

# **PRIVATE SCHOOL ACT**

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1 (Purpose)**

The purpose of this Act is to ensure the sound development of private schools by securing their independence and promoting their public characteristics, in view of their special characteristics.

### **Article 2 (Definitions)**

(1) For the purpose of this Act, the term "private schools" means schools referred to in subparagraph 2 of Article 2 of the Early Childhood Education Act, Article 2 of the Elementary and Secondary Education Act, and Article 2 of the Higher Education Act, which are established by school juristic persons, juristic persons other than public organizations, or other individuals. <Amended by Act No. 6004, Aug. 31, 1999; Act No. 7120, Jan. 29, 2004>

(2) For the purpose of this Act, the term "school juristic persons" means juristic persons organized under this Act for the purpose of establishing and operating only private schools.

(3) For the purpose of this Act, the term "managers of private schools" means juristic persons, other than public organizations (excluding school juristic persons), or individuals that establish and operate private schools under the Early Childhood

Education Act, the Elementary and Secondary Education Act, the Higher Education Act, and this Act. <Amended by Act No. 6004, Aug. 31, 1999; Act No. 7120, Jan. 29, 2004>

Article 3 (Private Schools, etc. which may not be Established by Those Other Than School Juristic Persons)

(1) Persons other than school juristic persons shall neither establish nor operate private schools which fall under any of the following subparagraphs: Provided, That in the event that industrial bodies establish and operate middle or high schools for the education of their employed working juveniles pursuant to the provisions of Article 52 (2) of the Elementary and Secondary Education Act, the same shall not apply: <Amended by Act No. 2961, Dec. 31, 1976; Act No. 3057, Dec. 31, 1977; Act No. 3812, May 9, 1986; Act No. 5069, Dec. 29, 1995; Act No. 5274, Jan. 13, 1997; Act No. 6004, Aug. 31, 1999>

1. Primary schools, middle schools, high schools, colleges and universities;
2. Deleted; <by Act No. 6004, Aug. 31, 1999>
3. Industrial colleges, junior colleges and technology colleges; and
4. Other schools of various kinds equivalent to colleges and universities, industrial colleges, junior colleges or technology colleges.

(2) Deleted. <by Act No. 6004, Aug. 31, 1999>

#### Article 4 (Competent Agencies)

(1) Persons falling under any of the following subparagraphs shall be subject to the direction and control of the Superintendent of the Office of Education of the Special Metropolitan City, Metropolitan City or Do (hereinafter referred to as the "City/Do") who has jurisdiction over their location: <Amended by Act No. 4347, Mar. 8, 1991; Act No. 5069, Dec. 29, 1995; Act No. 5274, Jan. 13, 1997; Act No. 6004, Aug. 31, 1999>

1. Private primary schools, private middle schools, private high schools, private high technical schools, private civic schools, private higher civic schools, private schools for the handicapped, private kindergartens and other schools of various kinds equivalent to those mentioned above; and

2. School juristic persons that establish and operate private schools as referred to in subparagraph 1, or managers of such private schools.

(2) Deleted. <by Act No. 4347, Mar. 8, 1991>

(3) Persons falling under any of the following subparagraphs shall be subject to the control and supervision of the Minister of Education and Human Resources Development: <Amended by Act No. 2396, Dec. 28, 1972; Act No. 3057, Dec. 31, 1977; Act No. 3812, May 9, 1986; Act No. 4226, Apr. 7, 1990; Act No. 4268, Dec. 27,

1990; Act No. 5274, Jan. 13, 1997; Act No. 6004, Aug. 31, 1999; Act No. 6400, Jan. 29, 2001>

1. Private colleges and universities, private industrial colleges, private junior colleges, private technology colleges, and other private schools of various kinds equivalent to those mentioned above (hereinafter referred to as the "college educational institutions");

2. School juristic persons that establish and operate private schools as referred to in subparagraph 1; and

3. School juristic persons that establish and operate both private schools as referred to in subparagraph 1 and other private schools.

## CHAPTER II SCHOOL JURISTIC PERSONS

### SECTION 1 Common Provisions

#### Article 5 (Assets)

(1) School juristic persons shall have facilities and equipment necessary for the private schools established and operated by them, and property necessary for the management of the schools concerned.

(2) Standards of the facilities, equipment and property necessary for the private schools as provided in paragraph (1) shall be determined by the Presidential Decree. <Amended by Act No. 1664, Nov. 10, 1964>

#### Article 6 (Enterprise)

(1) School juristic persons may run a business aimed at profit-making for the purpose of using the profits for management of private schools (hereinafter referred to as the "profit-making businesses"), if the operation of such enterprises places no obstacle upon education by the private schools established by them. <Amended by Act No. 5274, Jan. 13, 1997>

(2) Deleted. <by Act No. 6004, Aug. 31, 1999>

(3) When a school juristic person runs a profit-making business under paragraph (1), it shall publicly announce without delay the following matters:

1. The name of the business and seat of its office;
2. The type of the business;
3. The capital for the management of the business;

4. The name and address of the representative of the business;
5. The commencement and term of the business; and
6. Other necessary matters.

(4) The accounting of the profit-making business as referred to in paragraph (1) shall be separated from that concerning operation of the private school which is established and operated by the school juristic person concerned.

#### Article 7 (Address)

The address of a school juristic person shall be deemed to be the seat of its principal office.

#### Article 8 (Registration of Establishment)

(1) When a school juristic person has obtained permission for its establishment, it shall register the following matters within three weeks from the date of such permission:

<Amended by Act No. 3373, Feb. 28, 1981>

1. Objectives;
2. Name;

3. Office;
4. Date of permission for establishment;
5. Period of duration or causes for dissolution, if any;
6. Total value of assets;
7. Method of making contributions, if any;
8. Names and addresses of directors; and
9. Deleted. <by Act No. 3373, Feb. 28, 1981>

(2) Matters to be registered under paragraph (1) cannot be set up against a third party unless those matters are registered. <Amended by Act No. 5274, Jan. 13, 1997>

(3) The court shall publicly announce without delay the registered matters.

#### Article 8-2 (Report on Property Transfer)

Every school juristic person , the registry of which has been effected pursuant to the provisions of Article 8, shall promptly make a report on the result of the property

contribution, accompanied by a certified copy of the register book attesting the property contribution, a certificate issued by the relevant financial institution and documents that are prescribed by the Presidential Decree, to the competent agency.

[This Article Newly Inserted by Act No. 7802, Dec. 29, 2005]

#### Article 9 (Legal Capacity, etc. of School Juristic Persons)

The provisions of Articles 34 and 35 of the Civil Act shall apply *mutatis mutandis* to school juristic persons' legal capacity and capacity to commit an unlawful act.

### SECTION 2 Establishment

#### Article 10 (Permission of Establishment)

(1) Anyone who desires to establish a school juristic person shall contribute a certain property for establishment, draw up the articles of association including the following matters, and obtain permission from the Minister of Education and Human Resources Development under the conditions as determined by the Presidential Decree. In this case, when establishing a school juristic person who establishes and operates a technology college, the enterprise concerned shall contribute a certain property in advance under the conditions as prescribed by the Presidential Decree: <Amended by Act No. 1664, Nov. 10, 1964; Act No. 4226, Apr. 7, 1990; Act No. 4268, Dec. 27, 1990;



Act No. 5274, Jan. 13, 1997; Act No. 6400, Jan. 29, 2001>

1. Objectives;
2. Name;
3. Type and name of the private school to be established and operated;
4. Seat of office;
5. Matters concerning assets and accounting;
6. Matters concerning fixed number of officers, and appointment and dismissal of such officers;
7. Matters concerning the board of directors;
8. If the school juristic person desires to run a profit-making business, the type and other matters concerning the business;
9. Matters concerning modification of the articles of association;
10. Matters concerning dissolution;

11. Matters concerning public announcement and the method thereof; and

12. Other matters to be provided for in the articles of association under this Act.

(2) The officers of a school juristic person at the time of its establishment shall be determined by the articles of association.

(3) In determining the matters prescribed in paragraph (1) 6, a school juristic person who establishes and operates a technology college shall nominate as its officer a person who is engaged in the enterprise, under the conditions as prescribed by the Presidential Decree. <Newly Inserted by Act No. 5274, Jan. 13, 1997>

(4) In determining the matters prescribed in paragraph (1) 10 of this Article, the persons who receive the residual property shall be selected from managers of school juristic persons or any other educational enterprises.

#### Article 10-2 (Entry of Contributors in Articles of Association)

(1) Every school juristic person may enter the matters falling under each of the following subparagraphs in addition to the matters referred to in each subparagraph of Article 10 (1) in the articles of association in order to protect the contribution intention of every contributor who has contributed a certain property and to honor his contribution:

1. The name and the date of birth of the contributor;
2. The details of the contributed property, the appraisal standards and the amount; and
3. The contributor's intention of contributing his property.

(2) With respect to anyone who has contributed or donated his property whose value exceeds a certain amount of money that is prescribed by the Presidential Decree after any school juristic person is established other than the contributor referred to in paragraph (1), the matters referred to in each subparagraph of paragraph (1) may be entered in the articles of association according to his wish.

[This Article Newly Inserted by Act No. 7802, Dec. 29, 2005]

#### Article 11 (Supplement to Articles of Association)

(1) If a person desiring to establish a school juristic person has died after having determined only the matters concerning the objectives and assets among the those falling under each subparagraph of Article 10 (1), the Minister of Education and Human Resources Development may determine the other matters upon the application of any interested person. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

(2) In the case of paragraph (1), if there is no interested person or no application is submitted, the Minister of Education and Human Resources Development may determine ex officio the matters as prescribed in paragraph (1). <Amended by Act No. 4268, Dec. 27, 1990; Act No. 5274, Jan. 13, 1997; Act No. 6400, Jan. 29, 2001>

#### Article 12 (Time of Establishment)

A school juristic person shall come into existence by making registration for establishment at the seat of its principal office.

#### Article 13 (Application Mutatis Mutandis of Civil Act)

The provisions of Articles 47, 48, 50 through 54 and 55 (1) of the Civil Act shall apply mutatis mutandis to the establishment of school juristic persons.

### SECTION 3 Organization

#### Article 14 (Officers)

(1) Every school juristic person shall have, as its officers, seven directors or more and two auditors or more: Provided, That a school juristic person which establishes and operates only a kindergarten may have five directors or more and one auditor or more as its officers. <Amended by Act No. 1664, Nov. 10, 1964; Act No. 4226, Apr. 7, 1990;

Act No. 5274, Jan. 13, 1997; Act No. 6004, Aug. 31, 1999>

(2) One of the directors shall become the chief director according to the articles of association.

