

Educational Governance and Administration in Japan

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All educational activities and services in Japan come under the aegis of education authorities, except for informal educational opportunities such as those given to children by their parents through family life, and educational services which fall under the jurisdiction of bodies other than education authorities. From this viewpoint, a discussion on educational governance and administration in a broad sense might need to refer to the organisation and management of schools and facilities for the education of adults and young people not attending school (hereafter referred to as adult education), as well as to supervision over school staff members. However, the present paper only covers educational governance and administration in the narrower sense: the first chapter gives a summary of the fundamental principles underlying educational governance, then the second chapter briefly explains the machinery of central and local education authorities and their respective powers and responsibilities, and the last chapter deals with the effects or functions of educational governance.

Chapter I Fundamental Principles in Educational Governance

The Constitution of Japan and the Fundamental Law of Education which came into effect in 1947 set forth the aims or principles in educational governance. They can be arranged under the three main categories of educational autonomy, democracy and public benefit.

1. Esteem for Educational Autonomy

Inherently, the effectiveness of education depends considerably upon how much the education system values the desire of learners, and this means that the government must respect the autonomy of people concerned in education or teaching. Otherwise, it would violate the freedom of religion, thought and conscience as well as academic freedom. Such a stance in educational governance is faithfully reflected in the participation by the private sector in educational enterprises and in the autonomous position of educational institutions.

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Independence of private schools

The people are not only allowed to educate their children at home or participate in adult education but are entitled to undertake the running of formal educational enterprises in the capacity of school corporations (see p.197). At present, there are nearly twenty thousand private educational institutions and their total enrolment has come to exceed six million (Table 1). To establish a school or a university requires a permit from the competent authority, but the decision to issue a permit is based upon the reference submitted by a council on which a majority of members are engaged in private school education. In contrast with local public schools, no restriction of recruitment areas is put on educational institutions in the private sector and they are allowed to provide religious education, which is prohibited in the public sector, or to adopt an innovative or unique form of education based on their belief about what constitutes ideal education.

Table 1 Number of Institutions and Full-time Staff Members and Enrolment
in the Private Sector by Type of Institution, May 1987

Type of Institution	Total (Public and Private Sectors)				Private Sector			
	Institutions	Enrolment	Teaching Staff	Non-teaching Staff	Institutions	Enrolment	Teaching Staff	Non-teaching Staff
Kindergartens	15,156	2,016,224	98,095	20,615	8,845	1,539,170	72,213	17,483
Primary Schools	24,933	10,226,323	448,977	109,198	168	60,553	2,816	814
Lower Secondary Schools	11,230	6,081,330	292,057	42,334	597	188,856	8,702	1,988
Upper Secondary Schools	5,508	5,375,107	274,913	65,387	1,300	1,508,328	61,715	15,262
Special Schools	924	96,028	41,120	15,192	17	882	274	124
Colleges of Technology	62	50,078	3,841	3,545	4	3,375	189	54
Junior Colleges	561	437,641	18,774	11,801	470	397,541	15,651	10,416
Universities	474	1,934,483	115,863	158,193	342	1,399,875	57,564	85,726
Special Training Schools	3,151	653,026	27,171	12,989	2,799	608,884	24,632	11,505
Miscellaneous Schools	3,918	466,049	20,532	8,654	3,814	457,372	19,984	8,436
Total	65,917	27,336,289	1,341,343	447,908	18,356	6,164,836	263,740	151,808

Source: Ministry of Education, *Statistical Abstract of Education, Science and Culture*, 1988 edition.

Local autonomy in education

It is not central authorities but local authorities that administer the greater part of school education services and almost all public adult education activities. This is because of the idea that the provider of education should be close to or familiar with the people. Educational enterprises of this kind are basically left to the discretion of the local authorities in accordance with the principle of local autonomy. The primary role to be played by central authorities is to give them guidance and advice as is the case with private education.

Academic freedom

As is well known, academic freedom is guaranteed to all the people, and universities in particular, as centres of learning, enjoy autonomy, assuring the faculty of freedom for research and teaching. This autonomy is reflected in the personnel administration at national and local public universities. The teaching staff elect a rector (head of the university) and deans (heads of departments of studies), and the faculty meeting selects candidates for a vacant teaching position. In the private sector, the personnel administration varies from university to university. In some private universities, the boards of trustees have power to select the head of the university, but in most of them, the faculty is empowered to staff the department.

Autonomy of schools

Unlike universities, primary and secondary schools do not have autonomy, but competent authorities such as local education boards refrain from exercising control over detailed daily activities at school. They tend rather to encourage the staff members to organise educational activities on their own initiative. Nevertheless, the Japan Teachers' Union continues to make claims for complete freedom for teaching and for decision-making power at staff meetings.

2. Realisation of Democracy

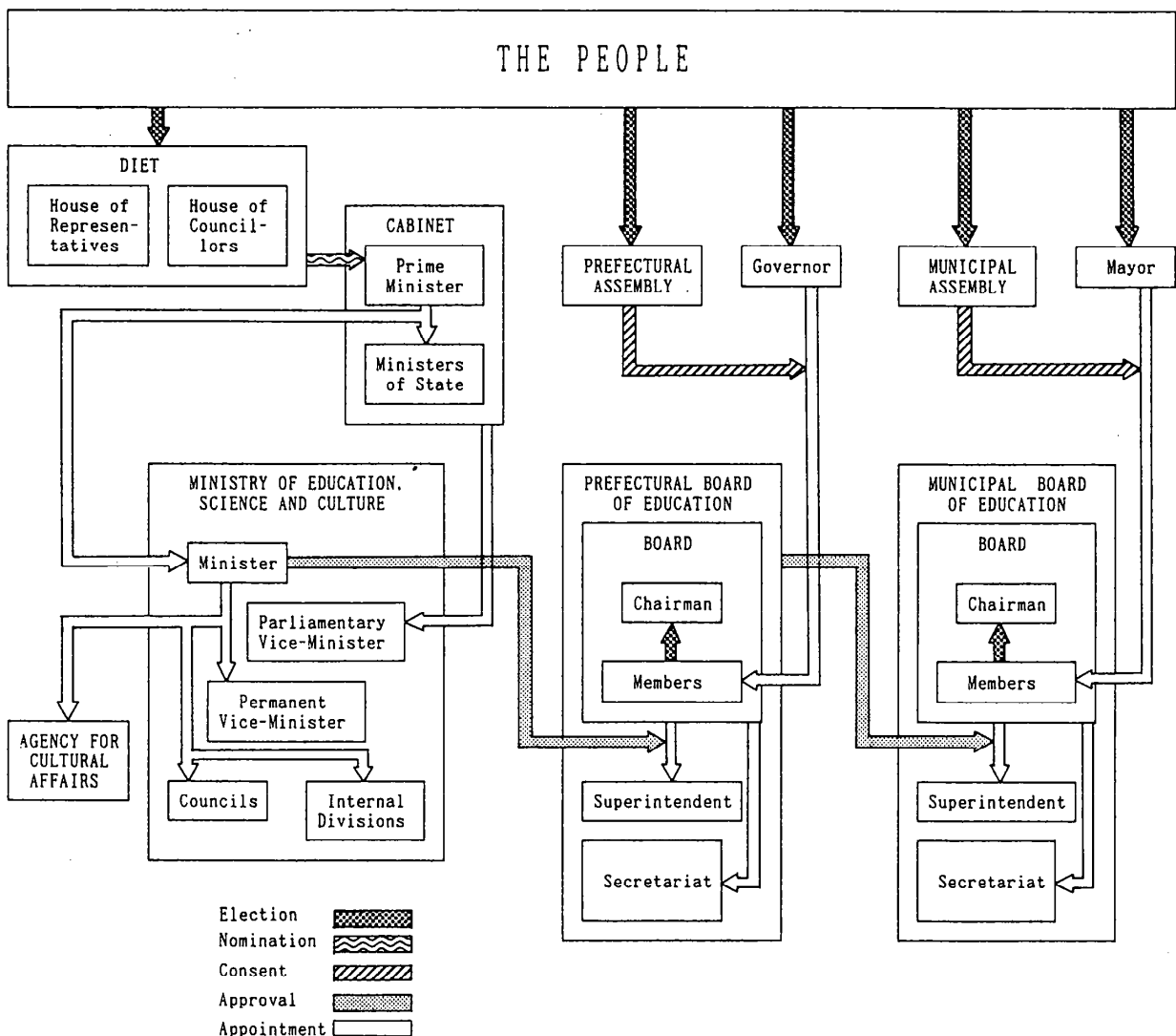
In order to realise the ideal of a peaceful and democratic society which is the foundation of national policy, the government must respect the wishes of the people and assure them of their right to receive education. This leads to the concepts of 'democratic sovereignty' and 'equality under the law' which are set out in the Constitution. Such democracy in education is secured by the popular control over educational administration, aiming at equal opportunity in education (Figure 1).

Administration by law

For fear that executive organs or competent authorities might govern education unjustifiably

or with partiality, the law restricts their power over education in that they are not allowed to control educational activities without the authority of the law. The members of the Diet, constituting the legislature, are elected by the people, whose opinions or desires therefore indirectly influence the central education authorities. Moreover, the Diet and the local assemblies, mentioned in the following chapter, respectively check the acts of the central education authorities and local education authorities. The question of whether their acts are legitimate is ultimately left to the judgment of courts, the judiciary, which is independent of the executive.

