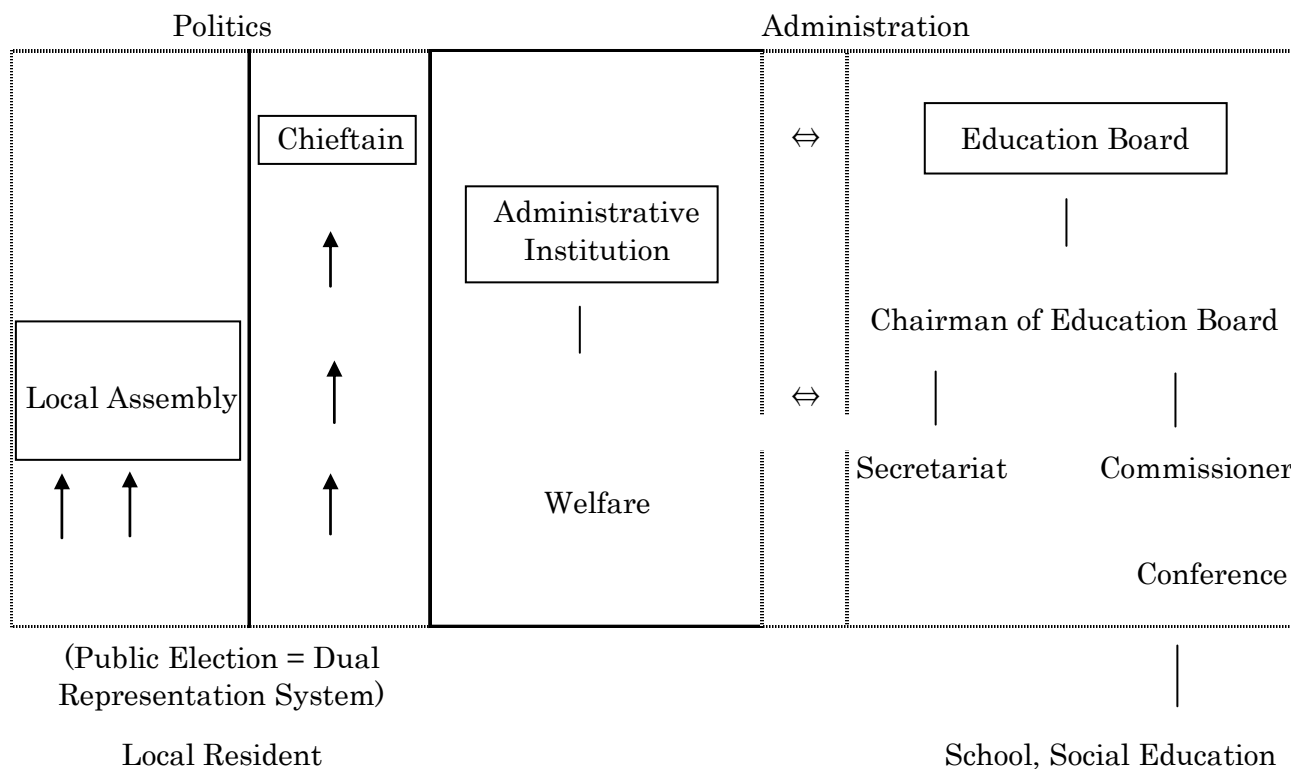


# Structure/Characteristics of Autonomous Bodies' Educational Administration and Finance System, and Debate on Reform

---- With Focus on Education Board System ----

## 1. Form of Autonomous Government and Education Board System in Japan



- (1) Political configuration of an autonomous body = Chieftain and assembly elected by direct votes of local residents (the dual representation system)
- (2) Administrative operation of an autonomous body by the chieftain and assembly in a check and a balance
- (3) Chieftain appoints a member of education board (commissioner) as an administrative committee, and is required to obtain an approval of the assembly.
- (4) Chairman of the education board is supposedly elected by the board of education on legal basis, but in actuality, the chieftain preliminarily elects a commissioner who concurrently serves the chairmanship of the board. (The chairman of the education board also holds the post of commissioner. Before the decentralization reform, the chairmanship of the education board in prefectures and government ordinance cities was a full-time job, and was appointed directly by their chieftain, requiring no approval of their assembly. In the education boards in municipalities, though, the chairman has traditionally been holding the concurrent post of commissioner.)