(3) Every school juristic person shall select and appoint not less than 1/4 of the fixed number of directors referred to in the provisions of paragraph (1) from among the multiples of persons who are recommended by the school operating committee or the university deliberation committee (in the case of the newly incorporated corporation, the competent agency). <Newly Inserted by Act No. 7802, Dec. 29, 2005>

(4) In case where any school juristic person operates not less than 2 schools after having established them, if the school operating committee or the university deliberation committee intends to recommend directors pursuant to the provisions of paragraph (3), the school operating committee or the university deliberation committee of each school shall recommend them after consulting thereabout. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

(5) In case where the school operating committee or the university deliberation committee recommends the directors pursuant to the provisions of paragraph (3), its recommendation of such directors shall be completed within 30 days and where it fails to do so within the period, the competent agency shall recommend them. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

(6) Necessary matters concerning the recommendation of directors provided for in the provisions of paragraphs (3) through (5) and ways, etc. to select and appoint them shall be prescribed by the articles of association under the conditions as prescribed by the Presidential Decree. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

#### Article 15 (Board of Directors)

(1) A board of directors shall be established under every school juristic person.

(2) The board of directors shall consist of directors.

(3) The chief director shall convene the board of directors and preside over the meetings.

(4) The auditors may attend the meetings of the board of directors and present their opinions.

#### Article 16 (Functions of Board of Directors)

(1) The board of directors shall deliberate upon and make decisions on the following matters: <Amended by Act No. 3373, Feb. 28, 1981; Act No. 3812, May 9, 1986; Act No. 4226, Apr. 7, 1990>

1. Matters concerning budgets, settlement of accounts, loans, and acquisitions,

disposition and management of assets of the school juristic person;

2. Matters concerning alteration of the articles of association;
3. Matters concerning merger and dissolution of the school juristic person;
4. Matters concerning appointment and dismissal of officers;
5. Matters concerning appointment and dismissal of the principal and teachers of a private school established by the school juristic person concerned;
6. Important matters concerning management of the private school established by the school juristic person;
7. Matters concerning profit-making business; and
8. Other matters under jurisdiction of the board of directors pursuant to Acts and subordinate statutes, or the articles of association.

(2) If the interest of the chief director or a director conflicts with that of the school juristic person concerned, the chief director or the director shall not participate in the decision on the matters concerned.

#### Article 17 (Convocation of Board of Directors)

(1) The chief director may, whenever he deems it necessary, convene a meeting of the board of directors.

(2) The chief director shall convene a meeting of the board of directors within twenty days from the date when the meeting is requested on the grounds of the following reasons:

1. When a majority of the total directors on the register roll has requested a meeting, indicating the purpose of the proposed meeting; and

2. When an auditor has requested a meeting under Article 19 (4) 4.

(3) When a meeting of the board of directors is to be convened, a notice indicating clearly the purpose of the meeting shall be made to each director at least seven days prior to the date of the meeting: Provided, That this provision shall not apply when all the directors have requested the meeting and all attend the meeting.

(4) When a meeting of the board of directors is to be convened, if it is impossible to convene the meeting for seven days or more because the person who holds the right to convene the meeting, is absent or evades the duty of convening the meeting, a majority of the total directors on the register roll may convene the meeting with their approval: Provided, That in case where the person who holds the right to convene a meeting of the board of directors evades convening the meeting, such meeting shall be



convened upon approval therefor from the competent agency. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 5274, Jan. 13, 1997; Act No. 7802, Dec. 29, 2005>

Article 18 (Quorum for Commencing Proceedings and Quorum for Passing Resolutions)

The board of directors shall, except as otherwise provided in the articles of association, open with the attendance of a majority of the total directors on the register roll and resolve with the concurrent vote of a majority of the fixed number of directors, which is prescribed by the articles of association. <Amended by the Act No. 5274, Jan. 13, 1997; Act No. 7802, Dec. 29, 2005>

Article 18-2 (Preparation of Minutes and Their Publication, etc.)

(1) The board of directors shall prepare the minute in which the matters falling under each of the following paragraphs are entered: Provided, That in case where circumstances make it difficult to prepare the minute on the day on which the board of directors holds its meeting, a meeting record in which the results of deliberation and resolution by each agenda item are entered may be prepared:

1. The date and time when the board of directors opens, suspends and closes its meeting;

2. The agenda;

3. The deliberations;

4. The names of officers and employees who are present at the meeting of the board of directors;

5. The number of voting; and

6. Other necessary matters that are recognized by the chief director.

(2) All of the officers who are present at the meeting of the board of directors shall affix their signatures to the minute or the meeting record in a manner that their names are easily identified and in case where the minute or the meeting record consists of not less than 2 sheets, they shall affix their signatures to the spaces of such sheets.

(3) In case where the meeting record is prepared pursuant to the proviso of paragraph (1), the minute shall be prepared as soon as possible: Provided, That when the minute is urgently needed, the meeting record may be submitted to the competent agency in lieu of the minute.

(4) All of the minutes shall be published: Provided, That with respect to the matters that are prescribed by the Presidential Decree, such matters may not be published after obtaining a resolution thereon of the board of directors.

(5) The period during which the minute is published, the procedures for publishing the minute and other necessary matters shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7802, Dec. 29, 2005]

#### Article 19 (Duties of Officers)

(1) The chief director shall represent the school juristic person concerned, perform the duties as provided for in this Act and the articles of association, and supervise and control the internal affairs of the school juristic person concerned.

(2) If the chief director is absent or unable to perform his duties by accident, a director shall act for him in accordance with the articles of association and if there is no such provision in the articles of association, the director elected from among the directors shall act for him.

(3) The directors shall attend meetings of the board of directors and deliberate and make decisions on matters concerning the affairs of the school juristic person, and take charge of the matters delegated by the board of directors or the chief director.

(4) The auditors shall perform the following duties: <Amended by Act No. 3373, Feb. 28, 1981; Act No. 4226, Apr. 7, 1990>

1. To audit the state of property and the accounts of the school juristic person

concerned;

2. To audit matters concerning the operation and duties of the board of directors;

3. To report to the board of directors and the competent agency on illegal or defective points which have been found as a result of audit of matters concerning the state of property of the school juristic person or operation and duties of the board of directors;

4. To request the convocation of a meeting of the board of directors, when it is required to make a report as referred to in subparagraph 3; and

5. To state their opinions to the chief director or directors concerning the state of property of the school juristic person concerned or the operation and duties of the board of directors.

#### Article 20 (Appointment and Term of Office of Officers)

(1) Officers shall be appointed by the board of directors in accordance with the articles of association.

(2) Officers shall take offices with the approval of the competent agency. In this case, their personnel matters shall be published under the conditions as prescribed by

the Minister of Education and Human Resources Development. <Amended by Act No. 1664, Nov. 10, 1964; Act No. 3373, Feb. 28, 1981; Act No. 4226, Apr. 7, 1990; Act No. 5274, Jan. 13, 1997; Act No. 7802, Dec. 29, 2005>

(3) The term of office of the chief director, directors and auditors shall be determined by the articles of association and the terms of office of the directors shall not exceed 5 years and they may be reappointed and the terms of the auditors shall not exceed 3 years and may be reappointed only once. <Amended by Act No. 1664, Nov. 10, 1964; Act No. 7802, Dec. 29, 2005>

#### Article 20-2 (Revocation of Approval of Officer's Taking Office)

(1) If an officer has committed any of the following acts, the competent agency may revoke its approval of his taking office: <Amended by Act No. 4226, Apr. 7, 1990; Act No. 7802, Dec. 29, 2005>

1. When he violates the provisions of this Act, the Elementary and Secondary Education Act or the Higher Education Act or fails to execute orders given pursuant to those Acts;

2. When he causes a dispute between officers or commits fraudulent accounts or other serious irregularities, which results in seriously impeding the operation of the relevant school;

3. When he undermines the authority of the head of any school in regard to the performance of school administration;

4. When he helps commit the act referred to in the provisions of subparagraphs 1 through 3;

5. When he helps the head of any school commit the violation of any Act;

6. When he refuses to go along with the request of the competent agency to discipline the head of school; and

7. When he helps the intervention of the school operation by any person for whom the approval for his taking office is revoked.

(2) The revocation of the approval of taking office under paragraph (1) shall be effected only when fifteen days have elapsed without correction from the date on which the competent agency requested the school juristic person to correct the action, accompanied by a statement of the reasons therefor: Provided, That in case where even if the correction is requested, it is clear that such correction cannot be made and the extent of the accounting fraud, the embezzlement and the offering and taking of bribe is serious, the approval granted for the officer to take office may be revoked without the request of correction and detailed standards therefor shall be set by the Presidential Decree. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 7802, Dec. 29, 2005>

(3) Deleted. <by Act No. 4226, Apr. 7, 1990>

[This Article Newly Inserted by Act No. 1664, Nov. 10, 1964]

#### Article 20-3 (Suspension of Officers From Performing Their Duties)

(1) In the case falling under each of the following subparagraphs, the competent agency may suspend the relevant officer from performing his duties within the scope of 60 days and when the grounds of inevitability accrue, the period may be extended within the scope of 60 days:

1. When the inspection or the audit that is conducted for revoking the approval of taking office provided for in the provisions of Article 20-2 (1) is in progress; and

2. When, if the relevant officer continues the performance of his duties during the period in which the correction request is made pursuant to the provisions of Article 20-2 (2), his continued performance of his duties is feared to cause serious damage to the operation of the school juristic person or the school concerned.

(2) When the grounds of the suspension of the performance of the officer's duties provided for in the provisions of paragraph (1) come to an end, the competent agency shall immediately cancel the suspension of the performance of his duties.

[This Article Newly Inserted by Act No. 7802, Dec. 29, 2005]

Article 21 (Restrictions on Appointment of Officers)

(1) One half or more of the fixed numbers of directors shall be Korean nationals: Provided, That in case of a school juristic person who establishes and operates college educational institutions as determined by the Presidential Decree and to whom any person who is not a national of the Republic of Korea has contributed the property equivalent to one-half or more of the basic property amount of school juristic person, less than two-thirds of the fixed number of directors may not be nationals of the Republic of Korea. <Amended by Act No. 5345, Aug. 22, 1997>

(2) In organizing the board of directors, those who have relationship of relatives as defined in Article 777 of the Civil Act with each other, shall not exceed one-fourth of the fixed number of directors. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 6004, Aug. 31, 1999; Act No. 7802, Dec. 29, 2005>

(3) At least one-third of the fixed number of directors shall be those who have experience in education for three or more years. <Amended by Act No. 3812, May 9, 1986; Act No. 5274, Jan. 13, 1997>

(4) The auditors shall not have relationship of relatives as defined in Article 777 of the Civil Act with each other or with directors. <Amended by Act No. 6004, Aug. 31, 1999>



(5) One of the auditors who are posted in a school juristic person shall be the person who is recommended by the school operating committee provided for in the provisions of Article 31 of the Elementary and Secondary Education Act in the case of the elementary or secondary schools or the university deliberation committee provided for in the provisions of Article 26-2 in the case of universities. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

(6) In case where any school juristic person is larger than the standard prescribed by the Presidential Decree, one of the auditors shall be the person who is qualified as a certified public accountant. <Newly Inserted by Act No. 3373, Feb. 28, 1981>

(7) In case where the approval for the appointment of the person falling under each of the following subparagraphs as an officer is requested, the consent thereof of not less than  $\frac{2}{3}$  of the directors on the register roll shall be obtained: <Newly Inserted by Act No. 7802, Dec. 29, 2005>

1. The person for whom 5 years have lapsed from the date on which the approval for taking office as an officer was revoked pursuant to the provisions of Article 20-2;

2. The person for whom 5 years have lapsed from the date on which he was fired pursuant to the provisions of Article 61; and

3. The person for whom 3 years have lapsed from the date on which he was removed from the position of the head of school pursuant to the provisions of Article 54-2.