Figure 1 Popular Control over Education Authorities



Popular control over executive officers

The people have the right to determine at first or second hand the appointment and dismissal of the highest executives in educational governance. Most of the Ministers comprising the

Cabinet are Diet members who have been elected by the people. The chief executives of local governments, governors or mayors, are also elected by direct vote by the prefectural or municipal inhabitants. Such local chief executives appoint the members of the local education board with the consent of the local assembly, which is also elected by the inhabitants. On the other hand, the Diet and a local assembly are respectively empowered to dismiss from office the Cabinet or Minister of Education and the chief local government executive. In addition, the inhabitants have access to a process whereby they can demand the resignation of board members (see p.193).

Equal opportunity in education

Article 3 of the Fundamental Law of Education stipulates that 'the people shall all be given equal opportunities to receive education according to their ability,' and it prohibits 'educational discrimination on account of race, creed, sex, social status, economic position or family origin.' In order to make educational equality feasible, the government provides nine-year compulsory education free of charge, and offers aid or scholarship programmes to those who have difficulty in attending schools. The principle of co-education is applied to schools and universities in the public sector.

3. Ensuring of Public Benefit

Although nothing should hamper academic freedom, as stated previously, educational activities are under some restrictions so that they can work for the good of the community. These restrictions aim only at maintaining a certain standard of educational service, maintaining political and religious neutrality in educational activities, and ultimately safeguarding the people's right to receive unbiased education. Neutrality is particularly sought after in the area of school education and public adult education.

Public nature of schools

Formal schools (see p.189) exert a profound influence upon society, because the people spend most of their childhood and youth receiving carefully organised education at these schools. Article 6 of the Fundamental Law provides that 'schools shall be of a public nature' even though those in the private sector. Moreover, the teaching staff of schools and universities in the private sector as well as those in the public sector are designated as 'servants of the whole community,' and the teaching positions in the two sectors require the same diplomas.

Neutrality in politics

It is desirable that the people should be equipped with a sound knowledge of politics, but education should not be used as a tool for party politics. Schools and public community centres are prohibited from carrying out political education or political activities in favour of or against any specific political party, and school teachers, as they could take advantage of their position, must refrain from conducting election campaign. The system of keeping local education boards independent from the chief executives aims at maintaining neutrality in local governance over education in terms of party politics (see p.194).

Neutrality in religion

Freedom of religion entails the separation of religion and state. Accordingly, central and local governments remain neutral to any religious organisation, and refrain from any religious activity. Schools and adult education facilities in the public sector are not permitted to carry out religious education or activities for the sake of any specific religious sect. However, private schools are allowed to carry out religious education (see p.178), in deference to the predominant view that religious education might prove of spiritual benefit to the development of children.

Chapter II Machinery of Education Authorities

The primary aim of this chapter is to refer to the executive organs responsible for educational affairs and explain what competence they have in the machinery of educational governance. At national level, authority is vested in the Cabinet and the Prime Minister, as well as in the Minister and Ministry of Education, Science and Culture, while responsible bodies at local level include the Chief Executive of local government (governor or mayor), and the Local Board of Education.

From the viewpoint of functions, these positions or organs can be classified into managerial, auxiliary, and advisory authorities. For example, the Minister of Education and the Local Board of Education, insofar as they manage educational affairs, come under the first group, and the Permanent Vice-Minister and the Superintendent of the Local Board, since they assist the Minister and the Board respectively, under the second group. Lastly, the Central Council for Education and the Local Council for Industrial Education serve as advisory bodies to the Minister and the Board, respectively.

In addition, bodies other than education authorities take part in budgetary, personnel, organising, and auditing procedures within the field of education, because consistency of criteria among Ministries and impartial judgement by a disinterested party is assumed to be essential in relation to these procedures.

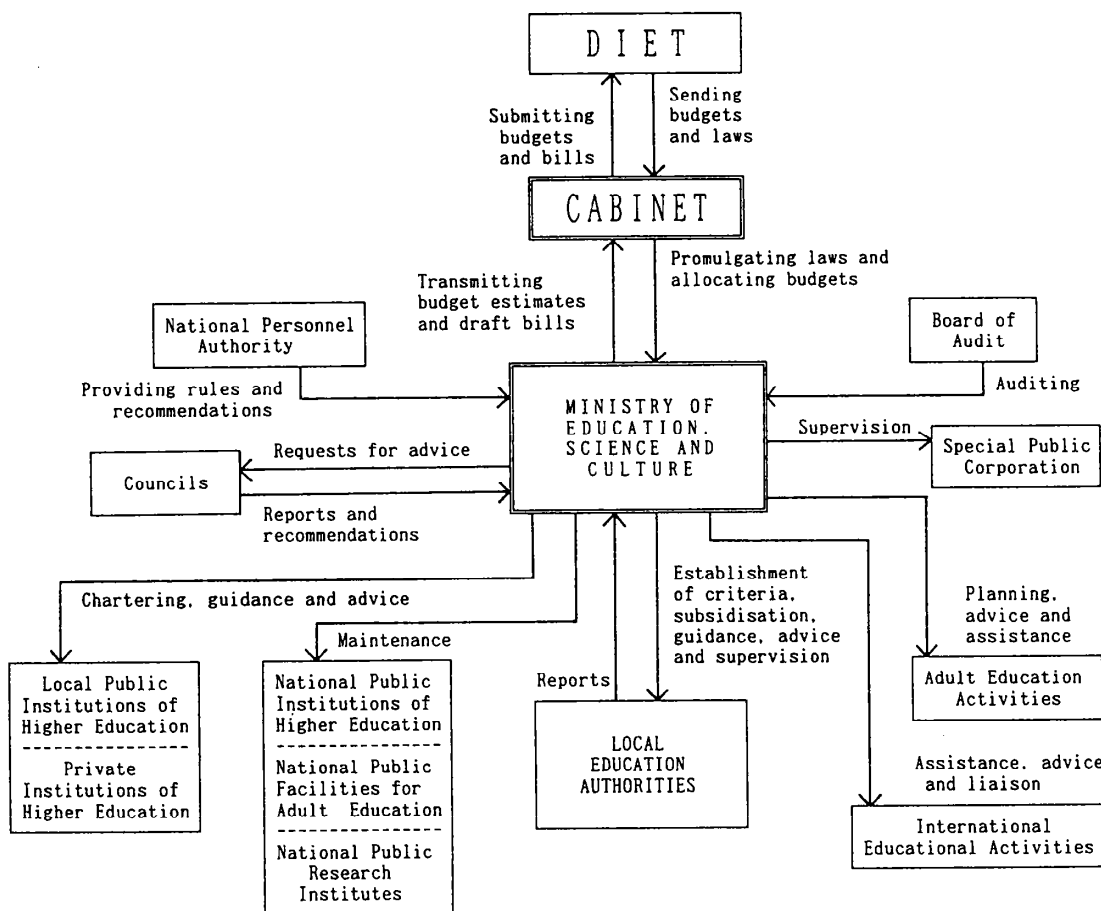
1. Central Education Authorities

Figure 2 shows the operational relationships between the central education authority, the Ministry of Education, and other organs responsible for education.

The Cabinet and the Prime Minister

The Constitution of Japan provides that executive power at national level shall be vested totally with the Cabinet and therefore education governance shall ultimately be the responsibility of the Cabinet. The Cabinet consists of the Prime Minister and not more than twenty Ministers of State and is collectively responsible to the Diet. It holds meetings, makes decisions, and then exercises executive power, performing the following functions : a) administering the law and presiding over national affairs, b) handling foreign affairs and concluding treaties, c)

Figure 2 Machinery of Central Education Authorities



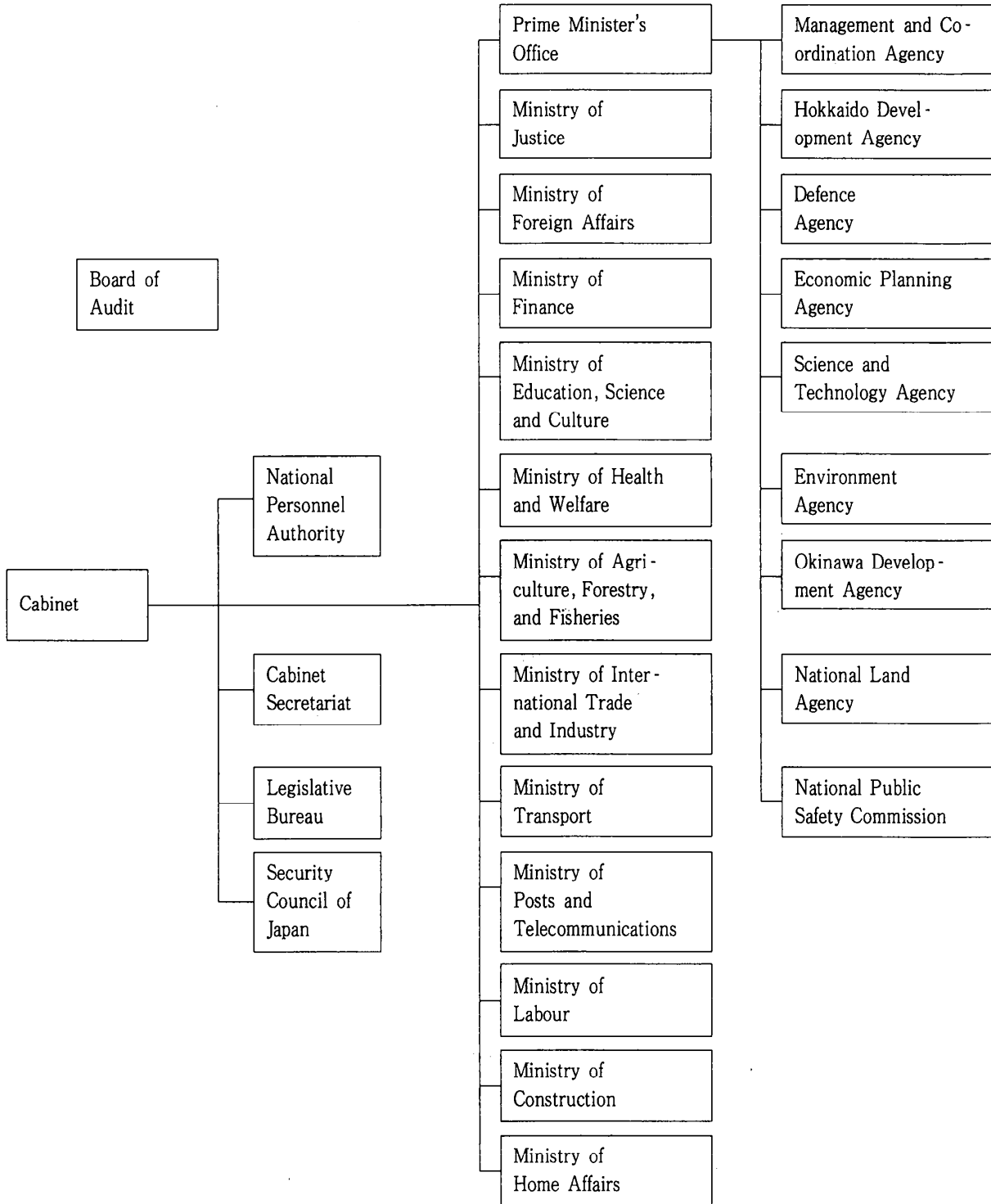
supervising national civil servants, d) enacting cabinet ordinances and e) preparing a budget and a settlement of accounts and submitting them to the Diet. Even in respect of educational affairs, decisions on these matters are naturally left to a Cabinet Meeting.

