



Ca' Foscari  
University  
of Venice

Master's Degree Programme  
in  
Language and Civilisation of Asia and Mediterranean Africa

Final Thesis

**EDUCATIONAL FEVER  
IN SOUTH KOREA**

Higher Education from the late 1940s to the Present

**Supervisor**

Ch. Prof. Jong-Chol AN

**Assistant supervisor**

Ch. Prof. Marco Zappa

**Graduand**

Daniela Carlino

Matriculation Number 878995

**Academic Year**

2023 / 2024

## Table of contents

<b>Abstract</b> .....	<b>2</b>
<b>Introduction</b> .....	<b>3</b>
<b>Historical background</b> .....	<b>8</b>
Pre-modern period.....	8
Colonial period .....	9
Under the U.S. Military Government.....	10
From 1949 to the present.....	12
Universities' internal administration .....	22
<b>Social Background</b> .....	<b>28</b>
Negative aspects of education fever.....	28
Shadow education .....	29
Economic burden.....	35
English fever.....	38
CSAT .....	42
Other social aspects.....	46
<b>Analysis of legal cases</b> .....	<b>49</b>
First case .....	50
Second case.....	54
Third case.....	61
Fourth case .....	66
Fifth case .....	72
Sixth case.....	77
Seventh case.....	81
<b>Conclusions</b> .....	<b>89</b>
<b>Bibliography</b> .....	<b>94</b>
Internet Sources.....	97
<b>Appendix</b> .....	<b>99</b>
Statistics .....	99
Tables.....	102
<b>Anti-Plagiarism Statement</b> .....	<b>104</b>

## Abstract

이 기사는 1940년대부터 현재까지 교육열을 따라 발전해 온 한국의 고등 교육 제도를 분석합니다. 다섯 가지 연구 질문을 다룹니다. 먼저, 대학교는 어떻게 생겼고 누가 설립했습니까? 둘째, 대학교에서 누가 권력을 쥐고 있습니까? 셋째, 이사회 구성원은 누구입니까? 넷째, 학생회의 역할은 무엇입니까? 마지막으로, 한국의 대부분의 대학교가 왜 사립대학교이고 정부는 왜 대학교에 투자하지 않습니까? 게다가, 대학교 입시 제도와 그것이 만들어낸 경쟁에 대한 비판을 해 봅니다. 질문을 대답하기 위해 연구자는 역사적 검토와 비교 분석을 활용합니다.

결과는 교육열이 고등 교육을 포함한 모든 교육 수준의 성장을 도와준 것을 보여줍니다. 고등 교육은 사람들이 사회적으로 이동하고, 사회 정치적 지위를 향상시키며, 경제적으로 성공하는 데 도움이 되었기 때문에 국가 경제는 이러한 현상으로부터 혜택을 받았습니다. 반면에 교육열에는 많은 단점이 있습니다. 첫째, 공교육의 피해, 과외의 확장, 과도한 교육비, 사회적 및 경제적 관점에서 사회 계층 간 불평등의 창출이 있습니다. 선발제 대학교 입학 제도는 지나친 영어 교육, 학생들의 경쟁, 그리고 대학교의 계층 구조를 만들었습니다. 교육열 현상과 관련된 다른 사회적 요인 중에 졸업생들의 취업률이 감소, 출생률의 감소, 자살률의 증가도 발견했습니다.

제2장에서는 대학교와 관련된 7가지 법률사건 분석을 제시합니다. 대학교가 내부 갈등을 어떻게 해결하는지 어떤 법률이 사용되는지 누가 법정에서 승리하며, 그 이유는 무엇인지 살펴봤습니다. 글쓴이는 전체적인 대학교 제도와 대학교 법적 문제가 어떻게 해결되는지에 대한 이해를 제공하고자 합니다.

## Introduction

The term ‘education fever’ or ‘educational fever’ (in Korean 교육열, *kyoyukyŏl*) has been used by scholars since the late twentieth century. It defines the passion and aspiration of parents and children for education. This phenomenon is not limited to South Korea but occurs in many modern societies, both in the East and the West, and presents characteristics that vary for each nation. The Korean case is very particular and has attracted the interest of many researchers. Since ancient times, education has been of great importance to the Korean people. With China's introduction of Confucianism to the Korean peninsula during the Three Kingdoms Period (57 BC-AD 935), learning has been valued with respect, and it is precisely in the Confucian tradition that the education fever’s origin is traced. However, it has been during the Japanese colonial occupation (1910-1945) that education fever became severe and has been strong ever since. With the collapse of the Japanese Empire in 1945, the U.S. government introduced in the Korean peninsula the idea of creating a democratic society through a democratic educational system. Korean people accepted the newly introduced idea because it was in accordance with the long tradition of Confucian teachings, which stressed the importance of education to create an ethical society.<sup>1</sup> The implementation of the educational system became an issue of major importance; in fact, even during the Korean War (1950-1953), reforms on the topic were proposed and discussed. When Korea obtained its independence from the Japanese occupation in 1948, it had to choose whether to implement a new educational system based on the American one or keep the Japanese multitrack, specialized colonial system and adapt it to the Korean needs. The second option was selected, and in 1949 the Basic Education Law was promulgated.<sup>2</sup> It established a 6-3-3-4-year system: 6 years of elementary school with a single curriculum path, 3 years of middle school, 3 years

---

<sup>1</sup> Seth Michael J., *Education Fever: Society, Politics, and the Pursuit of Schooling in South Korea*, (University of Hawai'i Press, 2002), 49.

<sup>2</sup> Soresen Clark W., “Success and Education in South Korea,” *Comparative Education Review* 28, no. 1 (1994): 16.

of high school, and 4 years of college or university. The following year, the National Assembly proposed a new law to revise the existing one. It suggested 6-year elementary school, 4-year academic or vocational middle school, 2-year college preparatory school, and 4-year university or 4-year higher vocational school. In 1950, high school duration and in 1951, middle school duration were reduced to 3 years, and high schools were divided into academic, technical, agricultural, and fishery schools; however, any high school student could continue their studies by passing the university entrance examination.<sup>3</sup>

The Korean government invested its resources in primary education, first in elementary school in the 1950s, then in middle school in the 1960s and 1970s. The advancement rate in primary education increased from 20 percent in the early 1950s to 96 percent in 1959<sup>4</sup>, and the illiteracy rate fell dramatically from 78.2 percent in 1948 to 4.1 percent in 1958.<sup>5</sup> Public universal and compulsory basic education was obtained by the end of the 1970s, giving the opportunity to access higher education to all students. However, even though the government promoted secondary and tertiary education, its development was mostly thanks to private investors and public demand, not to government policy. People felt the need to pursue tertiary education in order to achieve social mobility, and the only way to do so was to pass the university entrance examination. The competition to access prestigious universities was so fierce that families invested large amounts of their income in extra classes, private tutoring, and even going as far as bribing teachers for private lessons. Starting from the Rhee Syngman (이승만, I Sŭngman) government (1948-1960), private lessons were banned, but the ban was not enough to stop people's excitement about education. The government did not consider it a priority to invest in education, which was already growing

---

<sup>3</sup> Nakamura Takayasu, "Educational System and Parental Education Fever in Contemporary Japan: Comparison with the Case of South Korea," *KEDI Journal of Educational Policy* 2, no. 1 (2005): 38.

<sup>4</sup> Dittrich Klaus and Neuhaus Dolf-Alexander, "Korea's 'Education Fever' from the Late Nineteenth to the Early Twenty-First Century," *History of Education* 52, no. 4 (2023): 544.

<sup>5</sup> Koh et al., *The Korean Economy: Six Decades of Growth and Development*, (Korea Development Institute, 2010): 236-238.

fast, and was well aware that the people would continue spending private money on education. For this reason, as Seth (2002) explained in his studies, “to satisfy the need for more secondary schools and colleges, the government relied on the *chaedan* (재단, educational foundations). They were tax-exempt corporate bodies formed to establish degree-granting institutions consisting of a founder or patron and perhaps several (sometimes several dozens) directors.”<sup>6</sup> *Chaedan* founders often borrowed money from businessmen or landowners who obtained a position on the board of directors, and educational founding became a business.

The growth of South Korean higher education is exceptional. It has been studied that between 1945 and 2022 the number of high schools went from 19 to 375, the number of teachers from 1,490 to 59,750, and the number of students from 7,819 to 3,577,447, with 81 percent of high school students willing to pursue tertiary education. In 1994, the number of private expenditures on education surpassed that of public ones, and the rate of the population who completed higher education by 34 years old was the highest among other countries.<sup>7</sup> Education fever includes not only interest and passion in education but also a complex social system that reflects the motivation to achieve social and economic rewards.<sup>8</sup> There are four main factors that contributed to the expansion of education. First, Korean independence marked the starting point for economic growth towards modernization and industrialization, which developed especially from the 1960s onwards. During the Park Chunghee (박정희 Pak Chŏnghŭi, 1961-1979) and Chun Dohwan (전두환 Chŏn Duhwan, 1980-1988) administrations, education was aligned with the economic plan, and developing a strong

---

<sup>6</sup> Seth, “Education Fever,” 177.

<sup>7</sup> Lee Jeongkyu, “Educational Fever and South Korea Higher Education,” *Revista Electrónica de Investigación Educativa* 8, no. 1 (2006): 2-3.

<sup>8</sup> Kim Jihu, Lee Jonggak, Lee Sookwang, “Understanding of Education Fever in Korea,” *KEDI Journal of Educational Policy* 2, no. 1 (2005): 8.

economy meant developing resources.<sup>9</sup> The territory lacked natural ones; therefore, Korea had to invest in human resources. In order to keep up with the economic changes, the training of specialized workers was necessary. The most effective way to form new workers was through higher education; thus, the state encouraged the people to pursue higher education. Second, access to higher education guaranteed better jobs and higher salaries compared to those who had undertaken secondary education. Third, as mentioned above, higher education was extended to the entire population without restrictions on social status, gender, or family background. In this way, young people were encouraged to continue their studies, both for personal advantage and for elevating the entire family's social positions. Fourth, Korea is a collectivist society where people tend to conform to the social group they belong to or would like to join. Those who belong to groups with lower social status pursue higher education in order to conform to groups with higher social status, by which they want to be accepted. As Lee (2006) noted, "the view of educational investment highlighted utilitarian and economic sides rather than spiritual and moral sides with industrialization."<sup>10</sup>

The purpose of this paper is to analyze the higher education system in South Korea, which has developed following the strong waves of education fever from the 1950s to the present. Data were collected from secondary sources in English, such as newspaper articles, academic articles, and books. Other data were collected from primary sources in English and Korean, such as government official websites, the Korean Statistical Information Service (KOSIS), the Korean Ministry of Education (MOE), the Supreme Court of Korea, the Korean Educational Development Institute (KEDI), and the Statutes of the Republic of Korea. This study begins with a historical background in chronological order that describes the changes in the education system and the evolution of education laws from ancient times to the present and tries to answer the following questions: how did universities come into being, and who

---

<sup>9</sup> Shin Jungcheol, "Higher Education Development in Korea: Western University Ideas, Confucian Tradition, and Economic Development," *High Education* 64 (2012): 68.

<sup>10</sup> Lee, "Educational Fever," 6.

founded them? Who holds the power in universities? Who are the board members? What is the role of the student board? It also tries to answer the following questions: why are most universities in Korea private? Why doesn't the government invest in universities? To answer the first question, it is necessary to study the history of education in Korea. The remaining questions will be answered through comparative research. It should be noted that in this section of the paper, the term 'Korea' refers to the entire Korean peninsula when cited in a historical context prior to 1948, while it refers to South Korea when cited in a historical context after 1948, the year of the formation of the two independent states, North Korea and South Korea. The second part of the first chapter describes the social background and attempts to criticize the university entrance system and the competition that it has generated, looking for the consequences of the phenomenon. The method used to find an answer to these questions is through the analysis of legal cases, a method never used in previous studies. This analysis will be presented in the second chapter. The author hopes to offer an understanding of the university system as a whole and how legal problems within universities are solved.

## Historical background

### Pre-modern period

In pre-modern Korea, education was held in high regard. In fact, before the introduction of a modern educational system in the nineteenth century, there were already practices in place to educate the people. Educational institutions were divided into two types: those run by the state and those that were private. State institutions covered mostly higher education, reserved for the upper classes of society. These had as their purpose the teaching of Confucianism both as a philosophical doctrine and as an ethical and moral one. Teaching was done through the Chinese Classics, canonical books of Chinese literature dating back to before the founding of the imperial Qin dynasty (221-206 BC), which also served as a guide for the formation of the bureaucracy. Private institutions, on the other hand, covered primary and secondary education. The people therefore provided for their own basic education privately, while the state took care of training the ruling class. As was the case with state-run institutions, only a small portion of the population had sufficient means to access private education. As Jung (2018) studied, “Until the Japanese colonial period, public schools were always elite institutions of higher learning, while private universities were attended by the middle class.”<sup>11</sup> From the nineteenth century onwards, the Korean peninsula began to have interactions with the outside world; in particular, it came into contact with the West through American Methodist and Presbyterian missionaries who landed with the aim of spreading their religious beliefs. Thus, in the last two decades of the nineteenth century, Korea opened up to its state of isolation, maintained since the seventeenth century, and in 1882 it signed its first treaty with the Western world, the Korea-U.S. Treaty. From the signing of this treaty until 1910, many more missionaries arrived in Korea and started to reshape the Korean

---

<sup>11</sup> Jung Jisun, “Higher Education in Korea: Western influences, Asian Values and Indigenous Processes,” *Journal of Asian Public Policy* 11, no. 1 (2018): 5.

education system. Lee (1989) affirms that “during the period of 1885-1910, a total of 796 schools, from elementary to college levels, were established and maintained by the Western missionaries.”<sup>12</sup> These schools constituted about 35 percent of Korean schools during the period. With the establishment of tertiary educational institutions by missionaries, three major Western ideas were introduced as well in Korea: a democratic idea of education, equal educational opportunities for all people, and the pursuit of female education. In fact, missionaries were committed to opening tertiary medical institutes and women's colleges with the aim of expanding learning opportunities for the less well-off classes. The schools founded by the missionaries achieved such a high social status that many of them still exist today. In addition to the expansion of education to all strata of society, another factor that contributed to the formation of the modern Korean education system was the Education Reform of 1894.

## **Colonial period**

In 1910, Korea became a colony of the Japanese Empire. During the period of colonial oppression (1910-1945), Japan suppressed the possibility of building an indigenous Korean education system and also stopped the development of the one introduced by American missionaries. Japan's policy on Korean education was intended “to assimilate Koreans by means of education.”<sup>13</sup> (Lee, 1989) Through strong centralized university governance, the Japanese imposed Japanese as the language of instruction in schools to replace the Korean used in universities founded by missionaries, prohibited religious teachings as a standard curriculum, and mandated visits to Shinto shrines. The Korean people were also prevented from using their own Korean names, they were denied educational opportunities, and they were required to swear allegiance to the Japanese government. As a result, only a few

---

<sup>12</sup> Lee Sungho, “The Emergence of the Modern University in Korea,” *Higher Education* 18 (1989): 90.

<sup>13</sup> *Ibid.*, 94.

Koreans were given the opportunity to study, especially at a higher education level. Universities under Japanese rule were mostly accessible only to Japanese, so Koreans had to rely on private educational institutions to pursue professional careers. Furthermore, with the Education Ordinance of 1911, tertiary schools opened by missionaries lost their status of college. Therefore, as Lee (1989) explains, “immediately following World War I, the Korean nationalists initiated a movement to establish their own private university, named the People's University. To deflect this movement, the Japanese regime opened the Keijo Imperial University in Seoul in 1924, and it became the only university in Korea, while all the other established institutions of higher learning were downgraded to three-year, non-degree-granting institutions.”<sup>14</sup> The Keijo Imperial University was the first modern four-year university in Korea, and the purpose of its opening was not only to stop nationalistic movements but also to train a Korean elite through Japanese thoughts. In 1925, in order to continue their activities, the missionaries had to adapt and conform to the laws imposed by the dominant government, and in doing so, their colleges regained their lost status. Anyhow, it was only after Korea achieved its independence from Japan in 1945 that the tertiary education system could develop. The number of universities increased from only 19 in 1945 to 424 in 2023, and the percentage of new students enrolling in universities and junior colleges reached 85.3 percent in the same year (KEDI, 2024).

## **Under the U.S. Military Government**

The end of World War II in 1945 also marked the end of the Japanese colonial occupation of the Korean peninsula. However, Korea was not yet an independent state. In fact, from 1945 to 1948 new forces entered Korean territory: the Soviet forces settled in the north, while the American forces settled in the south. It was only in 1948, that the peninsula

---

<sup>14</sup> Lee, “The Emergence of the Modern University in Korea,” 95.

was divided at the thirty-eighth parallel into two independent states: the Democratic People's Republic of Korea (DPRK, or North Korea) and the Republic of Korea (ROK, or South Korea). From this point on, only the case of South Korea (hereafter Korea) will be analyzed. American influence on the Korean education system once again returned to prominence. The U.S. Military Government aimed to establish a new democratic educational system that would replace that of the colonial era, sending Korean scholars and educators to train in the U.S., where they could learn Western values necessary for the formation of the new education system. Once the Korean scholars had learned these values, they would return home and rebuild the national education system. Another strategy implemented by the American government was to appoint Korean educators as advisors for governmental affairs on education. They were supported by American educators who came to Korea specifically as consultants. The government first focused on primary and secondary education, introducing the 6-3-3-4 system, still used today, consisting of 6 years of elementary school, 3 years of junior high school, 3 years of senior high school, and 4 years of university, with the first 6 years of compulsory education. Tertiary education also saw a development; in fact, the basic three-year degree program was extended to four years of study. Lee (1996) studied that “at that time, nearly 80 percent of the South Korean population was illiterate because of limited public access to formal schooling. With the establishment of the present 6-3-3-4 educational system, [...] enrollment at each level of schooling increased rapidly.”<sup>15</sup> Before the liberation there were 19 institutions of tertiary education, but in 1947 the number of universities reached 29 and the number of students reached more than 20 thousand.<sup>16</sup> Korean students were able to return to technical and vocational training and obtain high-level professional positions that during the colonial period had been reserved for the Japanese. With the implementation of a new education system, it was necessary to solve the problems left by the previous one. One of

---

<sup>15</sup> Lee Sunhwa and Brinton Mary C., “Elite Education and Social Capital: The Case of South Korea,” *Sociology of Education* 69, no. 3 (1996): 180.

<sup>16</sup> Lee, “The Emergence of the Modern University in Korea,” 101.

these was the strong centralization of educational authority. In order to decentralize its power, the government decided to establish a ministry of education supported by a system of local school boards, a project that was strongly opposed and could not be carried out. Therefore, pre-existing centralized power remained unchanged. The following year, however, it was realized that a centralized system would be exposed to the risk of authoritarian subversion. Therefore, the introduction of local boards would have been necessary to reduce this risk. School boards were elected at the county level to supervise elementary education and 9 provincial boards to supervise secondary education. Three new laws were also introduced: 1) Basic Education Law; 2) Basic School Law; 3) Social Educational Law. Moreover, the National Assembly's Education Law introduced two pathways to choose from once entering secondary school, and, 3-year senior high school was reduced to 2-year college preparatory, and students could choose between 4-year university and 4-year higher vocational school.

### **From 1949 to the present**

In 1949, the Rhee Syngman administration prepared its first six-year plan for free compulsory primary education, which was only launched in 1954 due to the outbreak of the Korean War in 1950. The policy was completed in 1959 and saw its budget invested mainly in primary education. A subsequent plan was launched in 1967 and ended in 1971. Through this plan as well, the government invested in building new schools and renovating existing ones. In addition, free textbooks were provided to all elementary school students. By the late 1960s, primary education was free for all school-aged children. In 1968, the middle school entrance test was abolished in order to eliminate the competition for entering elite schools. A similar policy was also applied to high schools with the High School Equalization Policy (HSEP) in 1974. Students entered high schools through a locally standardized achievement test that replaced the individual institution's entrance examination. This resulted in a growth in

enrollments in both middle and high schools, and with an increase in the capacity of schools, including private ones. During the years of economic growth following the Korean War, the government was unable to finance all levels of education, and therefore, as mentioned, it focused on primary education. Consequently, the completion of higher education had to rely on private resources. The foundation of modern private universities dates back to the Rhee Syngman administration. During this period, citizens invested a large amount of money in education, and their contribution was a major part of the budget for the development of higher education. For this reason, the government did not consider it a priority to invest in tertiary education, which was already growing rapidly. Therefore, the government relied on *chaedan*, tax-exempt corporate bodies, to establish universities. Often, these private individuals did not have enough funds to establish new universities, and so they borrowed money from landowners and businessmen.