#### Article 22 (Disqualifications of Officers)

Any person who falls under any of the following subparagraphs shall not be an officer of school juristic persons: <Amended by Act No. 3458, Nov. 23, 1981; Act No. 4226, Apr. 7, 1990; Act No. 7802, Dec. 29, 2005>

1. A person who falls under the provisions of Article 33 of the State Public Officials Act;

2. A person for whom 5 years have yet to elapse from the date on which the approval for taking office as an officer was revoked pursuant to the provisions of Article 20-2 ;

3. A person for whom 3 years have yet to elapse from the date when he was released from office by a request for dismissal under Article 54-2;

4. A person for whom 5 years have yet to lapse from the date on which he was fired pursuant to the provisions of Article 61; and

5. A person who has retired after having worked as a public official of Grade IV

or higher in charge of the educational administration or a public official of Grade IV or higher in charge of education and for whom 2 years have yet to lapse from the date on which he retired.

[This Article Wholly Amended by Act No. 2587, Mar. 10, 1973]

#### Article 23 (Prohibition of Concurrently Holding Office)

(1) The chief director shall not concurrently hold the office of the head of a private school established and operated by the relevant school juristic person or other school juristic person or the office of the chief director of other school juristic person.

<Amended by Act No. 7802, Dec. 29, 2005>

(2) The director shall not concurrently hold the office of auditor, teacher or other employee of a private school established and operated by the school juristic person concerned: Provided, That this provision shall not apply to the office of the head of the school concerned.

(3) The auditor shall not concurrently hold the office of the chief director, director or employee of the school juristic person concerned (including teacher or other employee of the private school established and operated by the school juristic person concerned).

(4) Deleted. <by Act No. 4226, Apr. 7, 1990>

#### Article 24 (Filling Vacancies)

If a vacancy occurs in the office of director or auditor, it shall be filled within two months.

#### Article 25 (Appointment of Temporary Director)

(1) In the case falling under each of the following subparagraphs, the competent agency shall promptly select and appoint temporary directors by its authority or upon receiving a claim filed by interested persons: <Amended by Act No. 7802, Dec. 29, 2005>

1. When the normal operation of the school juristic person is judged to be difficult on the grounds that the school juristic person fails to fill the vacancies of directors;

2. When the approval for the officers of the school juristic person to take office is revoked pursuant to the provisions of Article 20-2; and

3. When temporary directors are dismissed pursuant to the provisions of Article 25-2.

(2) Temporary directors shall make efforts so that any cause referred to in

paragraph (1) may be removed as soon as possible.

(3) Temporary directors shall hold office until a cause referred to in paragraph (1) is removed. <Amended by Act No. 7802, Dec. 29, 2005>

(4) Temporary directors shall not be appointed as officers referred to in Article 20.

(5) The competent agency may ask any juristic person for which temporary directors are selected and appointed to convene a meeting of the board of directors. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

(6) Necessary matters concerning ways to select, appoint and operate temporary directors, etc. shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

[This Article Wholly Amended by Act No. 6004, Aug. 31, 1999]

#### Article 25-2 (Dismissals of Temporary Directors)

In the case falling under each of the following subparagraphs, the competent agency may dismiss the whole or part of the temporary directors:

1. Where the temporary directors fall under any subparagraph of Article 33 of the State Public Officials Act;

2. Where the temporary directors grossly neglect the performance of their duties;  
and

3. Where the temporary directors perform the act falling under any subparagraph of Article 20-2 (1).

[This Article Newly Inserted by Act No. 7802, Dec. 29, 2005]

Article 25-3 (Normalization of School Juristic Person for Which Temporary Directors are Selected and Appointed)

(1) When the grounds of the selections and appointments of temporary directors who are selected and appointed pursuant to the provisions of Article 25 are deemed to be annulled, notwithstanding the provisions of Article 20, the competent agency shall promptly dismiss them and select and appoint directors.

(2) The competent agency shall select and appoint the directors pursuant to the provisions of paragraph (1) after hearing the opinion of the school operating committee or the university deliberation committee and persons who have contributed their properties to the relevant school or have made contributions to the development of the relevant school.

(3) In case where the directors are selected and appointed pursuant to the

provisions of paragraph (2), not less than 1/3 of the directors shall be recommended by the school operating committee in the case of any elementary or secondary school and by the university deliberation committee in the case of any university.

(4) In case where a school juristic person operates not less than 2 schools after having established them, the provisions of Article 14 (4) shall apply mutatis mutandis to the recommendation of directors provided for in the provisions of paragraph (3).

[This Article Newly Inserted by Act No. 7802, Dec. 29, 2005]

#### Article 26 (Restrictions on Remuneration for Officers)

(1) No remuneration shall be paid to officers of a school juristic person other than the full-time officers as referred to in articles of association: Provided, That reimbursement of actual expenses shall be made to them. <Amended by Act No. 3373, Feb. 28, 1981; Act No. 5274, Jan. 13, 1997>

(2) The school juristic person may pay living costs, fees for medical treatment and funeral expenses to the persons who have donated or contributed to the school juristic person concerned, property equivalent to one third or more of the basic property amount of school juristic person, and who have almost no means of livelihood within the limit that the school juristic person concerned makes a profit: Provided, That the same shall not apply to those who receive remuneration pursuant to the provisions of paragraph (1). <Newly Inserted by Act No. 3114, Dec. 5, 1978; Act No. 3812, May 9, 1986; Act No.

5274, Jan. 13, 1997>

(3) The criteria of persons who are badly off, among those who have donated or contributed the property as referred to in paragraph (2), and the extent of living costs, fees for medical treatment and funeral expenses shall be determined by the Presidential Decree. <Newly Inserted by Act No. 3114, Dec. 5, 1978>

#### Article 26-2 (University Deliberation Committee)

(1) The university deliberation committee mandated to deliberate on major matters concerning education shall be set up in each of the college educational institutions.

(2) Necessary matters concerning the function, the organization, the operation, etc. of the university deliberation committee shall be prescribed by the articles of association under the conditions as prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 7802, Dec. 29, 2005]

#### Article 27 (Application of Civil Act)

The provisions of Articles 59 (2), 61, 62, 64 and 65 of the Civil Act shall apply mutatis mutandis to the chief director and directors of a school juristic person: Provided, That "other persons" in Article 62 of the Civil Act shall be replaced by "other directors".



## SECTION 4 Property and Accounting

### Article 28 (Management and Protection of Property)

(1) Where every school juristic person intends to sell, donate or exchange basic property, use it for another purpose, give it as security, or bear any obligation, or waive any rights, he shall obtain permission from the competent agency: Provided, That insignificant matters as prescribed by the Presidential Decree shall be reported to the competent agency. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 5274, Jan. 13, 1997>

(2) Such portion as determined by the Presidential Decree of property owned by the school juristic person and used directly for school education shall not be sold or given as security. <Amended by Act No. 1664, Nov. 10, 1964>

(3) Any right to collect tuition fees or other money due (referring to admission fees, school operating assistance expenses or dues for school supporting organization; hereinafter the same shall apply) referred to in Article 10 of the Elementary and Secondary Education Act and Article 11 of the Higher Education Act and deposit claims on revenues managed in a separate account pursuant to Article 29 (2) of this Act shall not be seized. <Newly Inserted by Act No. 5683, Jan. 21, 1999>

Article 29 (Division of Accounts)

(1) The accounts of every school juristic person shall be divided into accounts belonging to the school which is established and operated by him, and accounts belonging to the business of the juristic person.

(2) The accounts which belong to the school as referred to in paragraph (1), may be divided into accounts of the school expenses and accounts of a hospital in affiliation (limited to the cases where there exists a hospital in affiliation), and matters concerning revenue and expenditure of each account shall be determined by the Presidential Decree, and tuition fees or other money due shall go to the revenues of school expenses and be managed in a separate account. <Amended by Act No. 5683, Jan. 21, 1999>

(3) The accounts which belong to the business of the juristic person as referred to in paragraph (1), may be divided into accounts of the general business and accounts of the profit-making business as referred to in Article 6.

(4) The budget of the account that belongs to the school referred to in the provisions of paragraph (2) shall be compiled by the head of the relevant school and it shall be made definite by the deliberation and resolution of the board of directors after going through the counsel of the school operating committee or the university deliberation committee and then the budget thereof shall be executed by the head of the relevant school: Provided, That the budget of every kindergarten shall be compiled and executed by the head of every kindergarten. <Amended by Act No. 7802, Dec. 29, 2005>

(5) Deleted. <by Act No. 7802, Dec. 29, 2005>

(6) Revenues which belong to the accounts of the school expenses as referred to in paragraph (2) shall not be diverted or loaned to other accounts: Provided, That the same shall not apply to the case falling under any of the following subparagraphs: <Amended by Act No. 7802, Dec. 29, 2005>

1. Where they are used for the repayment of the principal and interest of borrowings; and

2. Where they are used for the payment of minimum expenses necessary to operate the board of directors and personal spending necessary to pay the salaries of staff in charge of clerical services of the financially poor school juristic person to which temporary directors are seconded.

(7) School juristic persons entitled to financial diversions and loans from the account of school expenses provided for in the provisions of paragraph (6) 2 and the scope of and procedures for financial aid shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

#### Article 30 (Fiscal Year)

The fiscal year of a school juristic person shall follow the school year of the private school established and operated by the school juristic person.