The Diet nominates one of the Diet members as Prime Minister. Customarily, the leader of the ruling party in the House of Representatives occupies this position. It is within the power of the Prime Minister to appoint and dismiss a Minister of Education, the competent Minister for educational affairs, to lay bills concerning education before the Diet as the representative of the Cabinet, to supervise the Minister of Education on the lines of decisions made at a Cabinet Meeting, to have the Minister withdraw his orders or ordinances, and to pass judgement on a conflict of attribution between the Minister of Education and another Minister.

Under the Cabinet, there are twelve Ministries, eight commissions, and twenty-four agencies apart from the Prime Minister's Office. The Commissions and Agencies are affiliated to the Prime Minister's Office or the Ministries, but the scope of authority and responsibility of these commissions and agencies as well as of Ministers and the Prime Minister's Office is explicitly defined in accordance with the provisions in the National Government Organization Law. Accordingly, nine of the independent organs of the Prime Minister's Office have Ministers of State as their heads (Figure 3). The authorities competent for educational affairs are the Ministry of Education and the Agency for Cultural Affairs. However, other authorities share power with the Ministry in some areas of educational governance.

The task of allocating to education the resources in the national treasury and the 'Fiscal Investment and Loan Programme' is included in the duties of the Ministry of Finance, and that of auditing the accounts of educational expenditure rendered by the Ministry of Education in the duties of the Board of Audit. The National Personnel Authority also controls the remuneration for the staff of the Ministry of Education and of national public schools, while the Management and Co-ordination Agency controls the number of personnel and co-ordinating of the organisation of the Ministry and these schools. Furthermore, the Ministry of Home Affairs is responsible for working out the amounts of tax grants to be allocated to local governments and its approval is necessary for local governments to be able to issue bonds relating to educational affairs. In addition, the National Land Agency imposes restrictions on university establishment in metropolitan areas.

Figure 3 Executive Organs of Japan



Note : The above-mentioned Agencies and Commission are external organs of the Prime Minister's Office, headed by Ministers of State.

The Minister and the Ministry of Education, Science and Culture

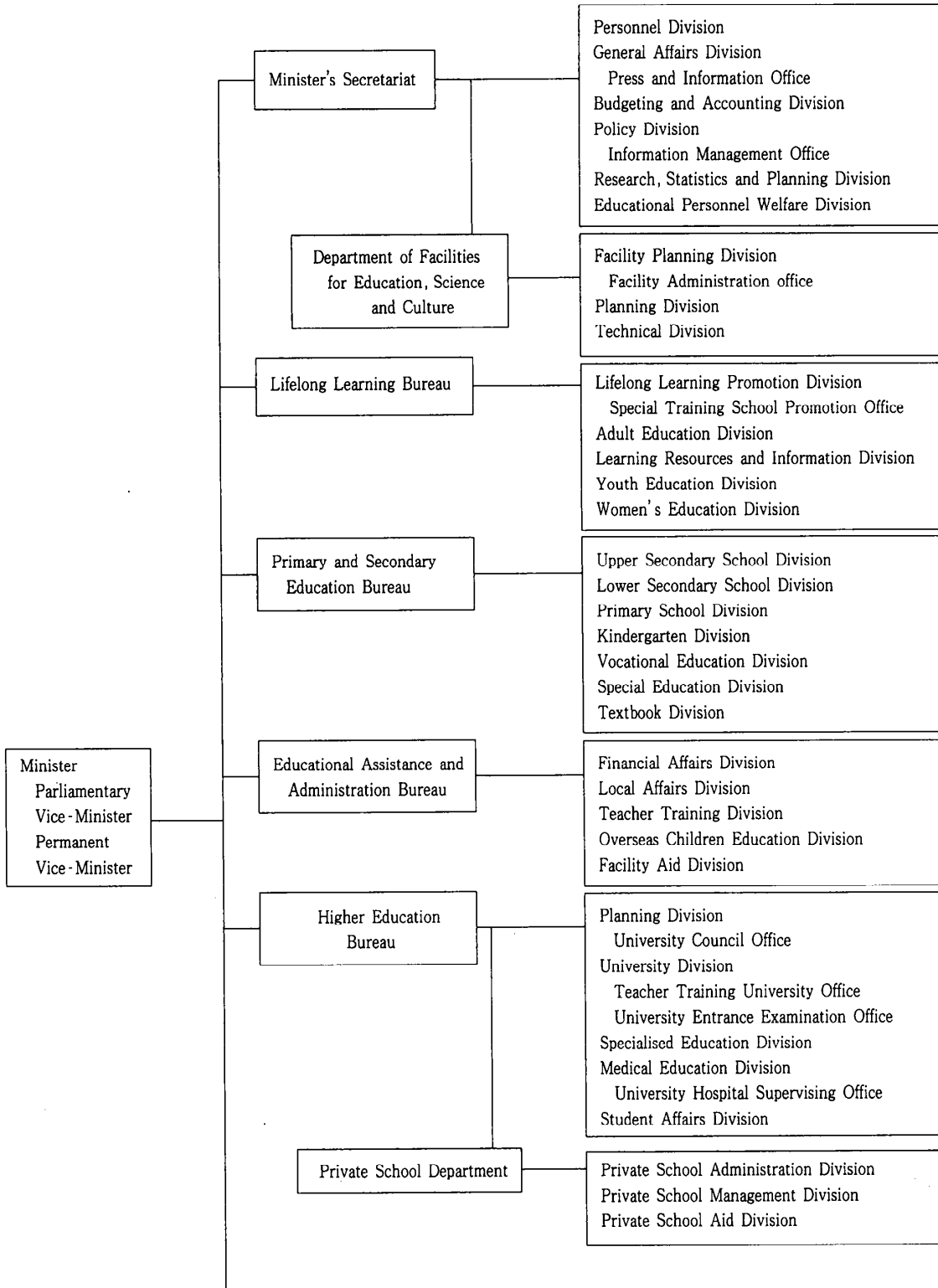
Although several Ministries and Agencies play a role in educational governance, the authorities which are inherently responsible for education are, as is well known, the Minister and Ministry of Education, Science and Culture. The Minister, as single head of an executive organ, controls and supervises educational affairs, and he and his auxiliary organ are together regarded as the Ministry. This means that the Minister is entitled to the position of supreme executive with respect to educational governance, but he is obliged to obey decisions made at a Cabinet Meeting and his acts are not always free from restrictions placed by the other Ministries, as noted above.

