

PUBLIC EDUCATION OFFICIALS ACT

[Enforcement Date: Mar. 14, 2008] [Act No. 8889, Mar. 14, 2008, Partial Amendment]

Ministry of Education, Science and Technology (Teacher Policy Planning Division)

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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for the special cases of both the State Public Officials Act and the Local Public Officials Act that shall apply to the public education officials in respect to qualifications, appointment, salary, study and training, status guarantee, etc., upon taking into account the special character of their duties and responsibilities of serving the entire nation through education. *<Amended by Act No. 5207, Dec. 30, 1996; Act No. 8889, Mar. 14, 2008>*

Article 2 (Definitions)

(1) The term "public education official" used in this Act means any person who applies to any of the following subsections: *<Amended by Act No. 4009, Apr. 6, 1988; Act No. 6211, Jan. 28, 2000>*

1. Teaching staff and teaching assistants who are employed in educational institutions;
2. Supervisory officials or school inspectors who are employed in educational administrative agencies; and
3. Educational researchers or educational research workers who are employed in educational institutions, educational administrative agencies, or educational research institutes.

(2) The term "educational institutions" used in this Act means national or public schools or institutions which apply to any of the following subsections: *<Amended by Act No. 4620,*

Dec. 27, 1993; Act No. 6211, Jan. 28, 2000; Act No. 7120, Jan. 29, 2004; Act No. 8889, Mar. 14, 2008>

1. Kindergartens as prescribed in subsection 2 of Article 2 of the Early Childhood Education Act, and various levels of schools as prescribed in Article 2 of the Elementary and Secondary Education Act and Article 2 of the Higher Education Act;
2. Training institutes as prescribed in Article 39 (1); and
3. Educational training institutes such as student training institutes which are established under the laws and regulations or municipal ordinances related to education.

(3) The term "educational administrative agencies" used in this Act means the Ministry of Education, Science and Technology, its affiliated organizations, and the government offices of education of the Seoul Special Metropolitan City, the Metropolitan Cities, or the *Dos* (hereinafter referred to as the "City/Do"). *<Amended by Act No. 4009, Apr. 6, 1988; Act No. 4268, Dec. 27, 1990; Act No. 4347, Mar. 8, 1991; Act No. 4620, Dec. 27, 1993; Act No. 5065, Dec. 29, 1995; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

(4) The term "educational research institutes" used in this Act means national or public institutions which are established for professional survey and research on education.

(5) The term "appointment" used in this Act means new recruitment, promotion, promotion to higher grade, change of post, transfer, holding concurrent positions, dispatch, demotion, leave of absence, cancellation of official position, suspension, reinstatement, removal from office, release from office, or dismissal.

(6) The term "position" used in this Act means the duties and responsibilities which may be granted to a public education official.

(7) The term "change of post" used in this Act means the employment which changes the classification and qualification of a public education official.

(8) The term "transfer" used in this Act means the employment which changes one's place of work or post under the same position and qualification of a public education official.

(9) The term "reinstatement" used in this Act means a return to the former position of a public education official who is in leave of absence from office, in cancellation of official position, or in suspension.

(10) The term "demotion" used in this Act means the assignment to a lower position within the same type duties.

CHAPTER II PERSONNEL COMMITTEE OF PUBLIC EDUCATION OFFICIALS

Article 3 (Establishment of Personnel Committee)

(1) A personnel committee of public education officials (hereinafter referred to as the "personnel committee") shall be established in the Ministry of Education, Science and Technology to comply with the consultation of the Minister of Education, Science and Technology (hereinafter referred to as the "Minister") on the important matters concerning the personnel affairs of the public education officials (excluding the public education officials who are working at public universities/colleges; hereafter the same shall apply up to Article 4). *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 5207, Dec. 30, 1996; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

(2) The personnel committee shall be composed of seven members including one chairperson.

(3) The Vice Minister of Education, Science and Technology shall be the chairperson of the personnel committee, and the members shall be commissioned by the President upon recommendation by the Minister from those who have seven years or more of teaching experience or educational administration experience and have profound knowledge in personnel administration. *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 4841, Dec. 31, 1994; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

(4) The matters necessary for the operation of the personnel committee shall be prescribed by Presidential Decree.

Article 4 (Function of Personnel Committee)

The Minister shall refer the matters stated in the following subsections to deliberation by the personnel committee: *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

1. Matters concerning decisions on the personnel administration policy and standards for public education officials and establishment of the basic plans;
2. Matters concerning enactments, alterations and abolitions of the laws and regulations related to the personnel affairs of public education officials; and
3. Other important matters concerning the personnel affairs of public education officials.

Article 5 (University/College Personnel Committee)

(1) A personnel committee (hereinafter referred to as the "university/college personnel committee") shall be established at universities/colleges (including industrial colleges, colleges of education, junior colleges, and air and correspondence universities, except colleges in a university; hereinafter the same shall apply) to deliberate on the approval for assignment to the position of the vice president of the university/college, the head of the graduate school, or the deans of colleges, approval for the appointment of professors, associate professors, assistant professors, or full-time lecturers, and important matters concerning the personnel affairs of other teaching staff of the university/college. *<Amended by Act No. 4620, Dec. 27, 1993; Act No. 5207, Dec. 30, 1996; Act No. 6211, Jan. 28, 2000>*

(2) Matters necessary for the organization, function and operation of the university/college personnel committee shall be determined by Presidential Decree, provided that members exceeding a specified percentage of the total members of the committee shall be women. *<Amended by Act No. 6932, Jul. 25, 2003>*

CHAPTER III QUALIFICATIONS

Article 6 (Qualifications of Teacher)

Teachers shall have qualifications according to the provisions of Article 21 (2) of the Elementary and Secondary Education Act. *<Amended by Act No. 6211, Jan. 28, 2000; Amended by Ace No. 8889, Mar. 14, 2008>*

Article 7 (Qualifications for Principal, Vice-Principal, etc.)

A principal, a vice-principal, a head or a supervisor of the children's educational institution shall have qualifications according to the provisions of Article 21 (1) of the Elementary and Secondary Education Act. *<Amended by Act No. 6211, Jan. 28, 2000>*

Article 8 (Qualifications for Professor, etc.)

A professor, an associate professor, an assistant professor, a full-time lecturer, or a teaching assistant shall have qualifications according to the provisions of Article 16 of the Higher Education Act. *<Amended by Act No. 6211, Jan. 28, 2000; Amended by Ace No. 8889, Mar. 14, 2008>*

Article 9 (Qualification of Officers Specializing in Education)

A supervisory official, an educational researcher, a school inspector, or an educational research worker shall have qualifications applicable to the qualification standard as stated in the attached Table 1. *<Amended by Act No. 6211, Jan. 28, 2000; Amended by Ace No. 8889, Mar. 14, 2008>*

CHAPTER IV APPOINTMENT

Article 10 (Principle of Appointment)

(1) Public education officials shall be appointed pursuant to their qualifications, results of reeducation, service records, and actual proof of other capabilities.

(2) In appointing public education officials, equal opportunities for appointment by their capabilities shall be given to those who are qualified as teachers and desire to be appointed. *<Newly Inserted by Act No. 4348, Mar. 8, 1991>*

Article 10-2 (Foreign Faculty Members)

A university/college may appoint foreigners as its faculty members for teaching or research purposes.

[This Article Newly Inserted by Act No. 5717, Jan. 29, 1999]

Article 10-3 (Restriction on Appointment)

(1) Any person who has been dismissed or removed from office on the grounds applicable to the following subsections while a person having appointment authority is employed as a teacher at a public school under this Act or a teacher at a private school under the Private School Act shall not be newly appointed or specially appointed as a teacher of various levels of schools not higher than high schools: *Provided*, that this shall not apply where the disciplinary committee for public education officials referred to in Article 50 (1) has passed a resolution determining that such person is able to perform his/her duties as a teacher upon taking into account the degree of regret, etc. of the relevant teacher:

1. Activities of sexual crimes against juveniles referred to in Article 2 of the Act on the Punishment of Sexual Crimes and Protection of Victims Thereof;
2. Activities of receiving money and other valuables;
3. Corrupt activities in relation to students' school record such as disclosing exam questions or fabrication of school records, etc.; or
4. Activities of physical violence against students.

(2) The resolution of the disciplinary committee for public education officials referred to in the *proviso* of section (1) shall require two thirds of the registered members and consenting votes of the majority of the present members.