#### Article 31 (Submission of Budget and Settlement of Accounts)

(1) Every school juristic person shall report its budget to the competent agency and publish its budget before the commencement of every fiscal year, and report its settlement of accounts to the competent agency and published its settlement after the end of every fiscal year under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 1664, Nov. 10, 1964; Act No. 4226, Apr. 7, 1990; Act No. 7802, Dec. 29, 2005>

(2) When the competent agency deems that the budget as referred to in paragraph (1) is improperly compiled, the agency may guide the revision of such budget. <Amended by Act No. 4226, Apr. 7, 1990>

(3) The settlement of accounts belonging to the schools shall go through the counsels of the school operating committee or the university deliberation committee after the end of every fiscal year: Provided, That the same shall not apply to kindergartens. <Newly Inserted by Act No. 4226, Apr. 7, 1990; Act No. 6004, Aug. 31, 1999; Act No. 7802, Dec. 29, 2005>

(4) When a school juristic person submits the report of settlement of accounts in

accordance with paragraph (1), the competent agency shall require such school juristic person to attach an audit report to which all of auditors of the relevant school juristic person affix their signatures and seals and may request such school juristic person to attach an audit certificate issued by a certified public accountant or an accounting corporation independent of such school juristic person. <Newly Inserted by Act No. 5274, Jan. 13, 1997; Act No. 7802, Dec. 29, 2005>

(5) Necessary matters concerning the publication referred to in the provisions of paragraph (1), the scope of school juristic persons that are each request to attach the audit certificate referred to in the provisions of paragraph (4) and the time for making the publication, etc. shall be prescribed by the Presidential Decree. <Amended by Act No. 7802, Dec. 29, 2005>

#### Article 32 (Preparation and Keeping of Inventory, etc.)

(1) School juristic persons shall prepare inventory of property, balance sheet, statement of accounts on revenues and expenditures and other necessary account books and documents within two months after the completion of every fiscal year, and always keep them at their offices. <Amended by Act No. 5274, Jan. 13, 1997>

(2) The types and forms of account books and documents to be kept under paragraph (1) shall be determined by the Ordinance of the Ministry of Education and Human Resources Development. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

#### Article 33 (Accounting Regulations, etc.)

The accounting regulations of school juristic persons and other necessary matters concerning the budget and accounting shall be determined by the Minister of Education and Human Resources Development. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

### SECTION 5 Dissolution and Merger

#### Article 34 (Reasons of Dissolution)

(1) A school juristic person shall be dissolved by any of the following reasons:  
<Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

1. Occurrence of any of the causes for dissolution specified in the articles of association;
2. Impossibility of achievement of the objectives;
3. Merger with another school juristic person;
4. Bankruptcy; and

5. Order of dissolution issued by the Minister of Education and Human Resources Development under Article 47.

(2) The dissolution under paragraph (1) 2 shall require the consent of two-thirds or more of the fixed members of the board of directors and the approval of the Minister of Education and Human Resources Development. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

#### Article 35 (Reversion of Residual Property)

(1) The residual property of a dissolved school juristic person shall, except for the cases of merger and bankruptcy, revert to the persons designated in the articles of association, when a report on completion of liquidation is made to the Minister of Education and Human Resources Development. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

(2) The property of the school juristic person which establishes and operates a college educational institution, among those not disposed of under paragraph (1), shall revert to the national treasury, and that of a school juristic person which establishes and operates a school as prescribed in Article 4 (1) 1 to the local government concerned, respectively. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 5274, Jan. 13, 1997>

(3) The State or local governments shall grant the property reverting to the national

treasury or local governments under paragraph (2) to other school juristic persons as concession, gratuitous loan or subsidy for the purpose of supporting the education of private schools, or use them for other project for school. <Amended by Act No. 4226, Apr. 7, 1990>

(4) The property reverting to the national treasury under paragraph (2) shall be managed by the Minister of Education and Human Resources Development and those reverting to a local government, by the Superintendent of the Office of Education; if such property is to be disposed of under paragraph (3), while the Minister of Education shall obtain in advance the consent of the Minister of Finance and Economy; the Superintendent of the Office of Education, the consent of the Minister of Education and Human Resources Development. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 4268, Dec. 27, 1990; Act No. 4347, Mar. 8, 1991; Act No. 5274, Jan. 13, 1997; Act No. 5982, May 24, 1999; Act No. 6400, Jan. 29, 2001>

#### Article 35-2 (Special Cases for Dissolution and Reversion of Residual Property)

(1) Where a school juristic person that establishes and operates various kinds of schools equivalent to or lower than high schools has difficulty in achieving the objectives thereof due to a sharp decrease in the number of students, it may be dissolved with authorization from the Superintendent of the Office of Education notwithstanding the provisions of Article 34 (1).

(2) Any school juristic person who intends to obtain authorization from the



Superintendent of the Office of Education pursuant to paragraph (1) shall submit an application for dissolution accompanied by a disposal plan for residual property to the Superintendent of the Office of Education.

(3) The dissolution referred to in paragraph (1) and the disposal plan for residual property referred to in paragraph (2) shall be subject to the consent of two-thirds or more of the fixed number of members of the board of directors.

(4) The State or a local government may render supports falling under each of the following subparagraphs so as to have the school juristic persons which are dissolved under the provisions of paragraph (1) make a smooth dissolution: <Newly Inserted by Act No. 7118, Jan. 29, 2004>

1. Payment of grant for dissolution encouragement within the scope of less than 30/100 of the value of appraisal and assessment of basic properties retained by the school juristic person at the time of applying for authorization of dissolution; and

2. Purchase of properties directly used for the school education from among the basic properties retained by the school juristic person at the time of applying for authorization of dissolution.

(5) A private school readjustment and examination committee shall be established under the Superintendent of the Office of Education in order to examine the matters on

the dissolution of school juristic persons under paragraph (1), disposal of residual property thereof under paragraph (2), and financial supports under paragraph (4).

<Amended by Act No. 7118, Jan. 29, 2004>

(6) The matters on the organization and operation of private school readjustment and examination committees referred to in paragraph (5) shall be prescribed by the Presidential Decree. <Amended by Act No. 7118, Jan. 29, 2004>

(7) Any school juristic person dissolved pursuant to paragraphs (1) through (5) may, notwithstanding the provisions of Article 10 (4), have all or part of the residual property reverted to any person specified in the disposal plan for residual property referred to in paragraph (2) or contribute it as property for the establishment of public-service corporations referred to in Article 2 of the Act on the Establishment and Operation of Public-Service Corporations. <Amended by Act No. 7118, Jan. 29, 2004>

[This Article Newly Inserted by Act No. 5345, Aug. 22, 1997]

#### Article 36 (Merger Procedure)

(1) If a school juristic person desires to merge with another school juristic person, the consent of two-thirds or more of the fixed number of members of the board of directors shall be required.

(2) The merger under paragraph (1) shall be subject to authorization of the Minister

of Education and Human Resources Development. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

(3) If a school juristic person desires to obtain the authorization as referred to in paragraph (2), he shall submit an application for authorization accompanied by the articles of association of the school juristic person which are to remain after the proposed merger or to be established newly after the proposed merger, and other documents as prescribed by the Presidential Decree. <Amended by Act No. 1664, Nov. 10, 1964>

#### Article 37 (Merger Procedure)

(1) When a school juristic person has obtained the approval under Article 36 (2), it shall prepare its property inventory and balance sheet within fifteen days from the date of receiving a notice of the approval.

(2) The school juristic person shall give a public notice within the period as prescribed in paragraph (1) that any creditor who has any objection to the proposed merger shall produce the objection within a fixed period, and a peremptory notice to the same effect shall be given separately to each of the creditors known to the school juristic person: Provided, That such period shall be not less than two months.

#### Article 38 (Merger Procedure)

(1) A creditor who fails to produce any objection to the proposed merger within the period as prescribed in Article 37 (2), shall be deemed to have given his consent to accept obligation of the school juristic person which is to remain after the merger or to be established through the merger.

(2) If a creditor has produced an objection within the period as prescribed in Article 37 (2), the school juristic person shall discharge that objection or furnish adequate security.

#### Article 39 (Merger Procedure)

In the event that a school juristic person is to be established through a merger, affairs concerning the articles of association and the establishment of the school juristic person shall be handled jointly by the persons appointed by the respective school juristic persons concerned.

#### Article 40 (Effect of Merger)

The school juristic person which continues to exist after the merger or has come into existence in consequence of the merger, shall succeed to the rights and duties (including the rights and duties arising from the approval of and dispositions made by the Minister of Education and Human Resources Development concerning the enterprises managed by the school juristic person concerned) of the school juristic person which ceased to exist in consequence of the merger. <Amended by Act No. 4268,

Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

#### Article 41 (Time of Merger)

The merger of school juristic persons shall take effect when the school juristic person which continues to exist after the merger, or the school juristic person which comes into existence in consequence of the merger, has effected registration at the seat of the principal office.

#### Article 42 (Application Mutatis Mutandis of Civil Act)

(1) The provisions of Articles 79 and 81 through 95 of the Civil Act shall apply mutatis mutandis to the dissolution and liquidation of school juristic persons: Provided, That the term "directors" in Article 79 of the Civil Act shall be replaced by the "chairman of the board of directors". <Amended by Act No. 1664, Nov. 10, 1964>

(2) The provisions of Article 18 of this Act, and Articles 59 (2), 61, 62, 64 and 65 of the Civil Act shall apply mutatis mutandis to the liquidators of school juristic persons.

### SECTION 6 Support and Supervision

#### Article 43 (Support)

(1) When the State or a local government recognizes the necessity of supporting private schools for the purpose of promotion of private school education, it may grant subsidies or render other forms of support to school juristic persons or private school support organizations which have applied for support in accordance with the Presidential Decree or the Municipal Ordinance of the local government concerned.  
<Amended by Act No. 1664, Nov. 10, 1964; Act No. 4226, Apr. 7, 1990>

(2) The competent agency shall have the following authorities over the school juristic persons or private school support organizations which receive the support under paragraph (1) or Article 35 (3): <Amended by Act No. 1964, Nov. 10, 1964; Act No. 4226, Apr. 7, 1990>

1. If it is necessary for rendering support, the agency may receive reports concerning the affairs or accounting status from such school juristic persons or private school support organizations; and

2. If the budget of the school juristic person or the private school support organization concerned is recognized as improper from the point of view of rendering support, the agency may advise that the school juristic person concerned alter such budget.

(3) If the State or a local government has supported a school juristic person or private school support organization in accordance with paragraph (1) or Article 35 (3) and if the support has produced little tangible result and it is recognized as improper to

continue such support or the school juristic person or private school support organization concerned does not follow the action taken by the competent agency under paragraph (2), the State or the local government may suspend the support thereafter. <Amended by Act No. 1664, Nov. 10, 1964; Act No. 4226, Apr. 7, 1990>

Article 43-2 Deleted. <by Act No. 3057, Dec. 31, 1977>

Article 44 (Preferential Support to Vocational Education)

In the event that the State or a local government desires to support school juristic persons under Article 43 (1) or 35 (3), it shall give priority to the school juristic persons that establish and operate vocational schools. <Amended by Act No. 4226, Apr. 7, 1990>

Article 45 (Alteration of Articles of Association)

Alteration of articles of association of school juristic persons shall require a decision made by the consent of two-thirds or more of the fixed number of the board of directors and the approval of the Minister of Education and Human Resources Development. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

[This Article Wholly Amended by Act No. 2775, Jul. 23, 1975]

Article 46 (Order of Suspension of Profit-Making Enterprise)

If it is recognized that a school juristic person operating a profit-making enterprise under Article 6 (1) falls under any of the following subparagraphs, the competent agency may order the school juristic person concerned to suspend such enterprise:

<Amended by Act No. 4226, Apr. 7, 1990>

1. If the school juristic person concerned has used profits resulting from the profit-making enterprise for purposes other than those of the management of the private school established and operated by the school juristic person concerned; and

2. If continuing such enterprise places obstacles upon the education of the private school established and operated by the school juristic person concerned.