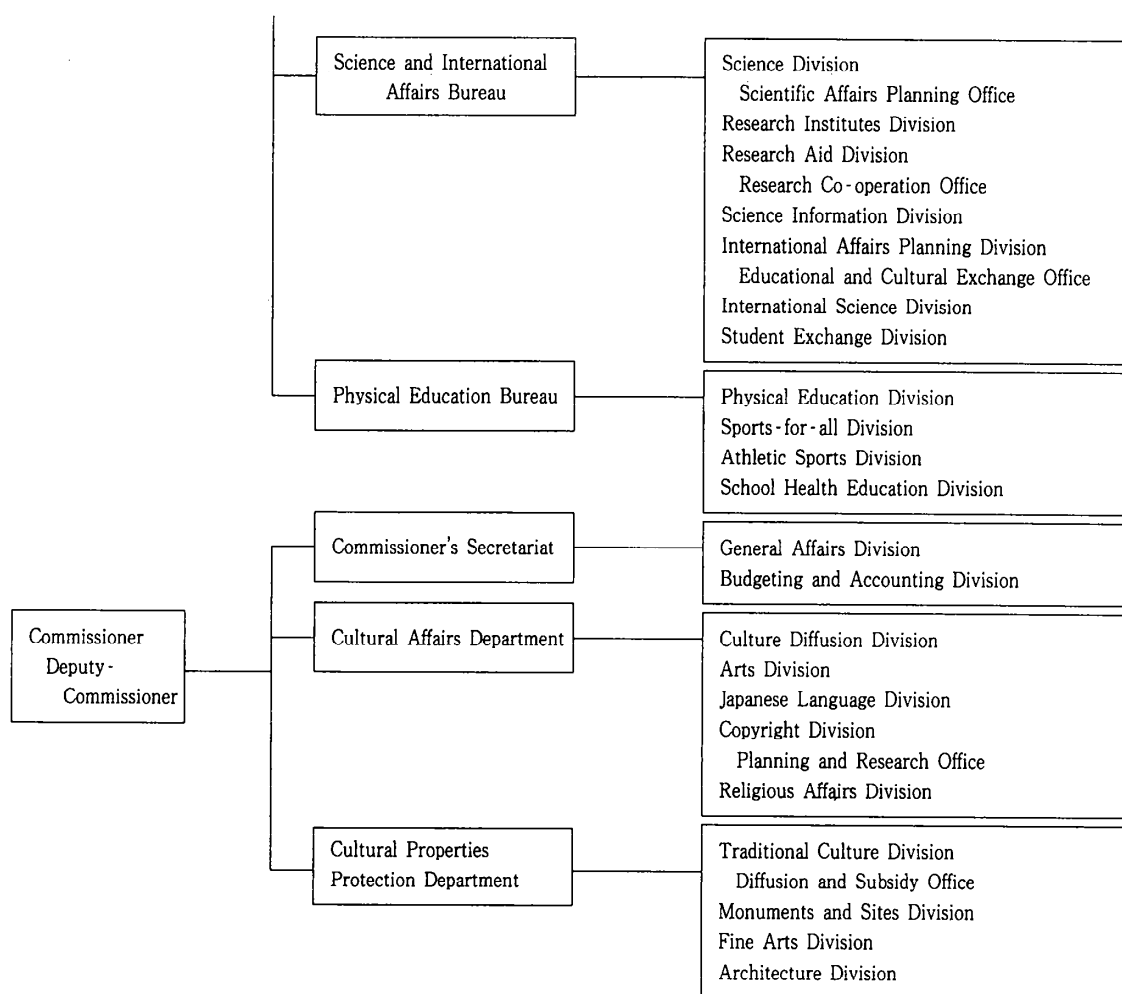
The competence of the Minister includes a) presiding over the affairs under the charge of the Ministry, appointing and dismissing his staff and supervising their duties, b) submitting a draft proposal to the Prime Minister for a Cabinet decision on any occasion when he considers it necessary to enact, amend or abrogate a law or Cabinet Order, c) issuing ministerial ordinances for the purpose of implementing a law or Cabinet Order or under special authorisation by a law or Cabinet Order, d) issuing a notification when a public announcement is required, e) giving orders or conveying directions to the offices within his jurisdiction and f) superintending educational affairs with which the Chief Executive of a local government or the Local Board of Education are charged in place of the central authority.

Usually, a Diet member of the ruling party is appointed to be the Minister of Education, but scholars have sometimes held the position. Of the two Vice-Ministers who assist the Minister, the Parliamentary Vice-Minister, who is also appointed from among the Diet members in the ruling party, assumes liaison and co-ordination functions in terms of educational policies and plans between the Ministry and the party, and fills the role of the Minister during his absence. On the other hand, a career official in the Ministry occupies the position of the Permanent Vice-Minister, and he keeps in order the affairs of the Ministry and supervises the work of respective bureaus and departments.

The duties of the Ministry include handling administrative affairs to do with religion as well as developing and promoting formal and non-formal education and academic research and culture. The organisation of the Ministry comprises the Minister's Secretariat, six Bureaus, namely Lifelong Learning, Primary and Secondary Education, Educational Assistance and Administration, Higher Education, Science and International Affairs and Physical Education, and in addition, a Facilities Department and a Private School Department. These Bureaus and Departments contain in all 45 divisions and eleven offices, and the approximate number of officers working for the Ministry totals 1,200 (Figure 4).

Figure 4 Organisation of the Ministry of Education, Science and Culture, as of October 1988





Besides these internal divisions, there is an external agency, the Agency for Cultural Affairs, attached to the Ministry. The position of its head, the Commissioner, is generally occupied by a career official of the Ministry of Education, and is occasionally filled by a man of culture other than an official. The Agency comprises a Secretariat and two Departments, the Cultural Affairs Department and Cultural Properties Protection Department; these are divided into eleven Divisions and two Offices in total and staffed by nearly two hundred civil servants.

In addition, there are twelve councils such as the Central Council for Education, and more than one hundred and fifty national educational institutions and some research institutes affiliated to the Ministry. Moreover, four Councils such as the Council for Japanese Language and some cultural facilities such as National Museums and a few research institutes are attached to the Agency. These Councils carry out surveys of or deliberate over critical issues at the Minister's or Commissioner's request for advice. The affiliated institutions or institutes carry out educational services or researches.

Nevertheless, the Ministry and the Agency do not monopolize national affairs to do with education, research and culture, and some other organs are authorised to perform similar functions.

Bodies other than education authorities

Of the facilities given the title of schools, colleges or universities, only those designated as formal schools in Article 1 of the School Education Law and those designated as semiformal schools come under the jurisdiction of the Ministry of Education. The former include primary, lower secondary and upper secondary schools, junior colleges, colleges of technology, universities, special schools for the handicapped and kindergartens, and the latter include special training schools and miscellaneous schools. There are a considerable number of schooling facilities which other Ministries control and maintain.

The facility known as a Day Nursery, coming under the jurisdiction of the Ministry of Health and Welfare, would be a good example. This caters for infants from birth to five who are in need of institutional care, but especially as regards children aged three to five, it is compatible to a kindergarten in its functions. The balance between these two kinds of facilities varies greatly among local governments. As another example, disciplinary schools for children who have committed a delinquent act fall under the jurisdiction of the Ministry of Health and Welfare, while reform schools for juveniles who have committed a crime fall under the jurisdiction of the Ministry of Justice. However, they have the common aim of providing the delinquents with primary and secondary education according to their age.

Furthermore, some other Ministries or Agencies have within their competence a few facilities for specialised vocational preparation in their respective fields. Some of these training facilities provide education equivalent to university level. Their names and those of bodies with jurisdiction over them are as follows : National Defense Academy and National Defense Medical College (Defense Agency) ; College of Fisheries (Fisheries Agency) ; Marine Technical College, Civil Aviation College, Aeronautical Safety College (Ministry of Transport) ; Maritime Safety Academy (Maritime Safety Agency) ; Meteorological College (Meteorological Agency) ; Institute of Vocational Training (Employment Promotion Corporation).

For the rest, the area of adult education covers all educational opportunities other than those at school and at home. Most of the cultural activities and sports for which the Ministry of Education is responsible are non-vocational and cater for people in their spare time. These activities are usually carried out by groups of youths, women or senior citizens and sport enthusiasts in the community, and take place at public facilities such as libraries, museums, public community centres, youth houses and children's centres.

As regards training for the employed, on the other hand, individual offices and companies play a major part, and accordingly the Ministry of Labour, the Ministry of Agriculture, Forestry and Fisheries, the Ministry of Transport, or the Small and Medium Enterprise Agency attached to the Ministry of International Trade and Industry have jurisdiction over this area. The national or local labour authorities are also responsible for most of the public facilities for

general vocational preparation.

Moreover, in the area of academic research, universities and their affiliated research institutes fall within the jurisdiction of the Ministry of Education, but other national research institutes fall within the jurisdiction of such bodies as the Science and Technology Agency, the Agency of Industrial Science and Technology attached to the Ministry of International Trade and Industry, the Ministry of Agriculture, Forestry and Fisheries, or the Ministry of Health and Welfare. On the other hand, research institutes established by private enterprises and foundations outdo those in the public sector in number and in research funds. The stereotyped idea that universities play the principal role in fundamental study, public research institutes that in applied study, and private institutes that in developmental study used to be predominant, but this division does not necessarily accurately represent the facts of the situation in recent years. In addition, the Science Council of Japan, which is representative of scholars both in internal and international relations, is under the jurisdiction of the Prime Minister's Office.

Lastly, the governance of the Agency for Cultural Affairs does not range over all the cultural activities, either. As culture in the broad sense is regarded as relevant to any segment or phase of everyday life, the responsibility for cultural activities is naturally something to be shared by almost all Ministries and Agencies. The Agency is charged only with promoting arts and entertainments, preserving national cultural properties, and handling publication matters including copyright.

