

School Education Act

(Act No. 26 of March 31, 1947)

Table of Contents

Chapter I General Provisions (Articles 1 to 15)
Chapter II Compulsory Education (Articles 16 to 21)
Chapter III Kindergarten (Articles 22 to 28)
Chapter IV Elementary School (Articles 29 to 44)
Chapter V Junior High School (Articles 45 to 49)
Chapter V-2 Compulsory Education School (Articles 49-2 to 49-8)
Chapter VI High School (Articles 50 to 62)
Chapter VII Secondary Education School (Articles 63 to 71)
Chapter VIII Special Needs Education (Articles 72 to 82)
Chapter IX University (Articles 83 to 114)
Chapter X College of Technology (KOSEN) (Articles 115 to 123)
Chapter XI Specialized Training College (Articles 124 to 133)
Chapter XII Miscellaneous Provisions (Articles 134 to 142)
Chapter XIII Penal Provisions (Articles 143 to 146)
Supplementary Provisions

Chapter I General Provisions

Article 1 The term "school" as used in this Act means kindergarten, elementary school, junior high school, compulsory education school, high school, secondary education school, special needs education school, university, and college of technology (KOSEN).

Article 2 (1) Schools may only be established by the national government (including the national university corporation provided in Article 2, paragraph (1) of the National University Corporations Act (Act No. 112 of 2003), and Institute of National Colleges of Technology, Incorporated Administrative Agency; the same applies below), local government (including public university corporations provided for in Article 68, paragraph (1) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003) (referred to below as "public university corporations"); the same applies in the following paragraph and Article 127), and incorporated educational institutions provided in Article 3 of the Private Schools Act (Act No. 270 of 1949) (referred to below as "incorporated educational institutions")

(2) In this Act, national school means schools established by the national

government, public school means schools established by the local government, and private school means schools established by the incorporated educational institution.

Article 3 A person that intends to establish a school must establish it according to the type of school, and in compliance with the standards of establishment relating to equipment, organization, and others specified by the Minister of Education, Culture, Sports, Science and Technology.

Article 4 (1) The establishment and abolition of schools, changes in management, or other matters prescribed by Cabinet Order (referred to as "establishment and abolition, etc." in the following Article) stated in the following items, must be approved respectively by a person specified in those items. Among these schools, the same will apply to the ordinary courses (referred to below as "full-time courses") for high schools (including upper courses of secondary education schools), courses provided at night, or at other special times or periods (referred to below as "part-time courses"), and courses providing education through correspondence (referred to below as "correspondence courses"), university faculties, graduate schools and academic units of graduate school , and university departments in Article 108, paragraph (2).

(i) public or private university and college of technology: Minister of Education, Culture, Sports, Science and Technology;

(ii) high schools, secondary education schools, and special needs education schools established by a municipality (this includes public university corporations established independently by a municipality or in cooperation with other municipalities; the same applies in the following Article, Article 13, paragraph (2), Article 14, Article 130, paragraph (1), and Article 131): Prefectural Board of Education;

(iii) private kindergarten, elementary school, junior high school, compulsory education school, high school, secondary education school, and special needs education school: prefectural governor.

(2) Notwithstanding the provisions of the preceding paragraph, a person establishing a school stated in item (i) of that paragraph is not required to obtain approval in that paragraph when conducting the following matters. In such a case, a person establishing the relevant school must notify the Minister of Education, Culture, Sports, Science and Technology of this in advance, as provided by the Minister of Education, Culture, Sports, Science and Technology:

(i) establishing a university faculty or an academic unit of graduate school or a university department under Article 108, paragraph (2), that does not involve a change of type or field of the degree granted by the relevant

- university;
- (ii) abolishing a university faculty or academic unit of graduate school or a university department in Article 108, paragraph (2);
 - (iii) matters prescribed by Cabinet Order, beyond what is stated in the preceding two items.
- (3) For cases in which there is a notification as referred to in the preceding paragraph; when the Minister of Education, Culture, Sports, Science and Technology finds matters stated in that notification which are not compliant with laws and regulations relating to matters including equipment, class, or others, the Minister may order the person giving the notification to take necessary measures.
- (4) The provisions provided for in paragraph (1) does not apply to high schools, secondary education schools, and special needs education schools established by designated cities provided for in Article 252-19, paragraph (1) of Local Autonomy Act (Act No. 67 of 1947) (referred to below as "designated cities") (this includes public university corporations established independently by designated cities or in cooperation with other municipalities). In such cases, a person establishing the relevant high school, secondary education school, or special needs education school, must notify the prefectural board of education in advance when attempting to conduct matters for which it is deemed one must obtain approval, pursuant to the provisions of that paragraph.
- (5) The standard for types of degrees and changes in field under paragraph (2), item (i), is to be specified by the Minister of Education, Culture, Sports, Science and Technology.

Article 4-2 When a municipality attempts an establishment or abolition, etc. of a municipal kindergarten, it must notify the prefectural board of education in advance.

Article 5 The management of a school is to manage the school that is established, and bear costs for that school except as otherwise specially provided for by laws and regulations.

Article 6 Schools may collect tuition fees; provided, however, that this may not be collected for compulsory education in national or public elementary schools, junior high schools, compulsory education schools, the lower courses of secondary education schools, or elementary school courses and junior high school courses in special needs education schools.

Article 7 School must have a school principal and a considerable number of teachers.

Article 8 Matters relating to qualifications of school principals and teachers (except for those to whom the Education Personnel Certification Act (Act No. 147 of 1949) applies) are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology, beyond what is specified separately by law.

Article 9 Any persons falling under any of the following items may not become school principals or teachers:

- (i) a person who has been sentenced to imprisonment without work or heavier punishment;
- (ii) a person whose certificates have ceased to be effective due to falling under Article 10, paragraph (1), item (ii) or (iii) of the Education Personnel Certification Act, and for whom 3 years have not passed since that day of expiration;
- (iii) a person who has lost their certificates due to receiving disposition pursuant to the provisions of Article 11, paragraphs (1) through (3) of the Education Personnel Certification Act, and for whom 3 years have not passed;
- (iv) a person who, on or after the date of the enforcement of the Constitution of Japan, formed or belonged to a political party or other organization which advocates the overthrow by force of the Constitution of Japan, or the government established under it.

Article 10 Private schools must specify a school principal, and universities and colleges of technology must notify the Minister of Education, Culture, Sports, Science and Technology, and schools other than a university or college of technology must notify the prefectural governor.

Article 11 School principals and teachers may take disciplinary action against pupils and students, when it is found educationally necessary and as provided by the Minister of Education, Culture, Sports, Science and Technology; provided, however, that no corporal punishment may be inflicted.

Article 12 The school, as provided for separately by law, must conduct health checkups and other necessary measures for health, in order to maintain and promote the health of young children, pupils, students, and staff members

Article 13 (1) For cases in which schools stated in each item of Article 4, paragraph (1) comes to fall under any of the following items, the respective persons specified in each item of that paragraph may order the closure of the relevant school:

- (i) when the provisions of laws and regulations are intentionally violated;
 - (ii) when an order that was given by the person pursuant to the provisions of laws and regulations are violated;
 - (iii) when classes are not conducted for 6 months of more.
- (2) The provision of the preceding paragraph applies *mutatis mutandis* to kindergartens established by a municipality. In this case, the terms "the respective persons specified in each item of that paragraph" in that paragraph, and "the person" in item (ii) of that paragraph, are deemed to be replaced with "the prefectural board of education".

Article 14 The prefectural board of education for schools established by municipalities except universities and colleges of technology, and the prefectural governor for private schools except universities and colleges of technology, may order changes when the relevant schools violate the provisions of laws and regulations, or regulations defined by the prefectural board of education or the prefectural governor, regarding equipment, class, or other matters.

Article 15 (1) When the Minister of Education, Culture, Sports, Science and Technology finds that public or private universities or colleges of technology to be in violation of the provisions of laws and regulations relating to equipment, class, or other matters, it may recommend the relevant schools to take necessary measures.

- (2) If the matters stated in the relevant recommendation (referred to as "recommended matters" in the following paragraph) remains unimproved after the recommendation made under the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may order changes to be made towards the relevant school.
- (3) If the recommended matters remains unimproved after the order made under the provisions of the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may order the relevant school to abolish the organizations relating to the relevant recommended matters.
- (4) When found necessary in order to give a recommendation under the provisions of paragraph (1), or to issue an order under the provisions of paragraph (2), or those referred to in the preceding paragraph, the Minister of Education, Culture, Sports, Science and Technology may request the relevant school to submit a report or documents.

Chapter II Compulsory Education

Article 16 Custodians (meaning a person who has parental authority over a child

(or if there are no persons who have parental authority; a guardian of a minor); the same applies below) have the obligation to have their child receive a nine-year general education, as prescribed in the following Article.

Article 17 (1) Custodians have the obligation to enroll their child in an elementary school, the lower course of compulsory education school or an elementary school course of a special needs education school from the first school year that begins on or after the day following the day that the child reaches six years of age, until the end of the school year that includes the day on which the child reaches twelve years of age; provided, however, that when a child has not completed the program of an elementary school, the lower course of compulsory education school or an elementary school course of a special needs education school by the end of the school year that includes the day on which the child reaches twelve years of age, the period is to be extended until the end of the school year that includes the day on which the child reaches fifteen years of age (when the child completes the program during that period; until the end of the school year that includes the day on which the child completes the program).

(2) Custodians have the obligation to enroll their child in a junior high school, the upper course of compulsory education school, the lower course of secondary education school, or a junior high school course of a special needs education school from the first school year that begins on or after the day following the day on which the child has completed the program of an elementary school, the lower course of compulsory education school or an elementary school course of a school for special needs education until the end of the school year that includes the day on which the child reaches fifteen years of age.

(3) Necessary matters regarding the demand for performance of obligations referred to in the preceding 2 paragraphs, and other matters regarding the performance of such obligations, are to be prescribed by Cabinet Order.