Article 47 (Order of Dissolution)

(1) If the Minister of Education and Human Resources Development deems that a school juristic person falls under any of the following subparagraphs, he may order the school juristic person concerned to dissolve itself: <Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001>

1. If the school juristic person has violated the conditions for authorization; and

2. If it is impossible for the school juristic person to achieve its objectives.



(2) The order of dissolution of the school juristic person under paragraph (1) shall be given only when it is otherwise impossible to achieve the objective of the supervision, or when the school juristic person does not comply with the directions of correction given by the competent agency by the time six months elapse from the date of the correction order. <Amended by Act No. 2587, Mar. 10, 1973; Act No. 4226, Apr. 7, 1990>

#### Article 47-2 (Hearing)

Where the Minister of Education and Human Resources Development intends to dissolve a school juristic person pursuant to Article 47, he shall hold a hearing. <Amended by Act No. 6400, Jan. 29, 2001>

[This Article Newly Inserted by Act No. 5453, Dec. 13, 1997]

#### Article 48 (Collection of Reports)

If it is necessary for the purpose of supervision, the competent agency may order the school juristic person or the private school support organization to submit the reports, or may inspect account books or documents, or may order necessary measures therefor. <Amended by Act No. 1664, Nov. 10, 1964; Act No. 4226, Apr. 7, 1990>

### CHAPTER III MANAGER OF PRIVATE SCHOOL

Article 49 Deleted. <by Act No. 6004, Aug. 31, 1999>

#### Article 50 (Change of Organization into School Juristic Person)

(1) Juristic foundation under the Civil Act among managers of private schools may change their organizations into a school juristic person.

(2) Deleted. <by Act No. 6004, Aug. 31, 1999>

Article 50-2 Deleted. <by Act No. 3057, Dec. 31, 1977>

#### Article 51 (Applicable Provisions)

The provisions of Articles 5, 28 (2), 29, 31 through 33, 43, 44, and 48 shall apply mutatis mutandis to managers of private schools: Provided, That the provisions of Articles 31 through 33 shall apply mutatis mutandis only to the part concerning private schools established and operated by them.

## CHAPTER IV TEACHERS OF PRIVATE SCHOOLS

### SECTION 1 Qualification, Appointment, Dismissal and Duties

#### Article 52 (Qualifications)

With regard to the qualifications of teachers of private schools, the provisions concerning the qualifications of teachers of the national and public schools shall apply.

#### Article 53 (Appointment and Dismissal of Head of School)

(1) The heads of various levels of schools shall be appointed and dismissed by the school juristic persons or the private school managers who establish and operate the schools concerned. <Amended by Act No. 4226, Apr. 7, 1990>

(2) In cases where a school juristic person intends to dismiss the head of the college educational institution during his term of office in accordance with paragraph (1), he shall go through the resolution of the board of directors by the affirmative vote of two-thirds or more of the fixed number of directors. <Newly Inserted by Act No. 5274, Jan. 13, 1997>

(3) The terms of office for the heads of various levels of schools and the terms of office of the managers of private schools that are juristic persons shall be set by the articles of association and the terms of office of the managers of private schools who are private persons shall be set by the rules and the terms of office for them shall not exceed 4 years and they may be reappointed only once. <Amended by Act No. 7802, Dec. 29,

2005>

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

Article 53-2 (Appointment and Dismissal of Teachers Other Than Heads of Schools)

(1) Teachers of various levels of schools shall be appointed and dismissed by the school juristic persons concerned or by the private school managers, in conformity with any of the following subparagraphs: <Amended by Act No. 4226, Apr. 7, 1990>

1. The appointment and dismissal of teachers of the private school that is established and operated by a school juristic person or a private school manager who is a juristic person, shall be decided by the board of directors upon the recommendation of the head of school concerned; and

2. The appointment and dismissal of teachers of private school that is established and operated by a private school manager who is a private person, shall be carried out on the recommendation of the head of the school concerned.

(2) The power to appoint and dismiss teachers of the college educational institutions may be delegated to the heads of schools under the conditions as prescribed by the articles of association of the school juristic person concerned. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 7802, Dec. 29, 2005>

(3) Teachers of the college educational institutions may be appointed by fixing contract terms such as term of office, salary, conditions of service, work and merit agreement on such terms and conditions as the articles of association of the school juristic person concerned may determine. In this case, with respect to the term of office, the provisions concerning the term of office applying to faculty of national and public colleges shall apply mutatis mutandis. <Amended by Act No. 6004, Aug. 31, 1999>

(4) Where the term of office for teachers appointed pursuant to paragraph (3) expires, the person who has the power to appoint and dismiss shall notify (referring to the notification in writing; hereafter in this Article the same shall apply) the teachers concerned of the fact that the term of office will expire and they are eligible to apply for re-appointment deliberation, not later than four months before the term of office expires. <Amended by Act No. 7352, Jan. 27, 2005>

(5) Where the teachers who are notified pursuant to paragraph (4) intend to be re-appointed, they shall apply for re-appointment deliberation to the person who has the power to appoint and dismiss within fifteen days from the date when they are so notified. <Newly Inserted by Act No. 7352, Jan. 27, 2005>

(6) The person who is requested to deliberate upon re-appointment pursuant to paragraph (5) shall decide on whether to re-appoint the teachers concerned after going through re-appointment deliberation by the teachers' personnel committee under Article 53-3 and then shall notify the teachers concerned of the contents of the decision not later than two months before the term of appointment expires. In that case, if he decides

not to reappoint the teachers concerned, he shall specify in the notice the purport of and the reasons for refusing the re-appointment. <Newly Inserted by Act No. 7352, Jan. 27, 2005>

(7) Where the teachers' personnel committee deliberates upon whether to re-appoint the teachers concerned under paragraph (6), it shall do so on a basis of the objective grounds stipulated in school regulations including the results of appraising the following matters. In this case, the teachers concerned shall be given, in the process of such deliberation, the opportunity to attend the teachers' personnel committee and state their opinions or to submit their opinions in writing on the date designated with a preparatory period of at least fifteen days given: <Newly Inserted by Act No. 7352, Jan. 27, 2005>

1. Matters relating to the education of students;
2. Matters relating to academic researches; and
3. Matters relating to the guidance of students.

(8) The teachers who are dissatisfied with the disposition of refusing their re-appointment may lay their cases before the Appeal Commission for Teachers under Article 7 of the Special Act on the Improvement of Teachers' Status for further deliberation within thirty days after they become aware of such disposition. <Newly Inserted by Act No. 7352, Jan. 27, 2005>

(9) The new employment of teachers of various levels of schools lower than high schools shall be made on the basis of the public screening, and the qualification requirements necessary to perform duties and matters necessary to conduct the public screening shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 7802, Dec. 29, 2005> <<Enforcement Date: Mar. 1, 2007>>

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

#### Article 53-3 (Teachers' Personnel Committee)

(1) In order to deliberate on important matters concerning the personnel affairs, including appointments and dismissals, etc, of teachers (excluding the heads of schools) of various kinds of schools (excluding primary schools, high technical schools, civic schools, high civic schools, kindergartens and various schools equivalent to them), the teachers' personnel committee shall be established in the schools concerned. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 5069, Dec. 29, 1995; Act No 6121, Jan. 28, 2000; Act No. 7802, Dec. 29, 2005>

(2) Necessary matters concerning organization, function and operation of the teachers' personnel committee shall be determined by the articles of association in case of the school juristic persons and private school managers who are juristic persons, and by the regulations in case of private school managers who are private persons. <Amended by Act No. 4226, Apr. 7, 1990>

[This Article Newly Inserted by Act No. 3373, Feb. 28, 1981]

Article 53-4 (Application Mutatis Mutandis of Provisions on Faculty of National and Public Colleges)

The provisions of Article 11 (4), (5) and (6) of the Public Educational Officials Act shall apply mutatis mutandis to the appointment of teachers of college educational institutions other than heads of schools.

[This Article Newly Inserted by Act No. 6004, Aug. 31, 1999]

Article 54 (Report on Appointment and Dismissal, Requirement for Discharge, etc.)

(1) If the persons who are authorized to appoint and dismiss teachers of various kinds of schools, appoint or dismiss teachers (except in case where the head of a school is dismissed by expiration of the term of office), they shall report them to the competent agency within seven days from the date of appointment or dismissal. <Amended by Act No. 4226, Apr. 7, 1990>

(2) Deleted. <by Act No. 4226, Apr. 7, 1990>

(3) When teachers of private schools fall under the grounds for discharge or for disciplinary punishment as prescribed in this Act, the competent agency may demand



those who have the authority to appoint and dismiss the teachers concerned, for their discharge or discipline. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 5438, Dec. 13, 1997>

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

#### Article 54-2 (Request for Dismissal)

(1) When the head of every kind of school falls under any of the following subparagraphs, the competent agency may make a request for a dismissal of the head of the school concerned to the person who is authorized to appoint and dismiss him. In this case, the person who is authorized to appoint and dismiss shall go along with the request for the dismissal unless special grounds exist that make it impossible for him to do so: <Amended by Act No. 3373, Feb. 28, 1981; Act No. 4226, Apr. 7, 1990; Act No. 7802, Dec. 29, 2005>

1. When he falls under any of subparagraphs of Article 58 (1);
2. When he violates the education-related Acts and fails to execute the orders issued under such Acts in connection with his authority concerning admission (including transfer), lectures and seminars, and graduation;
3. When he violates this Act or an order issued pursuant to this Act or other education-related Acts and subordinate statutes; and

4. When he commits an unjust or unusually unfair act concerning the execution of accounts which belong to the school.

(2) The request for dismissal under paragraph (1) shall be made only when the school juristic person or manager of private school concerned has not responded to a request of competent agency for correction with the reason specified, even after fifteen days have elapsed from the date of request. <Amended by Act No. 4226, Apr. 7, 1990>

[This Article Newly Inserted by Act No. 1664, Nov. 10, 1964]

#### Article 54-3 (Restrictions on Appointment)

(1) Anyone who falls under any of the following subparagraphs, shall not be appointed as the head of any school: <Amended by Act No. 3458, Nov. 23, 1981; Act No. 4226, Apr. 7, 1990; Act No. 5274, Jan. 13, 1997; Act No. 7802, Dec. 29, 2005>

1. One for whom 5 years have not elapsed from the date on which the approval of his taking office was revoked under Article 20-2;

2. One for whom 3 years have not elapsed from the date on which he was dismissed upon a request for dismissal under Article 54-2;

3. One for whom 5 years have yet to lapse from the date on which he was fired

pursuant to the provisions of Article 61; and

4. One who falls under any subparagraph of Article 33 of the State Public Officials Act.

(2) When anyone who falls under paragraph (1) 1 through 3 and for whom 5 years have lapsed intends to take office as the head of any school, he is required to obtain the consent of not less than 2/3 of the directors on the register roll. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

(3) The chief director of any school juristic person and anyone who is related with the person falling under each of the following subparagraphs shall be prohibited from being appointed to the head of the school that has been established and operated by the relevant school juristic person: <Newly Inserted by Act No. 7802, Dec. 29, 2005>

1. The spouse; and
2. The lineal ascendant and the lineal descendant and their spouses.

(4) Anyone who falls under the provisions of paragraph (1) 4 shall be prohibited from being appointed as a teacher. <Newly Inserted by Act No. 7802, Dec. 29, 2005>

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

Article 54-4 (Term Teachers)

(1) Anyone who is authorized to appoint and dismiss teachers of various kinds of schools may appoint teachers who work for a fixed period (hereinafter referred to as "term teachers") from among those holding teachers' licenses where any cause falling under the following occurs. In this case, the person who is authorized to appoint and dismiss may delegate the authority to the head of a school under the conditions as determined by the articles of association of the school juristic person: <Amended by Act No. 5345, Aug. 22, 1997; Act No. 7354, Jan. 27, 2005>

1. Where it is inevitable to supplement a successor as a teacher retires temporarily from office for any cause falling under any of subparagraphs of Article 59 (1);

2. Where it is inevitable to supplement a successor as a teacher is unable to be engaged in his duties due to a dispatch, training, suspension from office, cancellation of official position or holidays, etc. for not less than 1 month;

3. Where it is impossible to appoint a successor as a teacher removed, discharged or dismissed makes a request for appeal review to the Appeal Commission for Teachers under Article 9 (1) of the Special Act on the Improvement of Teachers' Status; and

4. Where it is needed to appoint a teacher to teach a particular subject

temporarily.

