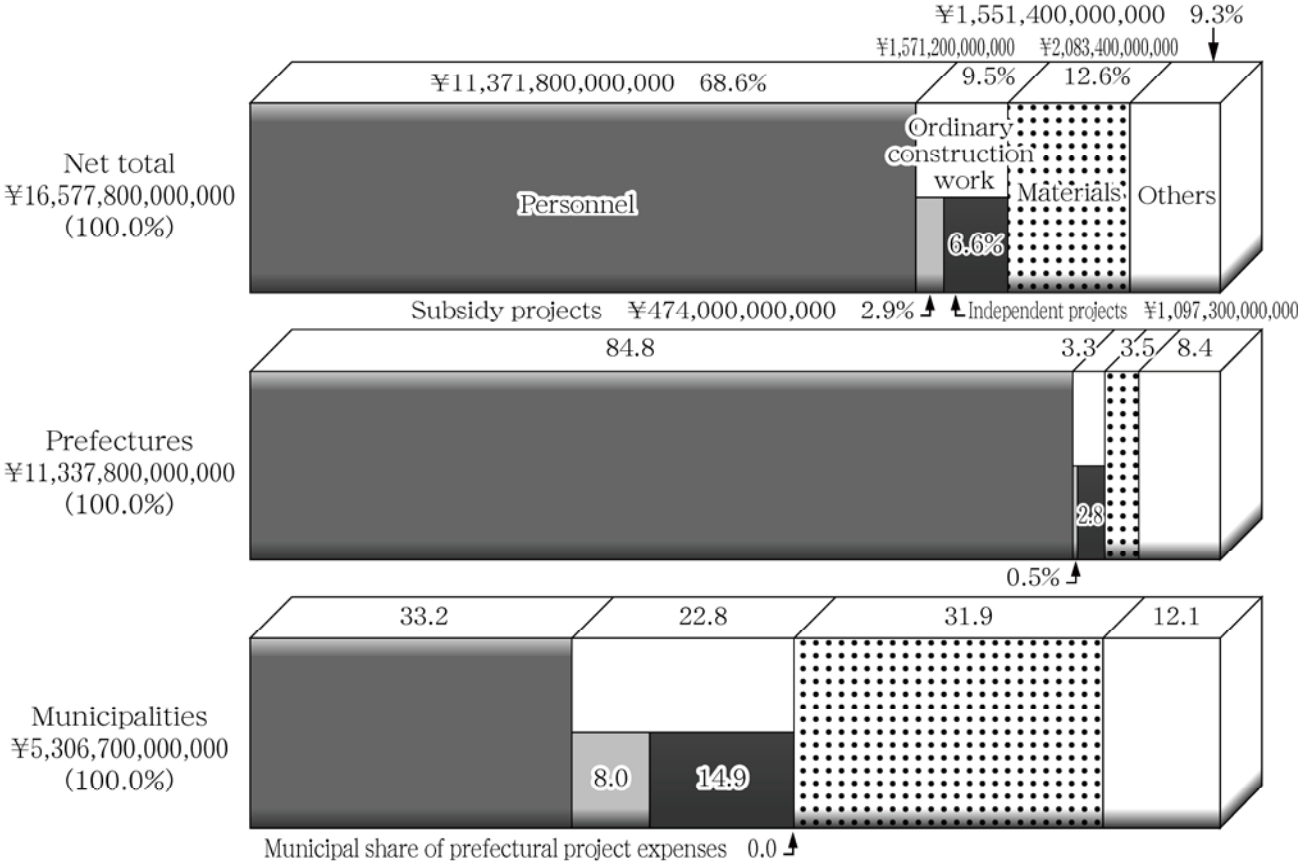
Looking at a breakdown by objective, we see that elementary school expenses account for the highest figure with 5,099.2 billion yen (30.8% of all educational expenses), followed by expenses for junior high school education at 2,878.2 billion yen (17.4%), and expenses for senior high school education at 2,498.8 billion yen (15.1%), and expenses for the retirement pay of teachers and private school promotion amounting to 2,310.1 billion yen (13.9% of total educational expenses). If we look at the figures for various kinds of objectives in terms of a breakdown by types of organization, we see that for prefectures, the highest total is that for elementary school expenses (34.2%), followed by senior high school expenses (20.4%) and junior high school expenses (19.3%), while for municipalities the highest total is for elementary school expenses (23.1%), followed by health and physical educational expenses (20.9%) and social education expenses (20.7%).