Article 18 Pursuant to the provisions provided for in paragraph (1) or (2) of the preceding Article, with regard to children whose custodians are obligated to enroll them in a school (referred to below as "school-aged child" or "school-aged student") but who are deemed to be unable to be enrolled in the school due to health impairment, incomplete growth development, and other unavoidable circumstances, the municipal board of education may postpone or exempt the custodian of such children from the obligation under paragraph (1) or (2) of that Article, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Article 19 Municipalities must provide necessary assistance to custodians of

school-aged children or school-aged students who are found to encounter difficulties in receiving education for economic reasons.

Article 20 A person who employs school-aged children or school-aged students must not prevent the relevant school-aged children or students from receiving compulsory education due to such employment.

Article 21 The general education that is provided in the form of compulsory education is to be provided with the aim of achieving the following objectives, in order to realize the purposes provided for under Article 5, paragraph (2) of the Basic Act on Education (Act No. 120 of 2006):

- (i) promoting social activities inside and outside school, and fostering an attitude of proactive participation in shaping society, and contribution towards the development of it based on a spirit of autonomy, independence and cooperation, normative consciousness, fair judgment and public spirit;
- (ii) promoting nature-based experiential activities inside and outside school, and developing a spirit of respecting life and nature, and an attitude of contribution towards the preservation of the environment;
- (iii) fostering a proper understanding of the current state and history of our country and homeland, fostering attitudes of respecting traditions and cultures and loving our country and homeland which nurtured them, while also cultivating of attitudes of respecting other countries and contributing towards peace and development of an international society through a proactive understanding of foreign cultures;
- (iv) developing fundamental understanding and skills regarding matters necessary in daily life included in the roles of family and home, clothing, food, housing, information, and industry;
- (v) becoming familiarized with reading, and developing fundamental abilities for properly understanding and using Japanese Language necessary for daily life;
- (vi) developing fundamental abilities for properly understanding and processing quantitative relationship necessary for daily life;
- (vii) developing fundamental abilities for scientific understanding and processing of natural phenomena in daily life through observation and experimentation;
- (viii) developing habits necessary for a healthy, safe, and happy life; developing physical strength through exercise, and promoting harmonious mental and physical development;
- (ix) developing fundamental understanding and skills regarding art forms, including music, art, and literature which brightens and enriches daily life;
- (x) developing fundamental knowledge and skills regarding employment, an

attitude of valuing labor, and an ability to make career choices for the future in accordance with individuality.

Chapter III Kindergarten

Article 22 A kindergarten is to cultivate the foundations for compulsory and further education, provide childcare, provide an appropriate environment for the healthy growth of young children, with the purpose of nurturing their mental and physical development.

Article 23 Education in kindergarten is to be provided with the aim of achieving the following purposes, in order to realize the objectives provided in the preceding Article:

- (i) nurturing basic habits necessary for a healthy, safe, and happy life, and promoting the harmonious development of various bodily functions;
- (ii) nurturing an attitude of participation, deepening a sense of trust towards family and familiar people, and developing the formation of independence, discipline, a cooperative spirit, and normative consciousness, through group living;
- (iii) nurturing interest towards familiar social life, life and nature, and developing the formation of a correct understanding, attitude, and ability to think towards them;
- (iv) guiding towards the correct use of words, and nurturing an attitude of intention to understand others' words, through daily conversation, and familiarizing with picture books and stories, etc.;
- (v) nurturing rich feelings and the ability to express oneself, through familiarizing with music, physical expression and creating things, etc.

Article 24 In kindergarten, education is to be provided in order to realize the purposes provided in Article 22, as well as working to support education in early childhood provided locally and in the home, such as giving advice and providing necessary information in response to relevant persons including custodians and local residents seeking advice, for a wide range of issues regarding education in early childhood.

Article 25 (1) Matters for kindergarten curriculum and others relating to the contents of childcare are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology, under the provisions pursuant to Articles 22 and 23.

(2) When the Minister of Education, Culture, Sports, Science and Technology prescribes matters for kindergarten curriculum and other things relating to the

contents of childcare pursuant to the provisions under the preceding paragraph, it must ensure consistency with the standards of the child welfare facilities specified by Cabinet Office Order pursuant to the provisions of Article 45, paragraph (2) of the Child Welfare Act (Act No. 164 of 1947) (limited to the parts related to the portion of childcare in a nursery center of item (iii)), and curriculum and other matters related to the contents of education and childcare of child center in coordination between kindergarten and center for early childhood education and care specified by the competent minister pursuant to Article 10, paragraph (1) of the Act on Advancement of Comprehensive Service Related to Education, Child Care of Preschool Children (Act No. 77 of 2006).

- (3) When the Minister of Education, Culture, Sports, Science and Technology prescribes matters including kindergarten curriculum relating to the contents of childcare under the provision of paragraph (1), the Minister must consult with the Prime Minister in advance of doing so.

Article 26 A person eligible to enter a kindergarten is to be a young child from three years of age until reaching the time of commencement for entering elementary school.

Article 27 (1) Kindergartens must have a principal, vice principal, and teachers.

- (2) Kindergartens may have a deputy principal, senior teacher, advanced skill teacher, yogo teacher, diet and nutrition teacher, administrative staff, assistant yogo teacher, and other necessary staff, beyond what is provided for in the preceding paragraph.

- (3) Notwithstanding the provision of paragraph (1), when staffed with a deputy principal, or there are other special circumstances, it may not be necessary to have a vice principal.

- (4) The principal is to take charge of kindergarten duties, and supervise staff members.

- (5) The deputy principal is to aid the principal, and take charge of kindergarten duties under the kindergarten principal's orders.

- (6) The vice principal is to aid the principal (in kindergartens with a deputy principal; the principal and deputy principal), organize kindergarten duties, and take charge of childcare for young children as necessary.

- (7) The senior teacher is to aid the principal (in kindergartens with a deputy principal; the principal and deputy principal) and the vice principal, organize a part of kindergarten duties under their orders, and take charge of childcare for young children.

- (8) The advanced skill teacher is to take charge of childcare for young children, and give necessary guidance and advice to staff members including teachers,

for the improvement and enhancement of childcare.

(9) Teachers are to take charge of childcare for young children.

(10) In case of special circumstances, assistant teachers or lecturers may be positioned in place of teachers, notwithstanding the provision of paragraph (1).

(11) When it is found necessary in light of the actual circumstances of the school, a senior teacher may be positioned to aid the principal (in kindergartens with a deputy principal, the principal and deputy principal) and vice principal, organize a part of kindergarten duties under their orders, and take charge of the protective care or guidance and management of nutrition for young children of paragraph (7).

Article 28 Provisions of Article 37, paragraphs (6), (8), and (12) through (17), and Articles 42 through 44 apply *mutatis mutandis* to kindergartens.

Chapter IV Elementary School

Article 29 The purpose of elementary school is to provide the fundamentals of general education provided as compulsory education, in accordance with the children's mental and physical development.

Article 30 (1) Education in elementary school is to be provided with the aim of achieving the objectives stated in each item of Article 21 as required in order to realize the purpose provided in the preceding Article.

(2) In the case referred to in the preceding paragraph, in order to foster the foundation of study throughout one's life, it must be kept in mind especially to acquire fundamental knowledge and skills, and nurture abilities to resolve issues by utilizing such knowledge and skills, which include the ability to think, make judgements, and express thoughts and feelings, as well as develop an attitude to engage proactively in studies.

Article 31 In elementary school, in order to contribute to the achievement of objectives under the provisions of paragraph (1) of the preceding Article, efforts are to be made towards the enhancement of experiential study activities for pupils, especially volunteering activities, social service experience activities, nature-based experiential activities, and other experiential activities, when providing educational guidance. In this case, sufficient considerations must be given towards the collaboration between organizations relating to social education, and other bodies and institutions concerned.

Article 32 The course term for elementary school is to be 6 years.

Article 33 Matters regarding the elementary school curriculum are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology, in compliance under the provisions of Articles 29 and 30.

Article 34 (1) In elementary school, textbooks authorized by the Minister of Education, Culture, Sports, Science and Technology, or textbooks under the authorship of the Ministry of Education, Culture, Sports, Science and Technology must be used.

- (2) If there are teaching materials which are electronic or magnetic records (meaning a record used in computerized information processing which is created in electronic form, magnetic form, or any other form that cannot be perceived by human senses) of the contents of textbooks provided in the preceding paragraph (referred to below as "textbooks" in this Article), which were recorded as provided for by the Minister of Education, Culture, Sports, Science and Technology, the relevant teaching materials may be used in place of the textbooks, in part of the curriculum found to be necessary in order to enhance education for pupils, as provided by the Minister of Education, Culture, Sports, Science and Technology, notwithstanding the provision of that paragraph.
- (3) In the case provided for under the preceding paragraph, when it is found necessary to reduce the level of difficulty in learning for the relevant pupils, by giving guidance using methods enabled by using the teaching materials provided in that paragraph in electronic computers, including enlarging figures and characters used in textbooks or converting them to audio, for pupils with difficulty learning using textbooks on grounds specified by the Minister of Education, Culture, Sports, Science and Technology including visual impairment and developmental disorders, the relevant teaching materials may be used in place of the textbooks, in part or all of the curriculum, as provided for by the Minister of Education, Culture, Sports, Science and Technology.
- (4) Teaching materials except textbooks and teaching materials provided in paragraph (2), may be used, as long as they are beneficial and appropriate.
- (5) Councils, etc. (meaning an organization provided in Article 8 of the National Government Organization Act (Act No. 120 of 1948);. the same applies below), for study and deliberation on textbooks in relation to applications for authorization under paragraph (1), are to be prescribed by Cabinet Order.