[This Article Newly Inserted by Act No. 8889, Mar. 14, 2008]

Article 11 (New Appointment of Teachers, etc. <Amended by Act No. 7223, Oct. 15, 2004>)

(1) New appointment of teachers shall be made by open screening tests. *<Amended by Act No. 4304, Dec. 31, 1990>*

(2) In conducting the open screening test under section (1), matters necessary for age requirements and other qualifications necessary for performing their respective duties and other matters concerning the conducting of the test such as the procedures, methods, and evaluation factors shall be determined by Presidential Decree. *<Amended by Act No. 4348, Dec. 31, 1994; Act No. 7223, Oct. 15, 2004>*

(3) *<Deleted by Act No. 5717, Jan. 29, 1999>*

(4) In appointing new faculty members, universities/colleges shall avoid attaching excessive importance to those candidates who have acquired bachelor's degrees from a specific university/college, and the detailed ratio of such appointees to others shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 5717, Jan. 29, 1999>*

(5) When a university/college is to appoint new faculty members, candidates for such positions shall undergo an objective and fair screening by a group of examiners appointed or commissioned by the university/college. *<Newly Inserted by Act No. 5717, Jan. 29, 1999>*

(6) Matters necessary for the method of the appointment or commissioning of examiners, the steps, methods and other necessary matters concerning the screening as prescribed in section (5) shall be determined by the Presidential Decree. *<Newly Inserted by Act No. 5717, Jan. 29, 1999>*

[This Article which was declared unconstitutional in the Constitutional Court on Oct. 8, 1990 is revised by Act No. 4304, Dec. 31, 1990]

Article 11-2 (Additional Points in Appointment Examination)

In the open screening test conducted pursuant to the provisions of Article 11 (1), the person having appointment authority may give any applicant who applies to the attached Table 2 additional points of up to 10/100 of the full points of the primary examination.

[This Article Newly Inserted by Act No. 7223, Oct. 15, 2004]

[The previous Article 11-2 has moved to Article 11-3 *<Act No. 7223, Oct. 15, 2004>*]

Article 11-3 (Appointment, etc. on Contract Basis)

(1) Faculty members of a university/college may be appointed on the basis of a specified contract terms such as employment period, salary, employment conditions, and contractual terms on achievements and work performance, pursuant to the conditions as prescribed by Presidential Decree.

(2) When the appointment period of the teacher appointed pursuant to the provisions of section (1) is to expire, the person having appointment authority shall give a notice (referring to a notification in writing; hereafter in this Article the same shall apply) not later than four months prior to the expiration date of the appointment period to the relevant teacher of the fact that his/her appointment period is to be expired and that he/she may apply for reappointment. *<Newly Inserted by Act No. 7353, Jan. 27, 2005>*

(3) Where the teacher in receipt of the notification pursuant to the provisions of section (2) intends to obtain reappointment, he/she shall file an application for examination of reappointment with the person having appointment authority within 15 days from the date of receiving the notification. *<Newly Inserted by Act No. 7353, Jan. 27, 2005>*

(4) The person having appointment authority in receipt of the application for examination of reappointment pursuant to the provisions of section (3) shall make a decision on whether or not the relevant teacher is to be reappointed through an examination of reappointment by the university/college personnel committee, and notify the relevant teacher of the fact not later than two months prior to the expiration date of the appointment period. In this case, where it is decided not to reappoint the relevant teacher, such notification shall be made by clearly stating the intention not to reappoint him/her and the reasons for refusal of reappointment thereof. *<Newly Inserted by Act No. 7353, Jan. 27, 2005>*

(5) The examination on whether or not to reappoint the relevant teacher by the university/college personnel committee pursuant to the provisions of section (4) shall be based on the reasons as provided by the school regulations which shall be objective reasons, such as the evaluation of the matters applicable to each of the following subsections. In this case, an opportunity for stating his/her opinions shall be provided by attending the university/college personnel committee during the designated period or stating such

opinions in writing by specifying a period not less than 15 days in the examination process:
<Newly Inserted by Act No. 7353, Jan. 27, 2005>

1. Matters concerning education of students;
2. Matters concerning academic research; and
3. Matters concerning guidance for students.

(6) Where the teacher whose reappointment has been refused intends to file an objection against the disposition of refusing reappointment, he/she may file within 30 days from the date of becoming aware of such disposition an application for examination with the Teacher's Appeal Examination Committee as prescribed in Article 7 of the Special Act on the Improvement of Teachers' Status. <Newly Inserted by Act No. 7353, Jan. 27, 2005; Amended by Act No. 8889, Mar. 14, 2008>

[This Article Newly Inserted by Act No. 5717, Jan. 29, 1999]

[This Article has been moved from Article 11-2, and the previous Article 11-3 has been moved to Article 11-4 <Act No. 7223, Oct. 15, 2004>]

Article 11-4 (Formulation, etc. of Appointment Plans for Equal Opportunities for Both Genders)

(1) The State and local governments shall formulate and implement policies necessary for the promotion of equal opportunities for both genders in appointing the faculty members of universities/colleges.

(2) The heads of universities/colleges (referring to the schools under subsections 1 through 3 and 5 of Article 2 of the Higher Education Act; hereafter the same shall apply in this Article) shall formulate and implement every three years such plans as necessary for the implementation of positive measures, including appointment plans which specify appointment target ratio by a department, so as not to attach excessive importance to a specific gender in appointing the faculty members of their schools. In this case, the performance record of the relevant promotion shall be reported each year to the Minister.
<Amended by Act No. 8498, Jul. 13, 2007; Act No. 8852, Feb. 29, 2008>

(3) The State and local governments may provide universities/colleges with administrative and financial assistance on the basis of the evaluation of their plans and the performance record of their promotion as prescribed in section (2).

(4) Matters necessary for divisions by academic department and formulation of plans under section (2), and methods and procedures for evaluation under section (3), etc. shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 6932, Jul. 25, 2003]

[This Article has moved from Article 11-3 <Act No. 7223, Oct. 15, 2004>]

Article 12 (Special Appointment)

(1) In the cases applicable to any one of the following subsections, the persons to be appointed may be specially appointed as prescribed by Presidential Decree: *<Amended by Act No. 4620, Dec. 27, 1993; Act No. 5207, Dec. 30, 1996; Act No. 8889, Mar. 14, 2008>*

1. Where a public education official ,who has retired due to the expiration of the period of leave of absence for reasons stated under Article 44 (1) 1 or who has retired on account of the reasons under Article 70 (1) 3 of the State Public Officials Act or Article 62 (1) 3 of Local Public Officials Act, is appointed as a public education official for a post equivalent to the post at the time of his/her retirement within two years after his/her retirement, or when a public education official who has retired from office to become a State or local public official in general services is appointed as a public education official for a post equivalent to the post at the time of his/her retirement;
2. Where a person who has research achievements corresponding to the designated post for employment or who has not less than three years of service record is appointed;
3. Where a person who is to work in a special area such as an island or a remote place where filling vacancies by a competitive examination is difficult, or a person who is to teach special subjects is appointed;

4. Where it is not appropriate to appoint, by competitive examination, a public official who has educational experience, educational administrative experience or research experience; and

5. Where a teacher who is employed in a private school is appointed as a public education official.

(2) Anyone who was discharged from office on account of the reasons under Article 70 (1) 3 of the State Public Officials Act or Article 62 (1) 3 of the Local Public Officials Act may be specially appointed with priority as provided by Presidential Decree. *<Amended by Act No. 5207, Dec. 30, 1996; Act No. 8889, Mar. 14, 2008>*

Article 13 (Promotion)

Promotion of public education officials to a certain post shall be implemented among the persons of subordinate levels under such post who are engaged in the same type of duties, based on the actual evidence of evaluation of his/her experience, record of his/her reeducation, his/her service record, or other abilities as provided by Presidential Decree.

Article 14 (List of Eligible Candidates for Promotion)

(1) The person having appointment authority or the person having recommendation authority of a public education official shall prepare and maintain a list of eligible candidates for promotion in accordance with their standings and qualifications pursuant to the provisions of Article 13 and the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 4348, Mar. 8, 1991>*

(2) In appointing the promotion of public education officials, the public education officials within the limit of triple the number of the vacant positions shall be promoted or shall be recommended for promotions in the order of highest ranking in the list of eligible candidates for promotion: *Provided*, that this shall not apply where a person who has special qualifications prescribed by Presidential Decree is promoted or is recommended to be promoted.

Article 15 (Special Promotion of Excellent Public Education Officials, etc.)

(1) In the event that a public education official applies to any of the following subsections and has superior certificates of qualifications or satisfies the qualification standards, such official may be specially promoted, notwithstanding the provisions of Articles 13 and 14: *Provided*, that where a public education official applies to subsections 4 or 5, such official may be specially appointed for promotion, even if that person does not possess the certificate of qualification or satisfy the qualification criteria: <Amended by Act No. 4620, Dec. 27, 1993; Act No. 5207, Dec. 30, 1996; Act No. 8889, Mar. 14, 2008>

1. An educator who is a person of respectable personality and ingenuity, and who is a model to other public education officials in the reform of the educational culture by diligently attending to his/her duties with an upright and consistent spirit of service;
2. A person who is outstanding in his/her ability to perform his/her duties such as teaching, guidance, and research, and has made a great contribution to the development of education;
3. A person who has made remarkable achievement in the development of the administrative operation such as reducing expenditures in the budget by adopting and executing proposals as prescribed in Article 53 of the State Public Officials Act or Article 78 of the Local Public Officials Act;
4. When a person who has rendered remarkable services while in office is honorably retired pursuant to the provisions of Article 74-2 of the State Public Officials Act or Article 66-2 of the Local Public Officials Act; and
5. When a person who has rendered great services while in office dies in the line of public duty.