(2) The provisions of Articles 56, 58 (2), 58-2, 59, 61 through 64, 64-2, 65, 66 and 66-2 shall not apply to term teachers, and they shall retire from office ipso facto at the expiration of term of appointment. <Amended by Act No. 5345, Aug. 22, 1997; Act No. 5454, Dec. 13, 1997>

(3) The term of appointment for term teachers shall be less than 1 year, and it may be extended within the extent of 3 years. <Newly Inserted by Act No. 5345, Aug. 22, 1997>

[This Article Newly Inserted by Act No. 4226, Apr. 7, 1990]

#### Article 55 (Duties)

The provisions concerning the duties of the teachers of national and public schools shall apply mutatis mutandis to the duties of the teachers of private schools.

#### SECTION 2 Status and Social Security

Article 56 (Prohibition of Temporary Retirement and Dismissal from Office Contrary to One's Will)

(1) No teacher of a private school shall be subject to such unfavorable treatment as retirement or dismissal from office, etc. against his will except by sentence of penalty, disciplinary action or other reason as determined by this Act: Provided, That the same shall not apply when he has been abolished from office or when excessive numbers of teachers result from the alteration and abolition of school classes and subjects.  
<Amended by Act No. 4226, Apr. 7, 1990>

(2) No teacher of private school shall be subject to any advice to resign.

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

#### Article 57 (Reason for Retirement)

If the teacher of any private school falls under any of subparagraphs of Article 33 (1) of the State Public Officials Act, he shall be retired inevitably from office.  
<Amended by Act No. 5438, Dec. 13, 1997>

#### Article 58 (Reasons for Dismissal from Office)

(1) When the teacher of any private school falls under any of the following subparagraphs, a person or agency having the authority to appoint and dismiss the teacher may dismiss him from office: <Amended by Act No. 3057, Dec. 31, 1977; Act No. 3373, Feb. 28, 1981; Act No. 7802, Dec. 29, 2005>

1. When he is unable to fulfill his duties for one or more years on account of physical or mental incapability;
2. When his service record is extremely poor;
3. When he joins an organization which aims to destroy the Government and aids it;
4. When he participates in a political movement, or refuses lectures and seminars in a group, or guides and agitates the students to support or to oppose a political party; and
5. When he gives unlawful grade or recordings, or makes a false attestation or statement in the student record.

(2) In the case of dismissal of a teacher from office on the ground of the reasons as specified in paragraph (1) 2 through 5, the consent of the teachers' disciplinary committee pursuant to the provisions of Article 62 shall be obtained.

#### Article 58-2 (Dismissal from Office)

(1) If the teacher of any private school falls under any of the following subparagraphs, the person who is authorized to appoint and dismiss the teacher, may assign no position to him: <Amended by Act No. 5274, Jan. 13, 1997>

1. Person who lacks ability to perform his duties, or whose service record is extremely poor, or whose service attitude as a teacher is very unfaithful;

2. Person against whom a decision on disciplinary action is requested; and

3. Person prosecuted for a criminal case (excluding those against whom a summary order is requested).

(2) In case where no position is assigned under paragraph (1), if the cause thereof is extinguished, the person who is authorized to appoint and dismiss, shall assign the position without delay.

(3) The person who is authorized to appoint and dismiss, shall order a waiting to any person who is dismissed from his position under paragraph (1) 1 for a period not exceeding three months.

(4) With respect to a person who receives an order of waiting under paragraph (3), the person who is authorized to appoint and dismiss him, shall take any necessary measure such as training for restoring ability or improving attitude, or assignment of special research task, etc.

(5) If the causes for dismissal from position as referred to in paragraph (1) 1 and 2 or 3 are concurred against a teacher of a private school, the disposition of dismissal



from position as referred to in subparagraph 2 or 3 shall be taken.

[This Article Wholly Amended by Act No. 4226, Apr. 7, 1990]

#### Article 59 (Reasons for Temporary Retirement from Office)

(1) If a teacher of a private school desires to retire temporarily from office by the reason falling under any of the following subparagraphs, the person who is authorized to appoint and dismiss the teacher may order him to retire temporarily from office: Provided, That in case of subparagraphs 1 through 4 and 11, the person who is authorized to appoint and dismiss the teacher shall order him to retire temporarily from his office against his will, and in case of subparagraph 7, the person who is authorized to appoint and dismiss the teacher shall order him to retire temporarily from his office if he wants to do so: <Amended by Act No. 4226, Apr. 7, 1990; Act No. 4268, Dec. 27, 1990; Act No. 5274, Jan. 13, 1997; Act No. 6212, Jan. 28, 2000; Act No. 6400, Jan. 29, 2001>

1. Where he is required to have a long term medical care due to any physical or mental incapacity;
2. Where he is drafted or called for military service under the Military Service Act;
3. Where it is unknown whether he is alive or dead, or where he is, due to

natural disasters, wartime or calamity or other causes;

4. Where he deserts his duties for fulfilling other duties as prescribed in other Acts;

5. Where he studies abroad for the purpose of taking a degree, or does any research and training in foreign country for one or more years;

6. Where he is employed by an international organization, foreign institution or overseas national education institution;

7. Where it is necessary to raise a child (limited to a child whose age is less than one year at the time when the temporary retirement from office is applied for) or woman teaching personnel becomes pregnant or delivers a baby;

8. Where he takes training in a domestic research institute or educational institute, etc. as designated by the Minister of Education and Human Resources Development;

9. Where it is necessary for the nursing for parents, spouse, children or parents of spouse who need a long term medical care owing to an accident or disease, etc.;

10. Where a spouse becomes to be on duty in a foreign country or becomes to fall under subparagraph 5;

11. Where he works full-time for a teachers' union under the provisions of Article 5 of the Act on the Establishment and Operation of Teachers' Unions; and

12. Where there are other reasons designated by the articles of association.

(2) The period of temporary retirement from office under paragraph (1), and the status and treatment of those who have retired temporarily from office, shall be determined by the articles of association (in the case of a private school manager, the regulations concerning status guarantee and disciplinary punishment of the teachers determined by the manager; hereinafter the same shall apply).

(3) The person who is authorized to appoint or dismiss the teacher shall not make unfavorable treatment with respect to the service conditions of the teacher on the grounds of his temporary retirement under the provisions of paragraph (1) 7, and the period of temporary retirement referred to in paragraph (1) 7 shall be counted in the length of his service. <Newly Inserted by Act No. 6121, Jan. 28, 2000>

#### Article 60 (Teacher's Privilege From Arrest)

The teacher of a private school shall not be arrested in the school without the consent of the principal concerned, except in case of flagrant offender.

Article 60-2 (Social Security)

(1) When the teachers and clerical personnel of private schools suffer from diseases, injuries, incurable diseases, retirement, death or calamities, the proper allowances shall be paid to them or their bereaved family under the conditions as prescribed by Act. <Amended by Act No. 3057, Dec. 31, 1977>

(2) The following matters shall be prescribed in the Acts as referred to in paragraph (1):

1. Matters concerning a payment of pension or lump-sum allowance to the persons concerned or their bereaved family in the case that they retire or die after service for a considerable period;

2. Matters concerning a payment of pension or compensation money to the persons concerned or their bereaved family in the case that they die or retire due to an injury or disease occurred in the course of fulfilling their duties;

3. Matters concerning the compensation for losses which the persons concerned have sustained in the case that their ability to earn income has been impeded during their period of recuperation due to injury or disease occurred in the course of fulfilling their duties; and

4. Matters concerning payment of allowances for death, incurable disease, injuries, disease, delivery and other accidents not occurring in the course of their duties.

[This Article Newly Inserted by Act No. 2649, Dec. 20, 1973]

#### Article 60-3 (Honorable Retirement)

(1) If a private school teacher who has served continuously for twenty or more years, retires voluntarily before he reaches the retirement age, he may receive the honorable retirement allowance in the limit of the budget.

(2) The range of those who are to be paid the honorable retirement allowance as referred to in paragraph (1), the amount and procedure of payment thereof, and other necessary matters shall be determined by the articles of association.

[This Article Newly Inserted by Act No. 4226, Apr. 7, 1990]

### SECTION 3 Disciplinary Punishment

#### Article 61 (Causes and Kinds of Disciplinary Punishment)

(1) When a teacher of a private school falls under any of the following subparagraphs, the person who has the authority to appoint and dismiss the teacher concerned, shall demand a decision of disciplinary punishment and shall carry out the disciplinary action according to the result of the disciplinary decision:

1. When he commits an act contrary to the teacher's duties in violation of this Act and other education-related Acts and subordinate statutes;

2. When he is in violation of his official duties or is negligent of his duties; and

3. When he commits an act which damages the dignity of a teacher whether he is on or off duty.

(2) Disciplinary punishment shall be divided into removal from office, dismissal, suspension from office, reduction of salary and reprimand. <Amended by Act No. 3812, May 9, 1986>

(3) Suspension from office shall be for a period of one to three months, and a person who is subject to a disposition of suspension from his office, may retain his status during such a period, but he may not perform his duties, and his remuneration shall be reduced by a two-thirds majority. <Newly Inserted by Act No. 3812, May 9, 1986>

(4) Reduction of salary means reducing the salary concerned by one-third for a period of one to three months. <Amended by Act No. 3812, May 9, 1986>

(5) Reprimand means admonishing the person concerned of his errors and causing him to repent of such errors.

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

Article 62 (Establishment of Teachers' Disciplinary Committee)

(1) In order to make deliberation and decision on disciplinary cases of private school teachers, the teachers' disciplinary committee shall be established in the school juristic persons, the private school managers and the schools concerned according to the category of person who has the authority to appoint and dismiss: Provided, That the disciplinary cases of private kindergarten teachers shall be deliberated and decided by the educational officials' disciplinary committee established pursuant to Article 50 of the Public Educational Officials Act. <Amended by Act No. 6004, Aug. 31, 1999>

(2) The teachers' disciplinary committee as referred to in paragraph (1) shall be composed of five to nine members, and the members shall be appointed by the relevant school juristic person or private school manager from among teachers of the school concerned or directors of the school juristic person concerned: Provided, That in the case of a school juristic person, the number of the members who are directors of the relevant school juristic person shall not exceed 1/2 of the total number of the members. <Newly Inserted by Act No. 4226, Apr. 7, 1990; Act No. 7802, Dec. 29, 2005>

(3) Necessary matters concerning the organization, authority and deliberation procedure, etc. of the teachers' disciplinary committee shall be determined by the Presidential Decree.