Article 35 (1) When there is an pupil whose delinquent acts are found to interfere with other pupils' studies, such as repeatedly committing one or more of the following acts, a municipal board of education may order the suspension of that pupil to its custodians:

- (i) acts which inflict injury, mental and physical suffering, or loss of property

- upon other pupils;
 - (ii) acts which inflict injury or mental and physical suffering to staff;
 - (iii) acts which damage facilities or equipment;
 - (iv) acts which interfere with the implementation of classes including educational activities.
- (2) When a municipal board of education orders the suspension of an elementary school pupil pursuant to the provisions of the preceding paragraph, it must hear the opinions of the custodians in advance, and issue a document stating the reason and period.
- (3) Beyond what is provided for in the preceding paragraph, the necessary matters for procedure to order suspension are to be prescribed by the board of education regulations.
- (4) A municipal board of education is to take necessary measures for education, including supporting the learning of the pupil in relation to the suspension order during the period of the pupil's suspension.

Article 36 A child under school age may not be enrolled in an elementary school.

Article 37 (1) Elementary school must have a school principal, vice principal, teachers, yogo teachers, and administrative staff.

- (2) Elementary school may have a deputy principal, senior teacher, advanced skill teacher, diet and nutrition teacher, and other necessary staff, beyond what is provided for in the preceding paragraph.
- (3) Notwithstanding the provision of paragraph (1), it may not be necessary to have a vice principal when staffed with a deputy principal or when there are other special circumstances, a yogo teacher if there is a senior teacher taking charge of protective care, or administrative staff if there are special circumstances.
- (4) The school principal is to take charge of school duties, and supervise staff members.
- (5) The deputy principal is to aid the school principal, and take charge of school duties under school principal's orders.
- (6) The deputy principal is to represent duties in place of the school principal when the school principal is unable to perform the school principal's duties, and perform school principal's duties when the position of the school principal becomes vacant. In this case, when there are two or more deputy principals, they are to represent or perform duties in place of the school principal in the order determined in advance by the school principal.
- (7) The vice principal is to aid the school principal (in elementary schools with a deputy principal, the school principal and deputy principal), organize school duties, and take charge of education for pupils as necessary.

- (8) The vice principal is to represent duties in place of the school principal when the school principal (in elementary schools with a deputy principal; the school principal and deputy principal) is unable to perform the school principal's duties, and perform school principal's duties when the position of the school principal (in elementary schools with a deputy principal; the school principal and deputy principal) becomes vacant. In this case, when there are two or more vice principals, they are to represent or perform duties in place of the school principal in the order determined in advance by the school principal.
- (9) The senior teacher is to aid the school principal (in elementary schools with a deputy principal, the school principal and deputy principal) and the vice principal, organize a part of school duties under their orders, and take charge of education for pupils.
- (10) The advanced skill teacher is to take charge of education for pupils, and give necessary guidance and advice to staff members including teachers, for the improvement and enhancement of educational guidance.
- (11) Teachers are to take charge of education for pupils.
- (12) Yogo teachers are to take charge of protective care for pupils.
- (13) Diet and nutrition teachers are to take charge of guidance and management of nutrition for pupils.
- (14) Administrative staff is to take charge of clerical work.
- (15) Assistant teachers are to assist teachers with their duties.
- (16) Lecturers are to engage in duties equivalent to those of teachers or assistant teachers.
- (17) Assistant yogo teachers are to assist yogo teachers with their duties.
- (18) In case of special circumstances, assistant teachers or lecturers may be positioned in place of teachers, and assistant yogo teachers in place of yogo teachers, notwithstanding the provisions of paragraph (1).
- (19) When it is found necessary in light of the actual circumstances of the school, a senior teacher may be positioned to aid the school principal (in elementary schools with a deputy principal, the school principal and deputy principal) and vice principal, organize a part of school duties under their orders, and take charge of the protective care or nutritional guidance and nutritional management of elementary school children, notwithstanding the provision of paragraph (9).

Article 38 A municipality must establish the elementary schools that are required to allow for the enrollment of the school-aged children in its jurisdictional district; provided, however, that when it is found to be educationally beneficial and appropriate, it may be substituted for the establishment of compulsory education schools.

Article 39 Municipalities may establish a municipal partnership, when it is found to be appropriate, in order to process all or part of the affairs under the provisions of the preceding Article.

Article 40 (1) A municipality may, when it finds it impossible or inappropriate to follow under the provisions of the preceding two Articles, entrust the educational affairs in full or in part related to school-aged children to other municipalities or municipal partnerships, in place of establishing elementary schools or compulsory education schools.

(2) In the case referred to in the preceding paragraph, the term "prefectural governor" in Article 252-2-2, paragraph (2) of the Local Autonomy Act as applied mutatis mutandis pursuant to the Article 252-14, paragraph (3) of that Act, is to be replaced with "prefectural governor and prefectural board of education".

Article 41 When the prefectural board of education finds that a town or a village cannot bear the burden under the provisions of the preceding two articles, the prefecture must give necessary assistance to that town or a village.

Article 42 Elementary schools must perform evaluations of the state of school management of the relevant elementary schools, including elementary school educational activities as provided by the Minister of Education, Culture, Sports, Science and Technology, and must endeavor to increase their educational standards by taking necessary measures to improve school management based on those results.

Article 43 Elementary schools are to deepen the understanding of relevant persons including custodians and local residents regarding the relevant elementary schools, and in order to contribute to the promotion of coordination and cooperation with those people, actively provide information relating to school management including educational activities of the relevant elementary schools.

Article 44 Private elementary schools belongs to the administrative jurisdiction of the prefectural governor.

Chapter V Junior High School

Article 45 The purpose of junior high school is to administer and provide regular education provided as compulsory education, in accordance with students' mental and physical development, on a foundation of education in elementary

school.

Article 46 Education in junior high school is to be provided with the aim of achieving the objectives stated in each item of Article 21, in order to realize the purpose provided in the preceding Articles.

Article 47 The course term for junior high school is to be 3 years.

Article 48 Matters regarding the junior high school curriculum are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology, in compliance with the provisions of Articles 45 and 46, and Article 30, paragraph (2), as applied mutatis mutandis pursuant to the following Article as the deemed replacement of terms.

Article 49 Provisions of Article 30, paragraph (2), Articles 31, 34, 35, and 37 through 44 apply mutatis mutandis to junior high schools. In this case, the term "the preceding paragraph" in Article 30, paragraph (2) is to be replaced with "Article 46," and the term "paragraph (1) of the preceding Article" in Article 31 is to be replaced with "Article 46".

Chapter V-2 Compulsory Education School

Article 49-2 The purpose of compulsory education school is to provide the regular education provided as compulsory education from the fundamentals with consistency, in accordance with mental and physical development.

Article 49-3 Education in compulsory education school is to be provided with the aim of achieving the objectives stated in each item of Article 21 in order to realize the purpose provided in the preceding Article.

Article 49-4 The course term for compulsory education school is to be 9 years.

Article 49-5 The courses of compulsory education school are to be categorized into the lower courses in the lower period of 6 years, and the upper courses in the upper period of 3 years.

Article 49-6 (1) Education in the lower courses of compulsory education school is to be provided with the aim of achieving the objectives stated in each item of Article 21, from among the purposes provided in Article 49-2, as required in order to realize provision of the fundamentals of regular education provided as compulsory education, in accordance with children's mental and physical

development.

- (2) Education in the upper courses of compulsory education school is to be provided with aim of achieving the objectives stated in each item of Article 21, from among the purposes provided in Article 49-2, in order to realize the provision of regular education provided as compulsory education, on a foundation of education in the lower courses, in accordance with students' mental and physical development.

Article 49-7 Matters regarding the curriculum in the lower courses and upper courses of compulsory education school are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology, in compliance with the provisions in Articles 49-2, 49-3, and the preceding Article, and the provisions of Article 30, paragraph (2) as applied *mutatis mutandis* pursuant to the following Article following the deemed replacement of terms.

Article 49-8 The provisions of Article 30, paragraph (2), Articles 31, 34 through Article 37, and 42 through 44 apply *mutatis mutandis* to compulsory education schools. In this case, the term "the preceding paragraph" in Article 30, paragraph (2) is to be replaced with "Article 49-3", and the term "paragraph (1) of the preceding Article" in Article 31 is to be replaced with "Article 49-3".

Chapter VI High School

Article 50 The purpose of high school is to provide high-level professional education and regular education, in accordance with the students' mental and physical development and career, on a foundation of education in junior high school.

Article 51 Education in high school is to be provided with the aim of achieving the following objectives, in order to realize the purpose as provided for in the preceding Article:

- (i) further developing and expanding the outcomes of regular education provided as compulsory education, fostering rich humanity, creativity, and a healthy body, and fostering qualities necessary in the people who make up our nation and our society;
- (ii) deciding on a future career according to individuality, enhancing general knowledge, and acquiring professional knowledge, techniques and skills, based on self-awareness of one's mission in society which must be carried out;
- (iii) working to establish individuality, developing a broad and deep understanding and a healthy critical ability towards society, and nurturing

an attitude of contributing to the development of society.

Article 52 Matters regarding the high school departments and curriculum are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology, in compliance with the provisions of the preceding two Articles and Article 30, paragraph (2) as applied *mutatis mutandis* pursuant to Article 62 following the deemed replacement of terms.

Article 53 (1) High schools may have part-time courses, beyond full-time courses.
(2) High schools may only have part-time courses.

Article 54 (1) High schools may have correspondence courses, beyond full-time courses or part-time courses.
(2) High schools may only have correspondence courses.
(3) For high schools established by municipalities (except designated cities; the same applies below in this paragraph) (this includes public university corporations established independently by municipalities or in cooperation with other municipalities); the prefectural board of education, and for private high schools; the prefectural governor, must give notice in advance to the Minister of Education, Culture, Sports, Science and Technology, when granting approval provided in Article 4, paragraph (1) (limited to what is stated in matters prescribed by Cabinet Order) to persons of high school correspondence courses whom have address in the jurisdictional district of the prefectures where the relevant high school is located, and whom have address in the jurisdictional district within other prefectures nationwide, both of which are to be referred to as students, as well as other matters prescribed by Cabinet Order (referred to below in this paragraph as "extensive correspondence courses"). When the board of education of the relevant prefectures or designated cities (in the case of high schools established by public university corporation; the relevant public university corporation) carry out the matters prescribed by Cabinet Order in the first sentence of this paragraph, the same applies to extensive correspondence courses of high schools established by prefectures (this includes public university corporations established independently by prefectures or in cooperation with other municipalities.) or designated cities (this includes public university corporations established independently by designated cities or in cooperation with other designated cities or municipalities).
(4) Necessary matters regarding correspondence courses are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology.