(2) Requirements for the special promotion and other necessary matters under section (1) shall be prescribed by Presidential Decree.

Article 16 (Physical Examination)

When public education officials are newly appointed, a physical examination shall be made as provided by Presidential Decree, and a person having appointment authority or the person

having recommendation authority shall not appoint or recommend appointment of any person who does not satisfy the passing standards of the physical examination.

Article 17 (Principles of Management of Assignment of Position)

(1) The persons having appointment authority or the persons having recommendation authority shall grant the public education officials under his/her control certain posts corresponding to their qualifications excluding the cases separately prescribed by other laws and regulations.

(2) In the event of assigning posts to the public education officials under the person having appointment authority, they shall be appointed to the competent posts upon taking into consideration their qualifications, major fields, reeducation experiences, service records, and aptitudes

Article 18 (Holding Concurrent Positions)

(1) The public education officials, public officials in general service, other specified officials, or other officers or staff of the related educational institutions, research institutes, or other related administrative agencies or associations prescribed by Presidential Decree may be appointed to hold concurrent positions, as provided by Presidential Decree, where the posts and job specifications of them are similar and where it is recognized that there shall be no trouble in performing their duties.

(2) In the event that a public education official is appointed to hold concurrent positions pursuant to the provisions of section (1), that person shall meet the qualification standards or have the certificate of qualification as prescribed in Article 9 of this Act or Article 21 (1) and (2) of the Elementary and Secondary Education Act, and Article 16 of the Higher Education Act. *<Amended by Act No. 6211, Jan. 28, 2000; Act No. 8889, Mar. 14, 2008>*

Article 19 (Prohibition of Holding Concurrent Positions)

Any person who is employed in the supervisory authorities for the various levels of schools shall not concurrently hold another position such as that of the president or vice-president of a university/college, the dean of a graduate school or college, the provost, the dean of

students (or the dean of education and scholarship), the chief of the instruction section, the chief of the student section, the principal, the vice-principal, or kindergarten's principal or supervisor. <Amended by Act No. 4620, Dec. 27, 1993; Act No. 6741, Dec. 5, 2002>

Article 19-2 (Special Cases Concerning Prohibition of Pursuing Profit-Making Affairs and of Concurrent Position)

(1) Any of the professors, associate professors, assistant professors and full-time instructors as prescribed in Article 14 (2) of the Higher Education Act may concurrently hold a position as an outside director (referring to a director who is not engaged in the business affairs of the relevant corporation under Article 2 (19) of the Capital Market and Financial Investment Business Act) of a private corporation in the commercial, industrial or financial business, or of other profit-making business, with the permission of the head of the school whereto they belong, within the extent of not interfering with the education and guidance of the students and academic researches. <Amended by Act No. 8635, Aug. 3, 2007; Act No. 8889, Mar. 14, 2008>

(2) Matters necessary for detailed standards, methods and procedures of the permission under section (1) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 6741, Dec. 5, 2002]

Article 20 (Interchange of Personnel)

The positions of the public education officials who are employed in junior colleges and secondary schools may be interchanged or transferred with each another. <Amended by Act No. 4348, Mar. 8, 1991>

Article 21 (Restriction on Change of Position, etc.)

The person having appointment authority or the person having recommendation authority of a public education official shall not take the personnel measures such as the change of the position or the place of work within one year after the public education official belonging to his/her office has been appointed to the position concerned, excluding the cases applicable to any of the following subsections:

1. Where there is a restructuring of the organization, an alteration or abolition of the organization of an office, or an alteration of the quota;
2. Where such change of the position or the place of work is caused by the promotion or demotion of the relevant public education official; and
3. Where there are any other special grounds prescribed by Presidential Decree.

Article 22 (Placement of Teaching Staff in Educational Training Institute, etc.)

Where deemed necessary for education, professional survey or research on education, the Minister or the Superintendent of the Office of Education may place teaching staff in the educational training institute or educational research institute as prescribed in Article 2 (2) 3. *<Amended by Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

[This Article Wholly Amended by Act No. 4620, Dec. 27, 1993]

Article 22-2 (Placement of Touring Teachers in Educational Administrative Agencies)

(1) In the event that the Superintendent of the Office of Education deems it especially necessary to make any teacher take charge of the student education by making a tour of two or more neighboring schools, for the propriety of placement of teachers and the smooth operation of educational courses, he/she may place teachers in the City/*Do* educational administrative agencies.

(2) Teachers placed in the City/*Do* educational administrative agencies pursuant to the provisions of section (1) shall take charge of education at schools designated by the heads of their affiliated agencies, and receive guidance and supervision from the heads of the schools.

[This Article Newly Inserted by Act No. 6710, Aug. 26, 2002]

Article 23 (Personnel Record)

The head of an educational institution, educational administrative agency, or educational research institute shall prepare, maintain, and keep the personnel records of the public education officials belonging thereto as provided by the Ordinance of the Ministry of

Education, Science and Technology. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>

Article 23-2 (Computerization of Personnel Management)

(1) The Minister may establish and operate a system which can manage the personnel record of public education officials by entering such records into a database and administer the personnel affairs electronically in order to scientifically process the personnel management of public education officials.

(2) Matters necessary for the establishment and operation of the system as prescribed in section (1) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 6741, Dec. 5, 2002]

Article 24 (Appointment of Head of University/College)

(1) The head of a university/college (excluding a public university/college; hereinafter the same shall apply up to Article 27) shall be appointed by the President upon the request of the Minister after receiving recommendation from the university/college concerned. Where the head of a newly established university/college is appointed, or where a person who holds office as the dean is appointed as the president of the university/college concerned, or a person who holds office as the president becomes appointed as the dean of the university/college concerned during his/her term of office on account of the change of the title of the head of the university/college concerned, he/she shall be appointed by the President upon recommendation from the Minister. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 4348, Mar. 8, 1991; Act No. 4620, Dec. 27, 1993; Act No. 4841, Dec. 31, 1994; Act No. 5207, Dec. 30, 1996; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>

(2) Where the Minister intends to recommend the appointment of the head of a university/college to the President as prescribed in sections (1) and (6), he/she shall undergo consultation with the personnel committee. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 4620, Dec. 27, 1993; Act No. 6400, Jan. 29, 2001; Act No. 7537, May 31, 2005; Act No. 8852, Feb. 29, 2008>

(3) The Recommendation Committee for Appointment of Head of University/College (hereinafter referred to as the "Committee") shall be established in a university/college for the purpose of recommendation of the appointment for the head of the university/college as prescribed in the text of section (1). *<Newly Inserted by Act No. 4348, Mar. 8, 1991; Act No. 4620, Dec. 27, 1993; Act No. 4841, Dec. 31, 1994; Act No. 7537, May 31, 2005>*

(4) The Committee shall select the candidate for the head of the university/college by means of any of the following subsections according to the conditions as prescribed by the relevant university/college: *<Newly Inserted by Act No. 7537, May 31, 2005>*

1. Selection by the Committee; and

2. Selection under the methods and procedures agreed by the teaching staff of the relevant university.

(5) Where the person who is appointed as the head of a university/college during his/her term of office as part of the teaching staff in the university/college finishes his/her term under subsection 1 of Article 28, he/she shall be considered to have returned to the former position of the teaching staff, on the next day after the date of expiration of his/her term as the head of the university/college, notwithstanding the provisions of Article 25. *<Newly Inserted by Act No. 5207, Dec. 30, 1996>*

(6) Where the relevant university/college fails to recommend the candidate for the head of the university/college within three months after the expiration of the term of the head of the university, notwithstanding the provisions of section (1), the head of the relevant university/college shall be appointed by the President upon recommendation from the Minister. *<Newly Inserted by Act No. 7537, May 31, 2005; Amended by Act No. 8852, Feb. 29, 2008>*

(7) Matters necessary for the organization and operation, etc. of the Committee shall be prescribed by Presidential Decree, provided that more than a specific ratio of the members shall be women. *<Newly Inserted by Act No. 7537, May 31, 2005>*

Article 24-2 (Restrictions on Election Campaigns)

(1) No person shall perform the activities applicable to any of the following subsections for the purpose of making him/herself or a specific person elected, to be elected, or not to be elected as a candidate for the head of a university/college:

1. Activities of offering, indicating or promising to offer money, valuables, entertainment, other property benefits, or public or private positions to the voters (including the persons having qualifications for entering to the voters' roster before preparing the voters roster) from 180 days prior to the election date of the candidate for the head of the university/college to the date of election;
2. Activities provided for in subsection 1 to the persons intending to become a candidate, or the candidate for the purpose of making him/her/her not to become a candidate or to withdraw from the candidacy; and
3. Activities of receiving an offer of benefits or positions provided for in subsection 1 or 2, consenting to an indication of such intent, or demanding or arranging such offer.