## 2. Raison D'etre and History of Education Board System

### (1) Significance of Installation of Education Board as Administrative Commission

Administrative Commission = an administrative body possessed of specified authority on

a given purpose, holding strong independence, and operated in a collegial system

- Cabinet's control: National Personnel Authority
- Extra-ministerial agencies: 7 bodies, such as Japan Fair Trade Commission, Central Labor Relations Commission, National Bar Administration Commission, etc.
- Local governments: election board, personnel commission, labor relations board, education board, etc.

[Reasons for Installation of Administrative Commissions and Their Classification]

- ① Areas where politically neutral and fair administrations are requested
- ② Areas where specialized and technical knowledge and skills are necessary
- ③ Areas where the attendance of interests' representation is needed to conciliate opposing interests

Examples include Election Board for the case of ① in the above, National Bar Administration Commission for ②, and Labor Relations Board for ③. It is said that the reasons for having installed the education board as one of local administrative commissions were ① and ②.

Another way of categorization is:

- ① Organs for residential participation (education board, public safety commission, etc.)
- ② Specialized and technical organs (election board, personnel commission, education board, etc.)
- ③ Organs for settling interests (labor relations board, agricultural committee, etc.)
- ④ Quasi-judicial organs (personnel commission, etc.)

(Shindo, Hyo, "Chieftain System of Autonomy", *Course: Administration Law*, Book 2: System and Structure: Yukaidou)

\*Reason for an autonomous body to place its particular importance on the function of an administrative commission = to secure an administrative pluralism for itself.

Why? ⇒

- ① Compared to State, peculiarities of local politics and administration include the chieftain and staff selection systems by public election and single-handed appointment, respectively. While final decisions in administrative departments and agencies are made in Cabinet run in a council system at the State level, they are concentrated in local government on the chieftain who, with a strong authority and intention on policymaking and personnel, can consolidate policies more easily than Cabinet. (The chieftain of an autonomous body is nearly as powerful as in a presidential system.)

Such suction power of the chieftain becomes further amplified by a mechanism of staff appointment in the autonomous body.

As commonly known, staff members of central governments after passing the examination by National Personnel Authority get listed as candidates to be screened for hire by each ministry/agency's appointing power of their exclusive prerogative. Those employed in each ministry/agency stay there, or in the affiliated organs, for the rest of their tenure, with the exception of those who move to other ministerial offices on a temporary basis. Thus their sense of identity goes to the inside of their belonging ministry/agency.

On the other hand, staffs of a local autonomous body are collectively hired by the chieftain's departments and agencies as rank and file of the relevant autonomous body, and are transferred to various departments later on. In terms of advancements and promotions, while the level of examinations passed at the time of hire determines subsequent career paths for State's staff, ones in local autonomies are more open since their comprehensive evaluation comes after hire. Accordingly, their sense of belonging

gets directed to the autonomous body and chieftain's departments/agencies, rather than to each job section on which staffs of central governments focus.

## ② Comparison to Education Administration Systems in Europe and USA

### 1) USA

Special administrative district, being different from a general administrative district to deal general administration, has been established only to handle the school education, namely a school district. To make education policies and to operate education administrations for a pertinent school district, the board of education system has been installed that is elected by public vote of residents, thus can be named an education assembly. The board of education retains the authority to impose an education tax so as to pay out a necessary education budget by itself.

### 2) Europe as in England

Policymaking and administrative execution are managed by a local assembly publicly elected by residents, which is different from the chieftain system in Japan. Under the assembly are commissions such as an education board, and their staffs are employed by the assembly (legislative officers) to implement education administrations.

Japan's chieftain and staff selection systems by public election and single-handed appointment provide the chieftain and his departments/agencies with a strong unifying power relative to the policymaking authority and staff personnel affairs. In view of the structure and characteristics of the Japanese autonomous government's configuration, the administrative commissions have significant *raison d'être* in due consideration of political neutrality and pluralist democratic nature in policymaking.

## **(2) Philosophy of Education Administration Reform after the War and the Education Board System**

### ① Characteristic of Education Administration System before the War

Framework of Interior Ministry being tied with prefectures: Among central ministries and agencies was Interior Ministry which could be named a panoptic public agency serving as an overall coordination organ. The framework was uniquely characterized for the Ministry to synthetically execute local affairs through governors, being bureaucrats under the Interior Minister's personnel authority, without individual branches in local regions.