In the 1950s, in particular, an association called The Parent and Teacher Association (PTA) was formed, and it contributed greatly to the financing of education. Kim (2002) affirms that "the PTA financed more than half of the annual school operating budget"<sup>17</sup> by imposing a tax on parents, which would be used for school operations. With the growing interest of private individuals in establishing universities, over the years the number of private universities surpassed the number of public ones. Moreover, there was a reason why the government did not invest in private universities. The government kept state spending and student tuition in check with relation to secondary education institutions, such as middle and high schools. The administration implemented the dual principle of placing financial responsibilities on both the schools and the students in relation to higher education institutions. The fundamental idea behind higher education institutions was that tuition would be used to fund operating costs for each university. While allowing private institutions to

---

<sup>17</sup> Kim Gwangjo, "Secondary Education in Africa: Strategies for Renewal," *The World Bank* (2002): 35.

finance themselves, the government gave national universities more funds to cover any potential gaps. The 1949 education law, which stated that the government would be responsible for half of secondary school teachers' salaries and the entire salary of elementary school teachers, is where the idea of financial burden first emerged.<sup>18</sup>

In the 1960s and 1970s, the government focused on educating the workforce by issuing a series of 5-year economic plans. The first two economic plans (1962-1971) included curricula in universities that focused on learning practical education, anti-communism, and moral development. With the economic and technological development of the 1960s, it was necessary to develop a skilled, vocational, and technical workforce. With the economic development of the 1960s, job opportunities opened in private sectors for highly educated people. The third plan (1972-1976) and the development of heavy industry placed emphasis on “vocational and technical education at the upper secondary level.” (Kim, 2002)<sup>19</sup> In order to train more specialized workers, in the 1970s the 5-year technical schools were reorganized into 2- or 3-year junior colleges. The fourth plan (1977-1981) served to eliminate private forms of education such as tutors, private lessons, and cram schools, which were a great economic burden for families and encouraged unhealthy competition for passing university entrance exams. In addition, open universities were established. They were schools that improved the skills of the workforce and at the same time gave workers a college degree. With the last and fifth economic plan (1982-1986), education became the means to train not a large amount of specialized labor but specialized labor of quality.

In 1980, new reforms were introduced in higher education. Until then, each university had an individual entrance test, which was replaced in that year by the National Standardized Preliminary Test. More private institutions were opened with state support, and the university entry system was changed from the Admission Quota System (AQS) to the Graduation

---

<sup>18</sup> Jeong Meeryang and Lee Woojin, “Korean Education, Educational Thought, Systems and Content,” *The Academy of Korean Studies* (2002): 79-80.

<sup>19</sup> Kim, “Secondary Education in Africa”, 30.

Enrollment Quota System (GEQS), under which universities were allowed to accept more than 100 percent of first-year students but to dismiss the excess percentage before they graduated. The GEQS caused the number of new students to increase 2.5 times from 1980 to 1990. In 1997, the Higher Education Act was passed, and according to it, “four-year (or greater) Korean higher education institutions are classified as one of the following: (conventional) university, teachers’ university, polytechnic university, or open university. [...] The mission focus of teachers, polytechnics, and open universities is narrowed to pre-service training for teachers in teachers’ universities, manpower training for industry in polytechnic universities, and lifelong education for adults in open universities.”<sup>20</sup> From the 1990s to the early 2000s, under the administrations of Kim Youngsam (김영삼 Kim Yöngsam, 1993-1997), Kim Daejung (김대중 Kim Daejung, 1998-2002), and Roh Moohyun (노무현 Ro Muhyön, 2003-2007), 14 new reform proposals were put forward regarding tertiary education. The new reforms aimed to improve education qualitatively and quantitatively. Among the most significant projects is Brain Korea 21 (BK21) in 1999, which focuses on training highly specialized human resources to face the twenty-first century.<sup>21</sup>

As mentioned above, current South Korean education is divided into 6 years of elementary school, 3 years of junior high school, 3 years of senior high school, 2 years of junior college or 4 years of university, and graduate school (master’s or doctorate). Compulsory education ends at junior high school, but in 2023, 93.3 percent of students enrolled in high school (KEDI, 2024). Senior high schools are further divided into three types: general (academic), vocational, and special-purposed high schools. The first two prepare students for university studies, while the last one prepares students for the labor market. However, students who graduate from special-purposed high schools are also eligible to enter

---

<sup>20</sup> Shin Jungcheol, “Higher Education Development in Korea: Western University Ideas, Confucian Tradition, and Economic Development,” *High Education* 64 (2012): 249-250.

<sup>21</sup> Moon Mugyeong and Kim Kiseok, “A Case of Korean Higher Education Reform: The Brain Korea 21 Project,” *Asia Pacific Education Review* 2, no. 2 (2001): 96.

universities. Tertiary education is divided into universities of education, industrial universities, air and correspondence universities, technical colleges, distance universities, and online universities.<sup>22</sup> In order to enter universities, students must pass a state exam called the Scholastic Ability Test (KSAT), and based on their score, they are assigned to a certain university. The more prestigious the university is, the higher the test score must be to access it.

In order to prepare students for the workforce, there is also a pre-employment vocational education and training program (VET).<sup>23</sup> This includes human resource development-focused vocational training institutions like Korea Polytechnic Colleges (KoPos) and the Human Resource Development Institutes in the Korea Chamber of Commerce and Industry (KCCI), as well as vocational high schools and junior colleges overseen by the Ministry of Education. Agriculture, technical, commercial, marine and fisheries, vocational home economics, and comprehensive studies are among the courses taught in vocational high schools.<sup>24</sup> Depending on the subject, each course has a theoretical and practical component in varying percentages. Students joining the employment after graduation fell significantly between 1990 and 2007, from 76.6 percent to 20.2 percent, as more and more graduates continued their studies with tertiary education.

In addition to physical education, the humanities, the arts, the social sciences, and education, the colleges concentrate on training professionals with expertise in industrial domains including engineering, the natural sciences, medicine, and pharmacy. With the exception of medicine and pharmacy, which must last three years, all curricula provide courses that last two or three years. In order to give industrial workers the chance to further

---

<sup>22</sup> Park Hwanbo, "A study on the Horizontal Stratification of Higher Education in South Korea," *Asia Pacific Education* 16 (2015): 64.

<sup>23</sup> Jung Jisun, "The Fourth Industrial Revolution, Knowledge Production and Higher Education in South Korea," *Journal of Higher Education Policy and Management* 42, no. 2 (2020): 143.

<sup>24</sup> Chae Changkyun and Chung Jaeho, "Pre-Employment Vocational Education and Training in Korea," *The World Bank*, no. 921 (2009): 2.

their education, junior colleges often provide nighttime programs. The proportion of VET junior college graduates who obtained work rose from 54.0 percent to 80.8 percent between 1990 and 2007. The following causes contributed to this growth: 1) training courses offered by junior colleges provide practical preparation for industrial positions; 2) the relationship between academics and industry has grown stronger as a result of their increased collaboration; 3) many specialized courses that are focused on the future have been created to address the demands of the global market, which will boost career opportunities; 4) more work was done to expand vocational counseling.<sup>25</sup>

Another junior college that focuses on training technicians, master craftsmen, and artisans is Korea Polytechnic College (KoPo). It provides industrial workers with hands-on training in the field. Additionally, it prepares job seekers by enhancing their professional and technical abilities so they can join the workforce. The one-year artisan training program emphasizes the development of creativity and insight. Participants in this training program include women, young people not enrolled in college, and the unemployed. There are no prerequisites for academic credentials or training costs. A health allowance is also given to each participant for the duration of the program. The two-year technician training program produces engineers with a variety of skills. Information/electricity, electronics, machinery/metal, construction/industrial application, and design/textile department are among its disciplines.<sup>26</sup> Participation is open to anybody with a high school degree or its equivalent. An MOE-accredited Bachelor of Science in Industry, comparable to the bachelor's degree given to junior college graduates, is given to program graduates.

Lastly, KCCI runs eight industrial human resource development (HRD) centers throughout the peninsula. Its objectives are to 1) supply enough experts to satisfy member firms' needs, 2) supply technicians for SMEs, and 3) 3) to give young people additional

---

<sup>25</sup> Chae et al., "Pre-Employment Vocational Education," 5.

<sup>26</sup> Ibid., 7.

chances to learn about specific technologies. Machinery, electricity, electronics, information and communications, construction, and furniture-making are all included in the four-year program.<sup>27</sup> Applicants must be under 29 years old and have a high school degree or an equivalent certification. Furthermore, since 1998, students who have earned a two-year degree from any KCCI college are entitled to enroll in the junior program of the four-year normal university and earn credits that can be applied toward a bachelor's degree in industrial engineering.

In 2007, the proportion of KoPo graduates who obtained employment was almost 90 percent for craftsmen and 67.9 percent for technicians, and the percentage of KCCI graduates stayed over 80 percent over the years, except for the first few years after its foundation. Despite the high success rate in getting a job after training in these institutions, in 2012 the number of trainees participating in VET programs was less than 500, while that of employed trainees who participated in a VET program provided by a company surpassed 3,400 units.<sup>28</sup> Moreover, in 2014, Korea's non-formal job training participation rate was only 4.67 percent, while the OECD's average during the same time period was 18 percent.<sup>29</sup> The number of participants in non-formal job-related education was 636 for those between 26 and 35 years of age, 661 for those between 36 and 45 years of age, 477 for those between 46 and 55 years of age, and 204 for those between 56 and 65 years of age.

Since Korean independence, the number of universities has grown steadily, with only a decrease in the 1970s and 1990s (see Graph 1; Source: KEDI, MOE, US Department of State). In 1948, there were 29 universities, while in the 1960s there were 162, a 5.6-fold increase. In the 1970s, however, there were 20 fewer universities than in the previous decade, but in the 1980s they grew again, reaching 255 units. A negative peak was recorded in the

---

<sup>27</sup> Ibid., 8.

<sup>28</sup> Lee Jonghwa, Han Jongsuk and Song Eunbi, "The Effects and Challenges of Vocational Training in Korea," *International Journal of Training Research* 17, no. S1 (2019): 99.

<sup>29</sup> Jung Meekyung, "The Effects of School Education and Job Training on Wages in South Korea," (2009): 8.

1990s, with 111 tertiary institutions, 144 fewer than 10 years earlier. In the 2000s they grew again, exceeding 370 units, to arrive in 2023 with 424 universities, including public and private. In 2023, there were 153 junior colleges, of which 125 were private, 227 undergraduate colleges, of which 200 were private, and 44 graduate colleges, of which 42 were private. The percentages of private institutions for the three classifications of higher education institutions were therefore 81.7 percent, 88.1 percent, and 95.5 percent, respectively (see Table 1; Source: KEDI, MOE, KOSIS), marking the highest proportion of privately-funded educational institutions among the Organisation of Economic Co-operation and Development (OECD) countries. As for the number of students enrolled in any type of higher education, in 2023, there were a total of 3,042,848 students, of which 1,399,511 were female students, that is to say about 46 percent of the total (see Table 2; Source: KEDI, KOSIS, MOE). This share demonstrates that Korea has achieved the goal of providing equal educational opportunities to all people regardless of gender. In the same year, 72.8 percent of high school students continued their studies by enrolling in a form of higher education, bringing the enrollment rate to a total of 76.2 percent (see Table 3; Source: KEDI, MOE).

Since 2000, there has also been an increase in the rate of advancement from high school to higher education. In particular, in 2000 the advancement rate was 62 percent, in 2010 it reached a peak of 75.4 percent, and since 2021 it has slightly decreased, reaching today's 72.8 percent (see Graph 2; Source: KEDI). Furthermore, according to the most recent data of 2022, the percentage of graduates by the age of 25-34 is 70 percent, compared to the 47 percent average of OECD countries (see Graph 3; Source: KEDI). Another area where Korea remains above the OECD average is the expenditure on tertiary education as a percentage of gross domestic product (GDP). In 2000, Korea's expenditure was 2.6 percent compared to the OECD average of 1.3 percent, with almost 2 percent coming from private sources. More recently, in 2020, the OECD average rose to 1.5 percent, while Korea's total

fell to 1.6 percent, with private resources still outpacing public ones (see Graph 4; Source: KEDI, MOE). Contrary to this trend, tertiary education expenditures per student in Korea are lower than the OECD average. In 2000 Korea spent 6,118 USD versus the 9,571 USD of the OECD average, while in 2020 Korean expenditure was 12,225 USD, while the OECD average was 18,105 USD (see Graph 5; Source: KEDI, MOE). It can be seen that from 2000 to 2020, Korea's expenditures per student have shown an upward trend, while expenditures as a percentage of GDP have decreased.

Korean universities, both public and private, are administered by the government. When we talk about a private university, we are referring to a university that is founded by private individuals and operated by the private sector. Furthermore, its funds come from tuition and private investments. Even though a private university is not run by the government, it still has to follow its rules and regulations. The central education administrative governance consists of a president, a National Education Committee, the Prime Minister, the MOE and affiliated institutions (see Graph 6; Source: MOE). The MOE serves as a central administrative body, with the Minister having the role of the Deputy Prime Minister for Social Affairs. The Minister of Education oversees human capital development policies, school education, lifelong education, and academic affairs at the national level (Ministry of Education, 2024). Specifically, the MOE is responsible for issuing new policies, regulating student admissions, recruiting teachers, creating curricula, managing educational facilities, and tuition. As Kim (2008) explained, “regardless of the differences among institutions, there is strong uniformity imposed on both public and private higher education. For instance, with the exception of Seoul National University, which has its own Ordinance, all national universities are under the Education Act, supervised by the Ministry of Education.”<sup>30</sup> University costs are also regulated by the government, even though most funds

---

<sup>30</sup> Kim Terry, “Higher Education Reforms in South Korea: Public-Private Problems in Internationalising and Incorporating Universities,” *Policy Futures in Education* 6, no. 5 (2008): 558.

for higher education come from private sources, not government ones. There is also a difference in the government budget dedicated to public and private universities. Public universities receive 57 percent funding from the government, and tuition covers an additional 23 percent. On the other hand, private universities have a tuition system that covers 67 percent of funding, and funds from the corporate sector cover the remaining part (OECD, 2009). Since 2000 the MOE budget for tertiary education has increased steadily. In 2000, the government budget amounted to 93,937,057 KRW, and 20.4 percent of it (19,172,028 KRW) was invested in education. While in 2023, 20.6 percent of the government budget, 110,184,329 19,172,028 KRW, was managed by the MOE (see Table 4; Source: KEDI).

The government has given national universities more and more managerial autonomy over the years with the objective of creating autonomous institutions. In order to do so, it has introduced the university board of trustees, a body composed of six internal members from within the university administration, namely the president and the deans, and nine external members from the economic and industrial sectors. Then there is another important body, the university senate. This is made up of academic and administrative staff and student representatives. Furthermore, in order to foster collaboration among universities and advocate for their interests before the government, especially with regard to university autonomy from state regulation, in 1982 the Korean Council for University Education (KCUE) was created. It is a private organization of four-year higher education institutions in Korea, which has the primary goals of promoting cooperation among universities and colleges in regard to major issues common to four-year higher education institutes, and of increasing the autonomy, initiative, public accountability, and overall quality of higher education by representing the collective voice of universities to the government. Since the middle of the 1990s, the Ministry of Education has progressively given the KCUE more control over the nation's admissions procedure. It was announced in late 2004 that admissions schedules and rules would be

developed by the KCUE. More importantly, in January 2008, the transition team of President Lee Myungbak (이명박 I Myōngbak, 2008-2013) declared that it would transfer most of the MOE's responsibilities related to the university admissions system to the KCUE. This would allow universities to make decisions about admission criteria, including whether to include interviews in admissions processes and how much weight to give to the KSAT.

### **Universities' internal administration**

In order to understand the administrative structure of universities, the following research was conducted. The provinces of the South Korean peninsula were examined: Gyeonggi Province (경기도, Gyōnggido), Gangwon Province (강원특별자치도, Kangwōn T'ūkpyōl Chach'ido), North Chungcheong Province (충청북도, Ch'ungch'ōngbukdo), South Chungcheong Province (충청남도, Ch'ungch'ōngnamdo), North Jeolla Province (전북특별자치도, Chōnbuk T'ūkpyōl Chach'ido), South Jeolla Province (전라남도, Chōllanam-do), North Gyeongsang Province (경상북도, Kyōngsangbuk-to), South Gyeongsang Province (경상남도, Kyōngsangnam-to), and Jeju Province (제주특별자치도, Cheju T'ūkpyōl Chach'ido). For each province, the capitals or self-administered metropolitan cities were taken as reference: Suwon (수원시, Suwōn-si), Anseong (안성시, Ansōng-si), and Hwaseong (화성시, Hwasōng-si) for Gyeonggi Province; Chuncheon (춘천시, Ch'unch'ōn-si), Cheongju (청주시, Ch'ōngju-si), Daejeon (대전광역시, Taejōn-gwangyōksi), Jeonju (전주시, Chōnju-si), Gwangju (광주광역시, Kwangju-gwangyōksi), Daegu (대구광역시, Taegu-gwangyōksi), Changwon (창원시, Ch'angwōn-si), Jeju City (제주시, Cheju-si), Seoul Capital Area (수도권, Sudokwōn), and Busan (부산광역시, Pusan-gwangyōksi) for the remaining provinces. Finally, for each city and for the province of Gyeonggi and Seoul

Capital Area, at least two universities were chosen, one public and one private. Catholic universities also appear among the private ones.

Province	City	Public university	Private university	Catholic university
Gyeonggi	Suwon		Ajou University	
	Anseong	Hankyong National University		
	Hwaseong			Suwon Catholic University
Gangwon	Chuncheon	Kangwon National University	Hallym University	
North Chungcheong	Cheongju	Chungbuk National University	Cheongju University	
South Chungcheong	Daejon	KAIST	Woosong University	
North Jeolla	Jeonju	Jeonju National University of Education		Jeonju University
South Jeolla	Gwangju	Gwangju Institute of Science and Technology	Chosun University	
North Gyeongsang	Daegu	Kyungpook National University	Keimyung University	
South Gyeongsang	Changwon	Changwon National University	Kyungnam University	
Jeju	Jeju City	Jeju National University	Jeju International University	
	Seoul Capital Area	Seoul National University	Korea University	Yonsei University
	Busan	Pusan National University	Dong-A University	

Table 5 (Source: Scimago Institutions Rankings)

By analyzing and comparing the internal organization of these universities, we can

conclude that they all have a common structure. At the head there is a president with an affiliated office of the president, followed by a board of trustees or council of deans, a senate, and a university council or faculty council. In addition, there is a provost and executive vice presidents who take care of the administrative offices, followed by the colleges, graduate schools, auxiliary organizations, foundations, and research institutes. The administrative offices, in turn, are divided into various areas: the office of academic affairs, the office of admissions, the office of student affairs, the office of international affairs, and so on. There is also the office of human resources that takes care of the search for post-graduate employment. Each office is divided into various teams that take care of specific tasks. Colleges and graduate schools are divided into departments. The auxiliary organizations include dormitory facilities, libraries, museums, or hospitals (if present); university broadcasting systems; education centers; cultural and sports centers; etc. The board of trustees is composed of a chairperson, vice president(s), executive and non-executive directors, assistants or advisors, and auditors. The chairperson is directly elected by the members of the board of which he is also a member. The members of the board of trustees have various backgrounds: people from the academic field, such as researchers, presidents of other universities, alumni, student representatives, professors, or former professors; people with political backgrounds, such as ministers or former ministers; people with economic backgrounds, such as businessmen or company directors; lawyers; and people from the ecclesiastical world (in the case of Catholic universities). This is due to the ways in which Korean universities were founded. People from the religious world entered the universities with the founding of higher education institutions by missionaries starting from 1885. Ministers are part of the board of trustees, as both public universities, those founded by the state, and private universities are under the administration of the central government and the MOE. As for people from the business world, we have seen that they entered the board of trustees with the founding of private universities starting from

the 1950s. With the rapid growth of people-funded tertiary education, the government relied on private corporations to establish universities. Often, these private individuals did not have enough funds to establish new universities, and so they borrowed money from landowners and businessmen, who secured a position on the board of trustees of the university for which they had lent money. As a result, the board of trustees still includes members from outside the university, such as businessmen, CEOs, or directors of companies.