(2) No person shall perform the activities of visiting the voters door to door or making such visits, or gathering at a specific place or making such gathering in connection with the election for the candidacy for the head of the university/college.

(3) No person shall publicly announce false facts and slander the candidate by the means of speeches, posters, or other methods, in connection with the election for the candidacy for the head of university/college.

(4) No person shall perform the activities other than those applicable to the following subsections in connection with the election for selecting the candidate for the head of the university/college:

1. Attaching propaganda posters;
2. Distribution of official election reports;
3. Distribution of s small printed materials;
4. Holding joint speech meetings or opened discussion meetings; and

5. Appeals for support via telephones and computer communications.

[This Article Newly Inserted by Act No. 7537, May 31, 2005]

Article 24-3 (Entrustment of Election Affairs for Recommendation of Candidate for Head of University/College)

(1) In recommending the candidate for the head of a university/college, in the case of direct elections under the agreed methods and procedures of the teaching staff of the relevant university/college according to the provisions of Article 24 (4) 2, the relevant university/college shall entrust the election management to the *Gu/City/Gun* election commission (hereinafter referred to as the "*Gu/City/Gun* election commission") as prescribed in the Election Commission Act, which has jurisdiction over it.

(2) In the case where the *Gu/City/Gun* election commission is entrusted with and manages an election for recommending the candidate for the head of a university/college under the provisions of section (1), where the National Election Commission intends to provide the necessary matters, such as registration of candidates, election period, election campaigns, election expenses, voting, ballot counting, etc. by the regulations of the National Election Commission as provided for in Article 3 (5) of the Election Commission Act, the National Election Commission shall consult in advance with the Minister. In this case, the Minister shall listen to the opinions of each university/college.

(3) Where the *Gu/City/Gun* election commission is entrusted with and manages an election for recommending the candidate for the head of a university/college according to the provisions of section (2), the provisions of Article 272-2 of the Act on the Election of Public Officials and the Prevention of Election Malpractices and Article 14-2 of the Election Commission Act shall apply *mutatis mutandis* to the control of, investigation of, suspension of, and warning against the violations pursuant to this Act.

(4) The relevant university/college may be made to bear the expenses required for the management of the election for recommending the candidate for the head of the university/college.

[This Article Newly Inserted by Act No. 7537, May 31, 2005]

Article 25 (Appointment of Professors, etc.)

(1) A professor or an associate professor shall be appointed by the President through the Minister upon the recommendation of the head of the university/college concerned, and the assistant professor shall be appointed by the Minister upon the recommendation of the head of the university/college. *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 4620, Dec. 27, 1993; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

(2) Where the head of a university/college intends to recommend the appointment of a public education official under section (1), he/she shall obtain the approval of the university/college personnel committee: *Provided*, that for a newly established university/college which cannot organize the university/college personnel committee, it shall obtain the approval of the personnel committee until the university/college personnel committee is organized. *<Amended by Act No. 4620, Dec. 27, 1993>*

(3) The transference of the public education official to another position under section (1) shall be executed by the Minister upon the recommendation of the head of the university/college with the approval of the university/college personnel committee. *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 4620, Dec. 27, 1993; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

Article 26 (Appointment of Full-time Lecturers and Teaching Assistants)

(1) Full-time lecturers and teaching assistants shall be appointed by the head of the university/college concerned. *<Amended by Act No. 4620, Dec. 27, 1993>*

(2) Where the head of a university/college intends to appoint a full-time lecturer, he/she shall obtain the approval of the university/college personnel committee concerned. *<Amended by Act No. 4620, Dec. 27, 1993; Act No. 5207, Dec. 30, 1996>*

Article 27 (Assignment to Positions of Vice-President, Dean of Graduate School, Dean of College <Amended by Act No. 6741, Dec. 5, 2002>)

(1) The vice-president shall be assigned among the professors, and the dean of a graduate school or a college shall be assigned among the professors or associate professors, by the Minister upon the recommendation of the head of the university/college. *<Amended by Act*

No. 4268, Dec. 27, 1990; Act No. 4620, Dec. 27, 1993; Act No. 6400, Jan. 29, 2001; Act No. 6741, Dec. 5, 2002; Act No. 8852, Feb. 29, 2008>

(2) Where the head of a university/college intends to recommend the assignment of the positions of public education officials under section (1), he/she shall obtain the approval of the university/college personnel committee concerned. *<Amended by Act No. 4620, Dec. 27, 1993>*

Article 28 (Term of Head of University/College, etc.)

The terms of office of the president and vice-president of a university/college, the dean of a graduate school, and the dean of a college shall be as follows: *Provided*, that the term of the appointee under the latter part of Article 24 (1) or the latter part of Article 55 (1) shall be the remaining period of the head of the university/college concerned, notwithstanding the provisions of subsection 1: *<Amended by Act No. 4620, Dec. 27, 1993; Act No. 4841, Dec. 31, 1994; Act No. 5207, Dec. 30, 1996; Act No. 6741, Dec. 5, 2002>*

1. For the president of a university/college: four years; and
2. For the vice-president of a university/college, the dean of a graduate school, or the dean of a college: two years.

Article 29 (Appointment of Supervisory Official, etc.)

(1) The supervisory official and educational researcher who works for the Ministry of Education, Science and Technology and its affiliated agencies shall be appointed by the President upon the recommendation of the Minister. *<Amended by Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

(2) A person who applies to any of the following subsections among the supervisory officials and educational researchers under the jurisdiction of the Superintendent of the Office of Education shall be appointed by the President at the request of the Minister upon the recommendation of the Superintendent: *<Amended by Act No. 6400, Jan. 29, 2001>*

1. A person who holds an office in the educational administrative agencies and whose position is equivalent to the position equal to or higher than the post of the director of a section in the Office of Education of the City/*Do*;
2. The head of the educational training institute of the City/*Do*;
3. The head of the educational research institute of the City/*Do*; and
4. The head of the training institute for the teaching staff of the City/*Do*.

(3) The supervisory official and educational researcher under the jurisdiction of the Superintendent of the Office of Education other than the specialized education officials as prescribed in sections (1) and (2) shall be appointed by the Minister upon the recommendation of the relevant Superintendent. *<Amended by Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

(4) The specialized education official who is appointed by the President pursuant to the provisions of sections (1) and (2) may be transferred to another position by the Minister, and the specialized education official who is appointed by the Minister pursuant to the provisions of section (3) may be transferred to another position by the relevant Superintendent of the Office of Education. *<Amended by Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

[This Article Wholly Amended by Act No. 4620, Dec. 27, 1993]

Article 29-2 (Appointment of Principal)

(1) A principal shall be appointed by the President upon the recommendation of the Minister. *<Amended by Act No. 4620, Dec. 27, 1993; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

(2) The principal's tenure in office shall be four years. *<Amended by Act No. 5065, Dec. 29, 1995>*

(3) The principal may be reappointed for one time: *Provided* that the number of times which the principal holds office pursuant to the provisions of Article 31 (2) and (3) shall not be included in this. *<Newly Inserted by Act No. 5065, Dec. 29, 1995>*

(4) In the event that the principal's tenure expires during a school term, the expiration date shall be August 31 where his/her tenure expires between March and August, and it shall be the end of February of the next year where it expires between September and February of the next year. *<Amended by Act No. 7353, Jan. 27, 2005>*

(5) Where the principal, whose tenure in office expires before his/her retirement age as prescribed in Article 47, desires to serve as a teacher (limited to the principal who has a teacher's certificate), he/she may be appointed as a teacher upon taking into consideration his/her ability to teach his/her classes, his/her health, etc.

(6) The teacher who is appointed pursuant to the provisions of section (5) shall be treated preferentially as a senior teacher prescribed by Presidential Decree. *<Amended by Act No. 7353, Jan. 27, 2005>*

(7) The principal may be transferred by the Minister to another position during his/her term of office. *<Amended by Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

[This Article Newly Inserted by Act No. 4348, Mar. 8, 1991]

Article 30 (Appointment of Vice-Principal, Teacher, or School Inspector, etc.)

Any public education official who applies to any of the following subsections shall be appointed by the Minister: *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 4348, Mar. 8, 1991; Act No. 4620, Dec. 27, 1993; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

1. The teaching staff other than those prescribed by Articles 24 through 26, and 29-2; and
2. A school inspector and an education research worker.