Some commented; "Only Interior Ministry was a public agency with hands and feet. Other ministries could not execute their local affairs unless they borrowed that ministry's hands and feet." This pre-war scheme taken as a framework of Interior Ministry-tied-in-with-prefectures was a system where a kind of inclusive coordination-type of administration was superior throughout the central and local governments. (There was an antagonism between Interior Ministry assuming overall administrations and other ministries/agencies responsible for such individual and specialized administrations as education and welfare, etc., since the pre-war period.)

### ② Post-War Education Administration Reform and Establishment of the Education Board System

- Post-war reform brought down the above-mentioned Interior Ministry/prefectures framework and let go of the antagonism related to such framework. The breakdown

of the Interior Ministry/prefectures framework was realized through the closedown of Interior Ministry (1947), publicly elected governors, and complete autonomy of local governments.

In the area of education administration, under the guidance of American occupation forces, with the influence of the publicly elected board of education system in U.S., the education board system in the form of an administrative commission was established as means to ensure decentralization and democratization of education administration.

On the other hand, it is certain that this system became a promoting base for a functional centralization of education administrations as individual and specialized organizations regarding education administrations came to be installed in local administrative institutions, fostering a route of “from Education Ministry down to education boards”.

⇒

- Local autonomy of education (administration): control over education (administration) by local residents
  - Independence of education administrations from general administrations (criticism and reflection on the pre-war education administrations being subordinated by general administrations)
- The publicly-elected education board system was established as a symbolic scheme of such post-war reforms of the education administration reform.

● Establishment of Publicly-Elected Education Board (Education Board Act [literal translation], issued in 1948)

- Direct reflection of public opinion to education administrations
  - Elect education councilors by the direct vote
- To guarantee to certain degree the financial administrative authority of the education board
  - To provide the power to submit education budget proposals, etc.
- To operate education administrations in a check and a balance between the amateurish education commissioners and the chairman of the education board being an “expert” of education administrations (a system of license or qualification considered in the earlier period)

Meanwhile in the 1950s the correction of the “occupation forces” policies, intensifying political conflicts in education administrations in the background of Cold-War structure (so called Education Ministry versus Japan Teachers’ Union), etc. paved a way for the ruling party and Education Ministry to point out negative effects of the publicly-elected education board system.

Points Noted to be Harmful about the Publicly-Elected Education Board System

- • “Politicized” election of education commissioners: to threaten a political neutrality of education (administrations)
  - Antagonism between the chieftain and education commissioners (commissioners’ elections utilized for a preparation of elections for the chieftain and the assembly)
  - Local administration turning binary and ternary (confrontations over education administration measures between the chieftain and the assembly, ones in the education board, ones over an education budget, etc.)

In 1956, Education Board Act (public election system) was abolished, and “Low Concerning Organization and Operation of Local Education Administration” (abbr. Local Education Admin. Law) was established.

- • To abolish the public election system for the education commissioners, who were to be appointed by the chieftain and approved in the assembly
- To abolish the education board's power to submit education budget proposals
- To establish various involvements of Education Ministry in the education board (the power to request measures, guidance and advice, appointment and approval of the chairman of education board, etc.)
  - ( • An intention to license/qualify the board's chairmanship was abandoned by both Education Ministry and Japan Teachers' Union)

The current education board system is a scheme on the premise of Local Education Admin. Law of 1956. (New Local Education Admin. Law was enacted in April, 2000, after partial amendments based on "Devolution of Power Law", and various involvements of Education Ministry stated in the above were eliminated.)

### 3. Actual Situation and Evaluation of the Education Board System

#### —Regarding Merits and Demerits of the Education Board System as an Administrative Commission —

##### (1) Debate on Current System of Appointment-Based Education Board

Concerns and criticism continue to persist regarding the status quo and roles of the education board system.

\*Merits and demerits are sort of two sides of the same coin, and which side one gets interested in and places one's importance on is up to situations surrounding that system and differences in one's recognizability of issues.

##### ① Points Considered as Merits

- 1) An institution of a collegial system by the education board's commissioners who are elected by diversified layers of residents, leaving a little distance from a political ground and strategy of the chieftain to possess the single-handed appointment authority, is better qualified to ensure neutral/fair education administrations.
- 2) It presents problems, from the standpoint of securing stable education administrations, that measures and operations of education administrations largely alter every time the chieftain changes. Under the education board, mid-and-long term education administrations and stable operations of education administrations can be ensured.
- 3) From the viewpoint of the participatory democracy and resident self-governance, it is more desirable that policymaking and administrative operations become as pluralistic as reasonably achievable, compared to the one-dimensional process under a strong jurisdiction of the chieftain.