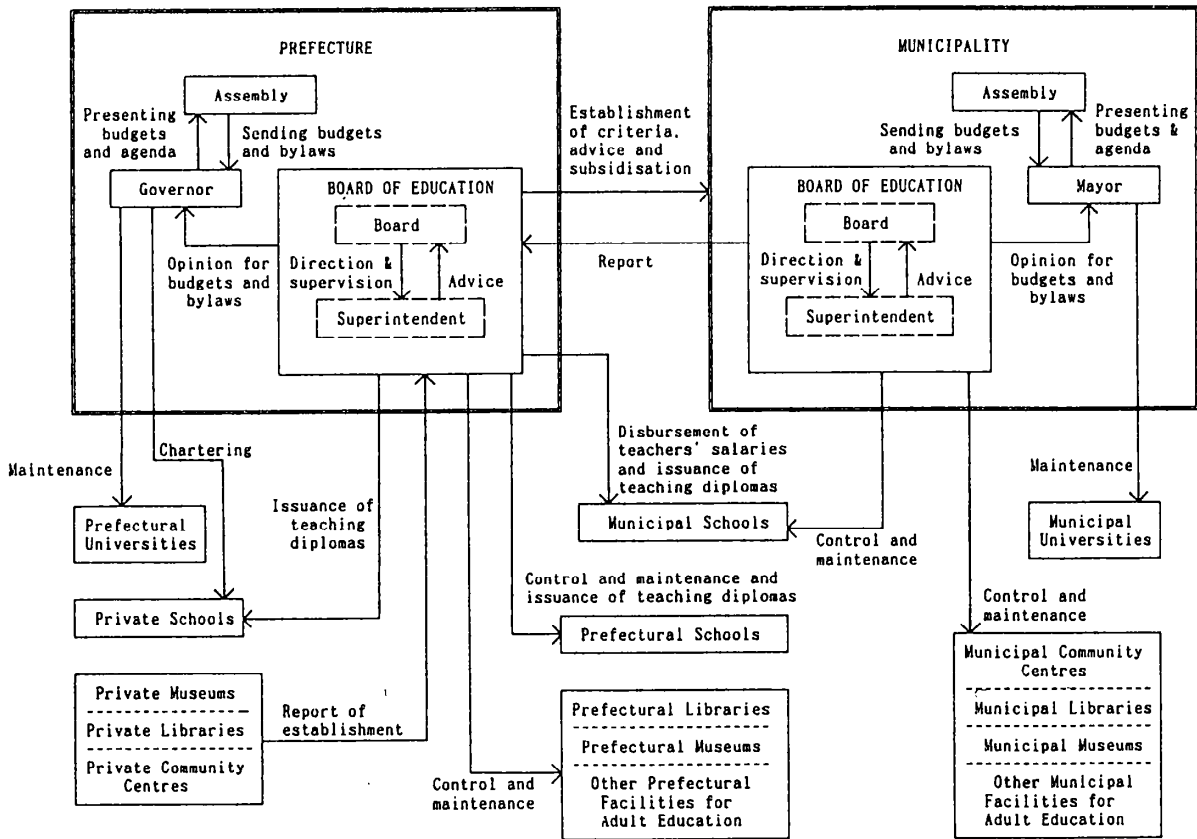
2. Local Education Authorities

While executive power at national level rests totally with the Cabinet, that at local level is exercised in accordance with the two principles of the president (chief) system and pluralism. Under the principle of pluralism, local public entities have as their executive organs not only the office of chief executive (governor in a prefecture and mayor in a municipality), but also several administrative commissions or boards such as the Education Board or Public Safety Commission. The major local education authorities and their relationships are given in Figure 5.

Chief Executive of Local Government

Under the president system of local government, the chief executive (executive branch) and the Assembly (legislative branch) control each other to ensure a fair administration. The chief executive presides over the affairs of his community. He is elected by the direct vote of the inhabitants and the prescribed term of office occupies four years but the same chief executive often holds office for two or more terms in succession.

Figure 5 Machinery of Local Education Authorities



On the other hand, he will be dismissed from his post either when ten days have passed with the assembly remaining undissolved following a nonconfidence resolution by a majority of the participants at a Meeting, or when a majority of the local population vote for a recall proposal presented by more than one third of the population. Nevertheless, such cases of dismissal have rarely occurred up to the present time.

The scope of his competence covers all the affairs of his local community except matters over which the assembly has decision-making power, and over which other independent administrative bodies hold competence. His responsibilities therefore include presenting agenda to the assembly, co-ordinating and implementing the local budget plan, imposing a local tax on the inhabitants, obtaining, maintaining and disposing of local property and establishing, maintaining and abolishing public facilities. Furthermore, he performs tasks entrusted by the central government or by other local governments under the law or Cabinet orders.

Specifically as regards educational affairs, his responsibilities worthy of note are a) to appoint and depose members of the local education board and to give approval for their resignation, b) to maintain local public universities and colleges, and to appoint their staff members, c) to procure and dispose of educational properties, to conclude contracts on behalf of the

education board and to bring the budget into effect, and d) to compile a budget or draft for bylaws concerning education and to present them to the Assembly.

In addition, affairs concerning private schools at pre-primary, primary and secondary education levels (granting permission to establish or abolish private schools, or to change their ownership or enrolment capacity, and allocating public grants towards their current expenditure), and also affairs concerning religion fall within the competence of a governor, the chief executive of a prefecture. Therefore, most prefectures have a department or division to handle these affairs in the governor's office.

Local Bodies Influential in Educational Governance

As mentioned earlier, the local government has some executive bodies independent of the governor or mayor in such areas as election, police force, personnel, and audit matters. These bodies, since they deal with affairs which require expertise and fair unbiased judgement, are competent to discharge their own functions, and authorised to establish regulations. Except for the Auditors, they act as an administrative board or commission, exercising their powers free from control or supervision by the governor or mayor who is only given competence to co-ordinate the powers between the boards or commissions as well as between his own departments and a board, and to settle the conflicts of attribution among them.

Among those boards, the Personnel Board and Auditors play some part in educational governance, which is dealt with in the following section. A prefecture or a designated metropolis is required to have a Personnel Board and a city with a population of more than 150 thousand is entitled to have one. With respect to personnel administration, the Education Board has to follow the criteria set up by the Personnel Board. Moreover, the Personnel Board examines requests from school staff members for measures to improve their working conditions and demands that the Education Board take appropriate action, as well as examining complaints of disadvantageous treatment and advising the Education Board to rectify the treatment when it concludes complaints to be reasonable.

For their part, Auditors are responsible for inspecting financial affairs and the management of prefectural or municipal enterprises. They naturally inspect the finances of local public educational activities and report the results to the Assembly, to the governor or mayor, and to the Education Board, and release their report at the same time.

Last but not least, the Assembly must be referred to as an organ influential in local educational governance, though it is not an executive but a legislative body. The matters which are required to pass through the process of decision-making and consent by the Assembly include a) the enactment, amendment and repeal of bylaws concerning educational affairs, the resolution of a budget for education, b) the procurement and disposition of

educational properties and the conclusion of contracts prescribed by bylaws, and c) the appointment and dismissal of members of the Education Board.

Local Board of Education

As of April 1988, there are 47 prefectures and 3,440 municipalities (including 23 special wards of Tokyo Metropolis, and 206 municipal affairs associations formed jointly by two or more municipalities to manage their affairs on a more efficient and rational basis), which have an education board (Table 2).

It should be noted here that the term 'education board' conveys a double definition: it is used in the narrow sense as the group of people sitting on the Board, and in the broad sense, as the whole body of the organisation embracing the Superintendent and the Secretariat besides board members.

The procedure for choosing board members has some devices to enable local educational governance to have a democratic, stable, neutral and justifiable nature.

Firstly, in order to reflect the desires and opinions of the community, the chief local government executive, who is elected by a poll of the inhabitants, appoints board members with the consent of the Assembly, which is also elected by the direct vote of the constituency; furthermore, the inhabitants are granted the right to launch a drive to recall the members. With the consent by signature of more than one third of the voters in the community, they may lodge a claim for recall with the Assembly, and subsequently the member loses his seat when three-fourths of the participants have agreed to the recall proposal at an Assembly Meeting where more than two-thirds of the assemblymen are present.

Table2 Number of Education Boards, 1986

Prefectures	47
Municipalities	3,440
Cities	651
Special Wards	23
Towns	1,970
Villages	590
Municipal Affairs Associations*	206

* These are formed jointly by two or more municipalities to manage their affairs on a more efficient and rational basis.

Source: Ministry of Education, *Report on Survey of Local Educational Administration, as of May 1986*.

Otherwise, however, a board member is never dismissed during the four-year term of office, and all of the five members do not resign from office simultaneously, so the Board is never completely replaced by new members every four years. This is the device for facilitating the stability of educational governance over the community.

Thirdly, for fear of violating political neutrality, a board member is prohibited from holding a key position in a political party, or from engaging actively in politics. Moreover, one political party is prohibited from occupying a majority of the seats.

At the same time, a member is not allowed to retain a seat on the Assembly or other administrative board, or to hold a full-time position in the local government office, or to do business with the local government relating to his duties, during his term of office, because such involvement by the member might affect equity in educational administration.

In addition, a member is disqualified from taking part in a Board Meeting on the agenda for which are included the personal affairs of himself, his spouse or any of his relatives within the third degree of consanguinity, or business affairs affecting their interests.

During Board Meetings, a policy is adopted and decisions are made. Annually, a chairperson is elected by mutual vote from among the board members, and he presides over and represents the board. One member can serve as chairperson for two or more years in succession. A meeting shall be convened by the chairperson but shall fall through unless more than half of the members attend. A decision on a measure is taken by a majority vote, otherwise the chairperson has a casting vote. However, he is not entitled to make decisions on his own authority. Only at the meeting does the education board exist or have power.

The Education Board, in the full sense of the word, administers all educational, academic and cultural affairs except for those for which the chief local government executive assumes responsibility. The affairs within the competence of the Board relate to a) the establishment, control and abolition of schools and other educational institutions, and operation of educational properties, b) the appointment, dismissal and other personnel-related affairs of the education board, schools and other educational institutions, and the organisation of teacher training programmes, c) the registration of pupils or students who enter, transfer from and to and leave school, d) the organisation of departments in a school, school curricula and teaching materials, methods of teaching, counselling and career guidance for pupils, e) the environment and hygiene in schools and other educational institutions, accommodation and facilities for education, f) student health and welfare and school lunches, g) the promotion of adult education and of sports, h) the protection of cultural legacies, i) educational activities in co-operation with Unesco and j) surveys, statistical analyses, and information services regarding education.

As long as it does not violate the law, ordinances, bylaws and local regulations, or requirements set by limitation of the budget, the Education Board is authorised to use its

discretion in reshuffling its organisations, establishing regulations or coping with issues of educational administration.