Article 31 (Invited Teaching Staff)

(1) A university/college may appoint a person having qualifications as prescribed in Article 16 of the Higher Education Act as an invited professor from among the persons working at state agencies, research institutes, public organizations, industrial enterprises, or the residents in a foreign country, or foreigners: *Provided*, that where the university/college

appoints an invited professor for a special subject, the provisions of Article 16 of the Higher Education Act may not apply. *<Amended by Act No. 6211, Jan. 28, 2000; Act No. 8889, Mar. 14, 2008>*

(2) Where the heads of various levels of schools not higher than high school intend to invite persons who are especially needed for the relevant schools (limited to the persons who have a principal's certificate or a teacher's certificate) as teachers, they may request the person having appointment authority of invited teachers to appoint them as invited principals or invited teachers. *<Newly Inserted by Act No. 5065, Dec. 29, 1995>*

(3) The person having appointment authority who is requested to appoint an invited teacher pursuant to section (2) may appoint an invited principal or an invited teacher of the relevant school among the persons who are asked to be appointed. *<Newly Inserted by Act No. 5065, Dec. 29, 1995>*

(4) Matters necessary for the appointment, salary, and service of the invited teaching staff shall be prescribed by Presidential Decree.

Article 32 (Temporary Teaching Staff)

(1) The persons having authority to appoint teachers of the various levels of schools not higher than higher school may appoint teachers by specifying their service periods from those having teaching certificates within the limit of the budget in the cases of any of the following subsections: *<Amended by Act No. 5207, Dec. 30, 1996; Act No. 5717, Jan. 29, 1999>*

1. Where a teacher is on a leave of absence for the reason applicable to any of the subsections of Article 44 (1), and it is inevitable to fill the vacancy due to his/her leave of absence;
2. Where a teacher quits his/her job for one of the reasons prescribed by the Presidential Decree such as dispatch, training, suspension, or cancellation of official position, etc., and it is inevitable to fill the vacancy due to the above reasons;
3. Where a teacher who takes charge of a special subject is needed for a limited period of time; and

4. Where there is need for utilizing knowledge or experience of a person who served as a public education official.

(2) The teacher who is appointed pursuant to the provisions of section (1) (hereinafter referred to as a "temporary teacher") shall not be given any priority for being appointed as a regular teacher and, excluding the person appointed pursuant to the provisions of subsection 4 of the same section, such teacher shall not be appointed to the supervisory position with heavy responsibilities. *<Amended by Act No. 5717, Jan. 29, 1999>*

(3) The provisions of Articles 43 through 47 and 49 through 51 of this Act and Articles 16, 70, 73 through 73-4, 75, 76, 78 through 80, and 82 through 83-2 of the State Public Officials Act shall not apply to the temporary teaching staff, and they shall be naturally relieved from services from the office after the expiration of the period of tenure. *<Amended by Act No. 5207, Dec. 30, 1996; Act No. 7353, Jan. 27, 2005; Act No. 8889, Mar. 14, 2008>*

Article 32-2 (Payment of Scholarship and Obligatory Service)

(1) The Superintendent of the Office of Education may recommend the persons satisfying the standards prescribed by the Municipal Ordinance of City/*Do* to the head of the college of education as the persons subject to the admission or enrollment into the college of education for a stable supply of teachers.

(2) The Superintendent of the Office of Education may offer a scholarship to the persons who have entered or enrolled into the college of education by the recommendation as prescribed in section (1).

(3) The Superintendent of the Office of Education may have the persons receiving the scholarship pursuant to the provisions of section (2) take open screening examinations of teachers executed in the competent districts within the scope of four years after graduation of the college of education, and in the event of passing the open screening, he/she may require service in the areas as determined by the Superintendent of the Office of Education for the period prescribed by the Municipal Ordinance of City/*Do* within the scope of two times the period during which they received scholarships.

(4) Where a person who is receiving or has received the scholarship pursuant to the provisions of section (2) applies to any of the following subsections, the Superintendent of

the Office of Education may order the principal or joint guarantor to return the whole or part of the scholarship as provided by the Municipal Ordinance of City/*Do*, and where he/she fails to carry out such order, the Superintendent may collect it according to the practices of dispositions on default local taxes: *Provided*, that this shall not apply where there exist inevitable reasons prescribed by the Municipal Ordinance of City/*Do*, such as where he/she has retired during the obligatory service period due to diseases incurred in the line of duties, etc.:

1. Where he/she has been dismissed from or has voluntarily left the school, or has transferred to another school;
2. Where reasons for disqualification as a public official have occurred;
3. Where he/she has refused to receive the scholarship while in school; or
4. Where he/she has declined to take the open screening examination during the period as prescribed in section (3), or has failed to perform the obligatory services.

[This Article Newly Inserted by Act No. 7353, Jan. 27, 2005]

Article 33 (Delegation, etc. of Appointment Authority)

(1) The President may delegate part of the appointment authority to the Minister, and the Minister may delegate part of the appointment authority to the heads of educational institutions, educational administrative agencies, or educational research institutes, as provided by Presidential Decree. <Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>

(2) Matters concerning the appointment of the faculty belonging to various types of schools whose authority for the matters concerning the establishment and operation is delegated to the related central administrative agency as prescribed in Article 59 (3) of the Higher Education Act may be separately prescribed in accordance with the standards for appointment as prescribed in section (1) pursuant to the conditions as prescribed by Presidential Decree. <Newly Inserted by Act No. 5065, Dec. 29, 1995; Amended by Act No. 6211, Jan. 28, 2000; Act No. 8889, Mar. 14, 2008>

CHAPTER V SALARY

Article 34 (Principle for Settlement of Salary)

(1) The salary of a public education official shall be preferentially paid.

(2) The salary of a public education official shall be prescribed by Presidential Decree in accordance with his/her qualification or experience, the difficulty of duties, or the degree of responsibility.

Article 35 (Provisions on Salary)

In the Presidential Decree of Article 34 (2), the following matters as well as the matters prescribed in Article 47 of the State Public Officials Act and in Article 45 of the Local Public Officials Act shall be prescribed: *<Amended by Act No. 5207, Dec. 30, 1996; Act No. 8889, Mar. 14, 2008>*

1. Matters concerning the special allowances for the teaching staff of the schools or for the special subjects prescribed by Presidential Decree;
2. Matters concerning the salary of temporary faculty;
3. Matters concerning research allowances; and
4. Matters concerning teaching allowances.

Article 36 (Honorary Retirement)

(1) Where a public education official who has continuously served for not less than twenty years voluntarily retires from office before his/her retirement age, an honorary retirement allowance may be granted to him/her within the limit of the budget.

(2) Where a principal among the public education officials as prescribed in section (1) voluntarily retires from office before the end of his/her tenure in office, the retirement age shall be the same as that as prescribed in Article 47.

(3) Matters necessary for the scope of the objects to be granted, the amount granted, and the procedures for being granted the honorary retirement allowances under section (1) and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 5158, Aug. 14, 1996]

CHAPTER VI TRAINING

Article 37 (Equal Training Opportunity)

The opportunity to be reeducated or to be trained in training institutes shall be equally provided to public education officials.

Article 38 (Expense for Training and Teaching Materials)

(1) Public education officials shall continuously make efforts in research and training for the sake of performing their duties.

(2) The State or local governments shall formulate a plan for the training of public education officials and the facilities needed for the training, its promotion and make efforts to execute it, and may provide them with the expenses for teaching materials needed for such training as provided by Presidential Decree.

(3) The State may subsidize all or part of the expenses needed for the training to the local government which provides the expenses for teaching materials pursuant to the provisions of section (2) within the limit of the budget.

Article 39 (Establishment of Training Institute)

(1) A training institute shall be established in order to reeducate and train the public education officials.

(2) Matters necessary for the establishment and operation of the training institute under section (1) shall be prescribed by Presidential Decree.

Article 40 (Special Training)

(1) The State or local governments may prepare a plan for special training and have public education officials receive training in educational institutions or research institutes within the country or overseas for a specified period of time.

(2) The State or local governments may pay the expenses needed for the special training as prescribed in section (1) within the limit of the budget.

(3) The Minister shall guide and supervise the public education officials in special training pursuant to the provisions of section (1) so that they may achieve the objectives of the training, and the matters necessary for such guidance and supervision shall be prescribed by the Presidential Decree. *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

(4) Obligatory service may be imposed on the public education officials who have been specially trained pursuant to the provisions of section (1) for a specific period of time within the limit of six years as prescribed by the Presidential Decree.