Although the president is the highest figure in the university administration and has final approval of every decision, the board of trustees is an important decision-making body within the university as well. It deals with a series of aspects that can be listed as follows:<sup>31</sup>

1. Appointment of the President;
2. Appointment and dismissal of officers;
3. Matters relating to Annual Operation Plan;
4. Matters relating to mid- and long-term operation and development of the university;
5. Budget and settlement of accounts;
6. Establishment and management of the development fund of the university;
7. Issuance of long-term loans and university bonds;
8. Acquisition, disposition, and management of important properties;
9. Establishment or abolition of colleges or graduate schools;
10. Establishment or discontinuance of majors for undergraduate and graduate schools;
11. Establishment or abolition of major administrative organizations;
12. Matters relating to HR, communications and IT;
13. Matters concerning the welfare of faculty members, staff, and students;
14. Matters relating to amendment of the Articles of Incorporation;

---

<sup>31</sup> Statutes of the Republic of Korea, Ulsan National Institute of Science and Technology Act.

15. Matters relating to enactment, amendment, and abolition of the University Regulations and regulations pertaining to the University Council, the President Recommendation Committee, the University Committee on Academic Affairs, and the University Committee on Financial Affairs;
16. Matters requiring the Board of Trustees' decision in accordance with the Act, the Articles of Incorporation, or other regulations;
17. Enactment, amendment, and repeal of important regulations;
18. Matters prescribed by statutes and subordinate statutes or the articles of incorporation where the resolution of the board of trustees is necessary;
19. Other matters deemed to require a resolution by the board of trustees;

Moreover, the chairperson of the board of trustees has decision-making power over "statute amendments, academic appointments and promotions, the allocation of resources, and policy towards site development and/or closure, etc."<sup>32</sup> The senate, just as the board of trustees, functions as a decision-making or consultative body and operates on matters relating to mid- to long-term development plans; operation of educational courses and research; welfare of faculty members, staff, and students. However, the results of the deliberations of the senate must be transmitted to the president, who refers the board of trustees the issues that require its resolution or that are considered important. We can therefore conclude that university governance follows a hierarchy that sees the president at the top, followed by the board of trustees and then the senate. They are followed by the provost and vice presidents; various offices; colleges, and graduate schools; the auxiliary organizations; foundations, and research institutes.

Universities are also systematically organized at the student level. There are four types of student bodies: student unions, department councils, undergraduate student associations,

---

<sup>32</sup> Kim Terry, "Higher Education Reforms in South Korea," 563.

and graduate student associations. Student unions are voluntary bodies of students who communicate with the central administration. Department councils connect students and departments, reporting to the various departments the ideas and proposals of students in order to improve academic curricula. The undergraduate and graduate student associations focus on the problems of undergraduate and graduate students, respectively. These bodies organize and manage themselves autonomously. Their members are students headed by a president and vice president, who are also students and who are elected democratically. Student unions are also composed of five bodies: 1) a decision-making body, 2) an executive body, 3) a special body, 4) a subsidiary body, and 5) an audit body. Under the decision-making body, there is the top policy-making body, or the central operations committee, consisting of the council president, vice president, club union president, and college student presidents. Student unions are often associated with other organizations such as the National Student Council Association, newspaper association, broadcasting stations, magazine editing committee, and so on. The main purpose of student unions is to look after the welfare of students and represent their interests. They organize cultural and social events dedicated to them, with the aim of making their university experience livelier and an opportunity to develop collaboration between students. They help prepare students for post-university life by providing personal and professional development opportunities, including volunteering programs, courses and workshops, networking through professional clubs and employment services. They also organize orientation events, Membership Training (MT), events for international students, merchandise sales, recreational events, clubs, sports activities, etc. The projects are carried out through regular meetings and are of various natures: academic enrichment, cultural enhancement, and student welfare initiatives, student networking programs, and alumni engagements. Student unions represent all constituents equally, regardless of nationality, age, religion, sex, or status.

## **Social Background**

### **Negative aspects of education fever**

We have studied how the education fever has led to a rapid expansion of all levels of education, including tertiary education. This phenomenon has had positive results in developing the national economy, achieving a literacy level of 98.8 percent of the adult population of all social classes in 2018 (UNESCO, 2018), and in 2023 a progression rate from primary to secondary school of 100 percent, from secondary to high school of 99.6 percent, and from high school to tertiary education of 72.6 percent. In addition, obtaining higher education has contributed to increasing social mobility, upgrading social-political position, achieving success and economic prosperity, and the formation of multi-skilled specialists. However, there are many negative aspects of education fever. Firstly, education fever impacted negatively on the public education system because more people rely on private education in order to increase chances of entering high-ranking universities. This led to an expansion of out-of-school tutoring and cram schools, an excessive educational expense, and the creation of inequality among social classes from a social and economic point of view. Secondly, with tertiary education becoming the sole means of achieving economic and social success, primary and secondary education has increasingly started focusing on preparing for university entrance examinations, applying intensive study methods based on memorization, and denaturalizing the meaning of school education. Thirdly, the selective university admissions system has created excessive competition among students and hierarchy among universities, in which only those who graduate from the most prestigious universities have the chance to get better and better-paid jobs, creating, consequently, strong competition in the labor market as well. In this chapter, the following aspects will be analyzed: private education and the economic burden it brings to Korean families, the almost obsessive learning of the

English language, the system of university entrance examination, and other social aspects related to the education fever.

## **Shadow education**

Shadow education is a term that refers to all those teaching practices implemented outside of formal educational institutions, such as private tutoring, after-class lessons, cram schools, internet tutoring, and practice exam sheets. Students rely on this supplementary education, which offers customized lessons according to students' level, to enhance academic performance and prepare for the CSAT. It is due to the university entrance exam that the shadow education practice has widely diffused in recent years. Private supplementary education's history can be divided into three phases: the sprouting period, the period of complete prohibition, and the period of legalization.<sup>33</sup> The first period refers to the years from the 1960s to the 1980s, when, with the expansion of tertiary education institutions, there was a shortage in the number of teachers, infrastructures, and funds, which the government could not fill in the short term. The solution it adopted was to limit the number of admissions to universities. To overcome the problem, students resorted to private forms of education that could ensure good competitiveness in both the academic and labor worlds. Thus, shadow education grew rapidly. To limit this growing competition, from 1980 to 2000, the MOE completely banned all forms of private supplementary education.<sup>34</sup> However, the new government regulation proved ineffective, as the number of shadow education institutions continued to increase. In this context, in the last historical phase of shadow education, in 2000 the MOE decided to legalize the practice of private education, which became a legal and recognized supplement to formal education. In addition, a law was enacted to regulate this

---

<sup>33</sup> Yu Jiangran and Zhang Rui, "A Review of Shadow Education," *Science Insights Education Frontiers* 11, no. 2 (2022): 1581.

<sup>34</sup> Jones Randall S., "Education Reform in Korea," *Economics Department Working Papers*, no. 1067 (2013): 21.

form of education. This law provided for verification by the education authorities of the respect of educational equity among socioeconomic classes by shadow education and imposed a coordination between formal education and supplementary education.

Over the years, the government has implemented various practices in order to contain participation in shadow education. Among these we can mention: No Middle School Entrance Examination Policy (1968); High School Equalization Policy (1978); 7.30 Educational Reform Measure (1980); reforming the college entrance examination system and public education system for reducing household expenditure on shadow education (1980s–1990s); introduction of educational policies for reducing household expenditure on shadow education by enhancing public education (2000-2004); reducing household expenditure on shadow education by increasing school autonomy (2009).<sup>35</sup> With the end of the Korean War in 1953, educational opportunities expanded dramatically. Many students who had completed compulsory primary education wanted to pursue middle education. However, middle schools were lacking, and only a small proportion of students were able to enroll in them. At that time, students eligible to attend middle school were selected through an entrance exam. As a result, the competition to do well on the test became fierce, and children showed severe signs of stress. On the other hand, families relied on private institutions to prepare their kids as best they could for the entrance exam. To reduce the resulting competition, reduce the disparities among middle schools, and relieve families of economic burden due to shadow education, the government enacted the No Middle School Entrance Exam Policy in 1968, which was first implemented the following year. The solution adopted by the MOE revealed a similar problem regarding high school admissions. There were insufficient schools to accommodate all the students who wanted to continue their studies at the lower secondary level. Thus, this time too, competition arose to enter high schools, especially the élite ones. In 1973, 70 percent

---

<sup>35</sup> Lee Chongjae, Lee Heesook and Jang Minhyo, “The History of Policy Responses to Shadow Education in South Korea: Implications for the Next Cycle of Policy Responses,” *Asia Pacific Education Review 11* (2010): 100.

of students participated in some form of private education, and of these, 27 percent showed signs of physical and psychological problems due to the stress caused by the entrance exam.<sup>36</sup>

The government responded again in 1973 by enacting a new policy, the High School Equalization Policy, which abolished the high school entrance examination and introduced a system of randomly assigning students to schools. In the 1970s, despite the elimination of entrance exams for middle and high schools, the use of shadow education did not diminish; in fact, the idea spread that participating in a form of private education was necessary to obtain a good score on the university entrance exam. Then-incumbent President Chun Doo-hwan proposed the 7.30 Educational Reform Measure in 1980, which aimed to gain complete control over shadow education. This governmental action, which was based on the realization that high-stakes tests were one of the main factors promoting shadow education, outlawed college entrance exams given by individual institutions and instituted the preliminary college entrance exam system, which screened prospective students using high school records and the recently implemented high-stakes test. Moreover, the college entrance quota increased, thus reducing competition for entering colleges. In order to offer affordable private tutoring, an educational broadcasting system was set up. It was forbidden for any schoolteacher or college student to take money by providing private tutoring of any type. Shadow education was not completely stopped; in fact, during this period there were many reported cases of bribery of teachers by parents for private lessons or to ensure their children's entry into a university.<sup>37</sup> Although this policy was not entirely successful, it did manage to largely control private education until 2000, when it was declared unconstitutional to prohibit students from supplemental education.

Chun's administration addressed many aspects of education. First, in 1985, he established the Presidential Council for Education Reform (PCER). This body proposed a

---

<sup>36</sup> Ibid., 100.

<sup>37</sup> Lee et al., "The History of Policy Responses to Shadow Education," 101.

series of reforms, including a reform of the university admissions system, allowing each university to select its students through its own selection criteria, and a revision of the High School Equalization Policy, allowing private schools to independently select their own students. PCER evolved into the Presidential Committee for Education Reform, which proposed the 5.31 Educational Reform Plans in 1995. Continuing the line of reforms against shadow education, these plans aimed to improve the public education system and offer after-school programs. In 1997, the government introduced the Educational Plans for Alleviating Overheated Private Tutoring and Reducing Household Spending on Shadow Education. This policy was intended not to reduce participation in private education but to limit household spending on private education. Furthermore, the government aimed to improve the public education system so that citizens would be induced to rely on it, rather than shadow education. To strengthen public education, they proceeded to reduce the number of students per teacher, introduce differentiated curricula, diversify the grading system, prohibit individual college admission exams, and lower the difficulty level of the CSAT.<sup>38</sup> In 2000, the Constitutional Court declared that it was unconstitutional to prevent students from participating in private education and teachers from providing private lessons, as it hindered their right to learn. Consequently, the policies enacted by Chun's administration were repealed. To prevent the expansion of shadow education, the government established an advisory committee for shadow education institutions. In 2000, the committee proposed to the government the Educational Plan for Prevention of Overheated Private Tutoring and Enhancement of Public Education. The mechanisms that induced families to resort to private education were identified in order to find a definitive solution to the expansion of the phenomenon. It was found that it was necessary to push for the continuous improvement of public education, introduce curricula that developed the aptitudes of individual students,

---

<sup>38</sup> Lee et al., "The History of Policy Responses to Shadow Education," 101.

expand low-cost education broadcasting and e-learning programs to provide equal learning opportunities to lower-income students as well,<sup>39</sup> and introduce measures to regulate the expenditure on private education.<sup>40</sup>

In accordance with the policies pursued in 2000, in 2004, President Roh Moohyun proposed the Educational Plans for the Reduction of Shadow Education Cost Through the Normalization of Public Education. This policy in particular included providing private tuition to economically disadvantaged students, introducing a system for evaluating teachers, the revision of the High School Equalization Policy, and the transformation of the college admission system which was to be based on the scores obtained by the students during high school. President Lee Myungbak in 2009 proposed the Educational Policies for the Reduction of Shadow Education Through the Enhancement of the Competitiveness of Public Education, recommending the following five strategies to deal with the issues surrounding shadow education: making the public school system more competitive and ensuring a minimum level of academic achievement; changing the university admissions process; offering additional tutoring services to lessen the financial strain that the high cost of private tutoring placed on families; managing shadow education institutions effectively; and building institutional and cultural infrastructure.<sup>41</sup> In 2011 and 2013, the MOE announced two new policies to reduce shadow education expenses taking into account the impact of university entrance exams on shadow education: the Measures to Link the Korean SAT and EBS and the Simplified Policy for University Admissions. In addition, in 2014, the already existing Pre-Education Prohibition Act was enforced to prohibit prior learning in private schools, private lessons and tutoring classes.<sup>42</sup> Despite great efforts by the government to limit private education, it still

---

<sup>39</sup> Lim Cheolil, Lee Jihyun, Choi Hyoseon, "Open and Distance Education in Asia, Africa and the Middle East: National Perspectives in a Digital Age," *Springer Open*, (2019): 96-97.

<sup>40</sup> Lee et al., "The History of Policy Responses to Shadow Education," 102.

<sup>41</sup> *Ibid.*, 102.

<sup>42</sup> Yoo Jaebong and Yang Jeonga, "Some Reflections on Trends in Shadow Education in Korea," *Word Conference on Research in Education* (2021): 86.

remains an unsolved problem.<sup>43</sup>

Educational fever has created a very competitive system in which only those who manage to obtain high scores in the university entrance exam, and therefore enter the best universities, and obtain excellent results in university have the possibility to find stable jobs. For this reason, many parents still invest in their children's education by resorting to private lessons or tutors, which require a large amount of money. As seen, education fever has not only economic consequences, but it negatively influences public education and how it is perceived by students and parents as well.<sup>44</sup> People believe that private education and tutors offer much deeper and complete preparation for national university entrance exam than high schools. Therefore, parents tend to criticize the national school system and rely on and appreciate private tutoring. Moreover, private tutors or institutions teach regular curriculum in advance, meaning that students study the same topic both during private class and in regular class. For this reason, it has been noticed that students tend not to be interested and engaged in learning during regular school,<sup>45</sup> causing a great impact on public education. Furthermore, because Korea is a collectivistic country, people there have a tendency to worry about following social standards and fitting in with a certain group. Koreans are heavily influenced by these norms and the social group they engage with, and they experience intense social pressure to adhere to them. To fit in with certain social expectations, many choose to pursue private and higher education. Because other members of the same social group attend cram schools, parents send their kids there as well. Or else, they want their kids to go to college so they can fit in with the group's individuals of higher social status.

---

<sup>43</sup> Lee Soojeong, "Is Education Fever Treatable?: Case Studies of First-Year Korean Students in an American University," *KEDI Journal of Educational Policy* 5, no. 2 (2008): 123.

<sup>44</sup> Koh Youngsun, Kim Seungkwon, Kim Changwhan, Lee Young, Kim Jooseop, Lee Sangyoung and Kim Youngock, "The Korean Economy: Six Decades of Growth and Development," *Korea Development Institute*, (2010): 244.

<sup>45</sup> Lee Chongjae, "Korean Education Fever and Private Tutoring," *KEDI Journal of Educational Policy* 2, No.1 (2005): 101.

## Economic burden

The importance that education has for the Korean people can be seen from how much the people invest in public and private education. In 2014, public education accounted for 7.6 percent of Korea's GDP, 1.5 more than the OECD average of 6.1 percent. The government's contribution, however, was 4.9 percent, putting Korea 0.4 percent below the OECD average of 5.3 percent. Nevertheless, Korea heavily relies on private investment for public education, as evidenced by its 2.8 percent private contribution, which was three times higher than the OECD average of 0.9 percent.<sup>46</sup> More Recently, in 2020, Korea spent 13,278 USD per student in primary education, 17,038 USD per student in secondary education, and 12,225 USD per student in tertiary education, while the OECD average was, respectively, 10,658 USD, 11,942 USD, and 18,105 USD. That is to say, Korea spent 30 percent of GDP on primary education, 38 percent of GDP on secondary education, and 27 percent on tertiary education, while the OECD average was, respectively, 23 percent, 25 percent, and 38 percent (KEDI, 2024). Moreover, Korea has recorded spending among the highest amounts on shadow education among the OECD nations (KEDI, 2014). In 2007, the total amount spent on shadow education was 20,040 billion KRW, while it steadily increased over the years reaching 20,997 billion KRW in 2019. It has been studied that families begin to invest in the private education of their children starting from preschool. The most substantial investments were recorded to be made for children in elementary schools.

According to the students' school level, the total nominal amount of shadow education costs was in descending order: 9,559.7 billion KRW for elementary school, 6,181.9 billion KRW for high school, and 5,255.4 billion KRW for middle school. In the same year, the percentage of spending on private education increased by approximately 10.5 percent for

---

<sup>46</sup> Park Jonghoon and Lee Seongwoo, "Effects of Private Education Fever on Tenure and Occupancy Choices in Seoul, South Korea," *Journal of Housing and the Built Environment* 36 (2021): 434.

elementary schools, 4.9 percent for middle schools, and 4.0 percent for high schools.<sup>47</sup> Participation in shadow education followed a downward trend between 2007 and 2016 thanks to the continuous policies to suppress shadow education, from 75.1 percent to 68.8 percent. It began to rise again in 2017, reaching 74.8 percent in 2019, a 1.9 percent increase from the previous year. The percentage of elementary school students participating in private education was recorded at 88.8 percent in 2007, then decreased to 80 percent in 2016 and increased again to 83.5 percent in 2019, which is 0.9 percent more than the previous year. For secondary school students, it was 74.6 percent in 2007, fell to 63.8 percent in 2016, and rose to 71.4 percent in 2019, an increase of 1.7 percent compared to 2018. For secondary school students, it was 55 percent in 2007, 49 percent in 2014, and rose again from 2015 to 2019, reaching 61 percent. In 2019, it was also recorded that students, regardless of their grade level, spent around 6.5 hours in private lessons.<sup>48</sup> The total hours spent between standard lessons and supplementary lessons thus amounted to around 50 hours per week, significantly more than the OECD average of 35 hours per week.<sup>49</sup> Other interesting data regards the expenditure per subject. The subjects in which families invest the most are, in order, general subjects, English, and mathematics. This is to increase the chances of getting into elite universities.

The cost of shadow education for each enrolling student in general subjects, English and mathematics increased gradually between 2009 and 2019, rising respectively from 297,000 KRW to 415,000 KRW; 146,000 KRW to 213,000 KRW; and 120,000 KRW to 191,000 KRW.<sup>50</sup> In 2019, the total amount spent on English and mathematics was 6.1 trillion KRW and 5.9 trillion KRW respectively. General subjects, English and mathematics are also the subjects with the highest participation rate. In 2019, the participation rate in general

---

<sup>47</sup> Yoo et al., "Some Reflections on Trends in Shadow Education in Korea," 80.

<sup>48</sup> *Ibid.*, 82.

<sup>49</sup> Yoo et al., "Some Reflections on Trends in Shadow Education in Korea," 79.

