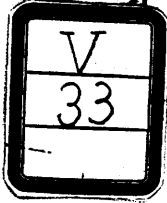


戦後教育資料



MINISTRY OF EDUCATION, JAPAN.  
(MOMBU-SHO)

天野 23

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26.2

Draft of Law for Partial Amendments to the Law for  
the Special Regulations concerning Educational  
Public Service

The Law for the Special Regulations concerning Educational  
Public Service (Law No.1 of 1949) shall be partially amended as  
follows:

Paragraphs 3 to 5 inclusive of Article 5 shall be amended  
as follows:

3. The immediate governing body of each institution shall,  
when requested by the persons subject to the inquiry  
within fourteen days after they have received the written  
statement under the preceding paragraph, give them the  
chance to make oral or written statement.
4. The immediate governing body of each institution may,  
when it acknowledges to be necessary for the inquiry under  
paragraph 1, request witnesses to present themselves or  
hear their opinions.
5. Necessary matters concerning the inquiry under paragraph  
1, except those provided for in the preceding three  
paragraphs, shall be determined by the immediate  
governing body of each institution.

In Article 9 paragraph 1, "of national universities" shall be  
deleted.

The following one paragraph shall be added to Article 11.

2. With regard to the performance of duty of presidents,  
*teachers and chief administrators of public service,*  
necessary matters concerning the enforcement of the basic

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standard under Article 27 of the Local Public Service Law (Law No. of 1950) shall be determined by the immediate governing body of each institution excluding *the matters* provided for in Articles 28 to 35 inclusive and Article 52 of the same Law.

Article 15. shall be amended as follows:

Article 15. Deleted.

The heading of Article 17 shall be amended as "(Retirement, etc. of Superintendents of Education)" and the following one paragraph shall be added to the same Article.

2. As for superintendents of education, the provisions of Article 22 (Conditional Appointment and Temporary Appointment) and paragraphs (excluding item (2) of the same paragraph) and 2 of Article 25 of the Local Public Service Law shall not apply to them.

Article 18 shall be amended as follows:

Article 18. Deleted.

Article 21 shall be amended as follows:

(Engagement in other Duties, etc.)

Article 21. Educational public service personnel may, when the competent authorities acknowledge that holding additional position related to education or engagement in other businesses or duties related to education will not impede the execution of regular duties, hold the additional positions in question or be engaged in the businesses or works in question with or without pay.

2. In case of the preceding paragraph, it is unnecessary to get permission or approval of the National Personnel Authority according to the regulations of the National

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Personnel Authority enacted in accordance with Article 101 paragraph 1 of National Public Service Law or according to Article 104 of the same law, with regard to the national educational public service personnel and to be in accordance with the standard of approval established by personnel commission in accordance with the provision of Article 35 paragraph 2 of Local Public Service Law, with regard to the local educational public service personnel.

(Position classification of educational public service personnel of local public schools)

Article 21-(2). Position classification shall, regardless of the provision of Article 23 paragraph 1 of Local Public Service Law, be executed concerning all educational public service personnel of public schools.

2. Matters concerning planning and execution of position classification under the preceding paragraph shall, regardless of the provisions of paragraphs 2 to 9 inclusive of Article 23 of Local Public Service Law, be provided for by the by-law of the local public body concerned with regard to the public universities and by the regulation of the board of education concerned with regard to the public schools except universities, in similar ways as those of educational public service personnel of national schools.

(Compensation, etc. of Superintendents of Education)

Article 21-(3). The provisions of Article 23, 38 and 39 of Local Public Service Law shall not apply to superintendents of education.

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2. Matters concerning compensation, work hours and other working conditions of superintendents of education shall be provided for by the by-law of the local public public body concerned separately from those of other local public service personnel who belong to ordinary public service personnel.

In Article 23 paragraph 2 "or the Local Public Service Law" shall be added next to "the National Public Service Law."

In Article 23 paragraph 1 item (3) "the Minister of Education" shall be amended as "the appointing officer."

The following four Articles shall be added next to Article 25.

(Status, Disciplinary Punishment and Performance of Duty)

Article 25-(2). In regard to the matters concerning status, disciplinary punishment and performance of duty of personnel of schools (excluding universities, hereinafter the same in this Article and in Article 35-(3)) established by the local public body which has no board of education, items to be provided for by the by-law under Articles 24- to 26 inclusive or Article 28, 29, 32, 33 or 35 of Local Public Service Law, by regulations of local public bodies or by regulations of organs of the local public body (including regulations of the personnel commission under Article 35 of the same Law) shall be as those of personnel of schools of To, Do, Fu or the prefecture.