Diagram 5 Breakdown of educational expenses by objective (Source: HP of the Ministry of Internal Affairs and Communications)



If we look at a breakdown of educational expenditures from a different angle, that of their character, we find that personnel expenses account for the largest figure at 11,371.8 billion yen (68.6% of the total), followed by expenditure on materials at 2,083.4 billion yen (12.6%) and ordinary construction expenses needed for the maintenance of compulsory school education facilities at 1,571.2 billion yen (9.5% of the total of educational expenditures). Looking at this breakdown by type of organization, because prefectures are responsible not only for the personnel expenses of educational staff in prefectural schools, but also for the personnel expenses of educational staff in municipal compulsory education schools, the percentage taken up by personnel expenses is very high at 84.8%. In the case of municipal schools too, personnel expenses account for the largest share of total expenditures at 33.2%, followed by expenditure on materials at 31.9% and ordinary construction expenses at 22.8%.

Diagram 6 Breakdown of educational expenses by character (Source: HP of the Ministry of Internal Affairs and Communications)



Furthermore, if we extract from the above figures and look just at expenditures on school education, we see that, taking final expenditure figures as a base, expenditures by the State (central government) account for 15%, while expenditures by local public bodies (local governments) account for 85%. These figures make it very clear that in reality, almost all the costs of educational administration are borne by local governments.

4 – 2 The national treasury share of compulsory education expenses

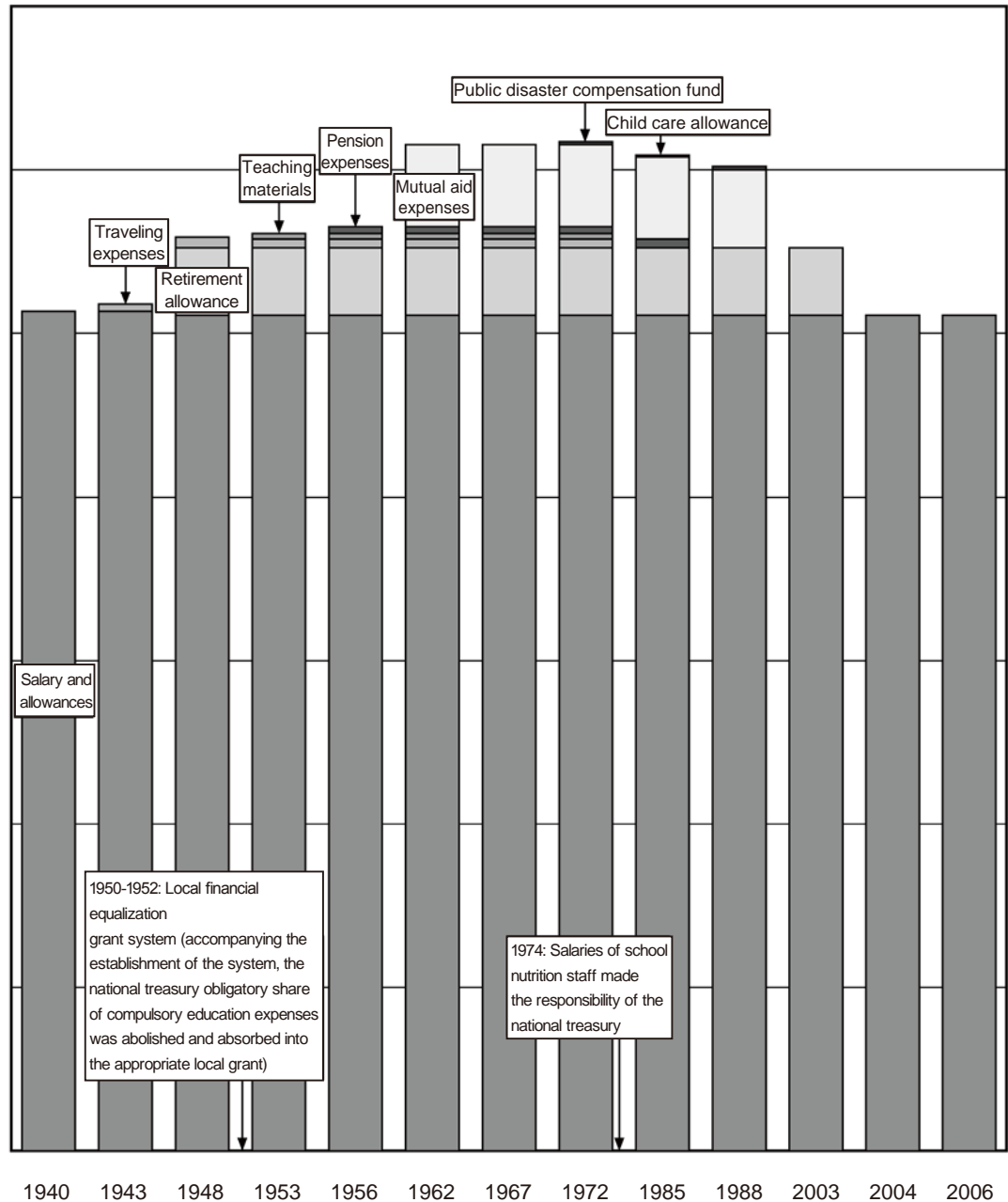
A great influence on the educational finances of local public bodies (local governments) as outlined above is exerted by the share of compulsory education expenses borne by the national treasury.