\*Many raise strong concerns about status quo of the education board even from the ground that stresses merits:

- • Commissionership of the education board turning to an honorary post
  - = Motivation is low in digging up education problems and residents' voices in the region, and taking up these as political issues, and the capability is poor in policy planning, as the representative of residents.
- Education board conferences remaining ritual, just to approve proposals of the board's chairman/secretariat. (Substantial discussions being impossible with a conferring frequency of once or twice a month and a timeframe of a few hours)

##### ② Points Considered as Demerits

- 1) With conferencing frequency of 1-2 times a month, the education commissioners, now in shoes of an honorary post, cannot perform the normally expected roles to reflect residents' intentions and to plan education policies for the region.
- 2) Again, with conferring frequency of 1-2 times a month, coupled with an extra requirement, not applicable to other chieftain departments/agencies, that the procedure for a final decision has to be approved by the education board, paperwork and administrative executions relative to educational affairs cannot be realized promptly as compared to ones of other chieftain departments/agencies. (But having already gone through the education board, a proposal is likely to pass the assembly more easily.)
- 3) Although the education board does not have a strong independent authority or expertise for an administrative commission, it is relatively independent of the chieftain (departments/agencies). Thus, the board has a tendency to importantly value a vertical relationship with MEXT and prefectures, and virtually secures a vertical system, i.e. a centralized operation, of education administration. (It values intentions of higher education administration organs more importantly than reflecting consciousness of residents.)

#### **4. Abolition Theory and Reform Theory for the Education Board System**

##### **(1) Theory to Abolish the Education Board System**

- ① The education board system supplements a closed operation of education administrations run by the education-related organs/people by leaning heavily on expertise in the education (administration) in a structure of MEXT-to-prefectures-to-municipalities. → Now it is a fringe organ of MEXT rather than one to undertake education policies and administrative operations for autonomous bodies and regions.
- ② Inasmuch as the chieftain elected by direct votes of residents possesses the legitimacy in the regional representation system, this office should directly assume education policies and administrations following intentions of regional residents.

##### **(2) Measures to Reform Current System**

- ① A key point to vitalize the education board is to let the board commissioners have a consciousness that they are the representatives of regional residents, and a sense of direct responsibility for regional education problems.  
→ Current arrangement of the appointment by the chieftain does not bring out such consciousness as residents' representatives or sense of responsibilities.

Measures for Reform:

- 1) Theory to "revive" public election system for the education board: Against which Ministry of International Affairs and Communication and Education Ministry object on such reasons that it would take away the vested interest of the chieftain, and induce a "political nature" on education administrations.
- 2) "Quasi-public election" for the board commissioners = an arrangement for the chieftain to make his final appointment taking into his consideration of the turnouts of an election run by residents to choose the commissioners. = Position that the chieftain's power does not get breached.

CF: Nakano Ward in Tokyo Prefecture introduced this scheme (the first election in 1981 with voting rate of 43%)

Education Ministry issued its guidance claiming the scheme to be illegal, but three

elections were conducted thereafter, and the voting rates declined. It came to be abolished partly due to changes in political situations relative to the chieftain and the assembly. The “quasi-public election” drew the national attention, but failed to expand. (In Takatsuki City, Osaka, the assembly opposed to the adoption of the quasi-public election bylaw.)

- 3) “Recommendation” system for the board commissioners: Outline on the recommendation system of candidates by Word residents for Nakano Word’s education commissioners (1996)
- 4) To make the board’s deliberations and decisions open to the region (the education board’s conferences in the evenings, its travel to various parts of the region, etc.)
- ② Its own power for the municipal education board to make policies and manage education administration operations was small in the first place. ←As the board’s power would expand further, so should its raison d’etre enhance.
- ③ The amateur commissioners, in part-time and concurrent position, hold their conferences about 1-2 times a month. This makes it impossible for them to listen to voices of regional residents, turn up demands and problems relative to education in their region, and plan and execute policies scrutinizing, thus they tend just to confirm proposals from specialized personnel, i.e. the board’s chairman/ secretariat.

↑  
Devices necessary to reinforce dynamism of these amateur commissioners by clarifying their roles and authorities.