<sup>50</sup> *Ibid.*, 83.

subjects amounted to 56.7 percent, which is 3.3 percent more than in 2018, while that in mathematics and English reached 47.2 percent and 44.1 percent, respectively, which is 3.1 percent and 3.2 percent more than in the previous year.<sup>51</sup> Moreover, the participation rate in English and mathematic private education and was 53.8 percent and 56.9 percent for middle school students, 43.6 percent and 45.6 percent for elementary school students, and 36.3 percent and 41.7 percent for high school students, respectively<sup>52</sup>. It is reported that in 2023, 78.5 percent of all students participated in some form of private tutoring with an average monthly expenditure per student of approximately 434,000 KRW that year, with 86 percent of primary school students, 75 percent of middle school students, and 62 percent of high school students used some form of private tutoring service. In the same year, elementary school students, middle school students, and high school students spent respectively 12.4 trillion KRW, 7.2 trillion KRW, and 7.5 KRW on shadow education<sup>53</sup>, compared to 9.6 trillion KRW, 5.3 trillion KRW, and 6.2 trillion KRW in 2019.<sup>54</sup> The amount spent by elementary school students showed the largest increase of about 2.8 trillion KRW. In 2023, the total amount spent on shadow education reached about 27 trillion KRW, an increase of approximately 6 trillion KRW compared to 2019. The time spent on private education has been reported to be around 7.3 hours per week per student. Students from households with a monthly income of 8 million KRW have been reported to spend an average of 671,000 KRW per month and around 9.7 hours per week on private education, with an engagement of students of 88 percent. This indicates that the higher a family's income is the more students are engaged in private education and the more money and time are spent on it.<sup>55</sup>

The almost obsessive competition of both students, but above all parents, in the field of education has resulted in inequality among social classes from a social and economic point

---

<sup>51</sup> Ibid., 84.

<sup>52</sup> Ibid., 89.

<sup>53</sup> Yoon L., Private education in South Korea: Statistics & Facts, 2024.

<sup>54</sup> Yoo et al., "Some Reflections on Trends in Shadow Education in Korea," 87.

<sup>55</sup> Yoon L., Private education in South Korea, 2024.

of view. Consequently, the economic burden of education has severely disadvantaged the lower classes unable to afford the same level of private education as higher classes. In fact, in 2019, 85.1 percent of kids from households earning 8 million KRW or more per month participated in some form of private school, compared to 47 percent of children from families earning less than 8 million won per month.<sup>56</sup>

## English fever

The phenomenon of education fever has heavily influenced the pursuit of English education (영어교육, yōngōgyoyuk). Beginning in preschool, families make an investment in their children's English education since proficiency in the language can help them get into prestigious institutions and find employment.<sup>57</sup> English was brought to Korea for the first time in the 1980s by American missionaries, but it wasn't until World War II that Korea realized how important its role in the globalized world was. From 1955 onwards, English became a subject of study in secondary schools, and in the 1980s the government began to present English as a fundamental means of building a strong and competitive nation in the globalized landscape.

With the Asian Games and the Seoul Olympic Games, the zeal toward English further increased, as Koreans become aware of globalization and made them realize the importance of English language. The passion for English also boomed thanks to the role of the government's reforms in the 1990s. In 1991 the government introduced English listening test in the university entrance examination, which pushed students to prepare for this new type of test.<sup>58</sup> In 1994 the university entrance examination was changed from a grammatical approach

---

<sup>56</sup> Yoo et al., "Some Reflections on Trends in Shadow Education in Korea," 90.

<sup>57</sup> Shin H., "Thirty Percent of Young Children Aged Under Six Receives Home-Visiting Tutoring and Ten Percent Goes to Private Institutions," *Yonhapnews*, 2014.

<sup>58</sup> Park Jinkyu, "'English Fever' in South Korea: Its History and Symptoms," *English Today* 97 25, no. 1 (2009): 52.

to a more communicative one and in the summer of the same year it was announced that English would be introduced as a new subject in all elementary school grades by 1995. Furthermore, with President Kim Youngsam pushing for Korea to become a global player and achieve national prosperity, the Presidential Globalization Promotional Committee was formed in 1995. It aimed to enable citizens to communicate with other societies through English. He also introduced the English Program in Korea (EPIK), placing English-native teachers in schools to improve students' communication ability. Joining the OECD in 1996 was also a significant event for the growth of English learning in Korea. Being part of this organization meant communicating with foreign countries for economic cooperation and investment. Therefore, Korean citizens should better equip themselves to meet these new challenges. The global financial crisis and the Asian financial crisis of 1997 also contributed to the expansion of Koreans' interest in English. The amplification of neoliberal policies resulted in the growth of the importance of English communication skills for all individuals from non-English-speaking countries, including Korea. As a result, the number of Korean students going abroad for education to better learn spoken English increased. In addition, with the closure of many influential Korean conglomerates, foreign companies entered the Korean market and education sector. Foreign universities opened satellite campuses in Korea and offered double degrees. As a result, high-ranking universities began to require excellent English proficiency for admission, and others required English standardized test certificates for graduation.<sup>59</sup> In the early 2000s, the government established English Villages that offered mass English learning in short periods.<sup>60</sup>

President Lee Myungbak also proposed to continue with English immersion education and implemented a series of reforms to improve English teaching in public schools and the English-speaking ability of students. All these new policies encouraged citizens to have their

---

<sup>59</sup> Chun H. and Choi H, "Economics of English," *Samsung Economic Research Institute*, no. 578 (2006).

<sup>60</sup> Choi Taehee, "English Fever: Educational Policies in Globalized Korea, 1981–2018," *History of Education* 52, no. 4 (2023): 5.

children learn English as early as possible. Thus, English kindergartens (EK) with students aged 2 to 5 became popular. EKs began an indicator of the socioeconomic status of the families who used them, given the high fees that had to be paid to ensure that their children could attend them. In 2017, the Korea Institute of Child Care and Education conducted a survey with 537 parents of two-year-olds, and 704 parents of five-year-olds, finding that 8 out of 10 children received some form of supplementary education, with 35.5 percent of two-year-olds and 83.6 percent of five-year-olds attended private academies. Two-year-olds received 2.6 private education sessions per week, while five-year-olds received 5.2 sessions per week, spending respectively 47.6 minutes and 50.1 minutes per session. Preschool children started showing serious signs of health problems, due to excessive private education.<sup>61</sup>

The Park Geunhye (박근혜 Pak Kŭnhye, 2013-2017) and Moon Jaein's (문재인 Mun Jaein, 2017-2022) administrations saw a shift in attitudes toward English education. While previous governments had encouraged people to pursue English language education, these two governments attempted to minimize the influence of English in schools, instead valuing students' personal development.<sup>62</sup> President Moon introduced the 2017 Early Childhood Education Innovation Plan, a policy that encouraged the development of preschool-age children through child-led play and rest, as opposed to subject-specific education. The MOE also announced its aim to address the problem of obsessive English education to ensure the proper development of children. The existing policy initiatives are ineffectual because, despite the government's proclamation, children's English language development is still given precedence over their overall development and emotional health.

Since the end of the twentieth century parents have started investing huge amount of

---

<sup>61</sup> Chung Hyunchae, "83% of Five-Year-Olds Receive Private Tutoring," *The Korea Times*, 2017.

<sup>62</sup> Kim Jeehee and Choi Taehee, "Failing Interventions to Harness English Fever Infiltrating Early Childhood Education in South Korea: Politics of Distraction," *Current Issues in Language Planning 1*, no. 1 (2024): 3-4.

money to ensure their children could learn English. Nowadays, children from the age of 2 begin to attend academies (학원, hagwŏn), English camps, and private lessons with a native English-speaking tutor to learn English for several hours per day. As for the preparation for the CSAT, parents believe that public education does not provide an adequate education for English language and therefore prefer to count on private education once again. In spite of significant expenditures on English education, South Koreans' average TOEFL scores in 2004 and 2005 placed them ninety-third out of 147 nations, indicating that English instruction in their country requires high costs, but has low results. It has been reported that parents invest in English education about 213,000 KRW per month. In 2019 the total amount spent on English education reached about 6.1 trillion KRW, including the money spent for English proficiency tests, which attract more than 2 million students each year. According to a 2013 study, over 50 percent of college students spent an average of KRW 2 million annually on private education in order to get suitable employment after graduation. A JobKorea study of 461 college students revealed that 43 percent of them sought private English classes to get better at speaking the language, while 53 percent indicated they spent the most money on taking English proficiency tests.<sup>63</sup>

As mentioned, a large portion of families' income is spent on extracurricular lessons, but more than half of that money is spent on English education alone. However, private education is not the only method parents exert in order to guarantee their children fruitful results in learning English. Since the 1980s' parents have adopted a new practice. When children become elementary school students, to improve their English skills, they are sent abroad alone or move with one parent, who is usually the mother, mainly in the U.S, U.K., Australia and New Zealand, while the father stays in Korea working to maintain the family

---

<sup>63</sup> Oh Jyuwook, "English Fever Needs Cooling," *The Korea Herald*, 2013.

abroad.<sup>64</sup> These modern families are known as ‘wild goose’ families. The parents’ effort has the main objective of ensuring their children getting into a high-ranking university, which often request excellent knowledge of English language. However, studying abroad has presented many negative aspects: first of all, many experts showed concern for those students’ psychological development as children growing in a foreign country; moreover, once returning back to Korea, children are far behind compared to Koreans peers, because the Korean school system and that of foreign countries are very different. It’s not just children who suffer from leaving Korea, but their families as well. It has been estimated that about 20,000 families leave South Korea each year to live in English-speaking country. Mothers who move abroad face difficulties in adapting to a new society and are often left aside, while fathers living alone in Korea experience loneliness and stress. In an online survey of 2010, more than 70 percent of ‘wild goose’ dads declared themselves to being struggling with depression, malnutrition and alcohol problems.<sup>65</sup> Dads are able to visit their family abroad once a year, at most, because everything they earn is necessary to keep their family overseas. Therefore, those separated families have to deal with marital problems that arise from separation. In fact, many parents end up divorcing, not being able to endure the economic and psychological burden. To limit the emigration of Korean families abroad, the government is working to improve English language courses in schools and plans to open student-focused schools that are less competitive than the current educational system.

## CSAT

The College Scholastic Ability Test (CSAT) is the entrance exam for Korean universities. Once a year, usually on the second or third Thursday of November, about

---

<sup>64</sup> Park Jinkyu, “‘English Fever’ in South Korea,” *English Today* 97 25, no. 1 (2009): 54-55.

<sup>65</sup> Bronwen Reed, “Wild Geese Families’: Stress, Loneliness for South Korean Families Heading Overseas to Gain Edge in ‘Brutal’ Education System,” *ABC News*, 2015.

500,000-700,000<sup>66</sup> high school students and recent graduates take a potentially life-changing test. A high score on this exam would help students get into a prestigious university, determining their career and financial stability. The exam is so important that the entire country is mobilizing to ensure that it runs smoothly: activities open late to avoid traffic and make it easier for students to enter the exam venues; in case of traffic, students can be escorted by the police to the venues; and during the listening test, planes are prohibited from taking off or landing so as not to interfere with the test.<sup>67</sup> Anyhow, how did CSAT come about, and how has it changed over the years?

From the end of the Korean War to 1954, each university had its own entrance test. An earlier iteration of the CSAT was launched by the government in 1954 as a unifying test to supplement the many university tests in an effort to raise the general level of students entering institutions. After just a year, the government switched back to utilizing the individual tertiary institution tests because this was ineffective. The Qualified Examination for College Admission, a uniform test, was the government's second attempt in 1962. Universities experienced a sharp drop in student enrollment as a result of this being too challenging to pass. The government eliminated the examination and went back to using individual university exams until 1998. Over the years a problem of fairness of university entrance exams emerged. Therefore in 1969, the MOE introduced the Preliminary College Entrance Examination. This was a multiple-choice test to determine if students were qualified for university admission. Students had to take it before the actual university entrance examination. High schools worked to ensure that students were prepared for this preliminary exam, which needed a baseline standard of knowledge in order for them to continue their studies. In this way, secondary education became standardized. With the increasing

---

<sup>66</sup> Park Chanho, "The College Scholastic Ability Test in Korea: Introduction and Related Issues," *KAERA Research Forum 1*, no. 1 (2014): 41.

<sup>67</sup> Beach J.M., "Children Dying Inside: A Critical Analysis of Education in South Korea," *Collin College* (2011): 16.

competition for college entrances, in 1982, the MOE modified the existing system by adding a cut-off score policy, and changed the name of the exam into College Scholastic Testing Assessment (CSTA). This was a test that unified the preliminary test and the main test and that could be used by all tertiary institutions. Moreover, it was an accomplishment test used as a college entrance exam with the purpose of determining students' level of academic achievement. This was based on the curricula taught in high schools, as a result, the problem arose that students tended to memorize the content rather than learn it to prepare for the exam. High schools became test preparation schools, and the practice of shadow education increased. Thus, in 1993 the test was replaced. The current CSAT system, which emphasizes participants' aptitude for university study, was therefore created. The CSAT was designed to evaluate eligible students for college, establish standards for secondary school, and give colleges and institutions impartial, unbiased information about the applicants. The government allowed individual private universities the authority to choose which admissions strategy to use when the CSAT was introduced. However, the majority continue to use the CSAT score in conjunction with the students' high school performance, extracurricular activities, teacher recommendation, and so on. For national college, it is the only entrance examination authorized by the government.

The Korea Institute for Curriculum and Evaluation (KICE) administers the CSAT, which is intended to measure students' academic aptitude for post-secondary education.<sup>68</sup> The CSAT is a normative paper-format test, and emphasizes interdisciplinary thinking abilities as well as the features of each subject according to the high school curriculum's level and content. Unlike the CSTA, test materials for assessing higher-level thinking skills were extracted from sources other than textbooks. Based on the core tenets of the Seven National Curriculum, which recognizes each student's unique skills, future professions, needs, and

---

<sup>68</sup> Kwon Suhkeong, Lee Moonbok and Shin Dongkwang, "Educational Assessment in the Republic of Korea: Lights and Shadows of High-Stake Exam-Based Education System," *Assessment in Education: Principles, Policy & Practice* 24, no. 1 (2017): 67.

interests, students can select the field and disciplines covered by the test. Korean language, English as a foreign language, physics, mathematics, social studies, vocational education, foreign languages, and Chinese characters and classics are among the domains covered. Applicants can choose all or some of the five domains, with English, mathematics, and Korean as required subjects. Students can select up to two of the ten social studies disciplines, two of the eight science subjects, one of the nine foreign language courses, including Chinese classics and characters, and one vocational education course.

All questions are multiple choice items with five answer choice, except for nine short-answer items in mathematics. The test starts around 8.30 in the morning, and it takes almost a full day to cover all domains and subjects. The test result is valid only for the current year. If a student fails to achieve a sufficient score to enter the university of his or her choice, he or she will have to retake the CSAT the following year. Among approximately 700,000 students who take the CSAT each year, 20 percent are re-takers.<sup>69</sup> This high retake rate suggests that a higher CSAT score is essential for improving one's chances of getting into a more prestigious university. The CSAT is still the determining factor for enrollment into universities, but over the years universities have been taking into account other factors for admission. Some have even hired specialists as admissions officers, who critically and professionally judge the qualities of students based on various elements. As we have seen, families spend a lot of money on private CSAT preparation. Because of this, the government has made resources from the Educational Broadcasting System (EBS) freely accessible and reasonably priced for all. The government expects that this will let students study on their own while also reducing the costs associated with shadow education.

---

<sup>69</sup> Kwon Suhkeong et al., "Educational Assessment in the Republic of Korea," 67.

## Other social aspects

Among other social aspects related to the phenomenon of education fever we find the decrease in the employment rate of graduates, the decrease in the birth rate, and the increase in the suicide rate. In this section we will briefly analyze how the zeal for education has had these consequences.

As regards the employment of graduates, we have studied that families and young people invest time and money in education in order to aspire to have a secure and well-paid job, which improves their social status. The main method used to prepare one's academic path is through shadow education. Although the main objective in investing in private education is to provide students with better chances for admission in prestigious universities and therefore obtaining high level of instruction in order to aspire to better job opportunities, it has to be noted that not all those who have invested in education have managed to achieve the desired success. In 2005, the percentage of junior college graduates who were hired was 83.7 percent, while in 2021, the rate decreased to 71 percent. Similarly, in the same year, 65 percent of university graduates were employed, while the number decreased to 64.1 percent. These data indicate that there has been a decline in the employment rate of college graduates over the years (KEDI, 2024). Furthermore, many conglomerates prefer to hire students who graduated from prestigious universities. Graduates of elite universities have great privileges in the labor market. Often, large Korean companies and multinationals tend to hire only those who have attended a prestigious university, offering these graduates secure jobs and higher salaries from the beginning of their careers, compared to graduates from any other university. The elite universities in question are Seoul University, Korea University, Yonsei University, known by the acronym SKY, and Ehwa Woman University for women. These universities are the key to social mobility. However, there has been criticism of these four universities. The most capable students, both from cities and rural areas, once admitted to these universities move to

Seoul and, after graduation, tend to stay in a big city. As a result, rural areas and small cities are increasingly losing qualified executives, those who remain cannot aspire to a career similar to that of SKY graduates. In addition, the gap between the development of rural and metropolitan areas will be getting more evident.<sup>70</sup>

Another phenomenon that occurs after graduation is the tendency not to start a family and not to have children in order to pursue a flourishing career. Recent demographic changes have seen a decline in fertility rates in many advanced countries. South Korea recorded a birth rate of 0.84 per woman in 2020, and a further decrease of 0.12 percent in 2024 (KOSIS, 2024), making it the state with the lowest fertility rate in the world. The factors that have led to this situation are various, and education fever is one of them. In order to understand how education fever affects the birth rate in South Korea, it is necessary to examine how the role of women is changing in modern society. According to OECD data from 2024, 88.6 percent of Korean women have graduated from university. This implies that Korean women now study longer and enter the labor market at a later age, therefore they are likely to get married later.<sup>71</sup> Furthermore, in a very competitive society in the labor field, many women believe that having children can hinder their working career.<sup>72</sup> In addition, balancing work, family and home care can be burdensome for women, making it difficult to think about starting a family with more than one child. Therefore, longer education, postponed marriage and childbearing and competition in the labor market have profound impacts on fertility rates.

However, how does education fever influence negatively birth rate? As previously mentioned, education fever consists in the high parental investment in children's education. Parents spend time and money to ensure their children get into the best universities and

---

<sup>70</sup> Kim Shinbok, "Education and Economic Development in Korea," *The Korean Journal of Policy Studies* 11 (1996): 2.

<sup>71</sup> Anderson Thomas and Kohler Hans-Peter, "Education Fever and the East Asian Fertility Puzzle: A Case Study of Low Fertility in South Korea," *Asian Population Studies* 9, no. 2 (2013): 201.

<sup>72</sup> Kim Choe Minja and Retherford Robert D., "The Contribution of Education to South Korea's Fertility Decline to "Lowest-Low" Level," *Asian Population Studies* 5, no. 3 (2009): 271.

companies. The average cost of raising a child has grown sharply along with the cost of education, particularly private education. For this reason, having more than one or two children would mean incurring in very high economic expenses to guarantee each child the same level of education, or dividing the budget dedicated to education by the number of children, giving them fewer opportunities to participate in private lessons or having tutors. However, given the strong desire of parents to help their children in their school career in the best possible way, many couples decide to have only one or two children. As a result, the birth rate is seeing a gradual decline.

Over the years, not only has the fertility rate decreased, but the suicide rate has also increased, especially among young people. Obsession with education and the strong academic competition among students has resulted in the worsening of students' mental health. Regarding university students in particular, Lee Jeonggyu (2017) has reported that almost all university students who had experienced severely competitive education under excessive education fever could sufficiently neither enjoy their school life nor pursue their liberty and happiness.<sup>73</sup> In fact, we see a growing uneasiness and discontent on the part of high school and university students, who, due to competition in education, are showing increasing symptoms of depression and poor mental health conditions. This is resulting in the opening of more centers specialized in the cure of mental health and in the dramatic increasing rate of youth suicides. A 2020 study by the National Youth Policy Institute showed that 27 percent of middle and high school students considered ending their own lives. The number one reason for contemplating suicide was academic problems at 39.8 percent, in particular, the failure in the CSAT exam. The actual suicide rate for children aged 15-17 reached 9.9 of 100,000 in 2020.<sup>74</sup> According to OECD (2017), South Korea has remained the top country that has the highest suicide rate among the industrialized countries over the past two decades.