The system of the national treasury’s share of compulsory education expenses denotes the system whereby the national treasury pays one-third of the actual expenditures of prefectures in respect of the payment of the salaries of educational personnel at municipal elementary and junior high schools, following the transfer of responsibility for the payment of such salaries from

municipalities to prefectures. In fiscal 2006, the total payment in respect of the salaries of about 700,000 educational personnel was 1,676.3 billion yen.

More specifically, the target of the national treasury's share is comprised by the salaries and allowances of educational personnel (principal, vice-principal, teachers, office staff) at municipal compulsory education schools. Following the enactment of the 1952 Law concerning the National Treasury's Share of Compulsory Education Expenses, put into force in April 1953, the expenditure borne by the National Treasury steadily expanded, and from 1985 on, the system of division between the State (central government) and local governments in respect of the apportionment of payment was revised in such a way that responsibility for payments other than salaries and allowances was removed from the national treasury and assigned to local allocation tax. This has remained the system up to the present time.

Diagram 7 Changes in the national treasury's obligatory share of compulsory education expenses (Source: HP of the MEXT)



Percentage of the national treasury obligatory share

1 / 2	1 / 3
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1940: The former Law concerning the National Treasury Share of Compulsory Education Expenses (half of actual expenses)

1953: Enactment of the current Law concerning the National Treasury Share of Compulsory Education Expenses
1953: Salary of office staff made the responsibility of the national treasury

Furthermore, in the past, a ceiling on the amount of the burden to be borne was decided in detail in terms of a set figure pertaining to the salaries and allowances of different types and ranks of teachers, but from fiscal 2004, a discretionary system was introduced, whereby within the limits of the total figure for the national treasury's share of compulsory education expenses, the discretion of local governments with regard to the total salary payment and the assignment of teachers to various schools was expanded. Under the new discretionary system, taking as basic premises the set number of educational personnel required under the "Standards Law" and the need to secure salary levels of educational personnel on the basis of the "Law to Secure Human Resources", prefectural governments became able to decide autonomously on the kinds and amounts of salaries.

It was from fiscal 2006 that the proportion of the national treasury's share was reduced from half to one-third. This change was implemented within the framework of the Trinity Reform (encompassing within a single framework the transfer of tax revenue to local public bodies, reform of the national treasury subsidy and obligatory share system, and reform of local allocation tax). An overview of the way in which the reform took place now follows.