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(The Organization for the Review concerning the Adverse Action)

Article 25-(3). In case the provisions of Articles 49 to 51 inclusive of the Local Public Service Law apply to the review concerning the adverse action against the personnel of schools, with regard to the personnel of public schools established by local public bodies which have no boards of education, functions of personnel commission<sup>or</sup> equity commission shall be exercised by the prefectural personnel commission and matters to be provided for by the regulations of personnel commission or the regulations of equity commission according to Article 51 of the same law shall be provided for by the regulations of ~~personnel commission~~ of prefectural personnel commission.

(Compensation, work hours and other working conditions)

Article 25-(4). Concerning the compensation, work hours and other working conditions of the personnel provided for in Articles 1 and 2 of the Law for Defrayment of Allowances of City, Town or Village-Supported Schools Personnel (Law No. 135 of 1948), matters to be provided for by by-law according to Article 38 paragraph 7 of Local Public Service Law shall be provided for by the by-law of To, Do, Fu or the prefecture.

2. As for drafting of the measure concerning prefectural by-law under the preceding paragraph and submittal of it, procedures concerning the matters provided for in Article 61 of the Board of Education Law (Law No. 170 of 1948) shall apply and the board of education of To, Do, Fu or the

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prefecture concerned must, when the city, town or village concerned has a board of education, hear the opinion of the board of education concerned when it makes the draft of the stated measure.

(Personnel Organization)

Article 25-(5). Personnel organizations of public school personnel of To, Do, Fu or the prefecture or those of local public bodies in the To, Do, Fu or prefecture concerned may, for the time being, **from** federation among these personnel organizations or join to federations of personnel organizations formed among these personnel organizations, in order to negotiate with competent authorities of To, Do, Fu or the prefecture concerning compensation, working hour or other working conditions.

2. Federations of personnel organization under the preceding paragraph shall be regarded as personnel organization of personnel of To, Do, Fu or the prefecture and provisions of Articles 53 to 56 inclusive shall be applied to them.

3. No personnel of public schools who are receiving the official compensation shall perform the businesses or make activities for the federation of personnel organization under paragraph 1 which has been registered according to the provision of Article 53 paragraph 1 of Local Public Service Law.

Article 28 and 29 shall be amended as follows:

Article 28 and 29. Deleted.

Article 33 and 34 shall be deleted.

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Supplementary Provisions

1. This Law shall come into force as from the day of its promulgation.
2. Provisions of paragraphs 3 to 5 inclusive of Article 5 (including the case where these provisions are applied mutatis mutandis according to the provisions of Article 6 paragraph 2 and Article 9 paragraph 2 of the same Law) of the amended Law for Special Regulation concerning Educational Public Service (to be referred to as "Law"; hereinafter the same) shall apply to the cases under inquiry by the immediate governing body of each institution at the time of the enforcement of this law. However, the term, within which the request under Article 5 paragraph 3 (including the case where the provision is applied mutatis mutandis according to the provisions of Article 6 paragraph 2 and Article 9 paragraph 2) of the amended Law can be made, shall be thirty days after receiving written statement of charges from the immediate governing body of each institutions.
3. Those who are educational public service personnel of public schools and are concurrently members of the assembly of a local public body at the time of the enforcement of this Law may remain in their post as members of the assembly during the remainder of their tenure of office, regardless of the provision of Article 92, paragraph 2 of the Local Autonomy Law (Law No. 67 of 1947).

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Reason

With the enactment of the Local Public Service Law, it is necessary to make amendments to the matters concerning the appointment, dismissal, allowances and other matters regarding the treatment of the status of educational public service personnel who are local public service personnel.  
Hence the presentation of this draft law.

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Paragraphs 3 to 5 inclusive of Article 5 shall be amended  
as follows:

3. The immediate governing body of each institution shall, when requested by the persons subject to the inquiry within fourteen days after they have received the written statement under the preceding paragraph, give them the chance to make oral or written statement.
4. The immediate governing body of each institution may, when it acknowledges to be necessary for the inquiry under paragraph 1, request witnesses to present themselves or hear their opinions.
5. Necessary matters concerning the inquiry under paragraph 1, except those provided for in the preceding three paragraphs, shall be determined by the immediate governing body of each institution.

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Supplementary Provisions

2. Provisions of paragraphs 3 to 5 inclusive of Article 5 of the amended Law (including the case where these provisions are applied mutatis mutandis according to the provisions of Article 6 paragraph 2 and Article 9 paragraph 2) shall apply to the cases under inquiry by the immediate governing body of each institution at the time of the enforcement of this law. However, the term, within which the request under Article 5 paragraph 3 of the amended Law (including the case where the provision is applied mutatis mutandis according to the provisions of Article 6 paragraph 2 and Article 9 paragraph 2) <sup>can be made,</sup> shall be thirty days after receiving written statement of charges from the immediate governing body of each institutions.



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