---

<sup>73</sup> Lee Jeongkyu, "Education Fever and Happiness in Korean Higher Education," 2017.

<sup>74</sup> O'Malley Sean, "Korea's Education Fever and Demographic Decline", *The Korea Times*, 2023.

## **Analysis of legal cases**

This chapter presents seven legal cases related to universities. In the first case, a student sued the university for which he took the admission test, because due to an error in the counting of points in the test, committed by the university, he was not included in the admission ranking. In the second case, six students sued the university where they took the English test because they were not included in the admissions list because the university had made special admissions for students who were children of diplomats or workers abroad, assigning them extra points compared to Korean students living in Korea. In the third case, a professor sued the university he worked for because he was not re-appointed. In the fourth case, a professor sued the university he worked for because he was fired, accusing him of sexual harassment. In the fifth case, a professor sued the university he worked for because he was fired for being involved in a fraud case that occurred two years earlier at another university, which compromised his career. In the sixth case, a student sued the university where he studied and where he was an executive member of the student council, because he was expelled for participating in a student protest. Finally, in the seventh case, it is decided whether it is right to have a lower number of members of the board of directors than the number of candidates, whether to exclude board members who hinder the proper conduct of school activities, and whether the Private School Dispute Mediation Committee can deliberate on the appointment of a formal director of a school corporation, and whether the Private School Dispute Mediation Committee has the discretion to determine the procedures and methods for submitting and listening to specific opinions on candidates for directors.

These cases have been chosen according to what has been studied in this research. Therefore, the author decided to overview cases regarding students' admission into universities, that also show CSAT operation and admission ranking; the role of the board of trustees and universities' authority in the process of expulsion of a teacher; student council

members and their role; and the tasks of private universities' central administration. Legal cases are essential to understand the actual power roles of the various body that make up universities, as well as the laws and policies on higher education that the government has enacted over the years, to improve the educational system, also respecting the moral values handed down by Confucianism, to improve the university admission system, counter an overly authoritarian central administration, give students the right of being represented, and give more autonomy to private universities We will see how these disputes will unfold, what laws will be applied to resolve them, who will be the winner of the case and why.

### **First case**

Seoul High Court, Ninth Civil Division Judgment of Sentence 68na1755,1756 on  
March 6, 1969: Appeal

[Request for cancellation of rejection decision] [gojib1969min(1),86]

#### **[Matter of judgment]**

Whether a private university's rejection decision is subject to civil action.

#### **[Summary of the judgment]**

As long as the school has announced to recruit applicants by specifying the criteria and procedures for selecting new students, the school has a judicial obligation to confirm that an applicant is a possible candidate if he or she reaches the standard set by the school and the general educational development scores, and if they are in the rankings within the recruitment quota.

#### **[Sentences of reference]**

Article 227 of the Civil Procedure Act

#### **[Preamble]**

[Plaintiff, Appellant] Plaintiff

[Defendant, Appeal] The defendant's school corporation

[Court Judgment] First trial Seoul Civil District Court (judgement of 67ga7907, 68ga4186)

**[Request]**

The plaintiff's appeal is dismissed.

The costs of action on appeal shall be borne by the plaintiff.

**[Purpose and claim of the appeal]**

The plaintiff revokes the original judgment.

It is confirmed that the plaintiff is a possible candidate for passing the preliminary entrance examination of the defendant's school corporation, the College of Science and Technology, in 1967.

It was decided that the cost of action shall be borne by the defendant in both the first and second trials.

**[Reason]**

1. Regarding the defendant's counter-argument,

A. Since the defendant has the right to admit new students, the defendant must file a lawsuit against the president of the school corporation. However, because the lawsuit was filed against the defendant's corporation, the main lawsuit is illegal, and because the admission is only carried out as an institution of the defendant's school corporation (the school is not the subject of rights), the defendant's defense above has no reason to file a lawsuit against the defendant's corporation.

B. The defendant pleaded that the selection of successful applicants is a single act at the discretion of the school, and the right to decide the correct answer to the department's examination is also a decision taken by the school. Even if the department's examination is not subject to civil action, it is not possible to seek confirmation of the prospective candidate because it is not subject to civil action. As long as the school announced with applicants by

specifying the criteria and procedures for selecting new students, a certain applicant has reached the standard set by the school, and if the examination score falls within the ranking of the recruitment quota, the school has a judicial obligation to confirm that he or she is a possible candidate, so there is no reason for the above protest.

C. The defendant also pleaded that the plaintiff passed the entrance examination for the Department of Chemistry at the University of Arts and Sciences (name of university omitted) in 1969. Although it is said that there is no interest in the lawsuit, because the above defense is also without merit because it can not be said that there is no such interest just based on the above facts.

D. The defendant also argues that the plaintiff's lawsuit to confirm those who passed the 1967 written examination does not exempt them the following year, but this is only for the case of failure in the interview and physical examination on the premise that the school gave them the qualification and opportunity for the physical examination. Therefore, the defense above is baseless.

2. Let's go into the matter and look at it.

A. The defendant's Corporation establishes and manages the university. The defendant's school corporation conducts interviews and physical examinations only for those who pass the written exam (400 points in total) as a guideline for recruiting new students in the 67th grade, and announces that the preliminary department of science and engineering college will recruit 80 students. The plaintiff applied for the medical preparation course, but failed to pass the written examination because he received 237 points in the written examination and fell short of 240 points in the cut line,

B. In the test of biology, question no. 1, there was a written question that "sweet potatoes have large cells with a lot of [blank] stored", and the plaintiff wrote "starch" and the passing side did not give the score by treating the plaintiff's answer as an incorrect answer

because "nourishment" was the correct answer,

C. In the test of biology, question no. 2, a written question was "the root of a plant grows in the direction by the stimulation of gravity, and [blank] grows in the opposite direction." The plaintiff wrote "leaf, stem," and the school did not give the plaintiff a score because "stem" was the only correct answer,

D. Question no. 16 of the written answer examination asked "what is the ending in the underlined part?", "I wish there was many of it", and the plaintiff answered, "auxiliary ending", and the school considered only "auxiliary postpositional particle", "case marker", and "meaning adding particle" as correct answers, so there is no dispute between the parties about the fact that the plaintiff's answer was wrong.

3. The plaintiff claimed that his/her answers in the above three questions were all correct, so the plaintiff eventually scored 143 points by receiving 2 more points. Therefore, due to the school's violation of scoring, the plaintiff was ranked 74<sup>th</sup> and was within the admission range, so the defendant was asked to confirm that the plaintiff was a successful possible candidate,

A. First of all, analyzing the biology question, it results that, Answers 1 and 2 of the first witness, which is not in dispute, are the same as answers 1 and 2 of the fourth witness. Combining the above witnesses' testimonies in the biology textbook, testimony 9 (fact-finding answers), testimony 3's answers 1 and 2 (natural science introduction), testimony 8's answers 1 and 2 (fact-finding and answers), testimony 16's answer 1 to 11 (all answers), and testimony 7's answers 1 and 2 (inquiry and answers), are recognized for authenticity by witness Nonparty 1's testimony. On the other hand, about the question about sweet potatoes, they contain various nutrients such as proteins and fats in addition to starch, so the school's treatment of "starch" as the wrong answer is justified. Since the roots of plants grow in that direction due to the stimulation of gravity, and only the stem grows in the

opposite direction, the school's treatment of "leaf, stem" as the wrong answer can acknowledge the legitimate facts, and the 1, 2 of no. 4, no. 1 and 2 of no. 5, no. 1 and 2 of no. 6, no. 1 and 2 of no. 7 cannot be used as evidence to acknowledge their authenticity, and the descriptions of 1 to 4 (biological reference) of no. 2 and the testimony of witnesses Nonparty 3 and Nonparty 4 are not believed in preparation for the above evidence and are not disproved otherwise.

B. Regarding the Korean language issue, the school's treatment of "auxiliary ending" as an incorrect answer can be acknowledged by the fact that the answers to question 16 of Korean language are "auxiliary postpositional particle", "case marker", and "meaning adding particle", and the testimony of witness Nonparty 5, which seems to be contrary to this, is not adopted in comparison with the above evidence. However, it would be a mistake for the school to treat "special ending" as the correct answer, but even if all the candidates who passed the written test other than the plaintiff scored by writing "special ending," it would be clear in the coefficient that the difference of only two points was ultimately below the cut line.

4. If so, the plaintiff's main lawsuit will be dismissed for being baseless. The original judgment with this conclusion is justified, and the plaintiff's appeal is dismissed for being baseless. Moreover, Articles 89 and 95 of the Civil Procedure Act apply the burden of the appeals litigation cost to the plaintiff.

Judges Kim Yongchul (Judge), Lee Hoichang and Kim Hongchae

## **Second case**

Supreme Court, Judgment of Sentence 89nu8255 on August 28, 1990

[Cancellation of rejection for special admission] [jib38(2)teuk,509;gong 1990.10.15.(882), 2031]

**[Matter of judgment]**

A. Whether the university president's disposition on the special admission of the children of diplomats, etc., can be subject to administrative litigation (affirmative).

B. Whether there is a benefit of the lawsuit in the case where the admission period of the relevant year has passed, and the admission quota is not reached during the continuation of a lawsuit seeking cancellation of the disposition of failure to pass the university entrance exam (affirmative).

C. Legality of the rejection disposition for applicants who were able to pass according to the actual acquisition score by giving 20% additional points to the children of diplomats and public officials in the special screening for the children of overseas workers (negative).

**[Summary of the judgment]**

A. If an administrative disposition falls under the abuse or deviation of discretionary power, it will be subject to judicial review, regardless of whether it is at binding or free discretion. Even if the special admission for the children of diplomats is delegated to the discretion of the university president pursuant to Article 111-2 of the Education Act and Article 71-2 (4) of the Enforcement Decree of the same Act, the case where the university president's disposition on the above special admission is an illegal disposition that abuses discretionary power is subject to administrative litigation.

B. Article 72 of the Enforcement Decree of the Education Act, Article 37 (1) of the Seoul National University School Regulations, and Article 2 of the University Student Enforcement Decree are stipulated by administrative needs to smoothly carry out educational administration, such as academic management, and successful applicants in any academic year can not be considered to have to enter the school only in that year. If the plaintiffs are recognized as successful applicants in the current year, they may be admitted at the time of admission in the next year, and as the defendant's illegal disposition occurs, the plaintiffs who should have passed the school year will have to say that they are those who enter the school,

so the plaintiffs have legal interests to dispute the legality of the defendant's rejection.

C. Even if there is a wide and narrow difference in the scope of discretion, it is illegal to exercise discretion beyond the above limits as there are certain limitations by customary law or general reason as well as the provisions of laws and regulations, so it is illegal for the defendant, the president of the university, to uniformly give 20% additional points to the actual acquisition score for each subject in the special screening prescribed in Article 71-2 (4) of the Enforcement Decree of the Education Act for the children of overseas workers, and to let them pass the examination.

**[Sentences of reference]**

A. Article 1 of the Administrative Procedure Act, "General Administrative Disposition"

B. Article 12, Article 72 of the Enforcement Decree of the Education Act, and Article 2 of the University Student Enforcement Decree

A.C. Article 111-2 of the Education Act and Article 71-2 (4) of the Enforcement Decree of the Education Act

**[Previous references]**

A. Supreme Court, judgment of sentence 83nu451 (gong1984,455) on January 31, 1984

B. C. Supreme Court, judgment of sentence 68nu35 (jib16@haeng18) on June 18, 1968

**[Preamble]**

[Plaintiff, Appellant] Kang Byeongguk and five plaintiffs, attorney Lee Jaehoo and one other

[Defendant, Appeal] Woo Youngje, attorney for the legal representative of the president of national universities

[Court Judgment] Seoul High Court, judgment of sentence, 89gu2426 on November 22, 1989

**[Request]**

The reasons for the appeal are dismissed.

The cost of final appeal shall be borne by the defendant.

**[Reasons]**

The reasons for the appeal of the defendant's legal representative are examined.

1. Regarding the first reason for appeal,

Administrative dispositions subject to administrative litigation are sufficient if they are illegal, and if any administrative disposition falls under the abuse or deviation of discretionary power, the discretionary power will be subject to judicial review regardless of whether it is binding or discretionary (refer to the decision of sentence 83nu415 on the defendant's college admission method). Children such as foreigners, Korean children, military consignment students, and special admission for new and transfer exams (hereinafter referred to as special admission) are delegated to the discretion of the defendant pursuant to Article 111-2 of the Education Act and Article 71-2 (4) of the Enforcement Decree of the same Act. It is justified for the Lower Court to judge the case, which the plaintiffs argue is an illegal disposition, as it is subject to administrative litigation.

The argument of the opposing view is baseless.

2. Regarding the second reason for appeal,

Article 72 of the Enforcement Decree of the Education Act, Article 37 (1) of the Seoul National University School Regulations, and Article 2 of the University Student Enforcement Decree were stipulated by administrative needs to smoothly carry out educational administration, such as academic management, and successful applicants in any academic year can not be deemed to have to enter the school only in that year. Therefore, even if the plaintiffs are recognized as successful applicants in the current year during the continuation of the lawsuit, they will be able to enter the school in the next year, and as the plaintiffs claim, if the plaintiffs who should have passed were rejected and those who should have been rejected were accepted, the plaintiffs above would be said to be those entering the admission quota. Therefore, the plaintiffs would have a legal interest to dispute the legality of the defendant's

rejection (see judgment of sentence 68nu35 on June 18, 1968), and for the same purpose, the plaintiffs judged that there was a legal interest in seeking the cancellation of the defendant's disposition for rejection in this case. There is no violation of the law that misunderstood the legal principles regarding the interests of the lawsuit as claimed by the argument. The argument is baseless.

3. Regarding the 3rd and 4th points of the appeal,

According to the reason for the judgment of the Lower Court, (1) the defendant announced the special admission guidelines in this case based on the macro evidence, and the eligibility for new admission is ① those who have completed regular school curriculum for more than 12 years and have completed the final curriculum (equivalent to high school graduation) abroad, and ② those who have transferred from a foreign school to a domestic high school or graduated from a foreign school, shall be recommended by the Minister of Education under Article 69 (6) 1 through 5 of the Enforcement Decree of the Education Act, and the number of recruits shall not exceed 20 people. The screening method was selected by comprehensively taking into account the results of the entire high school course for the written test, oral test, and interview (the academic circles are precise interviews), and 33 applicants, including the plaintiffs who had the prescribed qualifications, took the written test on February 9, 1982 and had an interview on October 10, 1982, and (2) Seoul National University's Special Screening Committee decided on the principle of special screening in this case at the meeting held on February 3, 1989, and decided that after setting the general assessment standards that apply to all applicants, those who fall under Article 69 (6) 2 of the Enforcement Decree of the Education Act (children of diplomats and public officials) will be assessed by adding 20% to the actual score for each subject of the written test acquired by the applicant. The principle of assessment on these additional points has not been disclosed, and (3) the defendant announced

the successful candidates based on the results of the high-scoring order, such as the attached list of circumstances of the Lower Court's judgment in accordance with the above assessment principle of the Special Selection Committee. If the defendant assesses successful candidates in the order of high-scoring based on the actual acquisition score that has not given additional points to the children of diplomats and public officials above, he/she acknowledges that the plaintiffs included within the 20-recruitment quota have been rejected. The special screening under Article 111-2 of the Education Act and Article 71-2 (4) of the Enforcement Decree of the same Act is difficult to adapt to the domestic school system due to differences in educational conditions, such as the fact that the children of overseas workers, such as those who study abroad for a long time, are unable to adapt to the domestic school system, especially due to differences in the period of domestic high school attendance, so the purpose is to ease the relative disadvantage of competition with domestic students in college entrance exams based on the domestic high school curriculum. Therefore, the screening method required by the head of each university should be an objective and reasonable screening method that is consistent with the purpose of each university and the relevant laws. After presupposing that the defendant gave additional points only to the children of diplomats and public officials, the defendant argues that children such as diplomats' ones have longer overseas school years and shorter domestic high school attendance than children of other overseas workers such as business owners, but there is no data to be considered as such, and such circumstances are not recognized in this case. Also, there was no data to find out which specific data gave 20% extra points, so the above additional points for children such as diplomats' and public officials' lacked rationality and objectivity. The defendant also argues that it is difficult to ensure fairness in uniform assessment standards because the college entrance exam is based on the contents of domestic high schools, or that it is desirable to reflect the disadvantages of the examinee's overseas mathematics in the form of additional

points, similar to the university's general entrance exam results, but this is common not only to children such as diplomats' but also to all applicants who are eligible for special admission. If the defendant made the passing situation based on the actual acquisition score by uniformly giving 20% additional points to the children of diplomats and public officials in the special screening of this case, it was deemed illegal to reject the plaintiffs who could pass within the 20-recruitment quota and abuse the discretion granted by the relevant laws and regulations. Therefore, the dismissal of the plaintiffs in this case was canceled.

Records show that the Lower Court's recognition of the above facts is justified, and the defendant's lack of proof of the fact that children such as diplomats' have longer overseas school years and shorter domestic high school attendance than their children, is clearly due to the defendant's carelessness or misunderstanding, so the defendant did not urge to prove it. Moreover, unlimited discretion can not be recognized in terms of discretion, and even if there is a wide and narrow difference in scope, the exercise of discretion beyond the above limits is illegal as there are certain limitations by customary law or general reason as well as the provisions of laws and regulations (refer to the sentence 68-nu35 on June 18, 1968). According to the above recognition, the defendant uniformly gave 20% additional points to the actual acquisition score for each subject in the special screening of this case, and the defendant judged it to be illegal to reject the plaintiffs who could sufficiently pass according to the actual acquisition score. There is no basis for all arguments.

Therefore, the final appeal is dismissed, and the cost of the final appeal is borne by the loser, and the judgment is made as per Disposition with the consensus of the participating judges.

Supreme Court of Justice's Attendance (Judges) Lee Hoichang, Kim Sangwon, and Kim Joochan

### **Third case**

Daegu High Court Civil Division Second Judgment of Sentence 77na544 Judgment on March 31, 1980: Appeal

[Appeal case, including confirmation of absence of board resolution by the board of directors]  
[gojib1980min(1), 376]

#### **[Matter of judgment]**

Status of a teacher who has not been reappointed pursuant to paragraph (2) of the Addendum of the Private School Act.

#### **[Summary of the judgment]**

Teachers at the time of the enforcement of the revised Private School Act on July 23, 1975, must undergo a re-appointment procedure from the end of February 1976, and teachers excluded from the procedure will be dismissed for granted regardless of the reasons for dismissal under the Private School Act.

#### **[Sentences of reference]**

Article 53-2 of the Private School Act, Supplementary Provisions of the Private School Act

#### **[Previous references]**

Judgment of sentence 77da1605 on October 11, 1977 (precedent case no. 11613, Supreme Court decision 25 ③ min226, Summary of judgment of Supplementary Provisions of the Private School Act, paragraph 2 (1) page 1570, Court Publication no. 572 page 10338)

#### **[Preamble]**

[Plaintiff, Appellant] Plaintiff

[Defendant, Appeal] The defendant's school corporation

[Court Judgment] Daegu District Court first trial (sentence 76gahap1130)

#### **[Request]**

Of the original judgment, the defendant's board of directors' request for confirmation of invalidity of the resolution on February 2, 1976, and the absence of the resolution on February 27, 1976 (preliminary, invalid) is revoked, and all claims of the plaintiff are dismissed.

The remaining appeals of the plaintiff are dismissed.

The total cost of litigation shall be borne by the plaintiff.

**[Purpose and claim of the appeal]**

The original decision is cancelled.

The defendant's resolution to dismiss the plaintiff from the position of professor at X University on February 28, 1976, is invalid, and the resolution to dismiss the plaintiff from the position of professor at X University on February 27, 1976, is non-existent (preliminary, invalid). The plaintiff confirms that he is a professor at X University.

The costs of litigation shall be borne by the defendant in both the first and second trials.