Article 55 (1) When a student enrolled in part-time courses or correspondence

courses in high school is receiving an education in a facility for skill education, which is designated by the prefectural board of education in the location of the relevant facility, the school principal may deem studies in the relevant facility as taking partial courses of subjects in the relevant high school, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

(2) Necessary matters regarding the designation of facilities referred to in the preceding paragraph are to be prescribed by Cabinet Order.

Article 56 The course term for high schools is to be 3 years for full-time courses, and 3 years or more for part-time courses and correspondence courses.

Article 57 A person eligible to enter high school is to be a person who has graduated from junior high school or an equivalent school or compulsory education school, or a person who has completed the lower courses of secondary education school, or a person who is deemed to have the equivalent or greater scholastic ability as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Article 58 (1) High schools may have graduate courses and special courses.

(2) High school graduate courses are to have the purpose of teaching persons who have graduated from high school or an equivalent school or secondary education school, or persons deemed to have equivalent or greater scholastic ability, as provided by the Minister of Education, Culture, Sports, Science and Technology, specialized matters to a deep and detailed extent, as well as instructing their research, and the course term is to be 1 year or more.

(3) High school special courses are to have the purpose of providing special skill education to a simple extent, to persons qualified to enter as provided in the preceding Article, and the course term is to be 1 year or more.

Article 58-2 A person who has completed a high school graduate course (limited to those which meet the standards specified by the Minister of Education, Culture, Sports, Science and Technology including having a course term of 2 years or more) (limited to persons provided for in Article 90, paragraph (1)) may be able to transfer to a university as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Article 59 Necessary matters regarding high school such as enrollment, expulsion, transfer, and others are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology.

Article 60 (1) High schools must have a school principal, vice principal, teachers,

and administrative staff.

- (2) High schools may have a deputy principal, senior teacher, advanced skill teacher, yogo teacher, diet and nutrition teacher, assistant nyogo teacher, practical training assistants, technical staff, and other necessary staff, beyond what is provided for in the preceding paragraph.
- (3) Notwithstanding the provision of paragraph (1), when staffed with a deputy principal, it may not be necessary to have a vice principal.
- (4) Practical training assistants are to assist teachers with their duties regarding experiments or practical training.
- (5) In the case of special circumstances, assistant teachers or lecturers may be positioned in place of teachers, notwithstanding the provision of paragraph (1).
- (6) Technical staff is to engage in technical work.

Article 61 If a high school has two or more courses out of full-time courses, part-time courses, or correspondence courses, there must be a vice principal to assign and organize school duties for the respective courses; provided, however, that this does not apply to courses in one where there is a deputy principal taking charge of school duties for the relevant courses under orders.

Article 62 Provisions of Article 30, paragraph (2), Articles 31, 34, Article 37, paragraphs (4) through (17), and (19), and Articles 42 through 44 apply *mutatis mutandis* to high schools. In this case, the term "the preceding paragraph" in Article 30, paragraph (2) is to be replaced with "Article 51", and the term "paragraph (1) of the preceding Article" in Article 31 is to be replaced with "Article 51".

Chapter VII Secondary Education School

Article 63 The purpose of secondary education school is to provide regular education provided as compulsory education and high-level regular education and professional education with consistency, in accordance with the students' mental and physical development and career, on a foundation of education in elementary school.

Article 64 Education in secondary education school is to be provided with the aim of achieving the following objectives, in order to realize the purpose provided in the preceding Article:

- (i) fostering rich humanity, creativity, and a healthy body, and fostering qualities necessary in the people who make up our nation and our society;
- (ii) deciding on a future career according to individuality, enhancing general knowledge, and acquiring professional knowledge, techniques and skills,

based on self-awareness of one's mission in society which must be carried out;

- (iii) working to establish individuality, developing a broad and deep understanding and a healthy critical ability towards society, and developing an attitude of contributing to the development of society.

Article 65 The course term for secondary education school is to be 6 years.

Article 66 The courses of secondary education school are to be categorized into the lower courses in the lower period of 3 years, and the upper courses in the upper period of 3 years.

Article 67 (1) Education in the lower courses of secondary education school is to be provided with the aim of achieving the objectives stated in each item of Article 21, from among the purposes provided in Article 63, in order to realize the provision of regular education provided as compulsory education, in accordance with the students' mental and physical development, on a foundation of education in elementary school.

- (2) Education in the upper courses of secondary education school is to be provided with the aim of achieving the objectives stated in each item of Article 64, from among the purposes provided for in Article 63, in order to realize provision of high-level regular education and professional education, in accordance with the students' mental and physical development and career.

Article 68 Matters regarding the curricula in the lower courses and matters regarding the departments and curricula in the upper courses of secondary education school are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology, in compliance with the provisions in Articles 63, 64 and the preceding Article, and provisions of Article 30, paragraph (2) as applied mutatis mutandis pursuant to Article 71, paragraph (1), following the deemed replacement of terms.

Article 69 (1) Secondary education schools must have a school principal, vice principal, teachers, yogo teacher, and administrative staff.

- (2) Secondary education school may have a deputy principal, senior teacher, advanced skill teacher, diet and nutrition teacher, practical training assistant, technical staff, and other necessary staff beyond what is provided for in the preceding paragraph.

- (3) Notwithstanding the provision of paragraph (1), it may not be necessary to have a vice principal when there is a deputy principal, and it may not be necessary to have a yogo teacher when there is a senior teacher taking charge

of protective care.

- (4) In case of special circumstances, assistant teacher or lecturer may be positioned in place of teachers, and assistant yogo teacher in place of yogo teacher, notwithstanding the provision of paragraph (1).

Article 70 (1) The provisions of Article 30, paragraph (2), Articles 31 and 34, Article 37, paragraphs (4) through (17) and (19), Articles 42 through 44, 59, and Article 60, paragraphs (4) and (6) apply mutatis mutandis to secondary education schools, and the provisions of Articles 53 through 55, 58, 58-2, and Article 61 to the upper courses of secondary education schools, respectively. In this case, the term "the preceding paragraph" in Article 30, paragraph (2) is deemed to be replaced with "Article 64", and the term "paragraph (1) of the preceding Article" in Article 31 is deemed to be replaced with "Article 64".

- (2) Pursuant to the provisions of Articles 53 and 54, as applied mutatis mutandis pursuant to the preceding paragraph, for secondary education schools which have part-time courses or correspondence courses in the upper courses, the course terms in the relevant part-time courses or correspondence courses are to be 6 years or more, notwithstanding the provisions of Article 65. In this case, the term "upper courses in the upper period of 3 years" in Article 66 is to be "upper courses in the upper period of 3 years or more".

Article 71 Junior high schools and high schools established by the same management may provide education in junior high school and education in high school with consistency, in line with secondary education school, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Chapter VIII Special Needs Education

Article 72 The purpose of special needs education schools is to provide education equivalent to kindergarten, elementary school, junior high school, or high school towards persons with visual impairment, persons with hearing impairment, persons with intellectual disability, persons with physical disability, or persons with health impairment (this includes persons with constitutional weakness; the same applies below), and to bestow knowledge and skills necessary in order to overcome hardships in life or learning due to disabilities, and achieving independence.

Article 73 Special needs education schools are to clarify what education the relevant schools are going to provide to the persons specified in the preceding Article, as provided for by the Minister of Education, Culture, Sports, Science

and Technology.

Article 74 In special needs education schools, education is to be provided in order to realize the purposes provided in Article 72, as well as making efforts to give necessary assistance and advice for the education of young children, pupils or students provided in Article 81, paragraph (1), in response to the request of kindergartens, elementary schools, junior high schools, compulsory education schools, high schools or secondary education schools.

Article 75 The extent of disability of persons with visual impairment, persons with hearing impairment, persons with intellectual disability, persons with physical disability, or persons with health impairment provided in Article 72 is to be prescribed by Cabinet Order.

Article 76 (1) Special needs education schools must have elementary school courses and junior high school courses; provided, however, that in cases where there is a special need, they may have only one of those courses.

(2) Special needs education schools may have kindergarten courses or high school courses, beyond elementary school courses and junior high school courses, and in cases where there is a special need, they may have kindergarten courses or high school courses without having elementary school courses and junior high school courses, notwithstanding the provisions of the preceding paragraph.

Article 77 Matters regarding childcare contents including the curriculum in kindergarten courses, curriculum in elementary school courses and junior high school courses, or departments and curriculum in high school courses in special needs education schools, are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology, in line with kindergarten, elementary school, junior high school or high school.

Article 78 Special needs education schools must establish dormitories; provided, however, that if there are special circumstances, it may not be necessary to establish these.

Article 79 (1) Special needs education schools with dormitories established must have dormitory leaders.

(2) Dormitory leaders are to engage in caretaking and lifestyle guidance of young children, pupils or students in their daily life.

Article 80 Prefectures must establish special needs education schools that are required to allow for the enrollment of persons with visual impairment,

persons with hearing impairment, persons with intellectual disability, persons with physical disability, or persons with health impairment, whose disabilities are of an extent specified by Cabinet Order referred to in Article 75, among school-aged children and school-aged students in its jurisdictional district.

Article 81 (1) In kindergarten, elementary school, junior high school, compulsory education school, high school, and secondary education school, education is to be provided towards young children, pupils and students who fall under any of the items in the following paragraph, and other young children, pupils and students requiring special educational support, in order to overcome hardships in life or learning due to disabilities, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

(2) Elementary schools, junior high schools, compulsory education schools, high schools and secondary education schools may have special needs education classes in regular school for pupils and students who fall under any of the following items:

- (i) a person with intellectual disabilities;
- (ii) a person with physical disability;
- (iii) a person with constitutional weakness;
- (iv) a person with low vision;
- (v) a person with hearing impairment;
- (vi) other persons with disabilities, who are appropriate to be provided with education in a special needs education class in regular school.