The Superintendent and Secretariat of the Board

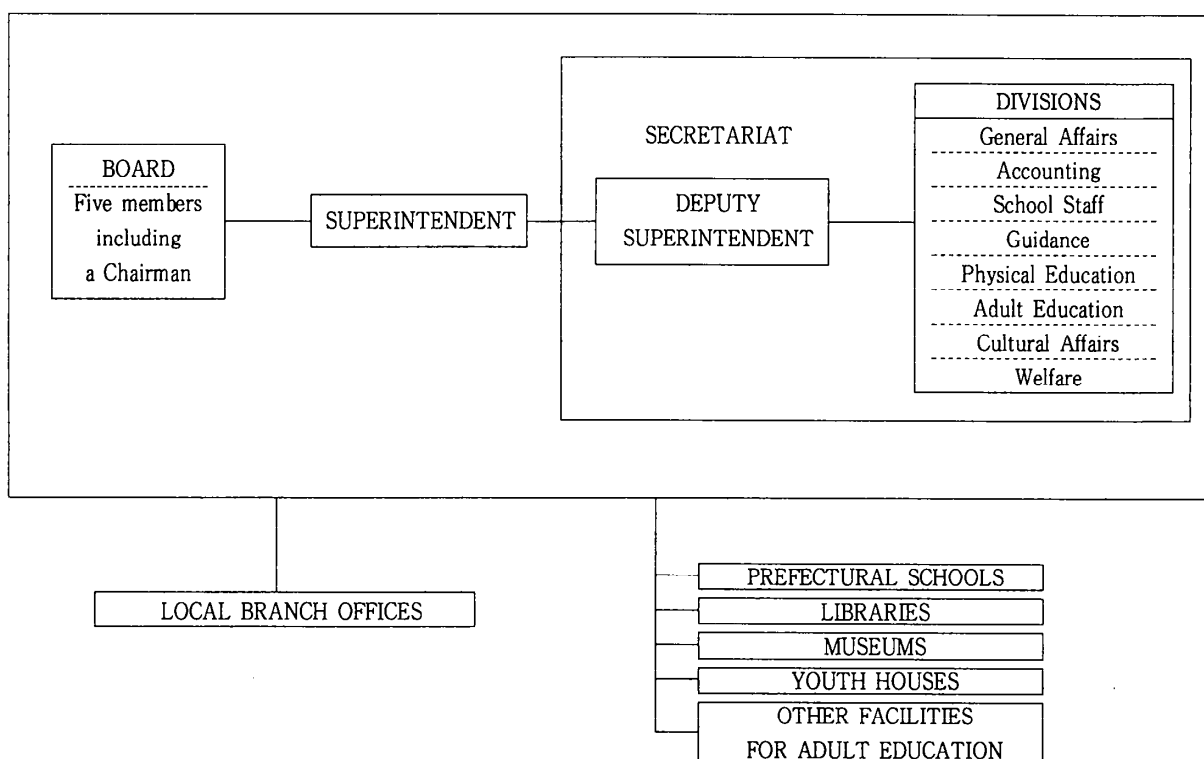
The task assigned to the board made up of lay members of the community is to reach an adequate and balanced judgement taking a higher and broader view. Meanwhile, the task of overall management of everyday matters concerned with local education is carried out by the Superintendent in a full-time position who is a specialist in educational administration. The prefectural board of education appoints a Superintendent with the approval of the Ministry of Education, and the municipal one does so with the approval of the prefectural board of education. The system of seeking approval aims particularly at having the position filled by a capable person and also at keeping close interaction between the central, prefectural and municipal authorities. In addition, the Superintendent of the municipal board of education is appointed from among the members sitting on the board in order to simplify the machinery of the board.

The Superintendent has the triple role of a) administering all the matters on which the board has made decisions, as an auxiliary organ of the board under its supervision, b) attending all the board meetings and offering expert advice on the question at issue and c) presiding over the Secretariat and supervising the staff. His position is unique in the assumption that weaknesses of the system of 'lay control' by board members, who are representatives of the community, should be compensated for by his professional leadership. In actual fact, however, the position is not necessarily held by a specialist, but frequently by an ordinary official in prefectures and metropolises and by a retired school principal in small cities or municipalities.

As regards the Secretariat for which varied staff are working, the internal structure is prescribed by the 'Regulations of the Education Board' and the number of staff members by the bylaws of individual local governments. Figure 6 illustrates the structure of a prefectural board of education. There are a number of departments or divisions within the Secretariat, and furthermore a local branch or dispatched office in each divided region within the prefecture.

The Secretariat, especially in the case of a municipal board, varies considerably in its structure and in the number of staff members and of educational institutions under its jurisdiction. It is supposed to be staffed by Supervisors (specialists who provide expertise in school education) and Adult Education Officers (specialists who furnish professional and technical advice about adult education). Nevertheless, most small-sized towns and villages dispense with Supervisors (Table 3), and depend for assistance upon the person in the same position at the branch office within the prefecture.

Figure 6 An Example of a Prefectural Education Board



Note: The average size of a prefectural education board comprised 384 staff members in its secretariat in 1987, including specialists in school or adult education, clerical staff and technical staff.

Table 3 Staffing of Municipal Education Boards, 1986

Population (in thousand)	Number of Boards	Number of Staff Members per Board	Percentages of Boards Staffed with Full-time Specialists	
			School Education	Adult Education
500—	26	190.0	100.0	92.3
300—500	45	99.8	95.6	86.7
100—300	152	56.8	99.3	85.5
50—100	229	29.9	81.7	86.0
30— 50	258	19.3	63.6	89.9
15— 30	545	11.6	25.5	88.8
8— 15	835	7.8	12.9	88.9
5— 8	609	6.3	7.6	88.0
less than 5	536	4.6	7.6	82.5
Total*	3,440	14.4	26.6	83.1

*Total includes those in Municipal Affairs Associations (See Table 2).

Source: Ministry of Education, *Report on the Survey of Local Educational Administration, as of May 1986*.

Chapter III Functions of Education Authorities

1 . Triple Effects of Educational Governance

With respect to education, the central and local governments discharge the triple functions of controlling educational, academic and cultural activities, promoting and subsidising such activities, and providing educational services. Educational governance by the central authority caters for the people throughout the country and that by the local authority for the inhabitants in a defined local area.

These people or inhabitants embrace not only natural persons but also legal persons. At the present time, every natural person is a person in law, and, in addition, the law also recognises groups of persons or individuals organised in a particular manner as having a legal personality, such groups being known as corporations. Prefectures, municipalities and special corporations come under the heading of public corporation, while school corporations, semi-school corporations and foundation corporations under that of private corporation.

In the first place, the government controls educational activities by means of imposing some duties on the people or putting a restraint on their activities. That power derives from sovereignty residing in the people and is vested only in public executive organs such as central and local governments. However, they are not allowed to exercise any control over educational activities without the authority of the law, because the acts of control result in infringing the freedom of action of people or in compelling obedience.

In the second place, the government supports local authorities or private individuals with guidance, advice and assistance, or subsidies, for the purpose of promoting their educational activities. On the other hand, since not only the government but also private individuals are authorised to promote such activities, some foundations in the private sector have already participated in funding education, but their contributions still remain minimal. The act of promotion does not necessarily require the authority of the law, because it does not hamper the freedom of the people.

However, any guidance, advice, or assistance not given in response to a request could be interpreted as uncalled-for interference, and subsidisation by the public sector entails expenses for the government, which in turn become a charge on the tax-payer. Therefore, a legal basis is formed to cover some cases of promotion by the government. Nevertheless, the way of prescribing the scope of the government's competence for promotion can be general and comprehensive, and does not have to be so concrete or specific as that for control.

At the same time, the government also establishes and maintains adult education facilities as well as public schools and universities, organises lecture programmes and exhibitions, collects

and preserves properties or literature of cultural value, and compiles and circulates statistics and publications. Since, basically, a private individual as well as a public executive organ has the right to participate in conducting educational services, the government provides educational services in the same position or capacity as school corporations in the private sector, rather than with the intention of exercising executive power.

The central and local governments carry out various public services, including education, for the welfare of the people or the local inhabitants, and this does not require any legal base. Nevertheless, their service entails levying a tax burden on the people, or may possibly threaten to affect the development of private enterprises. Therefore, the law tends to specify the nature, purpose and process of government enterprises and, in actual fact, the apportionment of the budget and of the number of staff members consequently determines the size and the extent of the public service.

The purpose of educational governance is not only to develop educational, academic and cultural activities and to improve the intellectual standards of the people, but also to encourage the discovery of new knowledge. In this sense, the government should refrain from putting unreasonable restrictions on educational activities by the people, but should aim at promoting or providing educational services in those areas where a shortage of educational opportunity is found, from the public point of view. Thus, unlike many other fields of public administration, education authorities have been given priority to promotion and service over control in education.

The primary role of the government in the education system is to establish and maintain research institutes and adult education facilities as well as national and local public schools and universities. Especially at local government level, educational budget and staff are largely devoted to educational services. On the other hand, although most of the staff coming under the jurisdiction of the Ministry of Education work for national public universities, the greatest share of the budget for the Ministry is spent on subsidising educational services conducted by local governments or the private sector.

2. Control Functions

The Agency for Cultural Affairs, an external organ of the Ministry of Education, has a considerable number of matters to control, because it handles affairs of preserving cultural properties and protecting copyright. In contrast, there are only a few matters for the Ministry to control in the area of research and adult education, and there is no control over religion. In terms of the extent of control, school education lies between the area of culture preservation and that of research and religion. The control over school education is in order to safeguard

the rights of users, or pupils and students and, at the same time, to maintain national and local educational standards.