CF: Undertakings of the American board of education

### (3) New Movements Based on Current Education Board System

- ① Along with the progress in delegation of authority to municipalities (education board), the municipal education boards in broad spectrum have started employing own approaches: small number of pupils in a class, drawing up side readers, improving staffing for the support of schools by municipalities’ employment of faculty members on their own, bylaws for children, etc.
- ② Coalition/cooperation between the municipal chief and the education board is to work out in the following thoughts:
  - The chieftain elected by the direct vote of residents is always keen on demands and problems in the region.  
↓ ↑
  - He positively casts such intentions and problems to the education board. Amateur commissioners take initiatives by involving regional residents to discuss and examine these, and determine fundamental ways of being for policies and administrative operations.  
↓ ↑
  - The professional chairman/secretariat of the board assume concrete policy planning and execution.
- ③ As the delegation of authority (with respect to personnel affairs of faculty members, class compilation, adoption of curriculum and textbooks, etc.) to municipalities (education board) proceeds further, the requisition will grow stronger to accommodate specialized and neutral/fair policymaking and administrative operations for education.

●Information: Recognitions and Evaluations by Autonomous Chieftains Regarding the Education Board — Sourced from Questionnaire Survey —

(Okada, Saori [2002], *Study on Functions of Education Board as Administrative Commission*, master's thesis in 2001, Pedagogy Research Course of Graduate School, University of Tokyo.) The thesis introduces the result and analysis of the complete enumeration addressed to mayors across the board in Japan with respect to recognitions and evaluations regarding the education board system. The research was conducted in August and September, 2001, and its collection rate was 57.2%)

Table 1: Mayors' Evaluation of Current Education Board

	Frequence	%
Retain as is	206	55.4
Elect commissioners publicly	15	4.0
Expand board's authority	14	3.8
Mayor holds commissioner post concurrently	4	1.1
Transform board to mayor's advisory function	22	5.9
Transfer affairs other than school education to mayoral departments/agencies	92	24.7
Abolish	8	2.2
Others	11	2.9
Total	372	100.0

Table 2: Mayors' Recognition and Evaluation of Favorable and Unfavorable Functions of Education Board

Item	a	b	c	d	e
① Secure political neutrality	197 (51.7%)	129 (33.9%)	36 (9.4%)	13 (3.4%)	6 (1.6%)
② Can reflect residents' opinions	74 (19.3%)	138 (36.0%)	88 (23.0%)	49 (12.8%)	29 (7.6%)
③ Can reflect diversified opinions	74 (19.3%)	134 (35.0%)	96 (25.1%)	55 (14.4%)	22 (5.7%)
④ Accomplish operation on long-term view	76 (19.8%)	114 (29.8%)	113 (29.5%)	52 (13.6%)	26 (6.8%)
⑤ Poor in reform execution ability	51 (13.4%)	141 (36.9%)	84 (22.0%)	35 (9.2%)	70 (18.3%)
⑥ Unable to take flexible approach	44 (11.5%)	114 (29.8%)	88 (23.0%)	37 (9.7%)	98 (25.7%)
⑦ Low clerical efficiency	27 (7.1%)	91 (23.8%)	136 (35.6%)	32 (8.4%)	92 (24.1%)
⑧ Difficult to coordinate coalitions with mayoral departments/agencies	20 (5.2%)	86 (22.5%)	85 (22.3%)	47 (12.3%)	144 (37.3%)

(a = "Agree", b = "Rather Agree", c = "No Change", d = "Rather Disagree", e = "Disagree", "Do Not Know" omitted out of this table.)



Table 3: Whether Projects Suggested by Mayor Have Been Executed

	Operations under jurisdiction of education board	Operations under jurisdiction of chieftain departments/agencies
Often	104 (27.8%)	210 (57.5%)
Sometimes	176 (47.1%)	108 (29.6%)
Rarely	42 (11.2%)	15 (4.1%)
Not at all	38 (10.2%)	16 (4.4%)
Don't know	14 (3.7%)	16 (4.4%)

Table 4: Administrative Means Mayor Employs to Take Leadership over Education Board

	1st	2nd	3rd	4th	5th	No Indication	Points
Appoint commissioners	30	55	53	49	47	141	674
Appoint chairman	96	57	48	37	10	127	936
Exercise budget compilation	73	94	76	51	37	44	1108
Draw up comprehensive plan, mid-and-long term plan	93	48	46	57	29	102	938
Direct in process of making bylaw	0	7	23	16	30	299	159
Negotiate/have informal meeting with chairman	3	15	19	30	25	283	217
Personnel affairs of board's secretariat and mayoral departments/agencies	5	27	44	45	92	162	447
Direct to staff of board's secretariat	2	9	32	35	46	250	258

(Assigned are 5 points on 1st, 4 on 2nd, 3 on 3rd, 2 on 4th, and 1 on 5th. "Points" are totals of these points.)

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