(3) In schools provided for in the preceding paragraph, education may be provided to pupils and students recuperating from disease by establishing a special needs education class in regular school, or staffing teachers.

Article 82 The provisions of Articles 26, 27, 31 (including as applied mutatis mutandis pursuant to Articles 49 and 62 following the deemed replacement of terms), 32, 34 (including as applied mutatis mutandis pursuant to Articles 49 and 62), 36, 37 (including as applied mutatis mutandis pursuant to Articles 28, 49, and 62), 42 through 44, 47, and 56 through 60, apply mutatis mutandis to special needs education schools, and the provisions of Article 84 to the high school courses of special needs education schools, respectively.

Chapter IX University

Article 83 (1) The purpose of universities, as the core of scholarly activities, are to have the purpose of broadly imparting knowledge, teaching and researching specialized arts and sciences in depth, and developing intellectual, moral, and practical abilities.

- (2) Universities are to conduct education and research in order to realize those purposes, and contribute to the development of society by providing their results broadly in society.

Article 83-2 (1) Among the universities in the preceding article, those which have the purpose of teaching and researching specialized arts and sciences in depth, and developing applied and practical abilities in order to take up occupations requiring expertise, are to be professional and vocational universities.

- (2) Professional and vocational universities are to make efforts to organize and implement curricula, and improve the quality of teachers, with the cooperation of relevant persons including persons holding down occupations requiring that expertise, and persons conducting businesses relating to the relevant occupations, pursuant to the provisions of the Minister of Education, Culture, Sports, Science and Technology.

- (3) Professional and vocational universities may not have courses pursuant to the provisions of Article 87, paragraph (2).

Article 84 Universities may provide education through correspondence courses.

Article 85 (1) Universities, as a rule, are to have faculties; provided, however, that they may have organizations other than faculties which form the basis of education and research, if it is beneficial and appropriate in order to achieve the purpose for education and research of the relevant universities.

Article 86 Universities may have faculties providing night classes, or faculties providing education through correspondence courses.

Article 87 (1) The course term for universities is to be 4 years; provided, however, that for faculties teaching and researching special professional matters, and faculties providing night classes referred to in the preceding article, their course terms may exceed 4 years.

- (2) Courses with the principal purpose of fostering clinical practical abilities or courses for veterinary studies, among courses for medicine, courses for dentistry, and courses for pharmacy, notwithstanding the provision of the main clause in the preceding paragraph, are to have a course term of 6 years.

Article 87-2 (1) Courses in professional and vocational universities may be sectioned into 2 years of lower courses in the lower period and 2 years of upper courses in the upper period, or 3 years of lower courses in the lower period and

1 year of upper courses in the upper period (For faculties which are to have a course term exceeding 4 years pursuant to the provisions of the proviso in paragraph (1) of the preceding article; 2 years of lower courses in the lower period and 2 years or more of upper courses in the upper period, or 3 years of lower courses in the lower period and 1 year or more of upper courses in the upper period).

- (2) Education in the lower courses of professional and vocational universities is to be provided in order to realize the nurturing of applied and practical abilities to take up occupations requiring professional expertise, among the purposes provided for in Article 83-2, paragraph (1).
- (3) Education in the upper courses of professional and vocational universities is to be provided on a foundation of education in the lower courses, in order to realize the purpose provided for in Article 83-2, paragraph (1).
- (4) For courses for professional and vocational universities that are sectioned into lower courses and upper courses pursuant to the provisions of paragraph (1), it may not be possible to advance from the relevant lower courses to the relevant upper courses without completing the relevant lower courses.

Article 88 (1) When a person who has obtained a certain amount of credits in one university other than the university that person is to enroll, if they are deemed to have taken courses which are part of the curricula of the relevant university through obtaining the relevant credits, a period specified by the university considering matters including the number of credits obtained may be counted in the course term, pursuant to the provisions of the Minister of Education, Culture, Sports, Science and Technology;
provided, however, that that period may not exceed one half of the course term of the relevant universities.

Article 88-2 (1) When a person who has obtained practical abilities to take on the relevant occupations through work experience in an occupation requiring professional expertise is to enroll in professional and vocational universities, etc. (meaning a university with a purpose which is a purpose pursuant to the provisions of Article 108, paragraph (4) (referred to in Article 104, paragraph (5) and paragraph (6) as a "professional and vocational junior college"); the same applies below), and if they are deemed to have taken courses which are part of the curricula of the relevant professional and vocational universities, etc., through obtaining the relevant practical abilities, a period specified by the professional and vocational universities, etc., considering matters including the level of practical abilities obtained may be counted in the course term, pursuant to the provisions of the Minister of Education, Culture, Sports, Science and Technology;

provided, however, that that period may not exceed the period prescribed by the Minister of Education, Culture, Sports, Science and Technology, within a range not exceeding one half of the course term of the relevant professional and vocational universities, etc.

Article 89 If it is found that students of the relevant universities (except persons who are attending courses prescribed in the provisions of Article 87, paragraph (2)) who have been in school for 3 years or more (For students of faculties which are to have a course term exceeding 4 years pursuant to the proviso in paragraph (1) of that article; a period of 3 years or more prescribed by the Minister of Education, Culture, Sports, Science and Technology) (this includes persons prescribed by the Minister of Education, Culture, Sports, Science and Technology, as an equivalent to this) have obtained, with excellent grades, the credits specified by the relevant universities as the requirement for graduation, their graduation may be allowed, notwithstanding the provision of that paragraph.

Article 90 (1) A person who may be enrolled in university, is a person who has graduated high school or secondary education school, or a person who has completed 12 years of school education through regular courses (this includes a person who has completed school education equivalent to this through courses other than the regular courses), or a person who is deemed to have the equivalent or greater scholastic ability, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

(2) For universities falling under any of the following items, a person who has been in high school for the number of years or more as provided for by the Minister of Education, Culture, Sports, Science and Technology (This includes a person prescribed by the Minister of Education, Culture, Sports, Science and Technology, as an equivalent to this.), who is deemed to possess exceptional qualities in the fields specified by the relevant universities, may enroll in the relevant universities, notwithstanding the provisions referred to in the preceding paragraph:

- (i) having graduate schools where education and research relating to the relevant fields is being conducted;
- (ii) having education and research achievements and a guidance system appropriate for nurturing a person who possess exceptional qualities in the relevant fields.

Article 91 (1) Universities may have diploma courses and special courses.

(2) University diploma courses are to have the purpose of teaching persons who have graduated from university, or persons deemed to have the equivalent or

greater scholastic ability as provided for by the Minister of Education, Culture, Sports, Science and Technology, specialized matters, to a deep and detailed extent, as well as instructing their research, and the course term is to be 1 year or more.

- (3) University special courses are to have the purpose of administering special skill education to a simple extent, to persons qualified to enroll pursuant to the provisions of paragraph (1) of the preceding Article, and the course term is to be 1 year or more.

Article 92 (1) Universities must have a principal, professors, associate professors, assistant professors, assistants, and administrative staff; provided, however, that if it is found to be appropriate as an education and research organization, it may choose not to have associate professors, assistant professors, or assistants.

- (2) In addition to those referred to in the preceding paragraph, universities may also have a vice principal, dean, lecturers, technical staff, and other necessary staff.

- (3) The principal takes charge of school duties, and supervises staff members belonging to the university.

- (4) The vice principal is to aid the principal, and take charge of school duties under its orders.

- (5) The dean is to takes charge of school duties in the faculty.

- (6) Professors are persons who possess exceptional knowledge, abilities and accomplishments in education, research, or practice in their major field of study, and they are to teach students, give research guidance, or engage in research.

- (7) Associate professors are persons who have excellent knowledge, abilities and accomplishments in education, research, or practice in their major field of study, and they are to teach students, give research guidance, or engage in research.

- (8) Assistant professors are persons who have knowledge and abilities in education, research, or practice in their major field of study, and they are to teach students, give research guidance, or engage in research.

- (9) Assistants are to engage in operations necessary for the smooth implementation of education and research in the organization they belong to.

- (10) Lecturers will engage in duties equivalent to those of professors or associate professors.

Article 93 (1) A university is to have a faculty council.

- (2) The faculty council is to state their opinions when the principal makes decisions regarding the following matters:

- (i) admittance, graduation, and completion of courses of students;
 - (ii) granting of degrees;
 - (iii) important matters related to education and research, which the principal prescribes as matters which requires hearing the opinion of the faculty council, beyond what is stated in the preceding two items.
- (3) The faculty council is to deliberate matters regarding education and research governed by the head of the organization (referred to below as "principal and other heads" in this paragraph) containing faculty councils, including the principal and chairperson, and may state opinions in compliance with the request of the principal and other heads.
- (4) Organizations of faculty councils may add staff, including associate professors.

Article 94 When prescribing standards of establishment for universities pursuant to the provisions of Article 3, and when prescribing standards pursuant to the provisions of Article 4, paragraph (5), the Minister of Education, Culture, Sports, Science and Technology must conduct consultations with councils or other organizations prescribed by Cabinet Order.

Article 95 When granting approval for the establishment of universities and when giving orders under the provisions of Article 4, paragraph (3), or Article 15, paragraph (2), or paragraph (3), or giving recommendations under the provisions of paragraph (1) of that article, the Minister of Education, Culture, Sports, Science and Technology must consult in councils or other organizations prescribed by Cabinet Order.

Article 96 Research institutions including laboratories may be attached to universities.

Article 97 Universities may have graduate schools.

Article 98 Public and private universities are to be under the management of the Minister of Education, Culture, Sports, Science and Technology.

Article 99 (1) Graduate school is to have the purpose of teaching and researching the theory and application of scholarly activities, mastering their profundity, or fostering deep knowledge and outstanding abilities in order to take up occupations requiring high levels of expertise, and contribute to the advancement of culture.