Despite the fact that Japan has promoted decentralisation within the framework of the guarantee of local autonomy given by Constitution throughout the postwar period, the idea still prevails that it is the central government that plays the primary role in controlling the education system. In actual fact, however, the main responsibilities to be exercised directly by the Minister extend only to such matters as laying down various criteria for school education and supervising higher education institutions, and the task of managing primary and secondary education and adult education, except for the authorisation of school textbooks, is entrusted to local education authorities. Accordingly, prefectural boards of education, governors and municipal boards of education are respectively responsible for exercising control over matters affecting local public schools, private schools and attendance at compulsory schools.

This means that they are empowered by law to act as a national or central organ. The prefectural boards of education are also given an authority to fix or co-ordinate recruitment areas for municipal upper secondary schools as well as for prefectural schools. There are almost no other matters to add as regards the control by local governments over education, although they are entitled to control the system under their bylaws or regulations as far as their acts are within the law. Specifically, the education authorities carry out the following acts in discharging their function of controlling the education system.

Establishment of criteria

The Minister of Education has laid down criteria for the establishment of universities, junior colleges, colleges of technology, kindergartens, special training schools and miscellaneous schools. No criteria are prescribed for primary or lower secondary schools. That is because these levels of education are compulsory and so most of these schools are in the public sector. The law provides for a standard class size and for the number of staff members in public schools instead of criteria of establishment. In addition, statistics proves that private primary and secondary schools enjoy better learning and teaching conditions than their public counterparts. Accordingly, there is no urgent demand to lay down criteria for them.

The Ministry also sets out requirements for exemption from compulsory education and for admission to and graduation from post-compulsory education institutions, and issues "Enforcement Regulations for the School Education Law" and "Official Courses of Study" which furnish the bases for curricula at primary and secondary school level. Furthermore, it is also within its competence to prescribe qualifications for principals and vice-principals.

For its part, a prefectural board of education is authorised to prescribe under its regulations

matters to do with the organisation of schools, curricula and teaching materials at municipal schools, or fundamental matters regarding the management of municipal community centres and other educational facilities within the prefecture.

Chartering

The Minister of Education is empowered to grant permits for establishing or abolishing a local public and private higher education institution, for altering the maintaining body and the student quota of private institutions, and moreover, for establishing a corporation to conduct educational, academic or cultural activities.

The prefectural chief executive has competence to permit the establishment or abolition of a private educational institution excluding at higher education level, and the prefectural board of education has competence to permit the establishment of a municipal upper secondary school, special school for the handicapped or kindergarten and, in addition, to admit class organisation at compulsory school level.

Order for closure

The Minister of Education is empowered to give orders for a local public or a private higher education institutions which has violated the law to be closed, and in respect of such a local public institution of higher education, for its accommodation and curricula or timetable to be changed. The chief executive of a prefecture is empowered to give orders for a private primary or secondary school which has violated the law to be closed, and the prefectural board of education for the accommodation and the curricula or timetable at a municipal school which has violated the law to be changed. Furthermore, the prefectural board of education has competence to order a private community centre which has ignored a prohibition to suspend its acts or activities.

Enforcement of attendance

The municipal board of education is authorised to compel guardians (usually parents) of school-age children to perform their duty to send their children to school and, at the same time, to exempt from such a duty those parents whose children are considered to be unable to attend, or to allow them to postpone this duty. On the other hand, in the case of parents whose children indulge in delinquent behaviour and are apt to disturb other pupils or students, the board can order them to have their children stay away from school.

Qualifications for teaching

The prefectural boards of education grant teacher certificates to those who have participated

in teacher training programmes offered by universities and colleges, and also disqualify teachers for their positions when they have committed great misconduct or infringed the law intentionally. The boards of education also conduct certificate examination for teachers, catering for those who have not participated in such programmes.

When the Minister of Education regards a disposition made by the board as illegal, it orders the board to rectify its disposition. If it disobeys the order, the Minister brings the case to court and if the board does not subsequently respect the judgement, the Minister is entitled to rectify the disposition in place of the board.

Authorisation of school textbooks

The Minister examines textbooks for school use and gives directions for authorised ones to be published.

Direction to agency

Only under the direction of the Minister are local chief executives or education boards able to handle educational affairs which they have undertaken as an agency of the central government. The affairs undertaken by a municipal chief executive or education board as an agency of the central or prefectural government must be handled under the direction of the prefectural chief executive and board of education.

Approval of appointment of the superintendent

As mentioned briefly in the previous chapter, an education board of a prefecture or a designated metropolis is required to seek the approval of the Ministry before it appoints the superintendent. Without the approval of the prefectural board of education, the municipal board of education is unable to appoint its superintendent.

3 . Promotion and Subsidisation Functions

For their part, education authorities provide guidance, advice and assistance for educational activities and grant subsidies towards educational expenses. Besides, acts tending to involve compulsion such as a recommendation or a request for rectification, an investigation or a request for a report also fall within the category of promotion functions.

Guidance, Advice and Assistance

The Minister furnishes local governments, local boards of education and prefectural chief executives with necessary guidance, advice and assistance, while the prefectural board of

education does this for municipalities and municipal boards of education. The Minister also gives guidance, advice and assistance to universities, colleges of technology and research institutes and educational, academic or cultural facilities under the Ministry's jurisdiction.

Recommendation and request for rectification

The Minister has the power to submit necessary recommendations to local governments, local boards of education and prefectural chief executives, while the prefectural board of education does this to municipal boards of education. The Minister is also empowered to request a local chief executive or education board to rectify or improve any matters concerning their administration of educational affairs which are regarded as illegal or so inadequate as to challenge the underlying principle of education. Basically, the power to make such a request to a municipal chief executive or education board is left in the hands of the prefectural board of education.

Subsidisation

The central government subsidises local governments in respect of their expenses for educational activities. Especially, it falls within the responsibility of the central government to provide partial funding for compulsory education administered by local governments. All pupils attending compulsory education, whether in the national or local public, or private sector, are supplied with textbooks free of charge by the central government.

The prefectural government bears the cost of personnel expenses for municipal compulsory education schools and part-time evening courses at upper secondary school level. It also covers schooling expenses for the disabled or the handicapped attending special schools in either the public or private sector. For its part, the municipal government supplies guardians or parents of school-age children, in cases where monetary problems would otherwise deprive the children of educational opportunities, with the expenses entailed by their participation in compulsory education.

Most of the educational grants given by the central government are provided through special public corporations; these are quasi-governmental organisations established by special laws as instruments for activities required by the state. Although they are under the close supervision of the government, they are granted autonomy and flexibility in management for the purpose of performing their tasks efficiently. For example, grants towards current expenses given to private higher education institutions, as they are within the jurisdiction of the Minister of Education, pass through the hands of the Japan Private School Promotion Foundation, scholarship grants or loans to students or pupils through the hands of the Japan Scholarship Foundation, and research funds for Japanese or overseas scholars through the

hands of the Japan Society for the Promotion of Science.

In addition, private primary and secondary schools and kindergartens, which are within the jurisdiction of the chief executive of their prefecture, receive government grants from their respective chief executives.

Investigation and request for a report

The Minister of Education and the prefectural board of education are empowered to request a prefectural chief executive or education board and a municipal chief executive or education board, respectively, to present necessary data or a report. The Minister is also empowered to conduct investigations regarding educational affairs of which a local chief executive or education board is in charge. As regards matters within the competence of a municipal chief executive or education board, a prefectural board of education can substitute for the Minister.

Recommendations demand serious consideration by the chief executive or the board, and any of their acts which are in violation of laws and regulations must be rectified or improved at the request of the Minister. In the case of an investigation, the local chief executive or education board is required to co-operate with the Minister, and to present data or a report at the Minister's request. In this sense, such acts carried out by the Minister have the nature of a command and differ from acts of guidance, advice, assistance and subsidisation which naturally fall within the category of promotion functions.

However, acts consisting of a recommendation or a request for rectification are entirely different from chartering, direction or supervision which fall into the category of control functions and which might possibly end in nullification or substitution by the Minister. Investigations and requests for a report aim at giving rational guidance, sensible advice or effective assistance based on objective data and are not so dictatorial as inspection by the local auditors or censorship of official documents by the local assembly. Therefore, they are considered to fall between control and promotion. In actual fact, the Minister or the prefectural board of education rarely carries out these types of acts in the context of educational governance.

It might be safe to regard as natural that most of the promotion and subsidisation by education authorities is concerned with school education, firstly because this accounts for an overwhelming part of the educational activities carried out by local public governments and the private sector, and secondly because, especially at compulsory education level, school education must remain uniform in terms of educational standards throughout the country. On the other hand, there is little opportunity for education authorities to exercise their functions of promotion or control over adult education or cultural activities carried out in

people's spare time. This is partly due to the idea that the considerable significance of such activities lies in self-management by learners.

In addition, academic research activities are conducted mainly by universities and research institutions in the national public sector, and accordingly subsidies to the local public and private sectors by the Ministry do not account for a large share. Annual grants in aid of scientific research given individually to scholars by the Ministry should also be mentioned.

As regards religion, the Constitution provides in Article 89 that no public money shall be expended for the use, benefit or maintenance of any religious institution or association in accordance with the principle of the separation of religion and the state and therefore the government does not promote any religious activities at all. However, some specialists hold the view that the tax-exempt status of which religious corporations are assured is equivalent to the position of bodies granted subsidies by the government.

4. Service Functions

Besides control and promotion, central and local governments provide diverse educational services for the people. Their most important role is to establish and maintain educational institutions and cultural facilities. Institutions for formal education include kindergartens, schools, colleges and universities and, in addition, research institutes or hospitals affiliated to universities, while facilities for non-formal education include libraries, museums, gymnasiums, public community centres, youth houses, cultural centres for children, children's nature centers, and women's education centres. Furthermore, the government also maintains facilities for academic research. The task of maintaining these facilities is shared by the central, prefectural and municipal governments and the private school corporations. The sectors which play the major role vary with the type of institution or the level of education (Figure 7).