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

Article 63 (Causes of Exclusion)

When a member of the teachers' disciplinary committee examines his own disciplinary case, or he is related by blood with the person subject to a disciplinary action, he may not participate in the trial of the disciplinary action concerned.

Article 64 (Request for Disciplinary Decision)

When a teacher of a private school falls under any of the causes of disciplinary punishment as provided for in Article 61 (1), a person who has the authority to appoint and dismiss the teacher of a private school, shall first make a thorough investigation and thereafter shall request the competent teachers' disciplinary committee to make a disciplinary decision.

[This Article Wholly Amended by Act No. 3373, Feb. 28, 1981]

Article 64-2 (Notification of Reason for Request for Disciplinary Decision)

When the person who is authorized to request a disciplinary decision, requests a disciplinary decision under Article 64, he shall send to the person who is the object of the disciplinary action, an explanatory note specifying the disciplinary cause at the same



time as the request for disciplinary decision.

[This Article Newly Inserted by Act No. 4226, Apr. 7, 1990]

#### Article 65 (Fact-Finding and Stating Opinions)

(1) In trying a disciplinary case, the teachers' disciplinary committee shall investigate the actual facts of the case and shall hear the statements of person concerned before the committee makes a decision: Provided, That this provision shall not apply when he does not comply with summons issued twice or more in writing. <Amended by Act No. 1664, Nov. 10, 1964>

(2) If it is deemed necessary, the teachers' disciplinary committee may request persons concerned to attend the committee proceedings and hear their opinions.

#### Article 66 (Decision on Disciplinary Action)

(1) When a teachers' disciplinary committee has decided upon a disciplinary action as a result of the trial, the committee shall prepare a written disciplinary decision which contains formal adjudication and reasons therefor, and shall notify it to the person who has the authority of appointment.

(2) When the person who has the authority of appointment, has been notified of the decision under paragraph (1), he shall take the disciplinary action according to the

contents of the written decision within fifteen days from the date of notification. In this case, the person who has the authority of appointment, shall deliver to the teacher concerned the written decision in which the reason of disciplinary disposition is stated. <Amended by Act No. 6004, Aug. 31, 1999>

(3) The disciplinary decision under paragraph (1) shall require the attendance of two-thirds or more of all registered members of the committee and the consent of a majority of all members. <Amended by Act No. 4226, Apr. 7, 1990>

#### Article 66-2 (Prescription of Disciplinary Causes)

(1) If two years (three years in case where goods, money and entertainment are given and taken and the public fund is embezzled and misappropriated) have passed after a disciplinary cause occurs, no request for the disciplinary decision shall be made.

(2) If the Appeal Commission for Teachers under the Special Act on the Improvement of Teachers' Status or a court has decided a nullity or revocation of a disciplinary action for any defect in the composition of the disciplinary committee, disciplinary decision, procedure or any excess of disciplinary penalty, the disciplinary decision may be requested again within three months after such decision becomes definite, even though the period as referred to in paragraph (1) expires, or the remaining period is less than three months. <Amended by Act No. 5274, Jan. 13, 1997; Act No. 7354, Jan. 27, 2005>

[This Article Newly Inserted by Act No. 4226, Apr. 7, 1990]

Article 67 (Special Cases for Foreigners' School)

The provisions of Articles 52 through 66-2 shall not be applicable to a foreigners' school under Article 60-2 of the Elementary and Secondary Education Act.

[This Article Newly Inserted by Act No. 6715, Aug. 26, 2002]

Articles 67-2 through 69 Deleted. <by Act No. 4376, May 31, 1991>

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 70 (Report and Investigation, etc.)

The competent agency may make investigations into the education of private schools, ask a private school to submit a report on statistics and other necessary matters, and cause a subordinate public official to inspect account books and other documents or make an investigation into the situation of executing education. <Amended by Act No. 4226, Apr. 7, 1990>

Article 70-2 (Clerical Organization and Personnel)

(1) School juristic persons or private school managers shall establish a clerical organization necessary for handling their affairs and those of schools which they establish and operate, and the matters concerning establishment and operation of such organization, and fixed number, appointment, dismissal, remuneration, service and status security of clerical personnel shall be determined by the articles of association, in the case of school juristic persons or private school managers who are juristic persons, and by regulations, in the case of private school managers who are individuals. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 6004, Aug. 31, 1999>

(2) Clerical personnel belonging to all kinds of schools shall be appointed and dismissed by the school juristic person or private school manager upon the proposal of the head of the school. <Amended by Act No. 4226, Apr. 7, 1990>

[This Article Newly Inserted by Act No. 2961, Dec. 31, 1976]

Article 71 (Delegation of Authority)

The Minister of Education and Human Resources Development may delegate a part of his authority as provided for in this Act to the Superintendent of the Office of Education. <Amended by Act No. 6400, Jan. 29, 2001>

[This Article Wholly Amended by Act No. 5274, Jan. 13, 1997]

Article 72 Deleted. <by Act No. 6212, Jan. 28, 2000>

## CHAPTER VI PENAL PROVISIONS

### Article 73 (Penal Provisions)

If the chairman of the board of directors of a school juristic person or manager of a private school (in case of a juristic person, its representative or director) falls under any of the following subparagraphs, he shall be punished by imprisonment for not more than two years or a fine not exceeding twenty million won: <Amended by Act No. 3373, Feb. 28, 1981; Act No. 4226, Apr. 7, 1990; Act No. 5274, Jan. 13, 1997; Act No. 6004, Aug. 31, 1999>

1. In case of continuing the enterprise against the order of the competent agency under Article 46;

2. In case of violating the provisions of Article 28 (including the cases applied mutatis mutandis by Article 51);

3. Deleted. <by Act No. 3373, Feb. 28, 1981>

4. In case of violating the order of the competent agency under Article 48 (including the cases applied mutatis mutandis by Article 51).

#### Article 73-2 (Penal Provisions)

If the chairman of a school juristic person or private school manager (in case of a juristic person, the representative or director), or the head of college educational institution infringes upon the provisions of Article 29 (6) (including the case applied mutatis mutandis by Article 51), he shall be punished by imprisonment for not more than two years or a fine not exceeding twenty million won. <Amended by Act No. 4226, Apr. 7, 1990; Act No. 5274, Jan. 13, 1997>

[This Article Newly Inserted by Act No. 3373, Feb. 28, 1981]

#### Article 74 (Fine for Negligence)

(1) If the chairman of the board of directors, the auditor or liquidator of a school juristic person or the manager of a private school (in case of a juristic persons, its representative or director) falls under any of the following subparagraphs, he shall be punished by a fine for negligence not exceeding five million won: <Amended by Act No. 5274, Jan. 13, 1997; Act No. 6004, Aug. 31, 1999>

1. Where he fails to effect registration under this Act;
2. Where he fails to make a public announcement under Article 6 (3) or makes a false or omissive public announcement;

3. Where he fails to keep property inventory under Article 55 (1) of the Civil Act applied mutatis mutandis by Article 13 or property inventory and other documents under Articles 32 (including the cases applied mutatis mutandis by Article 51) and 37 (1) or makes false or omissive statements therein;

4. Where he fails to make a report under Article 19 (4) 3, or 48 (including the cases applied mutatis mutandis by Article 51), or makes a false or omissive report;

5. Where he violates the provisions of Articles 31 (including the cases applied mutatis mutandis by Article 51), 37 (2) or 38 (2);

6. Where he fails to make the request for adjudication of bankruptcy under Article 79 or 93 (1) of the Civil Act applied mutatis mutandis by Article 42;

7. Where he fails to make a public announcement under Article 88 (1) or 93 (1) of the Civil Act applied mutatis mutandis by Article 42, or makes a false or omissive public announcement;

8. Where he fails to make a report under Article 86 or 94 of the Civil Act applied mutatis mutandis by Article 42 or makes unfaithful report; and

9. Where he violates the provisions of Article 90 of the Civil Act applied mutatis mutandis by Article 42.

(2) If a person who is authorized to appoint and dismiss the private school teachers, fails to make a report under Article 54 (1), or makes a false report, he shall be punished by a fine for negligence not exceeding five million won. <Amended by Act No. 4376, May 31, 1991; Act No. 5274, Jan. 13, 1997; Act No. 6004, Aug. 31, 1999>

(3) The fine for negligence as referred to in paragraphs (1) and (2) shall be imposed and collected by the competent agency under the conditions as prescribed by the Presidential Decree.

(4) Any person who is dissatisfied with a disposition of fine for negligence under paragraph (3), may raise an objection to the competent agency within thirty days after he is informed of the disposition.

(5) If a person who is subject to a disposition of fine for negligence under paragraph (3), raises an objection under paragraph (4), the competent agency shall notify it without delay to the competent court, which shall, upon receiving the notification, bring the case of the fine for negligence to the trial under the Non-Contentious Case Litigation Procedure Act.

(6) If no objection is made and no fine for negligence is paid in the period as referred to in paragraph (4), it shall be collected according to examples of disposition of national or local taxes in arrears in conformity with the jurisdiction.



[This Article Wholly Amended by Act No. 4226, Apr. 7, 1990]

Article 74-2 Deleted. <by Act No. 4226, Apr. 7, 1990>

#### ADDENDA

##### Article 1 (Enforcement Date)

This Act shall enter into force one month after the date of its promulgation.

##### Article 2 (Transitional Measures)

(1) An incorporated foundation as provided for in the Civil Act, which establishes and is operating the private schools under Article 3, at the time of the enforcement of this Act, shall alter its organization into that of school juristic persons within six months from the enforcement date of this Act: Provided, That the Minister of Education may extend the period to December 31, 1966 with respect to such incorporated foundation foundations as recognized being unable to alter its organization within six months due to unavoidable circumstances, and may, regardless of Article 3 of this Act, allow the operation of the private school with respect to such incorporated foundations as recognized being unable to change its organization due to special circumstances. In this case, the provisions of this Act concerning the school juristic person shall apply mutatis mutandis to the incorporated foundations in preference to other Acts and subordinate

statutes, and the provisions concerning the private school of this Act shall apply mutatis mutandis to the schools which are established and operated by such foundation. <Amended by Act No. 1664, Nov. 10, 1964; Act No. 1735, Dec. 30, 1965; Act No. 1869, Jan. 16, 1967>

(2) The provisions of Articles 50 (2) and 50-2 shall apply mutatis mutandis in case an incorporated foundation is to alter its organization to a school juristic person in accordance with the provisions of paragraph (1). <Amended by Act No. 1621, Dec. 16, 1963>

(3) In the case as referred to in paragraph (2), if the articles of association provides that alteration in the articles of association shall require the decision of the organization of the incorporated foundation and the board of directors, and if all the members or a majority of the members of the board of directors of the incorporated foundation concerned are temporary directors, it may be possible for the incorporated foundation concerned to alter the articles of association for the purpose of altering it into a school juristic person, without the decision of any organization other than the board of directors.