(2) Among graduate schools, those which are to have the purpose of teaching and researching the theory and application of scholarly activities, and fostering deep knowledge and outstanding abilities in order to take up occupations

requiring high levels of expertise, are to be professional graduate schools.

- (3) Professional graduate schools are to make efforts to organize and implement curricula, and improve the quality of teachers, with the cooperation of relevant persons including persons holding down occupations requiring that high levels of expertise, and persons conducting businesses relating to the relevant occupations, pursuant to the provisions of the Minister of Education, Culture, Sports, Science and Technology.

Article 100 (1) Universities with a graduate school, as a rule, are to have academic units;

provided, however, that there may be organizations other than graduate programs which will form the basis of education and research, as provided for by the Minister of Education, Culture, Sports, Science and Technology, if it is beneficial and appropriate in order to achieve the education and research purposes of the relevant universities.

Article 101 Universities with graduate schools may have graduate programs for providing night classes, or graduate programs providing education through correspondence courses.

Article 102 (1) Persons who may be enrolled in graduate schools are persons who have graduated from universities as referred to in Article 83, or persons who are deemed to have the equivalent or greater scholastic ability pursuant to the provisions of the Minister of Education, Culture, Sports, Science and Technology;

provided, however, that when there is a necessity in graduate program education and research, a person possessing a master's degree or a degree prescribed by the Minister of Education, Culture, Sports, Science and Technology as provided for in the provisions of Article 104, paragraph (1), or a person who is deemed to have the equivalent or greater scholastic ability, as provided for by the Minister of Education, Culture, Sports, Science and Technology, may qualify for admittance to the relevant graduate program prescribed by the Minister of Education, Culture, Sports, Science and Technology.

- (2) For universities with graduate schools, a person who has been enrolled in the universities referred to in Article 83, as prescribed by the Minister of Education, Culture, Sports, Science and Technology, for the number of years or more as prescribed by the Minister of Education, Culture, Sports, Science and Technology (This includes a person prescribed by the Minister of Education, Culture, Sports, Science and Technology, as an equivalent to this), and a person found to have obtained the credits prescribed by universities with the relevant graduate schools with excellent grades (This includes a person found

to possess equivalent or greater abilities and qualities, on the basis of what is prescribed by the Minister of Education, Culture, Sports, Science and Technology as the state of obtaining the relevant credits and what is equivalent to this), may be enrolled in the relevant graduate schools.

Article 103 If there is a special necessity for education and research, a graduate school may be referred to as a university without having faculties, notwithstanding the provisions of Article 85.

Article 104 (1) Universities (except professional and vocational universities and universities in Article 108, paragraph (2) (referred to below as "junior college" in this article); the same applies below in this paragraph and paragraph (7)) are to grant a bachelor's degree to persons who have graduated from university, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

(2) Professional and vocational universities are to grant a degree as provided for by the Minister of Education, Culture, Sports, Science and Technology to a person who has graduated from professional and vocational university (for professional and vocational universities with courses sectioned into lower courses and upper courses pursuant to the provisions of Article 87-2, paragraph (1); this includes a person who has completed the lower courses), as prescribed by the Minister of Education, Culture, Sports, Science and Technology.

(3) Universities with graduate schools are to grant a master's degree or doctoral degree to a person who has completed graduate school (except professional graduate schools) courses, and a degree as prescribed by the Minister of Education, Culture, Sports, Science and Technology to a person who has completed professional graduate school courses, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

(4) Universities with graduate schools may grant a doctoral degree to a person who is deemed to have equivalent or greater scholastic ability as those who were granted a doctoral degree pursuant to the provisions of the preceding paragraph, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

(5) Junior Colleges (except professional and vocational junior colleges; the same applies below in this paragraph) are to grant an associate degree to a person who has graduated from junior college, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

(6) Professional and vocational junior colleges are to grant a degree as prescribed by the Minister of Education, Culture, Sports, Science and Technology to a person who has graduated from professional and vocational junior college, as

provided for by the Minister of Education, Culture, Sports, Science and Technology.

(7) National Institution for Academic Degrees and Quality Enhancement of Higher Education is to grant degrees in each of the following relevant items, as provided for by the Minister of Education, Culture, Sports, Science and Technology:

(i) a person who has graduated from Junior College (this includes the lower courses of professional and vocational universities) or a college of technology (for the lower courses of professional and vocational universities, a person who has completed them), or a person equivalent to this who has obtained a certain amount of credit in university or its equivalent by performing studies as prescribed by the Minister of Education, Culture, Sports, Science and Technology: bachelor's degree;

(ii) a person who has completed what is deemed to be education provided as equivalent to university or graduate school, in courses with special regulations within other laws for providing relevant education, out of providing education similar to school education in educational facilities other than a school: bachelor's degree, master's degree, or doctoral degree.

(8) When prescribing matters regarding degrees, the Minister of Education, Culture, Sports, Science and Technology must hold consultation with councils or other organizations as prescribed by Cabinet Order in Article 94 of this Act.

Article 105 Universities may organize special courses targeted at persons other than students of the relevant university, and they may issue a certificate to persons who have completed those courses, as testament to the fact of completion, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Article 106 Universities may grant the title of emeritus professor to persons who have worked as the principal, vice-principal, dean, professors, and associate professors or lecturers, who have special educational or scholastic achievements as provided for by the relevant university.

Article 107 (1) A university may establish facilities for extension courses.

(2) The Minister of Education, Culture, Sports, Science and Technology is to prescribe the necessary matters concerning extension courses.

Article 108 (1) Universities may teach and research specialized arts and sciences deeply, and have the nurturing of abilities necessary for occupational or actual life as a principal purpose, in place of the purposes provided in Article 83, paragraph (1).

- (2) For universities with the purpose prescribed in the preceding paragraph as its purpose, their course term is to be 2 years or 3 years, notwithstanding the provisions prescribed in Article 87, paragraph (1).
- (3) Universities referred to in the preceding paragraph are to be called junior colleges.
- (4) Of the universities referred to in paragraph (2), those which are to have the purpose of teaching and researching specialized arts and sciences in depth, and nurturing applied and practical abilities in order to take up occupations requiring expertise, are to be professional and vocational junior colleges. Among the universities referred to in the preceding Article, those which are to have the purpose of teaching and researching specialized arts and sciences in depth, and nurturing applied and practical abilities in order to take up occupations requiring expertise, are to be professional and vocational universities.
- (5) The regulations provided in Article 83-2, paragraph (2) applies mutatis mutandis to the universities referred to in the preceding paragraph.
- (6) The universities in paragraph (2) will not have faculties, notwithstanding the provision of Article 85 and Article 86.
- (7) The universities in paragraph (2) will have departments.
- (8) The universities in paragraph (2) may have departments providing night classes, or departments providing education through correspondence courses.
- (9) A person who has graduated from the universities in paragraph (2) may, pursuant to the provisions of the Minister of Education, Culture, Sports, Science and Technology, transfer to the universities referred to in Article 83.
- (10) The provisions referred to in Article 97 does not apply to universities in paragraph (2).

Article 109 (1) Universities are to conduct self-inspection and self-evaluation of the state of education and research, organizations and management, and facilities and equipment (referred to as "educational research, etc." in the following paragraph and paragraph (5)), and publicize the results in order to contribute to the improvement of standards of their education and research, as provided for by the Minister of Education, Culture, Sports, Science and Technology.

- (2) Universities are to receive evaluations (referred to below as "certified evaluation") by persons that have received certification from the Minister of Education, Culture, Sports, Science and Technology (referred to below as "certified evaluation agency"), regarding the comprehensive state of educational research, etc. in the relevant universities, in addition to the measures referred to in the preceding paragraph, in each period prescribed by Cabinet Order;

provided, however, that this does not apply if a certified evaluation agency does not exist, or there are other special reasons, and measures prescribed by the Minister of Education, Culture, Sports, Science and Technology are being taken.

- (3) For professional and vocational universities and universities with professional graduate schools, in light of the purposes of establishment of the relevant professional and vocational universities and professional graduate schools, the state of curricula, teacher organizations, and other education and research activities in the relevant professional and vocational universities and professional graduate schools are to receive certified evaluation in each period prescribed by Cabinet Order, beyond what is provided for in the preceding paragraph;

provided, however, that this does not apply if a certified evaluation agency conducting certified evaluations in fields relating to courses in the relevant professional and vocational universities and professional graduate schools does not exist, or there are other special reasons, and measures prescribed by the Minister of Education, Culture, Sports, Science and Technology are being taken.

- (4) The certified evaluation in the preceding two paragraphs is to be conducted in accordance with the university evaluation standard, (meaning the standards specified by the certified evaluation agency in order to conduct the certified evaluation in the preceding two paragraphs; the same applies below in this article and the following article) upon request from universities.

- (5) For the certified evaluations in paragraph (2) and paragraph (3), certifications are to be conducted for whether or not the state of education and research (this refers to the comprehensive state of education and research, etc. in the universities under the provisions in paragraph (2) and the state of curricula, teacher organizations, and other education and research activities in professional and vocational universities and professional graduate schools pursuant to the provisions in paragraph (3). The same applies in the following paragraph and paragraph (7)) subject to the respective certified evaluations are compliant with the university evaluation standard.

- (6) Universities must work towards improving the education and research standards, in order to receive the certification of the certified evaluation agency (referred to in the next paragraph as "compliance certification") expressing that the state of education and research, etc. is compliant with the university evaluation standards.

- (7) When universities cannot receive compliance certification for the state of education and research etc., the Minister of Education, Culture, Sports, Science and Technology is to request that the relevant universities submit a report or documents regarding the state of education and research, etc. in the

relevant universities.