**[Reason]**

(1) The fact that the board of directors of the defendant Corporation was held on February 2, 1976 and on February 27, the defendant Corporation did not go through the re-appointment procedures under the provisions of the Supplementary Provisions (2) of the Private School Act and Article 53-2 of the same Act for the plaintiff, who has been a professor of chemistry at X University College of Literature run by the defendant Corporation since September 1969, and the fact that the plaintiff submitted his/her resignation on February 10, 1976 to the defendant's corporation after the deadline (end of February 1976) it is not disputed between the parties. The entire purpose of the pleadings shall be incorporated into some of the testimonies of C's first testimony (staffs), A's first and second testimonies (notification of the results of the processing of the petition, reply to the petition), and A's testimony (issuance of the guidelines for handling affairs), and B and D's first and second testimonies (proceedings, appendix of proceedings), C's second to seventh testimonies

(resignation), E and F's testimonies (proceedings, report of teacher re-appointment by the Review Committee), and some of the testimonies of the witnesses above and the witnesses of the Lower Court, Nonparty 2, Nonparty 3, and Nonparty 4. As of the end of February 1976, teachers working at all private universities in Korea went through the re-appointment process by setting a period for each occupation within 10 years as of the end of July 23, 1975, according to the Supplementary Provisions (2) of the Private School Act and Article 53-2 of the same Act, so the defendant Corporation appointed 13 teachers from X University as judges in accordance with the Private School Act and the guidelines for personnel affairs of graduate schools instructed by the Ministry of Education, and formed a teacher reappointment review committee. After the review by the judges, the board of directors held a meeting on February 2, 1976 and decided to re-appoint only 188 teachers (the judge was replaced by the appointment) except for the plaintiff and eight teachers, including Nonparty 2, Nonparty 3, Nonparty 4, Nonparty 5, Nonparty 6, Nonparty 7 and Nonparty 8, who were deemed unsuitable as graduate students due to lack of quality, etc. After that, the board of directors held a meeting again on February 27 and decided to reappoint 186 teachers, excluding Nonparty 9 and Nonparty 10 who expressed their resignation as of March 1, 1976, and 8 teachers, including the plaintiff, who were excluded from the resolution of reappointment. They were notified that they were excluded from the reappointment and submitted a resignation letter retroactive to the date before the base date (end of February 1976) with consideration so as not to adversely affect future status relations, such as employment at another university. Therefore, the fact that they decided to post the dismissal of a member among the members of the board of directors as they submitted, of the eight teachers, including the plaintiff, who received a notice from the defendant corporation that they had been excluded from the reappointment as above, but decided to take consideration measures on March 28, the remaining teachers, except for the Nonparty 4, submitted a letter of

resignation retroactive to the defendant corporation on March 4 of the same year, so the defendant corporation can acknowledge the fact that the members of the board of directors on February 27 above have been determined to dismiss the member on February 28 of the same year (including the plaintiff).

(2) According to Article 56 of the Private School Act, the plaintiff's legal representative guarantees the status of a private school teacher by stipulating that a school corporation cannot take a leave of absence, suspension, or dismissal against other teachers' will without punishment, disciplinary action, or grounds prescribed by this Act. Article 17 (3) of the same Act stipulates that when a school corporation convenes a board of directors, the purpose of the meeting must be specified and notified to the directors at least seven days before the meeting. The board of directors of the defendant's corporation on February 2, 1976, decided to remove the plaintiff from his/her reappointment without notifying the directors of the meeting in advance, and without any reason for dismissal prescribed by the Private School Act. The plaintiff has never expressed his intention to quit his professorship at X University to the defendant Corporation, but on February 28, 1976, he was notified that he was excluded from the reappointment of a teacher through the Secretary-General of the defendant Corporation and visited the President of X University to inquire about the circumstances and reasons for the exclusion. However, who is branded as an eliminated professor from re-appointment will have a lot of difficulties in his/her life as a professor in the future. However, he/she knew that the submission of a letter of resignation would be processed as a dismissal from the position and a solution would be provided later. So, believing this, he/she submitted a letter of resignation on March 4, 1976, with the date of February 10, 1976, as requested. However, since this was due to his/her deception, it is ineffective because the expression of intention was canceled by serving a copy of the invoice. Therefore, the decision to dismiss the plaintiff at the board of directors on February 27, 1976, was made without the plaintiff's

expression of intention, so it does not exist in substance or is considered invalid, and the plaintiff claims to be a professor at X University in the management of the defendant Corporation.

(3) First of all, looking at the plaintiff's status relationship, Article 53-2 of the Private School Act, as amended by Act No. 2775 of July 23, 1975, states that "teachers working at the College of Education and College of Professional Education shall be appointed within the scope of not more than 10 years by profession as prescribed by the articles of association of the school corporation that establishes and manages the university." Paragraph 2 of the supplementary provisions stipulates that "teachers working at the university at the time of enforcement of this Act shall be reappointed pursuant to Article 53-2 as of the end of February 1976." The legislative purpose of the above regulations is that teachers working at the university at the time of enforcement of this Act must undergo re-appointment procedures from the school corporation that establishes and manages the university as of the end of February 1976, and teachers excluded from the procedure will be deemed to be dismissed for granted under this Act regardless of whether there is a prescribed reason for dismissal under the Private School Act (refer to the Supreme Court's judgment 77da1605 on November 11, 1977). The evidence that the plaintiff's resignation on February 27, 1976, submitted by the board of directors on February 27, 1976, is due to the same deception as the plaintiff's claim. Even if it was due to deception, the plaintiff was dismissed if excluded from the reappointment by the resolution of the board of directors above, and the plaintiff did not receive the reappointment procedure until the end of February 1976.

(4) If so, as of the end of February 1976, the plaintiff, who was legally dismissed from the professorship of X University under the management of the defendant Corporation, has no legal interest in seeking confirmation of the absence or invalidity of the defendant Corporation's resolutions on February 2, 1976 and February 27, 1976, so the plaintiff's request

for confirmation does not need to be judged on the rest of the matter. Moreover, since it is illegitimate, all of these are dismissed, and the request for confirmation that the plaintiff is a professor at the above university on the premise that he is a professor of the above university is without merit, and it will be dismissed.

(5) Therefore, the original judgment of the plaintiff's request for confirmation of the absence or invalidity of the resolution of the board of directors in February 1976, and February 27 differs from this (the main decision of dismissal of the claim) and is deemed unfair, so it is canceled. The plaintiff's appeal is dismissed as the plaintiff's request for confirmation that the plaintiff is a professor at X University is justified with this conclusion, and the total cost of the lawsuit is borne by the plaintiff, who is the loser.

Judges Ko Jeongkwon (Judge), Lee Dongrak, Bae Ki-won

#### **Fourth case**

Supreme Court Judgment of Sentence 2022Du31136 on June 16

[Request for cancellation of the decision by the Teacher Appeal Review Committee] [Not published]

#### **[Matter of judgment]**

Criteria for determining whether disciplinary action against private school teachers constitutes a deviation or abuse of discretion / Where a private school Teacher Disciplinary Committee determines whether the disciplinary decision is appropriate or not, and the Teacher Appeal Review Committee determines whether the disciplinary decision is appropriate, and whether the rules on disciplinary conciliation, etc. of educational officials can be taken into account (affirmative). Whether disciplinary action immediately constitutes a deviation or abuse of discretionary power just because the above rules are not applied or applied mutatis mutandis (negative)

**[Sentences of reference]**

Article 66 of the Private School Act, Article 25-2 (1) of the Enforcement Decree of the Private School Act, and Article 2 (1) of the Disciplinary Rules for Private School Teachers

**[Previous references]**

Supreme Court, judgment of sentence, 99du2611 (gong1999ha), 1903 on August 20, 1999)

**[Preamble]**

[Plaintiff, Appellant] Plaintiff (attorney Yoo Muyoung in charge of Sejong Law Firm (limited) as a legal representative and another person)

[Defendant, Appeal] Teacher Appeal Review Committee

[Defendant's assistant participant] School corporation Samyuk Academy

[Court Judgment] Seoul High Court judgment of sentence nu30749 on December 17, 2021

**[Request]**

The judgment of the Lower Court is reversed, and the case is remanded to the Seoul High Court.

**[Reason]**

The reasons for appeal are judged.

1. The circumstances of the case and the judgment of the Lower Court,
  - A. According to the reasons and records of the judgment below, the following circumstances can be found.
    - 1) On February 18, 2019, the defendant's assistant participant sexually harassed and forcibly molested the students of his department several times, including the following misconduct, and Article 61 (1) 1 to Article 55 of the former Private School Act (before amended by Act No. 16310 on April 16, 2019, hereinafter referred to as the "Old Private School Act") and Article 63 of the National Public Officials Act. The plaintiff was dismissed on the grounds of disciplinary action under Article 29 (1) 1 through 4

of the Enforcement Regulations of the Teacher Personnel Regulations of Samyuk University (hereinafter referred to as "dismissal of this case")

A) Female disparaging remarks and sexual harassment of girls

① In class, he told the first student, "A man would like your skirt because it's short. You'll get married soon.", "I like the red like the one you wear. Your lip color." and "A woman is pretty when her thighs are attached. You are not attractive."

② In class, he told the girls, "Have six children," and "You have to soak up to have children."

③ He said to the second student, "Wearing such a bright outfit, when you move your legs, you look pretty."

④ During the class, he said, "I like summer because girls wear less clothes."

B) Forced harassment of female students

① While stroking the head of Nonparty 1 student in the hallway, he touched her waist.

② During the class, Nonparty 1 student was forced to shake hands, calling it a foreign greeting, even though she expressed her intention to reject it, and when the student did not fulfill it, he stopped the lesson for a certain time.

2) The plaintiff objected to the dismissal of this case and requested the defendant to examine the appeal on March 18, 2019, and then the defendant filed a petition on May 5, 2019.

The decision was made to dismiss the plaintiff's claim, considering that all of the above grounds for disciplinary action were recognized, and that the disciplinary concession was appropriate.

B. Even if the Lower Court can apply *mutatis mutandis* to the former Rules on Disciplinary

Enforcement of Education Public Officials (before amended by Ordinance No. 178 of the Ministry of Education on March 18, 2019, hereinafter referred to as the 'Rules of this case') which was implemented at the time of dismissal, it can be considered as a case of “weakness and gross negligence”. Obviously, there is room for it to be considered that it does not fall under Article 2 of the Special Act on the Punishment of Sexual Violence Crimes, so it is difficult to conclude that the above disciplinary grounds are necessarily grounds for severe disciplinary action for dismissal.

## 2. Supreme Court judgment

### A. Legal principles

1) Article 66 of the Private School Act, amended by Act No. 16310 on April 16, 2019, stipulates that the Disciplinary Committee for Teachers of Private Schools shall make disciplinary decisions in accordance with the disciplinary standards and the reduction standards of disciplinary action prescribed by the Presidential Decree, Article 25-2 (1) of the Enforcement Decree of the Private School Act amended by Presidential Decree No. 30108 on October 8, 2019. Article 2 (1) of the "Disciplinary Rules for Private School Teachers" enacted on October 17, 2019, stipulates that the "Rules on Disciplinary Enforcement of Education Public Officials" (attached) shall apply mutatis mutandis to the disciplinary standards for private school teachers. However, Article 2 of the Addendum of the Private School Act stipulates that the revised provisions of Article 66 apply from the first time the appointment authority requests a disciplinary resolution from the teacher disciplinary committee after the enforcement of the revised law (October 17, 2019), so the disciplinary standards set forth in the "Rules on Disciplinary Enforcement of Education Public Officials" do not apply to dismissal in this case.

2) However, in principle, the disciplinary action against private school teachers is left to the discretion of the disciplinary authority, so it will be illegal only if the disciplinary action

has significantly lost its validity. In accordance with specific cases, it should be objectively and clearly recognized as unfair, taking into account the characteristics of the behavior, the content and nature of the misconduct that caused the disciplinary action, and the purpose of reaching the disciplinary action and the accompanying circumstances (refer to the Supreme Court's sentence 99du2611 of August 20, 1999). Therefore, it is sufficient to take into account the rules of this case or at least consider equity with disciplinary action against educational officials in determining whether the disciplinary action is appropriate by the private school Teacher Disciplinary Committee and the Teacher Appeal Review Committee. If the private school Teacher Disciplinary Committee does not directly apply the case rule in the disciplinary resolution, but takes it into account as one of the judgment data, the disciplinary action does not immediately constitute a deviation or abuse of discretion just because the case rule is not applied or applied *mutatis mutandis*.

3) According to the disciplinary standards of Article 2 (1) [asterisk] of this case, disciplinary action for violation of the duty to maintain dignity due to sexual harassment is stipulated as "disposal or dismissal" if the degree of injustice is severe and gross negligence, or if the degree of misconduct is weak and intentional. Regarding violations of the duty to maintain dignity due to sexual violence, it is stipulated that disciplinary action for "if the degree of injustice is weak and intentional" is "disposal" and disciplinary action for "if the degree of injustice is weak and gross negligence" is "disposal or dismissed."

## B. Judgment

Considering the reasons for the judgment of the Lower Court and the following circumstances found by the records, it is difficult to say that the dismissal of this case significantly lost its validity in social wisdom and abused discretion in disciplinary administration.

1) The plaintiff is a university professor and is in a position that requires a high sense

of professional ethics.

2) The plaintiff's remarks against women and sexual harassment, which were recognized as grounds for disciplinary action, were committed in front of a large number of students while the plaintiff was giving a lecture in the classroom over a long period of time, and not only were the remarks not related to the contents of the lecture, but rather included sexual intentions or reminiscent of sexual scenes. The forced harassment was also carried out in public places such as classrooms and corridors, and the hand that stroked the victim's head went down to the waist (Act ①), even though the victim clearly expressed her dislike, he forcibly grabbed the victim's hand and kissed the plaintiff's own hand, demanded the same action from the victim, and then effectively forced the above action by staring at the victim and not proceeding with the class when the victim did not kiss him (Act ②). By making sexual harassment remarks ① and forced harassment ① and ② against a specific female student, the victim felt sexual shame and insult. In light of the period, process, and content of the above misconduct, it can not be said that the degree of misconduct of the plaintiff is by no means light.

3) Although the students who took the plaintiff's class have continuously raised objections to women's disparaging remarks, sexual harassment, personal attacks, and physical contact through lecture evaluation, the plaintiff repeated the above misconduct.

4) When the plaintiff, who has tarnished his trust as a teacher, returns to his job, it is difficult to conclude that the students who will face this at the educational site will not have any difficulty in enjoying the basic right to receive education of the people as stipulated in Article 31, paragraph 1 of the Constitution.

5) The defendant's assistant participant established Samyuk University based on religious educational ideology, and Article 29 (1) 4 of the Enforcement Regulations of

Samyuk University's Teacher Personnel Regulations stipulates that "when the spirit of establishment of this university and the provisions of the affiliated institution are violated intentionally or with gross negligence." The above is included as one of the grounds for disciplinary action against the plaintiff.

6) Even if the disciplinary standards of Article 2 (1) [asterisk] of the Rules of this case are taken into account, the plaintiff's sexual harassment can be evaluated as having a severe degree of misconduct even if it is intentional or even gross negligence, and as long as forced harassment is an intentional act and disciplinary action for dismissal is possible, the dismissal of this case cannot be considered harsher than disciplinary action against educational officials.

C. Nevertheless, the Lower Court judged that there was an offense of deviating or abusing discretionary power in dismissal of this case only under the same circumstances as the judgment, and that the defendant's decision to appeal was illegal. In this judgment of the Lower Court, there is an offense that influenced the judgment by misunderstanding the law on the deviation and abuse of discretionary power in disciplinary measures against private school teachers. There is a reason for the argument for the ground for appeal to point out this point.

### 3. Conclusion

Therefore, the judgment of the Lower Court is reversed, and the case is remanded to the Higher Court for retrial and judgment, and the judgment is made as per Disposition with the consensus of the participating judges.

Supreme Court of Justice Chun Daeyeop (Judge), Cho Jaeyeon and Min Yoosook (Judge),  
Lee Dongwon

### **Fifth case**

Seoul High Court Judgment of Sentence 92gu27432 on April 8, 1994

[Cancellation of disciplinary action and of redemption retrial decision] [Collection of

precedents]

**[Preamble]**

[Plaintiff] Plaintiff (legal representative attorney Yoon Ilyoung)

[Defendant] Ministry of Education, Teachers Disciplinary Review Committee

[Intervenor of the defendant's assistance] School corporation Methodist X (the defendant and the defendant's assistant intervenor attorney Yoon Jonghyun and one other person)

**[Request]**

The defendant's decision on retrial regarding the 92-68 request for retrial of dismissal between the plaintiff and the defendant's assistant intervenor on September 4, 1992, is revoked.

Of the costs of litigation, the portion of the litigation due to auxiliary intervention is borne by the defendant's assistant intervenor, and the remaining portion is borne by the defendant.

**[Purpose and claim of the appeal]**

Same as request.

**[Reason]**

1. Details of the decision to retrial

At the time of March 1, 1990, the plaintiff was appointed as an assistant professor of X University (promoted to X University as of March 1, 1993) and was reappointed and served on March 1, 1991. The plaintiff was referred to the X University Teachers' Disciplinary Committee on March 10, 1992, for reasons such as the fact that he was involved in the 1991 Y University entrance examination fraud case and damaged his dignity as a teacher. According to the decision, the plaintiff filed a request for a retrial to the defendant pursuant to Article 9 of the Special Act on the Improvement of Teacher Status on July 7, 1992, but the defendant dismissed the plaintiff's request for retrial on September 4, 1992. It was recognized by no dispute between the parties or by the descriptions of A's 1 and 2 case, B's, F's, and I's cases.

A. Legitimacy of the retrial decision

The plaintiff's dismissal, in this case, is flawed in the procedure because the composition of the above Teacher Disciplinary Committee, which voted to discipline the plaintiff, violates the provisions of Article 60 (3) of the former Articles of Incorporation (before amended as of May 23, 1992, hereinafter referred to as the former Articles of Incorporation) of the defendant Assistant Intervenor. Second, the above Teacher Disciplinary Committee's disciplinary decision and voting method are illegal, and third, the above dismissal of the plaintiff is an abuse of disciplinary rights, such as being too heavy in light of the reasons for the disciplinary action. The above dismissal will eventually have to be canceled because it is unfair, so we first look at the plaintiff's first argument.

The fact that the plaintiff was referred to the above Teacher Disciplinary Committee on March 10, 1992, and was dismissed on June 8, 1992, is the same as we saw earlier. To sum up the entire purpose of the pleading in each of C, D, E, L, N and P's statements, paragraph 2 of the Supplementary Provisions (amended on May 23, 1992 and enforced on the same day) stipulates that "the case pending in the Teachers' Disciplinary Committee at the time of enforcement of this Articles of Incorporation shall be governed by the previous regulations," and Article 60 (3) of the former Articles of Incorporation (before amended on May 23, 1999) of the Intervenor to the defendant's Association shall manage disciplinary matters against graduate schools (excluding principals). However, the member shall be appointed by the head of the university from among the university members under the supervision of the Disciplinary Committee of the university. The above teacher disciplinary committee, which decided on disciplinary action against the plaintiff, consisted of nine members, including board members A, B, C, D, and 4 directors of the defendant's assistant participant, 5 students, 6 teachers, 7 secretaries, 8 planning directors, and 5 heads of the relevant departments of the disciplinary subject teachers. Unlike Article 60 (3) of the former Articles of Incorporation, which stipulates that the above teacher disciplinary committee consists only of teachers at the

university, it includes the director of the defendant assistant participant, therefore there is a defect in the composition.

However, the defendant's assistant participant argues that the provisions of Article 60 (3) of the above Articles of Incorporation are invalid against Article 62 (2) of the revised Private School Act on April 7, 1990, so the above Teacher Disciplinary Committee formed in accordance with the provisions of the above revised Private School Act argues that there is no defect in the composition. If the articles of association of the defendant's assistant participant violate the provisions of the revised Private School Act, it will be deemed invalid, but unless it violates the provisions of the revised Private School Act, it will remain in effect until it is changed and approved by a prescribed procedure, so whether the defendant's assistant participant violates Article 62 (2) of the revised Private School Act shall be examined.