(4) In a case where an incorporated foundation has been altered into a school juristic person under paragraph (1), the dispositions taken by the Minister of Education toward the incorporated foundation before the enforcement of this Act shall be deemed to be taken toward the reorganized school juristic person, unless such dispositions conflict with this Act.

(5) In a case where an incorporated foundation has been altered into a school juristic person, the officers of the foundation existing before the reorganization shall remain as the officers of the school juristic person for the remaining period: Provided, That if the remaining period is more than five years, it shall be deemed that their terms of office shall expire on the date when five years elapse from the date of enforcement of this Act.

(6) In a case where an incorporated foundation became a school juristic person by reorganization, the former obligations resulted from operation of a school by such foundation shall be taken over inclusively by the reorganized school juristic person.  
<Newly Inserted by Act No. 1664, Nov. 10, 1964>

#### Article 3 (Transitional Measures)

The teachers who are in office of private schools at the time of the enforcement of this Act, shall be deemed to have been appointed under this Act.

Article 4 Deleted. <by Act No. 1664, Nov. 10, 1964>

#### ADDENDUM <Act No. 1621, Dec. 16, 1963>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 1664, Nov. 10, 1964>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures) The provisions of Article 50-2 (2) shall apply on July 25, 1963.

ADDENDUM <Act No. 1735, Dec. 30, 1965>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 1869, Jan. 16, 1967>

This Act shall enter into force on January 1, 1967.

ADDENDUM <Act No. 2396, Dec. 28, 1972>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 2587, Mar. 10, 1973>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 2649, Dec. 20, 1973>

This Act shall enter into force on January 1, 1974.

ADDENDA <Act No. 2775, Jul. 23, 1975>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures) The teachers who are in office at colleges or universities (including normal colleges of education and junior colleges) at the time of the enforcement date of this Act shall be reappointed pursuant to the provisions of Article 53-2 on the last day of February 1976.

ADDENDA <Act No. 2961, Dec. 31, 1976>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Presentation of Articles of Association, etc.) School juristic persons or the private school managers as of the enforcement date of this Act shall determine the articles of association or regulations as prescribed in Article 70-2, and present them to the supervisory government agency within six months from the enforcement date of this Act.

ADDENDA <Act No. 3057, Dec. 31, 1977>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the provisions concerning junior colleges shall enter into force on January 1, 1979.

(2) (Transitional Measures) With respect to a person who has been subject to disciplinary action at the time of promulgation of this Act, action of suspension from office shall be deemed as action of reduction in salary for six months, and action of disciplinary confinement, as a disposition of reprimand.

(3) (Transitional Measures) Vocational junior colleges, high technical schools and technical schools established pursuant to the previous provisions at the time of the promulgation of this Act shall be reorganized as junior colleges or every kind of school equivalent to those and shall obtain the approval of the Minister of Education by the period as determined by the Presidential Decree.

(4) (Transitional Measures) The teachers who are in office at vocational junior colleges to be reorganized as junior colleges or every kind of school equivalent to those pursuant to the provisions of paragraph (3) of Addenda at the time of promulgation of this Act shall be deemed to be appointed as the teachers of the reorganized schools concerned, but their terms of office shall follow the previous examples.

(5) (Transitional Measures) The teachers who are in office at the high technical schools and technical schools which exist at the time of promulgation of this Act, and which is to be reorganized as junior colleges under paragraph (3) of Addenda, shall be reappointed pursuant to the provisions of Article 53-2 on the last date on February 1979.

ADDENDUM <Act No. 3114, Dec. 5, 1978>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 3373, Feb. 28, 1981>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Teachers) Teachers (excluding the head of schools) and clerical personnel who serve at the college or university educational organizations at the time of enforcement of this Act, shall be deemed to be appointed by the head of schools concerned.

(3) (Transitional Measures concerning Disciplinary Action on Teachers) Any disciplinary action or request for review pending in the teachers' disciplinary committee and review committee at the time of enforcement of this Act shall apply the previous provisions.

(4) (Transitional Measures concerning Restrictions on Appointment of Head of Schools) Notwithstanding the provisions of Article 54-3 (2), a person who is in office as the head of junior college at the time of enforcement of this Act may hold office until he is dismissed from his office.

(5) (Transitional Measures concerning Restrictions on Appointment of Head of Schools) Notwithstanding the provisions of Article 54-3 (1) 3, a person who is in office as the head of private school at the time of enforcement of this Act may hold office until the end of the 1981 session.

(6) (Transitional Measures concerning Penal Provisions) In applying penal provisions to an act done before the enforcement of this Act, the previous provisions shall apply.

ADDENDA <Act No. 3458, Nov. 23, 1981>

Article 1 (Enforcement Date)

This Act shall enter into force forty days after the date of its promulgation.

Articles 2 through 10 Omitted.

ADDENDA <Act No. 3812, May 9, 1986>



(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures) Directors in office at the time of the enforcement of this Act shall be considered to be appointed under this Act until their terms of office expire.

ADDENDA <Act No. 4226, Apr. 7, 1990>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Education Supervisor)

The term "the Superintendent of the Office of Education of the Si/Gun/autonomous Gu" used in Articles 4 (1), 35 (4) and 71 shall be read as the term "the Superintendent of the Office of Education and the head of the district office of education"; the term "the Superintendent of the Office of Education of the Seoul Special Metropolitan City, Metropolitan City and Do" used in Article 4 (2), as the term "board of education of the Seoul Special Metropolitan City, Metropolitan City and Do"; the term "the Superintendent of the Office of Education of the City/Do" used in Articles 35 (4) and 71, as the term "board of education of the City/Do"; and the term "the Superintendent of the Office of Education" used in Article 35 (4), as the term "board of education or the Superintendent of the Office of Education"; until the Superintendent of

the Office of Education is elected by each local government.

Article 3 (Transitional Measures concerning Appointment of School Personnel of College Educational Institutions)

Teachers and clerical personnel in active service in the college educational institutions at the time of the enforcement of this Act shall be considered to have been appointed by the school juristic person under this Act.

Article 4 (Transitional Measures concerning Disciplinary Case of Teacher)

Notwithstanding the provisions of Article 62, any disciplinary case pending at the time of the enforcement of this Act shall be deliberated and decided by the previous teachers' disciplinary committee.

Article 5 (Transitional Measures concerning Case of Request for Review)

Any case of request for a review pending to the review committee at the time of the enforcement of this Act or raised until the review committee is established under this Act after this Act enters into force, shall be subject to the previous provisions.

Article 6 Omitted.

ADDENDA <Act No. 4268, Dec. 27, 1990>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 10 Omitted.

ADDENDA <Act No. 4347, Mar. 8, 1991>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of the election of local council members to be held for the first time after the Local Autonomy Act (Act No. 4310) as amended, enters into force.

Articles 2 through 10 Omitted.

ADDENDA <Act No. 4376, May 31, 1991>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDA <Act No. 5069, Dec. 29, 1995>

Article 1 (Enforcement Date)

This Act shall enter into force on March 1, 1996.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 5274, Jan. 13, 1997>

(1) (Enforcement Date) This Act shall enter into force at the expiration of three months from its promulgation.

(2) (Transitional Measures concerning Director) Notwithstanding the revised provisions of Article 21, directors in office at the time of enforcement of this Act, shall be considered to have taken office as such pursuant to this Act until the date of the termination of term of office.

(3) (Transitional Measures concerning Fine for Negligence) When imposing fines for negligence to the acts of violation committed before the enforcement of this Act, the previous provisions shall apply.

ADDENDA <Act No. 5345, Aug. 22, 1997>

(1) (Enforcement Date) This Act shall enter into force on January 1, 1998.

(2) (Time Limit for Application) The amendments of Article 35-2 shall apply to persons who apply for authorization on dissolution of a school juristic person until December 31, 2006. <Amended by Act No. 6332, Dec. 30, 2000; Act No. 7118, Jan. 29, 2004>

ADDENDA <Act No. 5438, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on March 1, 1998.

Articles 2 through 14 Omitted.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDUM <Act No. 5683, Jan. 21, 1999>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 5982, May 24, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 6004, Aug. 31, 1999>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amendments to Articles 21 (2) and (4) and 53-4 shall take effect on March 1, 2000 and the amendments to Article 53-2 (3) shall take effect on January 1, 2002.

(2) (Transitional Measures on Contractual Appointment) Teachers appointed for a specified period pursuant to the former provisions shall, notwithstanding the amendments to Article 53-2 (3), be governed by the former provisions until their terms of appointment expire.

(3) (Transitional Measures on Provisional Directors) The term of provisional directors in office at the time of enforcement of this Act shall expire on December 31, 1999.

ADDENDUM <Act No. 6212, Jan. 28, 2000>

This Act shall enter into force on the date of its promulgation: Provided, That the provisions concerning the voluntary temporary retirement for child-nursing among the amended provisions of Article 59 (1), shall enter into force on January 1, 2001.

ADDENDUM <Act No. 6332, Dec. 30, 2000>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 6400, Jan. 29, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 6715, Aug. 26, 2002>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 7118, Jan. 29, 2004>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 7120, Jan. 29, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 9 Omitted.

ADDENDA <Act No. 7352, Jan. 27, 2005>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.



(2) (Transitional Measures concerning Procedures for Reappointment of College Educational Institution Teachers Appointed by Fixing Contract Terms) Procedures for the re-appointment of college educational institution teachers in office who are appointed by fixing their contract terms under the previous provisions at the time of enforcement of this Act shall be governed by the amended provisions of Article 53-2 (4) through (8).

ADDENDA <Act No. 7354, Jan. 27, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 7802, Dec. 29, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006: Provided, That the amended provisions of Article 53-2 (9) shall enter into force on March 1, 2007.

Article 2 (Application Example)

The amended provisions of Article 53-2 (9) shall apply, starting with the portion of the new employment that is first made after the enforcement of this Act.

#### Article 3 (Transitional Measures concerning Composition of Officers)

In case where the number of directors who are recommended by the school operating committee or the university deliberation committee pursuant to the amended provisions of Articles 14 and 21 (5) at the time of the enforcement of this Act falls short of the fixed number, new officers shall be appointed and any officer is vacant on the grounds of the expiration of his term of office, the officer who is recommended by the committee shall be preferentially appointed to fill the vacancy.

#### Article 4 (Transitional Measures concerning Terms of Office of Officers)

Any officer who holds his office at the time of the enforcement of this Act shall be governed by the previous provisions until the time when his term of office expires, notwithstanding the amended provisions of Articles 20 (3) and 21 (5).

#### Article 5 (Transitional Measures concerning Grounds of Disqualifications of Officers and Teachers)

Any officer or any teacher who holds his office and teaches at the time of the enforcement of this Act shall be deemed to take office or be appointed pursuant to this Act, notwithstanding the amended provisions of subparagraphs 2 and 3 of Article 22

and Article 54-3 (4).

Article 6 (Transitional Measures concerning Restrictions on Appointments of Heads of Schools)

The head of any school who holds his office at the time of the enforcement of this Act shall be governed by the previous provisions until the time when his term of office expires, notwithstanding the amended provisions of Article 54-3 (1) through (3).

Article 7 Omitted.