- Article 110 (1) A person that seeks to become a certified evaluation agency may receive certification from the Minister of Education, Culture, Sports, Science and Technology upon application, as provided for by the Minister of Education, Culture, Sports, Science and Technology.
- (2) When the applications for certification under the provisions of the preceding paragraph are deemed compliant with each of the following items, the Minister of Education, Culture, Sports, Science and Technology is to give that certification:
- (i) that the university evaluation standard and the evaluation method are sufficient for conducting the certified evaluation properly;
 - (ii) that a system necessary in order to secure fair and proper implementation of the certified evaluation is maintained;
 - (iii) that an opportunity to present opinions from universities related to the results of the certified evaluation is granted, before the measures pursuant to the provisions in paragraph (4) are taken (except for notices provided in the same paragraph);
 - (iv) that a corporation (this includes an association or foundation without legal personality, with a defined representative or administrator. The same applies in the following item) possesses the accounting fundamentals necessary for conducting the certified evaluation in a proper and smooth manner;
 - (v) that it is not a corporation whose certification has been revoked as prescribed in paragraph (2) of the following article, and that 2 years have not elapsed since the day of revocation;
 - (vi) that there are no other risks of hindering the fair and proper implementation of certified evaluations.
- (3) The details necessary when applying the standards prescribed in the preceding paragraph are to be specified by the Minister of Education, Culture, Sports, Science and Technology.
- (4) When conducting certified evaluation, the certified evaluation agency must notify the university of the result without delay, publicize this, and it must also report to the Minister of Education, Culture, Sports, Science and Technology, as provided for by the Minister of Education, Culture, Sports, Science and Technology.
- (5) When intending to change matters prescribed by the Minister of Education, Culture, Sports, Science and Technology, including the university evaluation standard and method of evaluation, or intending to suspend or abolish all or part of certified evaluation duties, the certified evaluation agency must notify the Minister of Education, Culture, Sports, Science and Technology in advance.

- (6) When certifying the certified evaluation agency, or when there is a notification under the provisions of the preceding paragraph, it must be publicly notified in an official gazette.

Article 111 (1) When the Minister of Education, Culture, Sports, Science and Technology finds there is a risk that fair and proper implementation of the certified evaluation may not be secured, the Minister of Education, Culture, Sports, Science and Technology may request the certified evaluation agency to submit the required report or documents.

(2) When the certified evaluation agency does not respond to the request referred to in the preceding paragraph, or it submits a false report or documents, or if the Minister of Education, Culture, Sports, Science and Technology finds it is no longer compliant with the provisions of paragraph (2) and paragraph (3) of the preceding article, or otherwise finds grounds for extreme hindering to the fair and proper implementation of the certified evaluation, the Minister of Education, Culture, Sports, Science and Technology may request the relevant certified evaluation agency to remedy this, and when it is not remedied by that request, the Minister of Education, Culture, Sports, Science and Technology may revoke that certification.

(3) When the Minister of Education, Culture, Sports, Science and Technology revokes the certification of a certified evaluation agency pursuant to the provisions of the preceding paragraph, it must be publicly notified in an official gazette.

Article 112 For the following cases, the Minister of Education, Culture, Sports, Science and Technology must hold consultations with councils or other organizations prescribed by Cabinet Order in Article 94 of this Act:

- (i) when certifying a certified evaluation agency;
- (ii) when specifying details in Article 110, paragraph (3);
- (iii) when revoking the certification of a certified evaluation agency.

Article 113 Universities are to publicize the state of education and research activities, in order to contribute to the dissemination of education and research results, and promotion of their utilization.

Article 114 Provisions of Article 37, paragraph (14), and Article 60, paragraph (6) applies *mutatis mutandis* to universities.

Chapter X College of Technology (KOSEN)

Article 115 (1) Colleges of technology have the purpose of teaching specialized

arts and sciences in depth, and nurturing the abilities necessary for having an occupation.

- (2) Colleges of technology are to provide education in order to realize those purposes, and contribute to the development of society by providing their outcomes broadly in society.

Article 116 (1) Colleges of technology are to have departments.

- (2) The Minister of Education, Culture, Sports, Science and Technology is to prescribe the necessary matters regarding departments referred to in the preceding paragraph.

Article 117 (1) The course term for colleges of technology is to be 5 years; provided, however, that for departments regarding merchant vessels, it is to be 5 years and 6 months.

Article 118 A person who may enroll in colleges of technology is to be a person prescribed in Article 57.

Article 119 (1) Colleges of technology may have graduate courses.

- (2) Graduate courses of colleges of technology are to have the purpose of teaching special matters to persons who have graduated from colleges of technology, or persons deemed to have the equivalent or greater scholastic ability as provided for by the Minister of Education, Culture, Sports, Science and Technology, to a deep and detailed extent, as well as instructing their research, and its course term is to be 1 year or more.

Article 120 (1) Colleges of technology must have a school principal, professors, associate professors, assistant professors, assistants and administrative staff; provided, however, that if it is found to be appropriate as an educational organization, they may not have associate professors, assistant professors or assistants.

- (2) Colleges of technology may have lecturers, technical staff, and other necessary staff beyond what was referred to in the preceding paragraph.
- (3) The school principal takes charge of school duties, and supervises staff members belonging to the college of technology.
- (4) Professors are persons who possess exceptional knowledge, abilities, and accomplishments in education or practice in their major field of study, and they are to teach students.
- (5) Associate professors are persons who possess excellent knowledge, abilities, and accomplishments in education or practice in their major field of study, and they are to teach students.

- (6) Assistant professors are persons who possess knowledge and abilities in education and practice in their major field of study, and they are to teach students.
- (7) Assistants are to engage in duties necessary for smooth implementation of education in the organization they belong to.
- (8) Lecturers will engage in duties equivalent to those of professors or associate professors.

Article 121 Persons who have graduated from colleges of technology may be called Associates.

Article 122 Persons who graduate from colleges of technology may transfer to a university as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Article 123 The provisions of Article 37, paragraph (14), Article 59, Article 60, paragraph (6), Article 94 (limited to the parts related to standards of establishment.), Article 95, Article 98, Articles 105 through 107, Article 109 (except for paragraph (3)), and Articles 110 through 113 applies *mutatis mutandis* to colleges of technology.

Chapter XI Specialized Training College

Article 124 Specialized training colleges are to be educational facilities other than those stated in Article 1, providing organizational education falling under each of the following items, with a purpose of nurturing abilities necessary for occupation or actual life, or working to improve cultural education (except what is provided by other laws for providing the relevant education, and what is exclusively targeting foreign nationals residing in our country):

- (i) the course term being 1 year or more;
- (ii) the number of class hours being equal to or more than the number of class hours specified by the Minister of Education, Culture, Sports, Science and Technology;
- (iii) there being regularly 40 or more persons receiving education.

Article 125 (1) Specialized training colleges will have upper secondary courses, post-secondary courses, or general courses.

- (2) Upper secondary courses in specialized training colleges are to provide education referred to in the preceding Article, in accordance with students' mental and physical development, on a foundation of education in junior high school, to persons who have graduated from junior high school or an equivalent

school, or compulsory education school, or persons who have completed the lower courses of secondary education school, or persons who are deemed to have equivalent or greater scholastic ability as provided by the Minister of Education, Culture, Sports, Science and Technology.

- (3) Post-secondary courses in specialized training colleges are to provide education referred to in the preceding Article, on a foundation of education in high school, to persons who have graduated from high school or an equivalent school or secondary education school, or persons who are deemed to have equivalent or greater scholastic ability as provided by the Minister of Education, Culture, Sports, Science and Technology.
- (4) General courses in specialized training colleges are to provide education in the preceding Article other than upper secondary course or post-secondary course education.

Article 126 (1) Specialized training colleges with upper secondary courses may be called upper secondary specialized training schools.

- (2) Specialized training colleges with post-secondary courses may be called professional training colleges.

Article 127 Specialized training colleges may only be established by the national government, local government, and persons falling under the following:

- (i) having the necessary financial basis with which to manage a specialized training college;
- (ii) the management having the knowledge or experience necessary to manage a specialized training college (if management is a legal specialist, it is to be the officer of the relevant legal specialist in charge of its management);
- (iii) the management having the trust of the public.

Article 128 Specialized training colleges must satisfy standards regarding matters stated in the following, as specified by the Minister of Education, Culture, Sports, Science and Technology:

- (i) the number of teachers there must be in accordance with the purpose, number of students, or the type of course;
- (ii) the area, location and environment of campus and school buildings there must be in accordance with the purpose, number of students or the type of course;
- (iii) equipment there must be in accordance with the purpose, number of students or the type of course;
- (iv) the outline or curricula and organization must be in accordance with the purpose or type of course.

Article 129 (1) Specialized training colleges must have a school principal and a considerable number of teachers.

(2) The school principal of specialized training colleges must have insight related to education, and had been engaged in duties regarding education, scholarly activities, or culture.

(3) Teachers in specialized training colleges must have qualifications specified by the Minister of Education, Culture, Sports, Science and Technology, regarding specialized knowledge or skills of the education they are in charge of.

Article 130 (1) Approval must be obtained from the prefectural board of education for specialized training colleges established by municipalities, and from the prefectural governor for private specialized training colleges, regarding establishment and abolition of specialized training colleges (this includes establishment and abolition of upper secondary courses, post-secondary courses, or general courses), changes in management, and changes in purpose, except specialized training colleges established by the national government or prefectures (this includes public university corporations established independently by prefectures or in cooperation with other local governments).

(2) When there is an application for approval to establish a specialized training college (this includes establishment of upper secondary courses, post-secondary courses, or general courses), the prefectural board of education or the prefectural governor must give disposition regarding approval, after examining whether the contents of the application satisfy the standards referred to in Articles 124 and 125, and the preceding three Articles.

(3) The provisions referred to in the preceding paragraph applies mutatis mutandis if there is an application for approval for a change in the management, and a change in purpose of the specialized training college.

(4) When the prefectural board of education or the prefectural governor is to refuse the approval referred to in paragraph (1), it must notify the applicant of this in writing, accompanied by the reason for this.

Article 131 The management of specialized training colleges must notify the prefectural board of education for specialized training colleges established by municipalities, and the prefectural governor for private specialized training colleges when intending to change the name, location or code of the school of the established specialized training college, or when falling under other cases prescribed by Cabinet Order, except specialized training colleges established by the national government or prefectures (this includes public university corporations established independently by prefectures or in cooperation with other local governments).