(5) Where the public education officials who are being specially trained or were specially trained pursuant to the provisions of section (1) do not follow the instructions for the guidance and supervision as prescribed in section (3), or do not perform the obligatory service as prescribed in section (4), the Minister may order the said persons or the joint guarantors to return all or part of the expenses spent for such special training to the State or the local government concerned pursuant to the conditions as prescribed by the Presidential Decree; and if it is not performed, all or part of the expenses shall be collected according to the practices of disposition on the default national or local taxes depending on the expenses spent for the special training. *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>*

Article 41 (Training in Places Other than Training Institute and Office)

A teacher may be trained in facilities or places other than training institutes or his/her office with the approval of the head of the administrative agency to which he/she belongs as long as this does not interfere with his/her classes.

Article 42 (Evaluation of Training and Service Record)

(1) The head of an educational institution, educational administrative agency, or educational research institute shall regularly or occasionally evaluate the actual results of the reeducation and training, and the service record of the public education officials under his/her jurisdiction, and reflect such evaluation to the personnel management.

(2) Matters necessary for the evaluation of the actual results of reeducation and training, and the service records under section (1) shall be prescribed by Presidential Decree.

CHAPTER VII GUARANTEE OF STATUS, DISCIPLINARY ACTION, AND APPEAL

Article 43 (Respect of Educational Authority and Guarantee of Status)

(1) The educational authority shall be respected and any faculty member shall be free from unjust interference affecting his/her special position or status. *<Amended by Act No. 4348, Mar. 8, 1991>*

(2) A public education official shall not be laid off, demoted, or discharged against his/her intention except as a sentence for punishment, a disciplinary action, or any other grounds prescribed by this Act.

(3) A public education official shall not be recommended to resign.

Article 44 (Leave of Absence)

(1) Where a public education official intends to have a leave of absence on the account of one of the following subsections, the person having appointment authority may grant him/her a leave of absence: *Provided*, that in the cases of subsections 1 through 4 and 11, the person having appointment authority shall order the public education official a leave of absence despite his/her intention, and in the case of subsection 7, the person having appointment authority shall order the public education official a leave of absence if he/she wishes so: *<Amended by Act No. 4268, Dec. 27, 1990; Act No. 4620, Dec. 27, 1993; Act No. 4841, Dec. 31, 1994; Act No. 5158, Aug. 14, 1996; Act No. 6211, Jan. 28, 2000; Act No.*

6400, Jan. 29, 2001; Act No. 8528, Jul. 19, 2007; Act No. 8852, Feb. 29, 2008; Act No. 8889, Mar. 14, 2008>

1. Where he/she requires a long period of recuperation on the account of physical or mental disorder;
2. Where he/she is conscripted or mobilized for military service as prescribed in the Military Service Act;
3. Where his/her fate or whereabouts is unknown on the account of a natural disaster, war, national emergency, or other reasons;
4. Where he/she has left his/her job to execute the duties under other Acts;
5. Where he/she studies abroad to obtain a degree or participates in researches or receives training abroad for not less than one year;
6. Where he/she is temporarily employed in an international organization, foreign institution, domestic or foreign university/college or research institute, another state agency, educational institution for nationals residing abroad (referring to educational institution for nationals residing abroad under subsection 2 of Article 2 of the Act on the Educational Support, etc. for Korean Nationals Residing Abroad), or a private organization prescribed by Presidential Decree;
7. Where it is necessary to raise children (referring to preschool children not older than six years old), or where a female public education official becomes pregnant or gives birth;
8. Where he/she receives training in the research institute or educational institution in a country designated by the Minister;
9. Where he/she is required to take care of his/her parents, spouse, children, or his/her spouse's parents who require a long period of recuperation on the account of an accident or a disease, etc.;
10. Where his/her spouse is to work abroad or applies to subsection 5; and

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

(2) Where a teacher who is entitled to become a member of a political party under the provision of Article 6 of the Political Parties Act is elected as a member of the National Assembly, he/she shall resign from his/her office as a teacher during his/her term of membership under Article 29 (3) of the National Assembly Act. *<Amended by Act No. 4620, Dec. 27, 1993; Act No. 5065, Dec. 29, 1995; Act No. 8889, Mar. 14, 2008>*

(3) Where a public education official who holds office in a university/college intends to take a leave of absence because he/she is appointed as a public official other than a public education official, the person having appointment authority may serve him/her a leave of absence. In this case, the period of leave of absence shall be the same as the term of his/her office as a public official. *<Newly Inserted by Act No. 5207, Dec. 30, 1996>*

(4) The person having authority for appointment and dismissal shall not give unfavorable treatment with respect to the personnel affairs of public education officials for leaves of absence as prescribed in section (1) 7, and the period within the first one year of the period of leave of absence under the same subsection shall be included in the period of their continuous services. *<Newly Inserted by Act No. 6211, Jan. 28, 2000>*

(5) Matters necessary for the operation of the system of leave of absence referred to in section (1) shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 8528, Jul. 19, 2007>*

Article 45 (Period of Leave of Absence, etc.)

(1) The period of leave of absence shall be as follows: *<Amended by Act No. 3953, Nov. 28, 1988; Act No. 4841, Dec. 31, 1994; Act No. 5158, Aug. 14, 1996; Act No. 6211, Jan. 28, 2000; Act No. 8528, Jul. 19, 2007>*

1. The period of leave of absence due to the reasons referred to in Article 44 (1) 1 shall be within one year;
2. The period of leave of absence due to the reasons referred to in Article 44 (1) 2 and 4 shall be until the expiration of the service period;

3. The period of leave of absence due to the reasons referred to in Article 44 (1) 3 shall be within three months;
4. The period of leave of absence due to the reasons referred to in Article 44 (1) 5 shall be within three years: *Provided*, that in the case of obtaining a degree, the period may be extended to up to three years;
5. The period of leave of absence due to the reasons referred to in Article 44 (1) 6 shall be the same as the employment period;
6. The period of leave of absence due to the reasons referred to in Article 44 (1) 7 shall be within one year for one child: *Provided*, that in case of a female public education official, the person having appointment authority may extend the relevant period of leave of absence within the limit of two years;
7. The period of leave of absence due to the reasons referred to in Article 44 (1) 8 shall be within three years;
8. The period of leave of absence due to the reasons referred to in Article 44 (1) 9 shall be within one year, and shall not exceed three years during one's total tenure in office;
9. The period of leave of absence due to the reasons referred to in Article 44 (1) 10 shall be within three years, and the period may be extended to up to three years: *Provided*, that the total period of leave of absence shall not exceed the period of the overseas service, study, research, or training of one's spouse; and
10. The period of leave of absence due to the reasons referred to in Article 44 (1) 11 shall be the period of full-time service in the union.

(2) In the case of a faculty member who holds an office in a university/college, the period of leave of absence under section (1) may not exceed the remaining period in the term of the appointment under Article 11 (3): *Provided*, that this shall not apply in the case of leave of absence as prescribed in Article 44 (1) 2 and 4 through 10, or 44 (2) and (3). <Amended by Act No. 4841, Dec. 31, 1994; Act No. 5158, Aug. 14, 1996; Act No. 5207, Dec. 30, 1996>

(3) Where a teacher who is in leave of absence for not less than two years pursuant to the provisions of section (1) 6 or 9 intends to restore his/her former position, he/she shall receive training as provided by Presidential Decree. <Newly Inserted by Act No. 3953, Nov. 28, 1987; Amended by Act No. 5158, Aug. 14, 1996>

Article 46 (Restriction on Preferential Promotion of Demoted Persons)

Where the provisions of Article 73-4 (2) of the State Public Officials Act or Article 65-4 (2) of the Local Public Officials Act are applied to public education officials, a person who is transferred, under the condition of demotion at consent of such person, to another administrative agency in which the person having appointment authority or the person recommending appointment is different from that in the former administrative agency may not be promoted preferentially. <Amended by Act No. 5207, Dec. 30, 1996; Act Nos. 7353 & 7360, Jan. 27, 2005; Act No. 8889, Mar. 14, 2008>

Article 47 (Retirement Age)

(1) The age limit of a public education official shall be 62 years: *Provided* that the age limit of a public education official, who is a teacher as prescribed in Article 14 of the Higher Education Act, shall be 65 years. <Amended by Act No. 5717, Jan. 29, 1999; Act No. 8889, Mar. 14, 2008>

(2) A public education official (including a public education official with a designated term of office) shall retire from his/her office as a matter of course on August 31 where the day on which his/her age limit reached is between March and August, and on the end of February next year where it is between September and February next year. <Amended by Act No. 7353, Jan. 27, 2005>

Article 48 (Teachers' Privileges of Freedom from Arrest)

No teacher shall be arrested in a school without the consent of the head of the school to which he/she belongs, except in the case where he/she is *flagrante delicto*.