Article 62 of the former Private School Act (before amended by Act No. 4226 on April 7, 1990) and Article 24-2 (4) of the Enforcement Decree of the same Act (before amended by Act No. 13057 on July 19, 1990) stipulated that the members of the University Teachers' Disciplinary Committee in charge of disciplinary action against teachers of university educational institutions were appointed by the head of the school from among the school teachers. In line with this, the former articles of association of the defendant's assistant participant were also stipulated to the same effect on the composition of the Teacher Disciplinary Committee. As previously seen, Article 62 (2) of the Private School Act, which was amended and promulgated by Act No. 4226 on April 7, 1990, said, "The Teacher Disciplinary Committee shall consist of not less than 5 but not more than 9 members, The members shall be appointed by the school corporation from among the teachers of the school or the directors of the school corporation. The matters concerning the appointment and qualification of members of the Teachers' Disciplinary Committee were changed by stipulating that the number of members who are directors of the relevant school corporation

shall not exceed 1/2 of the members. The provisions of Article 60 (3) of the former Articles of Incorporation of the defendant Assistant Intervenor shall be deemed invalid in violation of Article 62 (2) of the revised Private School Act, Regarding the qualifications of the disciplinary committee members, Article 62 (2) of the Private School Act above stipulates that the members of the Teachers' Disciplinary Committee are appointed from among the directors of the school corporation and the teachers of the university. There is a restriction that the number of members who are directors of the school corporation cannot exceed 1/2 of the members, but it does not necessarily stipulate that the directors of the school corporation are appointed as members, so it is interpreted that all members can be selected among teachers. In the end, Article 60 (3) of the former Articles of Incorporation of the defendant Assistant Intervenor, which defined the qualifications of the Teacher Disciplinary Committee as teachers of the school, can not be said to be invalid because it violates Article 62 (2) of the revised Private School Act.

Therefore, the above Teacher Disciplinary Committee, which decided to discipline the plaintiff in this case, is said to have a defect in its composition, including the director of the defendant's assistant participant, contrary to the provisions of Article 60 (3) of the above Article of Incorporation (before the disciplinary resolution on May 23, 1992, Article 60 (3) of the above Articles of Incorporation was amended in accordance with Article 62 (2) of the revised Private School Act), but the case pending at the Teachers' Disciplinary Committee at the time of the amendment is subject to the previous regulations; since the plaintiff was referred to the Teachers' Disciplinary Committee on March 10, 1992, the provisions of the above articles of association should eventually be applied to disciplinary action against the plaintiff). On the contrary, the defendant's argument that there is no defect in the composition of the above teachers' disciplinary committee formed in accordance with the provisions of the revised Private School Act by the board of directors with voting rights to amend the articles of

association is not acceptable unless the articles of association are actually changed.

### 3. Conclusion

If so, the defendant's dismissal of the plaintiff in this case will have to be canceled without further judgment on the plaintiff's remaining claims due to defects in the disciplinary procedure. However, the defendant's decision to re-examine this case is deemed illegal, and the plaintiff's request for revocation of the decision to re-examine this case is decided as per disposition.

Judges Kim Ohseop (Judge), Kim Yongho and Oh Cheolseok

## **Sixth case**

Supreme Court Judgment of Sentence 89nu2219 on February 25, 1992

[Cancellation of expulsion disposition] [gong April 15, 1992 (918), 1176]

### **[Matter of judgment]**

In the case where the expulsion of an executive of the student council in the third grade in connection with the so-called intrusion and destruction of the president's office of Seoul National University is regarded as an abuse of disciplinary authority in light of the content and degree of misconduct involved.

### **[Summary of the judgment]**

In light of the extent to which the expulsion of senior student council officials in the third grade is deemed to have been involved in the so-called intrusion into the president's office of Seoul National University and destruction of objects caused by the student council's demand for support for rural volunteer activities. A case in which the disciplinary authority was abused because it was too harsh from an educational point of view.

### **[Sentences of reference]**

Article 77 of the Enforcement Decree of the Education Act and Article 27 of the

Administrative Procedure Act

**[Previous references]**

Supreme Court judgment of sentence 89nu2216 on February 25, 1992 (dongji)

**[Preamble]**

[Plaintiff, Appellant] Plaintiff

[Defendant, Appeal] President of Seoul National University's School of Natural Sciences  
(Kim Sungki, a lawyer in charge of Dongyang General Law Firm, and 4 others)

[Court Judgment] Seoul High Court judgment of sentence 88gu9086 on March 22, 1989

**[Request]**

The appeal is dismissed.

The cost of final appeal shall be borne by the defendant.

**[Reason]**

We look at the grounds for appeal.

(1) The student council of Seoul National University plans to leave the summer rural community service on June 25, 1988. From 10 days before that, the school authorities asked the university to provide KRW 5,000,000 and 50 buses for rural volunteer activities, autonomous activities of students. When the expenses were rejected on the grounds that it was impossible to spend them in the school budget, about 60 students, including the president of the student council, Nonparty 1, and general students gathered on the front porch of the first floor of the Seoul National University headquarters from around 16:20 to 17:20, shouting slogans such as "support farming." The next day, around 16:00, some of the 100 students, including the Nonparty 1 and general students, built a dining table on the first floor of the university headquarters after learning that the school authorities blocked the road to the 2nd and 3rd floors of the university headquarters and held a dean' meeting in the dean's room on the 4th floor due to support for students' rural volunteer activities. Nonparty 1 went to the

second floor and broke the door from the first floor to the second floor with a hammer, built a dining table on the veranda of the post office of the headquarters building, and went to the student office on the third floor through the railing. Then, the school opened the door to the second and third floors. The rest of the students who remained on the first floor of the university headquarters came through the door and asked the dean's office on the fourth floor to provide support for rural service expenses, waiting for the results of the dean's meeting. After failing to reach a conclusion at the dean's meeting, they entered the first meeting room on the third floor from around 23:00 that day and stayed up all night shouting slogans such as "support farming." The next day, on the 24th at 13:50, more than 150 students, including Nonparty 1, moved to Acropolis Square and destroyed the headquarters when the demands of the student council were not met. After deciding to participate in the performance event, around 15:00, they broke the door of the student affairs office on the fourth floor of the university headquarters building with five pieces of wood, iron pipes, two hammers, and a pickaxe, and threw objects such as desks, chairs, and reception sets out of the window. Around 15:20, the locked iron entrance door of the president's office was broken with a hammer, and they threw smashed chairs, tables, desks, and other objects in the office out of the window, and verbally abused university professors and faculty members who stopped them. In this situation, professors of the above university held a meeting around 16:30 on the same day to discuss the measures and decided to preserve the scene of the above incident for students to reflect on themselves. Accordingly, the head of the university's student affairs department instructed the school staff to preserve the scene of the incident, and the students who participated in the incident reported the situation loudly in newspapers and broadcasts and piled up objects thrown from the student affairs department and the president's office in front of the university headquarters. As public opinion deteriorated after the scene of shouting was reported, about 30 students moved damaged objects piled in front of the university

headquarters to the student hall at around 18:35 on the next day, despite the restraints of the school faculty. Not only did they play a leading role in the decision-making process by conspiring with other student council executives in advance of the above series of events, but they also directly participated in the raid on the university headquarters on June 23 and 25, 1988, despite the restriction of the faculty. They moved objects thrown from the office of the student director and president without permission to the student center and concealed the site, thereby violating Article 78 of the above university's school regulations. As a result of the deliberation by the faculty meeting on June 29 of the same year, Nonparty 1 was expelled with the approval of the president of Seoul National University.

(2) In response to this, the Lower Court attended through the door opened by the school when the plaintiff was at Seoul National University from June 22 to 24, 1988. Starting at around 20:00 on June 23, 1988, the executives of the student council asked the deans to support rural volunteer activities. It is acknowledged that he/she returned home around 01:30 the next day after participating in a sit-in by students, such as going to the conference room around 23:00 that day and singing, but the macro evidence alone is insufficient to assume that the plaintiff played a leading role in the decision-making process of the student council on the series of situations previously seen, and there is no evidence that the plaintiff directly participated in the June 22 or June 24 incident or the destruction of objects, etc. with the students, when they entered the university headquarters. The plaintiff, along with about 30 students from the 2nd class on 25th of the same month, moved the artifacts piled in front of the university headquarters to the student center despite the restriction of the school faculty, but according to the macro evidence, the resolution of the faculty meeting to preserve the scene of the incident was only verbally communicated to the student affairs staff and guards. The students were not well aware of the resolution because they did not inform the students, and the scene of the case had already been reported in newspapers or broadcasts, and the

plaintiff's transfer of objects was not intended to conceal the case. It is only recognized that it was not good to leave the broken furniture in front of the university headquarters in consideration of bad public opinion, and according to macro evidence, 11 people, including the plaintiff, were expelled from five colleges, including the College of Social Sciences at the same university, and 9 people were indefinitely suspended from four colleges, including the College of Social Sciences, and among the students who were suspended indefinitely, it is recognized that there were executives of the student council who directly participated in the actions of the president's actual damage on June 24, 1988. Therefore, it is too harsh from an educational point of view to choose the most severe disciplinary action against the plaintiff, who participated only in the sit-in on June 23, 1988, and only moved the objects on June 25, the same month, conscious of bad public opinion. Compared to the disciplinary measures received by other students, the defendant ruled that there was an offense of abusing the discretion entrusted to him/her.

(3) According to the records, the Higher Court recognition and judgment are accepted as they are, and there is no violation of the law of violation of logic, experience, and other rules of evidence, or misunderstanding of the law on lack of hearing, and abuse of discretion. In the opposite view, the final argument attacking the judgment of the lower court is unacceptable, and the party's precedent held by the argument is not appropriate for this case.

(4) Therefore, the final appeal is dismissed, and the cost of the final appeal is borne by the loser, and the judgment is made as per disposition by the assent of all participating judges.

Supreme Court of Justice Lee Jaesung (Judge), Lee Hoichang, Bae Manhoon, Kim Seoksoo

## **Seventh case**

Supreme Court Judgment on Sentence 2022doo55958 on January 12, 2023

[Cancellation of the appointment of directors] [gong2023,443]

**[Matter of judgment]**

[1] Whether the number of candidates to be recommended to the current and former directors' council should be less than the total number of candidates of the current and former directors' council, and if there are members of the council who have caused serious obstacles to the operation of the school corporation (affirmative).

[2] Whether the Private School Dispute Mediation Committee intends to deliberate on the appointment of a formal director of a school corporation, the purpose of Article 9-6, Paragraph 4, Item 1 of the Enforcement Decree of the former Private School Act, which requires the former and current board of directors to hear opinions on candidates, and whether the Private School Dispute Mediation Committee has the discretion to determine the procedures and methods for submitting and listening to specific opinions on candidates for directors (affirmative).

**[Summary of the judgment]**

[1] Article 25-3 (1) of the former Private School Act (before amended by Act No. 17659 on December 22, 2020) stipulates that the competent authority appoints a director (hereinafter referred to as "formal director in preparation for temporary director") after deliberation by the Private Academic Dispute Mediation Committee, when it is deemed that the reason for the appointment of an interim director has been resolved for the school corporation to which the temporary director has been appointed. According to Article 9-6 (4) 1 and (5) 1 (d) of the Enforcement Decree of the former Private School Act (before amended by Presidential Decree No. 31049 on September 25, 2020), when the Private School Dispute Mediation Committee intends to deliberate on the appointment of a formal director, it shall hear the opinions on the recommendation of candidates for formal directors from a consultative body composed of certain former and current formal directors of the relevant school corporation

(hereinafter referred to as the "Council of Former and Current Directors"). In such cases, specific procedures and methods for submitting and listening to opinions shall be determined by the Private Academic Dispute Mediation Committee. However, if members of the current and former directors' council are recognized as causing serious obstacles to the operation of the school establishment and management by the relevant school corporation, the number of candidates to be recommended to the current and former directors' council shall be less than a majority of the total number of candidates. [2] If the Private School Dispute Mediation Committee intends to deliberate on the appointment of a formal director of a school corporation, it shall hear the opinions of candidates from a consultative body consisting of certain former and current formal directors of the school corporation (hereinafter referred to as the "Council of Former and Current Directors") [Article 9-6, Paragraph 4, No. 1 of the Enforcement Decree of the former Private School Act (before amended by Presidential Decree No. 31049 on September 25, 2020)]. The purpose of this is to guarantee the right of former formal directors to submit opinions collected through the above organization to the Private School Dispute Mediation Committee, that can be considered to have succeeded in the purpose of establishing the school corporation. However, the Private School Dispute Mediation Committee has the discretion to determine the procedures and methods for submitting and listening to specific opinions on candidates for directors as the subject of deliberation for the normalization of school corporations (Article 9-6, Paragraphs 4 and 5 of the Enforcement Decree above), and to a reasonable extent.

**[Sentences of reference]**

[1] Article 25-3 (1) of the former Private School Act (before amended by Act No. 17659 on December 22, 2020) and Article 9-6 (4) 1 and (5) (D) of the Enforcement Decree of the former Private School Act (before amended by Presidential Decree No. 31049 on September 25, 2020) [2] Article 25-3 (1) of the former Private School Act (before amended by Act No.

17659 on December 22, 2020), Article 9-6 (4) and (5) of the Enforcement Decree of the former Private School Act (before amended by Presidential Decree No. 31049 on September 25, 2020), and Article 27 of the Administrative Procedure Act

**[Preamble]**

[Plaintiff, Appellant] One Plaintiff and one other person (Lawyers Lee Incheol and one other person)

[Defendant, Appeal] Ministry of Education (Bae Jinjae, a lawyer in charge of the Government Legal Aid Corporation, and one other person)

[Intervenor of the defendant's assistance] School Corporation of school X (Lawyer Kang Jihoon and six others in charge of D.L.S. Law Firm, who are legal representatives)

[Participatory administrative agency] Private School Dispute Mediation Committee

[Court Judgment] Seoul High Court judgment of sentence 2021nu43301 on August 17, 2022

**[Request]**

All appeals are dismissed. The costs of appeal are borne by the plaintiffs, including the portion of each participation.

**[Reason]**

The grounds for appeal are judged.

1. Whether it is illegal in relation to the recommendation of a majority of director candidates (partial reason for the first appeal and reason for the second appeal)

Article 25-3 (1) of the former Private School Act (before amended by Act No. 17659 on December 22, 2020) stipulates that the competent authority appoints a director (hereinafter referred to as "formal director in preparation for temporary director") after deliberation by the Private Academic Dispute Mediation Committee when it is deemed that the reason for the appointment of an interim director has been resolved for the school corporation to which the temporary director has been appointed. According to Article 9-6 (4) 1 and (5) 1 (d) of the

Enforcement Decree of the former Private School Act (before amended by Presidential Decree No. 31049 on September 25, 2020), when the Private School Dispute Mediation Committee intends to deliberate on the appointment of a formal director, it shall hear the opinions on the recommendation of candidates for formal directors from a consultative body composed of certain former and current formal directors of the relevant school corporation (hereinafter referred to as the "Council of Former and Current Directors"). In such cases, the procedures and methods for submitting and listening to opinions shall be determined by the Private Academic Dispute Mediation Committee. When a person is recognized by the Private Academic Dispute Mediation Committee as causing a serious obstacle to the operation of a school establishment and management by the relevant school corporation, the number of candidates to be recommended to the current and former board of directors shall be less than the majority of the total number of candidates.

In this case, the Participating Administrative Agency required the former and current board members to submit a recommendation opinion for candidates, which number should be less than half of the total number of full-time board candidates, on the grounds that they included members of the current and former board members who were deemed to have caused significant difficulties in the operations of the school.

In light of the relevant laws and records, we can accept the Lower Court's judgment that the actions of the participating administrative agency above did not violate or abuse discretionary power. There is no mistake in misunderstanding important facts, such as the reasons for appeal, or misunderstanding the legal principles of the responsibility for proof.

2. Whether it is illegal to recommend life-sustaining candidates for directors (remaining part of the reason for the second appeal)

As previously seen, if the participating administrative agency intends to deliberate on the appointment of a formal director of a school corporation, it shall hear the recommendation

of candidates from the current and former directors' council (Article 9-6, Paragraph 4, No. 1 of the Enforcement Decree above). The purpose of this is to guarantee the right of former formal directors to submit opinions, collected through the above organization to the participating administrative agency, that can be considered to have succeeded in the purpose of establishing a school corporation. However, as the subject of deliberation for the normalization of the school corporation, the participating administrative agency can determine the procedures and methods for submitting and listening to specific opinions on candidates for directors (Article 9-6, Paragraphs 4 and 5 of the Enforcement Decree above), so it has the discretion to determine the procedures and methods within a reasonable range.

According to the reason for the judgment of the Lower Court, the defendant's assistant participant is a school corporation that operates (the name of the university is omitted), and after allegations were raised that the Nonparty, who was the president, committed corruption, the members of the board of directors were divided into those who opposed the president and those who did not, which caused the school operation to be one of the reasons for the prolonged temporary director system. In such a pattern of disputes, if the current and former board of directors' consultative bodies are required to submit opinions on the recommendation of candidates for formal directors by a majority vote, and this leads to the appointment of formal directors, the minority of the current and former board of directors' consultative bodies can not enjoy the opportunity to submit opinions on the recommendation of candidates for formal directors, which is difficult to regard as a fair dispute resolution.

Therefore, in this case, the participating administrative agency can accept the rationality of the measures that require the current and former directors' consultative body to recommend candidates for formal directors through the life-sustaining of members. Furthermore, it is difficult to say that the participating administrative agency unfairly restricted the opportunity for former full-time directors to submit recommendation opinions

for candidates, as the current and former directors' consultative body failed to submit recommendation opinions for candidates.

In the end, the conclusion of the Lower Court that rejected the plaintiffs' claims in this part is justified, and there is no mistake in misunderstanding the legal principles on the right to recommend the current and former directors' council, such as the grounds for appeal.

3. Whether the assignment of the number of recommended candidates is illegal (reason for 3rd appeal)

Prior to the deliberation on the appointment of formal directors, the participating administrative agency required a certain number of candidate recommendations to the school members, jurisdiction offices, and open director recommendation committees, as well as former and current formal directors. In light of the relevant legal principles and records, we can accept the Lower Court's judgment that there was no violation of the relevant laws or regulations or abuse of discretion, and there is no violation of the law, such as the reason for appeal, regarding the right to recommend candidates for formal directors.

4. Whether the request for reconsideration is illegal (fourth grounds for appeal)

Plaintiffs argued that the deliberation of the participating administrative agency was illegal, as in the reasons for the first to third appeals, and even though the competent authority applied to the participating administrative agency to request reconsideration, the competent authority refused to do so, and the Lower Court rejected it.

Not only is there no violation of the plaintiffs' claims in the deliberation of the participating administrative agency, but even if there is an illegality, the deliberation of the participating administrative agency is only an internal decision-making body. As long as the competent authority has already recognized that the deliberation of the participating administrative agency is legitimate, the plaintiffs may dispute the appointment of a formal director due to the same reasons as the claim. The fact that the competent authority does not

request a reconsideration of the participating administrative agency itself is not a reason for the violation of the disposition of the official director in this case. The judgment of the Lower Court that rejected the plaintiffs' claims in this part is justified, and there is no mistake in misunderstanding the legal principles, etc. regarding the right to apply for reconsideration, such as the grounds for appeal.

#### 5. Conclusion

Therefore, all appeals are dismissed, and the cost of appeal is borne by the losers, and the judgment is made as per disposition with the consensus of the participating judges.

Supreme Court of Justice Ahn Cheolsang (Judge), Roh Junghee, Lee Heun-gu (Judge), Oh Seokjun

## Conclusions

What Korean education fever is, how it started, how it evolved, and its effects on education and the economy have all been covered in this paper. Since education is the only way to improve social standing in modern Korean society, we might characterize education fever as the fervor of parents and kids for learning. The importance of education was recognized by the Korean people as early as ancient times; both state and private institutions prepared the higher classes for ruling positions. The idea of democratic and modern education, the extension of education to women and all socioeconomic strata, and the founding of contemporary universities were all brought to Korea by missionaries in the late nineteenth century. However, the Japanese government's policies of excluding Koreans from education, particularly postsecondary education, prevented the development of missionary-introduced education during the Japanese colonial era. Nevertheless, it was during this time that a powerful wave of education fever emerged, and it persisted throughout the years that followed. The education system was reinstated in Korea following the conclusion of World War II and the start of the U.S. provisional government's rule. The 6-3-3-4 educational system, which consists of six years of elementary school, three years of junior high school, three years of senior high school, and four years of university, with the first 6 years of compulsory education, was adopted during those years. Since 1949, the educational system has been a top priority for all governments, starting with the first republic and continuing through the succeeding ones. So much so that legislative recommendations pertaining to the school system were made even during the Korean War.