In June 2004, the government requested six associations of local governments to prepare specific, unified plans for reform of the national treasury subsidy and obligatory share system. The six associations of local governments set to work enthusiastically to get to grips with discussions and adjustments concerning reform, and in particular, held very heated discussions concerning transfer of the national treasury share of compulsory education expenses to general revenue sources. In August 2004, the six associations drew up and submitted reform plans proposing the abolition and transfer to general tax revenue of the national treasury obligatory share of compulsory education expenses, and in terms of immediate reform, until this aim could be achieved, abolition and transfer to tax revenue of the subsidy relating to the salaries of teachers in junior high schools (a minority opinion expressing the view that the national treasury subsidy and obligatory share system should be maintained was also appended to the main report).

The thinking on the part of local governments can be summed up in the following three points. ① There should be an appropriate sharing of roles between the State and local governments. In the area of compulsory education, the State should play the fundamental role of deciding on the basic content and level of compulsory education, and local governments for their part, while ensuring that the levels are adhered to, should each be able to display their creativity and ingenuity,

and should perform the role of implementing education that is suited to the needs of the area concerned. ② It is possible to maintain an appropriate level of expenditure on compulsory education by putting the funds into general revenue. The fundamental elements of compulsory education are equality of educational opportunity, maintenance and guarantee of standards, and free education. The continuance of the national treasury subsidy for the payment of teachers' salaries is a separate problem. Maintenance of the level of compulsory education is guaranteed by the Compulsory Education Standards Law, which determines the standards for each school grade, and by the official Courses of Study, which set out the learning content. The greatest area of interest among local residents is in children's education, and education is given maximum priority in local administration. In this situation, at present, local governments are spending more on education than is required by national standards, and an appropriate level of expenditure on education can be maintained even if funds are transferred to general revenue. ③ Converting the national treasury's share of compulsory education expenses to general revenue will be an effective measure. The responsibility of local governments vis-à-vis local residents in respect of compulsory education will be clarified, and it will become possible to respond in a diversified manner to the local educational environment and to the actual situation of school pupils while satisfying national standards in terms of grade and class settings. Furthermore, it will be possible to achieve an effective allocation of financial resources, not simply on teachers' salaries, but in such ways as commissioning external human resources and external materials with a high level of educational effectiveness, purchasing and developing teaching materials, improving facilities in the educational environment, and so on.

In response to proposals from local governments of the kind outlined here, there was a division of opinion between MEXT and the Ministry of Internal Affairs and Communications. On the one hand, MEXT, out of a fear that it would not be possible to guarantee necessary funding by converting the national treasury subsidy to general revenue, emphasized the need to adhere to the existing system, while on the other hand, the Ministry of Internal Affairs and Communications emphasized that within the framework of local tax revenue, it would be possible to secure the necessary financing by financial guarantees obtained through the medium of the existing system of guarantees and local financial planning. Subsequently, after various twists and turns in the debate carried out in the Central Council for Education, it was finally decided by a political decision that the national treasury subsidy system should be maintained, but that the extent of the subsidy for

educational personnel at elementary and junior high schools should be cut from half to one-third. However, there has been criticism of the fact that the degree of freedom exercised by local governments in formulating and executing policies has not increased as a result of the reduction in national treasury subsidy (share) levels, but that rather, there is a fear that general revenue obligations incurred by local governments in the course of the execution of subsidy projects have increased, and that the freedom and autonomy of local governments has been reduced.

Notes

1) This refers to the original Establishment Law of the Ministry of Education, Science and Culture before the reorganization of central government ministries and agencies in 2001. As part of that reorganization, the Ministry merged with the Science and Technology Agency to form the Ministry of Education, Culture, Sports, Science and Technology (MEXT).

2) Designated as educational institutions in Article 30 of the Local Education Administration Law are: “schools, libraries, museums and citizens’ halls”, and in addition, “facilities concerned with specialist or technical research into educational matters, or with the study, health or welfare of educational personnel”.