Article 132 A person who has completed a post-secondary course in a specialized training college (limited to those which meets the standards specified by the Minister of Education, Culture, Sports, Science and Technology, including having a course term of 2 years or more) (limited to persons provided for in Article 90, paragraph (1)) may transfer to a university as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Article 133 (1) Articles 5, 6, 9 through 12, Article 13, paragraph (1), Article 14, and Articles 42 through 44 applies mutatis mutandis to specialized training colleges, and Article 105 apply mutatis mutandis to specialized training colleges with post-secondary courses. In this case, the term "to the Minister of Education, Culture, Sports, Science and Technology in the case of a private university or college of technology, and to the prefectural governor in the case of a private school other than a university or college of technology" in Article 10 is deemed to be replaced with "to the prefectural governor"; the term "any school listed in the items of Article 4, paragraph (1)" and the term "a person prescribed in the items of that paragraph" in the same paragraph is deemed to be replaced with "a specialized training college established by a municipality (this includes public university corporations established independently by municipalities or in cooperation with other municipalities) or a private specialized training college" and "the prefectural board of education or prefectural governor," respectively; the term "the person" in item (ii) of the same Article is deemed to be replaced with "the relevant prefectural board of education or prefectural governor"; and the term "a school other than a university or college of technology established by a municipality" and the term "a private school other than a university or college of technology" in Article 14 is deemed to be replaced with "a specialized training college that is established by a municipality (this includes public university corporations established independently by municipalities or in cooperation with other municipalities.)" and "a private specialized training college," respectively.

(2) When the prefectural board of education or the prefectural governor is to give disposition under the provisions of Article 13, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph, it must notify the management of the relevant specialized training college, in writing, accompanied by the reason for this.

Chapter XII Miscellaneous Provisions

Article 134 (1) Miscellaneous schools are to provide education similar to school education, other than those stated in Article 1 (except what is provided in

other laws for providing the relevant education, and what provides specialized training college education provided for in Article 124).

- (2) Provisions of the first sentence of Article 4, paragraph (1), Articles 5 through 7, 9 through 11, Article 13, paragraph (1), Article 14, and Articles 42 through 44 apply mutatis mutandis to miscellaneous schools. In this case, the term "schools stated in the following items" in the first sentence of Article 4, paragraph (1) is deemed to be replaced with "miscellaneous schools established by municipalities or private miscellaneous schools"; the term "persons prescribed in each relevant item" is deemed to be replaced with "the prefectural board of education or prefectural governor"; the term "to the Minister of Education, Culture, Sports, Science and Technology in the case of a private university or college of technology, and to the prefectural governor in the case of a private school other than a university or college of technology" in Article 10 is deemed to be replaced with "to the prefectural governor"; the term "any school listed in the items of Article 4, paragraph (1)"; and the term "a person prescribed in the items of the same paragraph" in Article 13, paragraph (1) is deemed to be replaced with "miscellaneous schools established by a municipality or a private miscellaneous school" and "the prefectural board of education or prefectural governor" respectively; the term "the person" in item (ii) of the same paragraph is deemed to be replaced with "the relevant prefectural board of education or prefectural governor"; and the term "a school other than a university or college of technology established by a municipality" and the term "a private school other than a university or college of technology" in Article 14 are deemed to be replaced with "miscellaneous schools that are established by a municipality" and "a private miscellaneous school," respectively.
- (3) Beyond the matters referred to in the preceding paragraph, necessary matters regarding miscellaneous schools are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology.

Article 135 (1) Specialized training colleges, miscellaneous schools, and other educational facilities other than those stated in Article 1, may not use the title of schools stated in that Article or the title of graduate school.

- (2) Educational facilities other than specialized training colleges with upper secondary courses may not use the title of upper secondary specialized training school, educational facilities other than specialized training colleges with post-secondary courses may not use the title of professional training college, and educational facilities other than specialized training colleges may not use the title of specialized training college.

Article 136 (1) When the prefectural board of education (concerning those

managed by private individuals; the prefectural governor) finds what are not schools, specialized training colleges, or miscellaneous schools to be providing education of specialized training colleges or miscellaneous schools, it may recommend the relevant persons to apply for approval of establishment of specialized training colleges or establishment of miscellaneous schools within a certain period; provided, however, that such a period may not be less than 1 month.

- (2) When the prefectural board of education (concerning those managed by private individual; the prefectural governor) finds relevant persons provided for in the preceding paragraph to be continuously providing education of specialized training colleges or miscellaneous schools without complying with the recommendation under the provisions of that paragraph, or if they are continuing to provide education of specialized training colleges or miscellaneous schools for cases in which approval for specialized training colleges or miscellaneous schools was applied for and refused, it may order the relevant persons to cease to provide the relevant education.
- (3) In cases of giving orders under the provisions of the preceding paragraph, the prefectural governor must hear, in advance, the opinions of the private school council.

Article 137 As long as it does not impede on school education, schools may attach facilities for social education, or allow the use of school facilities for social education or other public uses.

Article 138 Among the matters prescribed by Cabinet Order referred to in Article 17, paragraph (3), the provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to those matters that fall under the category regarding disposition on the performance of an obligation in paragraph (1) or (2) of that Article, and are prescribed by Cabinet Order.

Article 139 A request for administrative review may not be made for the disposition or inaction regarding approval for establishment of universities or colleges of technology, conducted by the Minister of Education, Culture, Sports, Science and Technology.

Article 140 Cities in this Act are to include Tokyo's wards.

Article 141 In this Act (except Articles 85 and 100) and other laws and regulations (except as specially prescribed by the Special Rules for the Public Educational Personnel and Staff Act (Act No. 1 of 1949) and its relevant laws and regulations), university faculties are to include organizations provided for

in the proviso of Article 85, and academic units of graduate school are to include organizations provided for in the proviso of Article 100.

Article 142 Beyond what is provided for in this Act, necessary matters for implementation of this Act, which local government institutions must process, are to be prescribed by Cabinet Order, and other matters are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology.

Chapter XIII Penal Provisions

Article 143 A person that violates the closing orders under the provisions of Article 13, paragraph (1) (including as applied *mutatis mutandis* pursuant to paragraph (2) of that Article, Article 133, paragraph (1), and Article 134, paragraph (2)), or the orders under the provisions of Article 136, paragraph (2), is to be punished by imprisonment or imprisonment without work for not more than 6 months, or a fine of not more than 200,000 yen.

Article 144 (1) A person who has received a demand for performance of obligations referred to in Article 17, paragraph (1) or (2), and who fails to fulfill them, is to be punished by a fine of not more than 100,000 yen.

(2) When a representative, an agent, an employee or any other worker of a corporation commits a violation referred to in the preceding paragraph with regard to the business of the corporation, not only the individual offender, but also the corporation is subject to the punishment referred to in that paragraph.

Article 145 A person that violates the provisions of Article 20 is to be punished by a fine of not more than 100,000 yen.

Article 146 A person that violates the provisions of Article 135 is to be punished by a fine of not more than 100,000 yen.

Supplementary Provisions

Article 1 This Act comes into effect as of April 1st, 1947; provided, however, that the effective date for parts regarding obligations to enroll in school for schools for the blind, schools for hearing impaired children, and schools for handicapped children provided for in Article 22, paragraph (1), and Article 39, paragraph (1), and parts regarding the obligations of establishment for these schools provided in Article 74, is to be prescribed by Cabinet Order.

Article 2 National elementary schools, miscellaneous schools similar to national

elementary schools, and miscellaneous schools and kindergartens equivalent to national elementary schools under former provisions in existence at the time of the enforcement of this Act are to be respectively deemed as elementary schools and kindergartens established pursuant to the provisions of this Act.

Article 3 (1) Schools under former provisions (except the National School Order) in existence at the time of the enforcement of this Act may continue to exist as schools under former provisions.

(2) Necessary matters regarding schools under the provisions of the preceding paragraph are to be prescribed by the Minister of Education, Culture, Sports, Science and Technology.

Article 4 Necessary matters regarding qualifications of graduates of schools under former provisions are as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Article 5 Deletion

Article 6 Private kindergartens are not required to be established by incorporated educational institutions until otherwise provided for by law, notwithstanding the provisions of Article 2, paragraph (1).

Article 7 For elementary schools, junior high schools, compulsory education schools, and secondary education schools, it may not be necessary to have yogo teachers until otherwise provided for by law, notwithstanding the provisions of Article 37 (including as applied mutatis mutandis pursuant to Articles 49 and 49-8) and 69.

Article 8 (1) Junior high schools may provide education to regular elementary school graduates and persons who have completed the primary course of national elementary school by correspondence courses, until otherwise provided for by law.

(2) The necessary matters regarding education referred to in the preceding paragraph are as provided for by the Minister of Education, Culture, Sports, Science and Technology.

Article 9 (1) For high schools, upper courses of secondary education schools and special needs education schools, and special needs education class in regular class, textbooks other than the textbooks provided for in Article 34, paragraph (1) may be used, until otherwise provided for by law, as provided for by the Minister of Education, Culture, Sports, Science and Technology,

notwithstanding the provisions of Article 34, paragraph (1) (including as applied *mutatis mutandis* pursuant to Articles 49, 49-8, 62, Article 70, paragraph (1), and Article 82).

- (2) The provisions provided for in Article 34, paragraphs (2) and (3) applies *mutatis mutandis* to textbooks to be used pursuant to the provisions of the preceding paragraph.

Article 10 When granting the title of emeritus professor pursuant to the provisions of Article 106, until otherwise provided for by law, the service of the school principals (This includes chancellors and principals) or teachers of universities, university preparatory courses, high school advanced courses, professional training colleges or various teacher training schools under the provisions of the former University Order, former Higher School Order, former Vocational Training School Order, or former Teacher Training System for Schools, or schools equivalent to these schools as specified by the Minister of Education, Culture, Sports, Science and Technology, may be considered.