Article 49 (Grievance Settlement)

(1) Any public education official (excluding the public education official who holds office in a public university/college; hereafter the same shall apply in this Article) may request consultation of the personal affairs concerning all conditions of duties such as personnel affairs, organizations, or treatment, etc., or other personal affairs, or the examination of the grievance, and shall not be disadvantageously treated or punished on account of it.
<Amended by Act No. 5207, Dec. 30, 1996>

(2) The person having appointment authority or the person having recommendation authority (including the person having nomination authority; hereinafter the same shall apply) who has received the request pursuant to the provisions of section (1) shall refer it to the committee for the grievance examination, or have the public education officials under his/her control consult with him/her, and shall make efforts for fair treatment such as the grievance settlement according to its results.

(3) A central grievance examination committee for public education officials shall be established in the Ministry of Education, Science and Technology to examine the grievances of public education officials, and a general grievance examination committee for public education officials shall be organized by the person having appointment authority or the person having recommendation authority, and the function of the central grievance examination committee for public education officials shall be managed by the Teacher's Appeal Examination Commission under the Special Act on the Improvement of Teachers' Status. <Amended by Act No. 6400, Jan. 29, 2001; Act No. 7354, Jan. 27, 2005; Act No. 8852, Feb. 29, 2008; Act No. 8889, Mar. 14, 2008>

(4) The central grievance examination committee for public education officials shall examine the request for reexamination which has passed through the examination of the general grievance examination committee for public education officials, the grievance of the faculty of universities/colleges who have positions equal to or higher than an associate professor, and the grievance of the supervisory officials, educational researchers, or principals who are appointed by the President pursuant to the provisions of Articles 29 (1) and (2) and 29-2 (1).

(5) The general grievance examination committee for public education officials shall examine the grievances of the faculty of universities/colleges not higher than assistant professors and the grievances of public education officials who are appointed by the

Minister pursuant to the provisions of Articles 29 (3) and 30. <Amended by Act No. 6400, Jan. 29, 2001; Act No. 8852, Feb. 29, 2008>

(6) Notwithstanding the provisions of section (5), where the grievances of public education officials which are prescribed in section (5) relate to not less than two agencies where the persons having appointment authority are different from each other, the central grievance examination committee for public education officials may examine such grievances; and where it is recognized as unsuitable for the general grievance examination committee for public education officials of the original agency to which the appealing person belong to examine the grievances, the general grievance examination committee for public education officials of the immediately higher level agency may examine them.

(7) Where deemed necessary after examining the grievance, the person having appointment authority or the person having recommendation authority may request the head of the disposition administration or the related administrative agency to correct it, and the head of the disposition administration or the related administrative agency who has received such request shall perform as requested unless there exists any special situation not to, and notify the result of the disposition to him/her/her: *Provided*, that where he/she is unable to perform as requested due to inevitable reasons, he/she shall notify such reason.

(8) Matters necessary for the organization, authority, and examination procedures of the grievance examination committee for public education officials and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 4620, Dec. 27, 1993]

Article 50 (Organization of Disciplinary Committee)

(1) A disciplinary committee for public education officials (hereinafter referred to as the "disciplinary committee") shall be established in the educational institution, educational administrative agency, local government, and educational research institute as provided by Presidential Decree to deliberate on a disciplinary action against a public education official and the matters concerning employment of teachers referred to in the *proviso* of the part other than each subsection of Article 10-3 (1). <Amended by Act No. 5207, Dec. 30, 1996; Act No. 8889, Mar. 14, 2008>

(2) Matters concerning the type, organization, authority, examination procedure of the disciplinary committee, the matters concerning the exclusion of or challenge to a member of the disciplinary committee, and the matters necessary for the right to statement of the person subject to the disciplinary action shall be prescribed by Presidential Decree.

(3) Where the opportunity to make a statement is not given to the person subject to the disciplinary action, the resolution of the disciplinary action shall be void.

Article 51 (Request of Decision on Discipline)

(1) Where the head of an educational institution, educational administrative agency, local government, or educational research institute deems that a public education official under his/her control applies to any of the disciplinary reasons of subsections of Article 78 (1) of the State Public Officials Act or of subsections of Article 69 (1) of the Local Public Officials Act, he/she shall request the disciplinary committee which has jurisdiction over the relevant disciplinary case for disciplinary decisions without delay. However, in the case when the disciplinary committee which has jurisdiction over the relevant disciplinary case is established in a higher administrative agency, he/she shall file the request of the disciplinary decision with the head of the higher administrative agency. *<Amended by Act No. 5207, Dec. 30, 1996; Act No. 8889, Mar. 14, 2008>*

(2) In the case of section (1) the disciplinary decision on the disciplinary case of the person recommending disciplinary decision shall be requested by the head of the immediately higher supervisory authority.

Article 52 *<Deleted by Act No. 4376, May 31, 1991>*

Article 53 (Relation with State Public Officials Act *<Amended by Act No. 8889, Mar. 14, 2008>*)

(1) In applying the provisions of Article 16 (2) of the State Public Officials Act to the teaching staff who are public education officials (excluding a public education official who holds office in a public university/college; hereinafter the same shall apply in this Article), the term "appeals review committee" in section (2) of the same Article shall be deemed as "Teacher's Appeal Examination Committee". *<Newly Inserted by Act No. 4841, Dec. 31,*

1994; Amended by Act No. 5207, Dec. 30, 1996; Act No. 7354, Jan. 27, 2005; Act No. 8889, Mar. 14, 2008>

(2) In applying the provisions of Article 43 (1) of the State Public Officials Act to public education officials, the term "provisions of Article 71 (1) 3 or 5 or Article 71 (2)" in the same section of the same Article shall be deemed as "provisions of Article 44 (1) 2 and 4 through 11 or of Article 44 (2) or (3) of the Public Education officials Act". *<Amended by Act No. 4841, Dec. 31, 1994; Act No. 558, Aug. 14, 1996; Act No. 5207, Dec. 30, 1996; Act No. 6211, Jan. 28, 2000; Act No. 8889, Mar. 14, 2008>*

(3) The alteration and abolition of the organization of an office under Article 70 (1) 3 of the State Public Officials Act and the alteration of the organization of an office in Article 73-4 (1) of the same Act shall be deemed to include the abolition of a school, department, or college in the various levels of schools as prescribed in Article 2 of the Elementary and Secondary Education Act and Article 2 of the Higher Education Act (excluding a public university/college). *<Amended by Act No. 5207, Dec. 30, 1996; Act No. 6211, Jan. 28, 2000; Act No. 7353, Jan. 27, 2005; Act No. 8889, Mar. 14, 2008>*

(4) In applying the provisions of Article 32-4 of the State Public Officials Act to public education officials, the term "heads of various levels of state agencies" in section (1) of the same Article shall be deemed as "persons having appointment authority or the persons having recommendation authority".

(5) The provisions of Articles 6, 17, 19-2, 21 through 24, 28-2, 28-3, 31 through 32-2, 34, 36 through 39, 40-2, 41, 42 (2), and 50 of the State Public Officials Act shall not apply to the public education officials, and the provisions of Article 76 of the same Act shall not apply to the teaching staff (excluding the teaching staff in public universities/colleges), respectively. *<Amended by Act No. 4376, May 31, 1991; Act No. 4620, Dec. 27, 1993; Act No. 5207, Dec. 30, 1996; Act No. 6741, Dec. 5, 2002; Act No. 8889, Mar. 14, 2008>*

CHAPTER VIII PUBLIC EDUCATION OFFICIAL IN PUBLIC UNIVERSITY/COLLEGE

Article 54 (Local Personnel Committee for Public Education Officials)

(1) A local personnel committee for public education officials shall be established in a local government to comply with the consultation of the head of the local government in respect to the important matters concerning the personnel affairs of public education officials who hold office in a public university/college (hereinafter referred to as the "public education officials in a public university/college").

(2) The local personnel committee for public education officials shall be composed of seven members including one chairperson of the committee, and the deputy-head of the relevant local government shall be the chairperson of the committee. In this case, where the local government has not less than two deputy-heads, the chairman shall be the deputy-head prescribed by Presidential Decree.

(3) The members of the local personnel committee shall be appointed or commissioned by the head of the relevant local government among those who have educational experience, educational administrative experience, or administrative experience for not less than seven years and who have profound knowledge in personnel administration.

(4) The head of the local government shall refer the matters of the following subsections to the deliberation of the local personnel committee for public education officials:

1. Matters concerning the decision on policies and standards, and establishment of the basic plan for the personnel administration for public education officials in a public university/college;
2. Matters concerning enactment, alteration, or abolition of the Municipal Ordinance or Municipal Rule on personnel affairs of the public education officials in a public university/college; and
3. Other important matters concerning the personnel affairs of public education officials in a public university/college.

(5) Matters necessary for the organization and operation of the local personnel committee for public education officials shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 5207, Dec. 30, 1996]

Article 55 (Appointment of Head, etc. of Public University/College)

(1) The head of a public university/college shall be appointed by the head of a local government through the consultation of the local personnel committee for public education officials, upon the recommendation of the public university/college concerned, according to the conditions as prescribed by Presidential Decree. Where the head of a newly established public university/college is appointed, or where a person who holds office as the dean is appointed as the president of the public university/college concerned, or a person who holds office as the president is appointed as the dean of the public university/college concerned during his/her term of office on account of the change of title, he/she shall be appointed by the head of the local government through consultation with the local personnel committee for public education officials.