3) “Day nurseries” are facilities within the jurisdiction of the governor or mayor which “aim to provide care for babies and infants which are entrusted to them each day by parents or guardians who are unable to care for them during the day” (Child Welfare Law, Article 39, within the jurisdiction of the Ministry of Health, Labour and Welfare, hereafter MHLW). On the other hand, “kindergartens” are facilities under the control of the board of education which “aim, as places to cultivate the fundamentals of compulsory education and education thereafter, to provide an environment that is conducive to the healthy growth of infants and that encourages the development of their minds and bodies” (School Education Law, Article 22, within the jurisdiction of MEXT). However, both kinds of facilities are identical insofar as they target children of pre-school age, and it has been suggested that they should be unified. Against this kind of background, a new system was started in October 2006 in the form of “approved joint education and care facilities for pre-school age children,” that aimed to offer comprehensive education and care as well as local community support to children of pre-school age. However, it has been pointed out

that because the new system was established on the precondition that the two systems of “kindergartens” and “day nurseries” existed in parallel, the clerical and accounting procedures in the process leading to approval were very complicated”.

4) “Gun”, translated in this paper as “a county” or “counties”, is a geographical designation of an area embracing a number of towns and/or villages. Historically speaking, there was a time when it had significance as a local public body, but at the present time, it no longer has that significance, and its meaning is limited to that of an electoral constituency for prefectural assembly members, and as a unit of wide-area administration.

References

1. Satou, Isao. (1996) *Nihon-koku kenpou gaisetsu*, [Zentei 5-ban] [Overview of the Constitution of Japan. Completely revised. 5th edition]. Gakuyo Shobo Co., Ltd.
2. Matsumoto, Hideaki (2002). *Yousetsu. Chihou jichi-hou*. [Dai 4-ji kaitei-ban] [Summary. The Local Autonomy Law. Revised 4th edition]. Gyousei.
3. Matsumoto, Hideaki (2007). *Chikujou. Chihou jichi-hou* [Dai 4-ji kaitei-ban]. [Commentary on the Local Autonomy Law. Revised 4th edition]. Gakuyo Shobo Co., Ltd.
4. Uga, Katsuya (2007). *Chihou jichi-hou gaisetsu* [Dai 2-ban]. [Overview of the Local Autonomy Law. Second edition]. Yuhikaku Publishing Co., Ltd.
5. Hashimoto, Isao. (2006). *Chikujou. Chihou koumuin hou* [dai 1-ji kaiteiban] [Commentary on the Local Public Servants Law. First revised edition]. Gakuyo Shobo Co., Ltd.
6. Jinno, Naohiko, ed. (2006). *Sanmi ittai kaikaku to chihou-zei zaisei – toutatsu-ten to kongo no kadai* [The Trinity Reform and local fiscal policy – points of achievement and future issues]. Gakuyo Shobo Co., Ltd.
7. Katsuno, Masaaki and Fujimoto, Norihiro, eds.. (2005) *Kyouiku gyousei-gaku* [The science of educational administration]. Gakubunsha Co., Ltd.
8. Kouno, Kazukiyo. (2006). *Kyouiku gyousei-gaku* [The science of educational administration], MINERVA Publishing Co., Ltd.
9. Hirahara, Haruyoshi (1996). *Kyouiku gyousei-gaku* [The science of educational administration], University of Tokyo Press.
10. Morishita, Taira (2007). *Kyouiku kihon hou no kaisei* [Revision of the Fundamental Law of Education], *Jurisuto* [Jurist], No. 1329.
11. Yagisawa, Takashi (2007). *Kyouiku 3 hou no kaisei* [Revision of the three laws of

education], *Jurisuto* [Jurist], No. 1341.

12. Yoshikawa, Hiromi and Mori, Genji (2003). *Chihou dokuritsu gyousei houjin seido nitsuite* [Concerning the system of local independent administrative institutions], *Chihou jichi* [Local autonomy], No. 670.

13. Soumushou, ed., [Ministry of Internal Affairs and Communications, ed.], (April, 2007), *Heisei 19-nen-ban chihou zaisei hakusho*, [Annual report on local finances, 2007 edition], National Printing Bureau.

14. Japan Association of City Mayors (2007). *Kyouiku ni okeru chihou bunken no suishin nikansuru teian* [A suggestioin concerning the promotion of decentralization in education].

15. Japanese home page of the Ministry of Education, Culture, Sports, Science and Technology MEXT): (<http://www.mext.go.jp/>)

16. English home page of MEXT: <http://www.mext.go.jp/english/index.htm>