The educational opportunities offered by the government range over not only regular activities but also occasional ones. The Ministry organises lecture programmes, open seminars, exhibitions and sports competitions, and also compiles and circulates literature, documents, statistics and catalogues on education, science and culture. It is of course prohibited for central or local governments to undertake any educational activities relevant to a specific religion.

Basically, the government is allowed to administer any educational service as long as it balances the budget without the authority of law. Nevertheless, the law regulates the criteria for accommodation and the rules for operation in respect of schools and universities and some kinds of facilities for adult education such as libraries, museums and public community centres. However, no legal regulation is established for other kinds of facilities such as youth centres, children's nature centres and gymnasiums. The government is also allowed to use

Figure 7 Share of Educational Establishments under the Jurisdiction of Each Level of Government

Type of Establishment	National	Prefec- tural	Municipal	School Corporation
Kindergartens	—	—	○	◎
Primary and Lower Secondary Schools	—	—	◎	—
Upper Secondary Schools	—	◎	△	○
Special Schools for the Handicapped	—	◎	○	—
Colleges of Technology	◎	—	—	—
Junior Colleges	△	△	—	◎
Universities	○	△	—	◎
Facilities for Adult Education	—	○	◎	—
Research Institutes	◎	—	—	—

◎ More than half

△ More than 5 per cent

○ More than 20 per cent

— Minimal or none

its own discretion in holding lecture programmes or other cultural events or compiling and circulating literature on education.

Education services at the national level

The central government has been giving priority to higher education and academic research over secondary or primary education in providing educational services. The students attending higher education institutions form the greatest part of the total enrolment in the national public sector, and most of them are university students (Table 4). Also in the national public sector, the majority of junior colleges and special training and miscellaneous schools are annexed to universities, and all of the kindergartens and primary, lower secondary and upper secondary schools in this sector are affiliated to universities as experimental institutions. Another distinctive characteristic of the national public sector is that it has a considerable number of colleges of technology.

As regards facilities for research, the Ministry of Education has 67 research institutes affiliated to specific universities and 16 institutes for joint use by the national public universities. Among these 16 facilities, some are named institutes, some are museums and the others are centres. In addition, there are a considerable number of small-sized facilities or centres for research. Moreover, there are five research institutes under the direct jurisdiction of the Ministry or

the Agency for Cultural Affairs. Furthermore, the Ministry maintains the Japanese National Commission for Unesco and the Japan Academy and the Agency maintains the Japan Arts Academy.

In respect of facilities for adult education in the national public sector, the number of Youth Houses amounts to 13 and the number of Children's Nature Centres amounts to 11; moreover, the Ministry has established a National Olympic Memorial Youth Centre and a National Women's Education Centre.

Table 4 Number of Institutions and Full-time Staff Members and Enrolment in the Public Sectors by Type of Institution, May 1987

Type of Institution	National Public Sector				Local Public Sector			
	Institutions	Enrolment	Teaching Staff	Non-teaching Staff	Institutions	Enrolment	Teaching Staff	Non-teaching Staff
Kindergartens	48	6,600	274	66	6,263	470,454	25,608	3,066
Primary Schools	73	47,541	1,777	574	24,692	10,118,229	444,384	107,810
Lower Secondary Schools	78	37,067	1,683	309	10,555	5,855,407	281,672	40,037
Upper Secondary Schools	17	10,328	629	195	4,191	3,856,451	212,569	49,930
Special Schools	45	3,704	1,321	305	862	91,442	39,525	14,763
Colleges of Technology	54	42,543	3,310	3,326	4	4,160	342	165
Junior Colleges	38	18,933	1,227	460	53	21,167	1,896	925
Universities	95	477,250	52,100	62,534	37	57,358	6,199	9,933
Special Training Schools	173	18,119	764	729	179	26,023	1,775	755
Miscellaneous Schools	7	145	14	2	97	8,532	534	216
Total	628	662,230	63,099	68,500	46,933	20,509,223	1,014,504	227,600

Source: Ministry of Education, *Statistical Abstract of Education, Science and Culture, 1988 edition*.

At the same time, the Ministry and Agency have been making serious efforts to collect and circulate literature or information regarding education, science and culture. They organise lecture programmes or open seminars, and exhibitions on their own initiative or with the collaboration of universities or other educational institutions or research institutes. The Agency also preserves properties of cultural value and occasionally holds art festivals.

Education services at the local level

The local education authorities do far more than the central education authority in conducting educational services. Especially, in the areas of primary, secondary, and pre-primary education and in that of adult education, the former provides almost all the educational opportunities. However, a prefecture, an entity of the larger community unit and a municipality, an entity of the basic community unit, are different in nature. Municipalities in particular vary greatly in size, and their educational services are therefore multifarious in terms of the process and content. Roughly speaking, the prefecture gives priority to upper secondary education and special education for the disabled and the handicapped, while the municipality gives priority to pre-primary education and adult education (Table 5).

Table 5 Numbers of Educational Institutions Maintained by Prefectures and Municipalities, 1987

Type of Institution	Prefectural	Municipal
Kindergartens	21	6,242
Primary Schools	0	24,692
Lower Secondary Schools	0	10,555
Upper Secondary Schools	3,912	279
Special Schools for the Handicapped	737	125
Colleges of Technology	3	1
Junior Colleges	40	13
Universities	26	11

Source: Ministry of Education, *Basic School Survey*, 1987.

Association for Education and Culture, *List of Colleges of Technology and Junior Colleges in Japan*, 1987.

Association for Education and Culture, *List of Universities in Japan*, 1987.

In other words, prefectural governments are undertaking the greatest share of upper secondary and special education services and some of them maintain universities and junior colleges, while municipal governments have primary and lower secondary schools and kindergartens within their jurisdiction and a few of them maintain upper secondary schools. Nevertheless, it is not the latter but the former which has the virtual initiative in managing educational activities at primary and lower secondary schools, because it bears most of the personnel

expenses and so is empowered to treat a wide scope of matters ranging from personnel matters to curricula in those schools.

On the other hand, the municipal government plays a leading part in providing adult education. It maintains the majority of the facilities for adult education, and in particular no other level of government maintains public community centres. However, the prefecture is also active in conducting adult education services for the broader community. The prefectural museums and art galleries are smaller in number than municipal ones but generally exceed their municipal counterparts in size, and engage in fruitful activities. Moreover, both prefectural and municipal governments are making sincere efforts to preserve cultural properties.

日本の教育行政

市川昭午*

(1) 教育行政の基本原則

教育行政は家庭教育などインフォーマルな教育活動、及び他の行政が所管する教育事業を除く、あらゆる教育活動と教育事業を対象とする。日本の教育行政の基本的な目標ないし原理は、1947年に制定された憲法及び教育基本法に規定されているが、①自主性の尊重、②民主性の貫徹、③公共性の確保、の三つに大別することができる。

まず、教育の自主性尊重の姿勢は、教育事業の自由及び教育機関の自律性の容認に端的に示されている。また、民主的教育行政は教育機会均等化の目標と、教育行政の民衆統制という手段によって確保される。さらに、教育は本来なるべく自由に行われるべきものであるが、同時に公共的利益を守る必要から一定の制約を受けることは免れない。それは教育事業が一定の水準を保ち、教育活動が政治的・宗教的中立性を維持することであり、これは国民の教育を受ける権利を損なわないためにも必要である。

(2) 教育行政の組織

教育行政の組織は国の教育行政機関と地方の教育行政機関とに大別される。前者は内閣及び内閣総理大臣並びに文部大臣及び文部省であり、後者は地方公共団体の長及び教育委員会である。それぞれの教育行政機関はその機能によって、教育行政事務を管理執行する執行機関、執行機関の管理執行を補助する補助機関、執行機関の諮問に応じる諮問機関の三つに分けられる。

このほかに、予算、人事、組織、会計監査等については、各行政分野を通じた統一的な基準が必要とされたり、第三者的な公平が期せられることから、教育行政機関以外の行政機関が関与してくる場合がある。

国の行政権がことごとく内閣に帰属するのとは違って、地方公共団体の執行機関については多元主義がとられており、各地方団体の長のほかに、幾つかの独立の執行機関が設けられている。

(3) 教育行政の機能

国及び地方公共団体の教育行政に関する機能は、規制及び助成、並びに教育事業の実施の三種類に分けられる。このうち、規制は教育活動に関する秩序維持のため、国民ないしは住民に対して一定の義務を課したり、その行為に制約を加えたりする行為である。これに対し、助成は地方公共団体や私人の教育活動を奨励し、援助するために、指導・助言・援助や経費の補助をする行為である。他方、教育事業の実施は、国公立の学校や社会教育施設を設置してその経営に当たったり、教育関係の講演会や展示会を開催、あるいは資料の収集や出版物の作成頒布を行うといった行為である。

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教育行政は教育・学術・文化の諸活動を活発にし、国民の知的文化的水準を高めると共に、新しい知見の開発に努めることを目的とする。従って、国民が自由に活動できるよう、これに規制を加えることはできるだけ控え、公共的観点からみて不足する点を助成及び事業によって補うことが期待される。そのため、教育行政では規制よりも助成や事業が重視されるし、他の行政分野と比べて規制が少なく、助成や事業が中心となっている。

現に教育行政の圧倒的大部分を占めているのは、国公立学校を初め、研究所や社会教育、文化、諸施設の設置と管理運営である。特に地方公共団体の教育行政では所管の予算と職員の殆どが教育事業に向けられている。国の場合も文部省所管人員の殆どは国立学校の教職員であるが、所管予算はその圧倒的大部分が地方公共団体や私立学校等に対する補助金で占められており、助成を重要な機能としている。