(2) Professors, associate professors, or assistant professors shall be appointed by the head of the local government on the recommendation of the head of the public university/college concerned, and full-time lecturers and the teaching assistants shall be appointed by the head of the public university/college.

(3) In the event that professors, associate professors, or assistant professors are recommended to be appointed, or where a full-time lecturer is appointed pursuant to the provisions of section (2), approval from the respective university/college personnel committee shall be obtained, and a newly established public university/college in which the university/college personnel committee was not organized shall obtain the approval thereof from the local personnel committee for public education officials until the respective university/college personnel committee is organized.

(4) The vice-president shall be appointed from among professors and the dean of a graduate school or a college shall be assigned from among professors or associate professors by the head of the public university/college with the approval of the university/college personnel committee. *<Amended by Act No. 6741, Dec. 5, 2002>*

(5) The head of the local government may delegate part of the authority provided for in section (2) to the heads of the public universities/colleges as provided by the Municipal Ordinance thereof.

(6) The provisions of Article 24 (4) shall apply *mutatis mutandis* to the appointment of the head of a public university/college. In this case, the term "university/college" shall be considered as "public university/college" and the term "Article 25" shall be considered as "Article 55 (2) and (3)".

[This Article Newly Inserted by Act No. 5207, Dec. 30, 1996]

Article 56 (Settlement of Grievances of Public Education Officials in Public University/College)

(1) Any public education official in a public university/college may request personnel consultation or grievance examination concerning all types of office conditions such as personnel affairs, organization, or treatment, and shall not be disadvantageously treated or punished on account of it.

(2) The person having appointment authority or the person having recommendation authority who was requested pursuant to the provisions of section (1) shall refer the matters to the grievance examination committee for examination thereon, or have the public official under his/her control consult with the public education official concerned, and shall make efforts to fairly deal with such request by settling the grievance, etc.

(3) A grievance examination committee for public education officials of public universities/colleges (hereinafter, referred to as the "public university/college grievance committee") shall be established in a local government to examine the grievances of the public education officials of public universities/colleges, and a general grievance examination committee for public education officials of public universities/colleges(hereinafter, referred to as the "general grievance committee of public universities/colleges") shall be established in the public universities/colleges; and the function of the public university/college grievance committee shall be managed by the local personnel committee for public education officials.

(4) The public university/college grievance committee shall examine the reexamination request of the grievance which has passed through the examination of the general grievance committee of public universities/colleges, and the grievance of public education officials in public universities/colleges who are not lower than associate professors.

(5) The general grievance committee of public universities/colleges shall examine the grievance of public education officials in public universities/colleges who are not higher than assistant professors.

(6) Notwithstanding the provisions of section (5), where the grievance of a public education official of a public university/college under section (5) is related to not less than two agencies in which persons having appointment authority are different from each another, or where it is deemed unsuitable to examine the grievance of the public education official by the general grievance committee of the relevant public university/college of the original agency to which the person filing the grievance belongs, it may be examined by the public university/college grievance committee.

(7) Where the person having appointment authority or the person having recommendation authority deems it necessary after the grievance examination, he/she may request the head of the disposition administration or the related administrative agency for correction, and the head of the disposition administration or the related administrative agency who is requested for correction shall perform such correction unless there exists any special situations not to, and notify its result: *Provided*, that where such correction cannot be performed due to unavoidable reason, such reason shall be notified.

(8) Matters concerning the organization, authority, or examination procedures of the public university/college grievance committee, and other necessary matters shall be prescribed by the Municipal Ordinance of the local government concerned.

[This Article Newly Inserted by Act No. 5207, Dec. 30, 1996]

Article 57 (Relation with Local Public Officials Act <Amended by Act No. 8889, Mar. 14, 2008>)

(1) In applying the provisions of Article 20-2 of the Local Public Officials Act to the teaching staff who are public education officials in public universities/colleges, the term "examination committee" in the same Article shall be deemed as the "Teacher's Appeal Examination Committee." <Amended by Act No. 7354, Jan. 27, 2005; Act No. 8889, Mar. 14, 2008>

(2) In applying the provisions of Article 41 (1) of the Local Public Officials Act to the public education officials in public universities/colleges, the term "provisions of Article 63 (1) 3 or 5, or (2)" in the same section of the same Article shall be deemed as "provisions of Article 44 (1) 2, 4 through and 10 or Article 44 (2) and (3) of the Public Education Officials Act". *<Amended by Act No. 8889, Mar. 14, 2008>*

(3) The alteration and abolition of the organization of an office in Article 62 (1) 3 of the Local Public Officials Act and the alteration of the organization of an office in Article 65-4 (1) of the same Act shall be deemed to include the abolition of colleges, departments, or undergraduate schools of public universities/colleges. *<Amended by Act No. 7360, Jan. 27, 2005; Act No. 8889, Mar. 14, 2008>>*

(4) In applying the provisions of Article 30-4 of the Local Public Officials Act to the public education officials of public universities/colleges, the term "head of the local government" in section (1) of the same Article shall be deemed as "person having appointment authority or the person having recommendation authority". *<Amended by Act No. 8889, Mar. 14, 2008>*

(5) The provisions of Articles 6, 7 through 11, 22 through 24, 29-2 through 30-2, 32, 34 through 37, 39, 39-2, 40, and 74 of the Local Public Officials Act shall not apply to the public education officials of public universities/colleges, and the provisions of Article 67 (2) of the same Act shall not apply to the teaching staff who are public education officials of public universities/colleges, respectively. *<Amended by Act No. 8889, Mar. 14, 2008>*

[This Article Newly Inserted by Act No. 5207, Dec. 30, 1996]

Article 58 (Penal Provisions)

(1) A person violating the provisions of Article 24-2 (1) shall be punished by imprisonment not exceeding two years or a fine not exceeding 20 million won.

(2) A person violating the provisions of Article 24-2 (2) and (4) shall be punished by imprisonment not exceeding one year or a fine not exceeding ten million won.

(3) A person who has obstructed the access or has not complied with the demand for submission of data, or has submitted false data in violation of the provisions of Article 272-

2 (3) of the Act on the Election of Public Officials and the Prevention of Election Malpractices to be applied *mutatis mutandis* in accordance with the provisions of Article 24-3 (3) shall be punished by imprisonment not exceeding one year or a fine not exceeding two million won.

(4) A person violating the provisions of Article 24-2 (3) shall be punished by a fine not less than five million won and not exceeding 30 million won: *Provided*, that when it is a true fact which is related only to public interest, he/she shall not be punished.

(5) The arraignment prescription of the crime provided for in sections (1) through (4) shall expire by an elapse of six months after the relevant election date: *Provided* that where the criminal has escaped, the relevant period shall be three years.

[This Article Newly Inserted by Act No. 7537, May 31, 2005]

Article 59 (Fine for Negligence)

(1) A person who has not complied, without any justifiable ground, with the demand for attendance pursuant to the provisions of Article 272-2 (4) of the Act on the Election of Public Officials and the Prevention of Election Malpractices to be applied *mutatis mutandis* in accordance with the provisions of Article 24-3 (3) shall be punished by a fine for negligence not exceeding one million won.

(2) The fine for negligence under section (1) shall be imposed and collected by the *Gu/City/Gun* election commission.

(3) A person who is dissatisfied with a disposition of fine for negligence pursuant to the provisions of section (2) may raise an objection to the imposing authority within 30 days from the date of receiving notice of such disposition.

(4) When any person subjected to a disposition of the fine for negligence pursuant to the provisions of section (2) has raised an objection pursuant to the provisions of section (3), the imposing authority shall promptly notify such fact to the competent court, and the court in receipt of such said notice shall bring the case to trial for the fine for negligence under the Non-Contentious Case Litigation Procedure Act.

(5) If neither an objection is raised nor the fine for negligence paid within the period as prescribed in section (3), it shall be collected in accordance with the practices of dispositions on default national taxes.

[This Article Newly Inserted by Act No. 7537, May 31, 2005]

ADDENDA <Act No. 8889, Mar. 14, 2008>

(1) (Enforcement Date) This Act shall enter into effect on the date of its promulgation: *Provided*, that the amended provisions of Article 44 (1) 6 shall enter into effect on Jan. 1, 2009.

(2) (Application Example for Appointment of Teachers) The amended provisions of Article 10-3 shall apply starting from the first person who is removed from the office or dismissed after this Act enters into effect, due to disciplinary dispositions when the reason for disciplinary action pursuant to the amended provisions under each subsection of the same Article has occurred.