One can comprehend the development, changes, and numerous regulations and reforms that have been put in place to make the Korean Peninsula's educational system what it is now by researching its history from antiquity to the present. "How were universities born and who founded them?" was the first question posed. It has been studied that there were

three ways in which universities were founded: first, by American missionaries who came to Korea at the end of the nineteenth century; second, by the Korean government, which also had a history of colonization by Japan; and third, by private individuals. These three organizations were driven to establish colleges for a variety of reasons. First and foremost, one of the primary drivers behind the establishment of universities was the public's great desire to seek higher education. The missionaries' latter goal was to promote Western knowledge and their own religious views, while the Japanese colonial authorities needed to instill Japanese ideas in the ruling class. Instead, the Korean government established state universities in response to popular demands, and private citizens stepped in when the government was unable to meet those demands.

The following queries were posed in relation to private universities: "why does the government not invest in universities and why are the majority of Korean universities private?" Citizens made significant financial investments in education during the Rhee Syngman administration, and their contributions accounted for a sizable portion of the funding allocated for the advancement of higher education. Because of this, the government did not view funding for tertiary education—which was already expanding quickly—as a top priority. Thus, in order to create universities, the government turned to *chaedan*, which are tax-exempt business entities. Over time, the number of private universities overtook the number of public ones due to the increased interest of private persons in starting institutions. Furthermore, the government did not fund private universities for a purpose. When it came to secondary education institutions like middle and high schools, the government controlled both public spending and student tuition. In regard to higher education institutions, the administration put into practice the dual idea of assigning financial responsibility to both the students and the schools. The basic tenet of higher education was that each university's operating expenses would be covered by tuition. The government provided national

universities with additional funding to fill any possible shortfalls while letting private colleges pay for themselves. The concept of financial burden originally appeared in the 1949 education law, which declared that the government would pay half of the salaries of secondary school instructors and the whole salaries of elementary school teachers.

The subject of who is in charge at universities was also raised. There were 424 public and private universities in 2024, as we could see. Both kinds are governed by laws passed by the government and are controlled by the central government. Public and private universities have the same internal administrative organization. At the top are the president, the board of trustees, the senate, and the university council. Additionally, the administrative offices are run by the provost and executive vice presidents, who are followed by the colleges, graduate schools, auxiliary organizations, foundations, and research institutes. The president is the most powerful person in the university's administrative structure, but the board of trustees is also very important because it makes decisions on a wide range of topics. By examining this administrative structure, we can also address the question of who makes up the board of trustees. Members come from a variety of backgrounds, including scholars, politicians, businesspeople, and religious leaders. The way the universities were established is the reason for this. It will be able to locate pastors in universities established by missionaries, businessman in private universities, ministers in public ones, and so forth.

Universities are also set up at the student level, as we have seen. Undergraduate student associations, graduate student associations, department councils, and student unions are the four different forms of student groups, and each has distinct responsibilities. In general, they are responsible for making university life enjoyable for students, representing them in front of the central administration, ensuring their welfare, advocating for their interests, and preparing them for the workforce after they graduate.

The first chapter's second section outlines the social context and makes an effort to critique the university admissions process and the rivalry it has created while examining the phenomenon's effects. We have examined the ways in which the education frenzy has accelerated the growth of all educational levels, including postsecondary education. The national economy has benefited from this occurrence, as evidenced by the fact that in 2018, 98.8% of adults across all socioeconomic classes were literate. Higher education has also helped people become more socially mobile, improve their social-political standing, succeed and prosper economically, and develop multiskilled professionals. But there are a lot of drawbacks to education fever. First, because more students are turning to private schools to improve their chances of getting into prestigious colleges, education fever has had a detrimental effect on the public education system. This led to an expansion of out-of-school tutoring and cram schools, an excessive educational expense, and the creation of inequality between social classes from a social and economic point of view. The economic burden of education has severely disadvantaged the lower classes unable to afford the same level of private education as higher classes. Secondly, with tertiary education becoming the sole means of achieving economic and social success, primary and secondary education has increasingly started focusing on preparing for university entrance examinations, applying intensive study methods based on memorization. Thirdly, the system of selective university admissions has led to an obsession with English, a great deal of competition among students, and a hierarchy among universities. Only graduates of the most prestigious universities have the opportunity to obtain better and higher-paying jobs, which in turn has created intense competition in the labor market. We discovered a decline in the employment rate of graduates, a decline in the birth rate, and an increase in the suicide rate, among other social factors associated with the phenomena of education fever. We also looked at the steps taken by the government to address all of these issues associated with the education zeal. In order to

encourage people to avoid depending on private education, initiatives have primarily been implemented to enhance public education. Additionally, the government has made educational materials, educational broadcasters, and state-run e-learning platforms easily accessible and affordable for everyone in order to reduce the costs associated with private education, provide equal opportunities to students from all socioeconomic backgrounds, and limit competition for university entrance exams.

In the second chapter seven court cases pertaining to colleges were covered. In two cases, students sued the university over issues pertaining to their entrance exam scores; in three cases, professors sued the universities where they worked after being fired for a variety of reasons; in one case, a student sued the university where he was enrolled after being expelled for taking part in student protests; and in the final case, the makeup of the board of trustees is being discussed. We have observed how the university uses the legal system to settle internal conflicts, which laws are used, who prevails in court, and why. The author aimed to provide insight into the overall university system and the process of resolving legal issues within academic institutions.

## Bibliography

- Anderson Thomas and Kohler Hans-Peter, "Education Fever and the East Asian Fertility Puzzle: A Case Study of Low Fertility in South Korea," *Asian Population Studies*, Vol.9, No.2 (2013): 196-215, DOI:10.1080/17441730.2013.797293.
- Beach J.M., "Children Dying Inside: A Critical Analysis of Education in South Korea," *Collin College*, (2011), DOI:10.13140/2.1.4563.3600.
- Bronwen Reed, "Wild Geese Families': Stress, Loneliness for South Korean Families Heading Overseas to Gain Edge in 'Brutal' Education System," *ABC News*, 2015.
- Chae Changkyun and Chung Jaeho, "Pre-Employment Vocational Education and Training in Korea," *The World Bank*, No. 921 (2009): 2-8.
- Choi Taehee, "English Fever: Educational Policies in Globalized Korea, 1981–2018," *History of Education*, Vol.52, No.4 (2023): 670-686, DOI:10.1080/0046760X.2020.1858192.
- Chun H. and Choi H, "Economics of English," *Samsung Economic Research Institute*, No. 578 (2006).
- Chung Hyunchae, "83% of Five-Year-Olds Receive Private Tutoring," *The Korea Times*, 2017.
- Dittrich Klaus and Neuhaus Dolf-Alexander, "Korea's 'Education Fever' from the Late Nineteenth to the Early Twenty-First Century," *History of Education*, Vol.52, No.4 (2023): 539-552, DOI:10.1080/0046760X.2022.2098391.
- Jeong Meeryang and Lee Woojin, "Korean Education, Educational Thought, Systems and Content," *The Academy of Korean Studies*, (2002): 76-105.
- Jones Randall S., "Education Reform in Korea," *Economics Department Working Papers*, No.1067 (2013): 1-51, DOI:10.1787/5k43nxs1t9vh-en.
- Jung Jisun, "Higher Education in Korea: Western influences, Asian Values and Indigenous Processes," *Journal of Asian Public Policy*, Vol.11, No.1 (2018): 1-13, DOI:10.1080/17516234.2017.1299898.
- Jung Jisun, "The Fourth Industrial Revolution, Knowledge Production and Higher Education in South Korea," *Journal of Higher Education Policy and Management*, Vol.42, No.2 (2020): 134-156, DOI:10.1080/1360080X.2019.1660047.
- Jung Meekyung, "The Effects of School Education and Job Training on Wages in South Korea," (2009): 1-54.
- Kim Choe Minja and Retherford Robert D., "The Contribution of Education to South Korea's Fertility Decline to "Lowest-Low" Level," *Asian Population Studies*, Vol.5, No.3 (2009): 267-288, DOI:10.1080/17441730903351503.

- Kim Gwangjo, "Secondary Education in Africa: Strategies for Renewal," *The World Bank*, (2002): 29-40.
- Kim Jeehee and Choi Taehee, "Failing Interventions to Harness English Fever Infiltrating Early Childhood Education in South Korea: Politics of Distraction," *Current Issues in Language Planning*, Vol.1, No.1 (2024): 1-21, DOI:10.1080/14664208.2024.2368371.
- Kim Jihu, Lee Jonggak, Lee Sookwang, "Understanding of Education Fever in Korea," *KEDI Journal of Educational Policy*, Vol.2, No.1 (2005): 7-15.
- Kim Shinbok, "Education and Economic Development in Korea," *The Korean Journal of Policy Studies*, Vol.11 (1996): 1-12.
- Kim Terry, "Higher Education Reforms in South Korea: Public-Private Problems in Internationalising and Incorporating Universities," *Policy Futures in Education*, Vol.6, No.5 (2008): 558-568.
- Koh Youngsun, Kim Seungkwon, Kim Changwhan, Lee Young, Kim Jooseop, Lee Sangyoung and Kim Youngcock, "The Korean Economy: Six Decades of Growth and Development," *Korea Development Institute*, (2010): 234-246.
- Kwon Suhkeong, Lee Moonbok and Shin Dongkwang, "Educational Assessment in the Republic of Korea: Lights and Shadows of High-Stake Exam-Based Education System," *Assessment in Education: Principles, Policy & Practice*, Vol.24, No.1 (2017): 60-77, DOI:10.1080/0969594X.2015.1074540.
- Lee Chongjae, "Korean Education Fever and Private Tutoring," *KEDI Journal of Educational Policy*, Vol.2, No.1 (2005): 99-107.
- Lee Chongjae, Lee Heesook and Jang Minhyo, "The History of Policy Responses to Shadow Education in South Korea: Implications for the Next Cycle of Policy Responses," *Asia Pacific Education Review*, Vol.11 (2010): 97-108, DOI 10.1007/s12564-009-9064-6.
- Lee Jeongkyu, "Education Fever and Happiness in Korean Higher Education," 2017.
- Lee Jeongkyu, "Educational Fever and South Korea Higher Education," *Revista Electronica de Investigacion Educativa (REDIE)*, Vol.8, No.1 (2006): 1-14.
- Lee Jonghwa, Han Jongsuk and Song Eunbi, "The Effects and Challenges of Vocational Training in Korea," *International Journal of Training Research*, Vol.17, No.S1 (2019): 96-111, DOI:10.1080/14480220.2019.1639272.
- Lee Soojeong, "Is Education Fever Treatable?: Case Studies of First-Year Korean Students in an American University," *KEDI Journal of Educational Policy*, Vol.5, No.2 (2008): 113-132.
- Lee Sungho, "The Emergence of the Modern University in Korea," *Higher Education*, Vol.18 (1989): 87-116.

- Lee Sunhwa and Brinton Mary C., "Elite Education and Social Capital: The Case of South Korea," *Sociology of Education*, Vol.69, No.3 (1996): 177-192.
- Lim Cheolil, Lee Jihyun, Choi Hyoseon, "Open and Distance Education in Asia, Africa and the Middle East: National Perspectives in a Digital Age," *Springer Open*, (2019): 86-105, DOI:10.1007/978-981-13-5787-9.
- Moon Mugyeong and Kim Kiseok, "A Case of Korean Higher Education Reform: The Brain Korea 21 Project," *Asia Pacific Education Review*, Vol.2, No.2 (2001): 96-105.
- Nakamura Takayasu, "Educational System and Parental Education Fever in Contemporary Japan: Comparison with the Case of South Korea," *KEDI Journal of Educational Policy*, Vol.2, No.1 (2005): 35-49.
- Oh Jyuwook, "English Fever Needs Cooling," *The Korea Herald*, 2013.
- O'Malley Sean, "Korea's Education Fever and Demographic Decline", *The Korea Times*, 2023.
- Park Chanho, "The College Scholastic Ability Test in Korea: Introduction and Related Issues," *KAERA Research Forum*, Vol.1, No.1 (2014): 36-46.
- Park Hwanbo, "A Study on the Horizontal Stratification of Higher Education in South Korea," *Asia Pacific Education*, Vol.16 (2015): 63–78, DOI:10.1007/s12564-015-9355-z.
- Park Jinkyu, "'English Fever' in South Korea: Its History and Symptoms," *English Today* 97, Vol.25, No.1 (2009): 50-57, DOI:10.1017/S026607840900008X.
- Park Jonghoon and Lee Seongwoo, "Effects of Private Education Fever on Tenure and Occupancy Choices in Seoul, South Korea," *Journal of Housing and the Built Environment*, Vol.36 (2021): 433–452, DOI:10.1007/s10901-020-09773-1.
- Seth Michael J., "Education Fever: Society, Politics, and the Pursuit of Schooling in South Korea," *University of Hawai'i Press*, (2002).
- Shin H., "Thirty Percent of Young Children Aged Under Six Receives Home-Visiting Tutoring and Ten Percent Goes to Private Institutions," *Yonhapnews*, (2014).
- Shin Jungcheol, "Classifying Higher Education Institutions in Korea: A Performance-Based Approach," *High Education*, Vol.57 (2009): 247–266, DOI:10.1007/s10734-008-9150-4.
- Shin Jungcheol, "Higher Education Development in Korea: Western University Ideas, Confucian Tradition, and Economic Development," *High Education*, Vol.64 (2012): 59–72, DOI:10.1007/s10734-011-9480-5.
- Sorensen Clark W., "Success and Education in South Korea," *Comparative Education Review*, Vol.28, No.1 (1994), DOI:0010-4086/94/3801-0002501.00.

Woo Hongjoo and Hodges Nancy N., “Education Fever: Exploring Private Education Consumption Motivations Among Korean Parents of Preschool Children,” *Family and Consumer Sciences Research Journal*, Vol.44, No.2 (2015): 127–142, DOI: 10.1111/fcsr.12131.

Yoo Jaebong and Yang Jeonga, “Some Reflections on Trends in Shadow Education in Korea,” *Word Conference on Research in Education* (2021): 78-92.

Yu Jiangran and Zhang Rui, “A Review of Shadow Education,” *Science Insights Education Frontiers*, Vol.11, No. 2 (2022): 1579-1593.

#### Internet Sources

Korea Statistical Information Service (KOSIS), Private Education Expenditures, Last Updated in March 2024, Accessed in December 2024, [https://kosis.kr/statHtml/statHtml.do?orgId=334&tblId=DT\\_1963003\\_010&vw\\_cd=MT\\_ETITLE&list\\_id=H1\\_2&scrId=&language=en&seqNo=&lang\\_mode=en&obj\\_var\\_id=&itm\\_id=&conn\\_path=MT\\_ETITLE&path=%252Feng%252FstatisticsList%252FstatisticsListIndex.do](https://kosis.kr/statHtml/statHtml.do?orgId=334&tblId=DT_1963003_010&vw_cd=MT_ETITLE&list_id=H1_2&scrId=&language=en&seqNo=&lang_mode=en&obj_var_id=&itm_id=&conn_path=MT_ETITLE&path=%252Feng%252FstatisticsList%252FstatisticsListIndex.do).

Korea Statistical Information Service (KOSIS), Statistics on Education, Last Updated in May 2024, Accessed in December 2024, [https://kosis.kr/statHtml/statHtml.do?orgId=334&tblId=DT\\_1963003\\_010&vw\\_cd=MT\\_ETITLE&list\\_id=H1\\_2&scrId=&language=en&seqNo=&lang\\_mode=en&obj\\_var\\_id=&itm\\_id=&conn\\_path=MT\\_ETITLE&path=%252Feng%252FstatisticsList%252FstatisticsListIndex.do](https://kosis.kr/statHtml/statHtml.do?orgId=334&tblId=DT_1963003_010&vw_cd=MT_ETITLE&list_id=H1_2&scrId=&language=en&seqNo=&lang_mode=en&obj_var_id=&itm_id=&conn_path=MT_ETITLE&path=%252Feng%252FstatisticsList%252FstatisticsListIndex.do).

Ministry of Education (MOE), Education Administration System, Published in 2023, Accessed in December 2024, <https://english.moe.go.kr/sub/infoRenewal.do?m=0308&page=0308&s=english>.

Ministry of Education (MOE), Statistics: Overview, Published in 2023, Accessed in December 2024, <https://english.moe.go.kr/sub/infoRenewal.do?m=050101&page=050101&s=english>.

Scimago Institutions Rankings, Accessed in December 2024, <https://www.scimagoir.com/rankings.php?sector=Higher+educ.&country=KOR>.

Statutes of the Republic of Korea, Special Act on the Remedy for University Faculty Members Whose Professorship is Lost by the Expiration of Appointment Term, Last Updated in February 2020, Accessed in December 2024, [https://elaw.klri.re.kr/kor\\_service/lawView.do?hseq=51909&lang=KOR](https://elaw.klri.re.kr/kor_service/lawView.do?hseq=51909&lang=KOR).

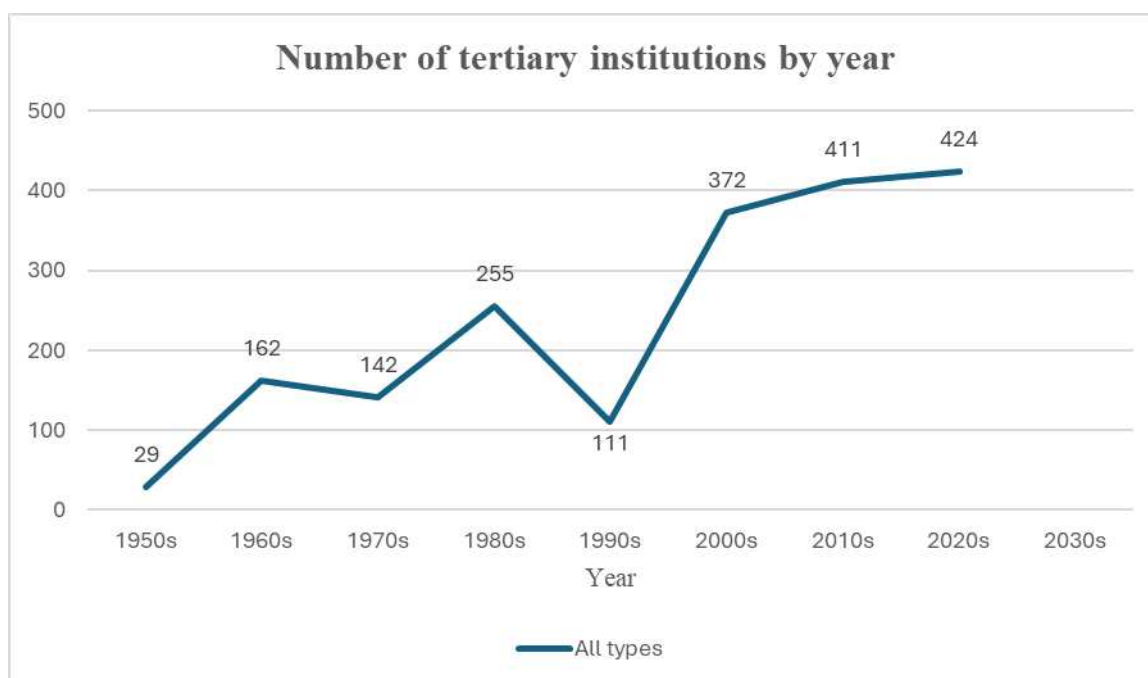
Statutes of the Republic of Korea, Ulsan National Institute of Science and Technology Act, Last Updated in August 2023, Accessed in December 2024, [https://elaw.klri.re.kr/eng\\_service/lawView.do?hseq=64184&lang=ENG](https://elaw.klri.re.kr/eng_service/lawView.do?hseq=64184&lang=ENG).

Supreme Court of Korea, Accessed in January 2025, <https://www.scourt.go.kr/supreme/supreme.jsp>.

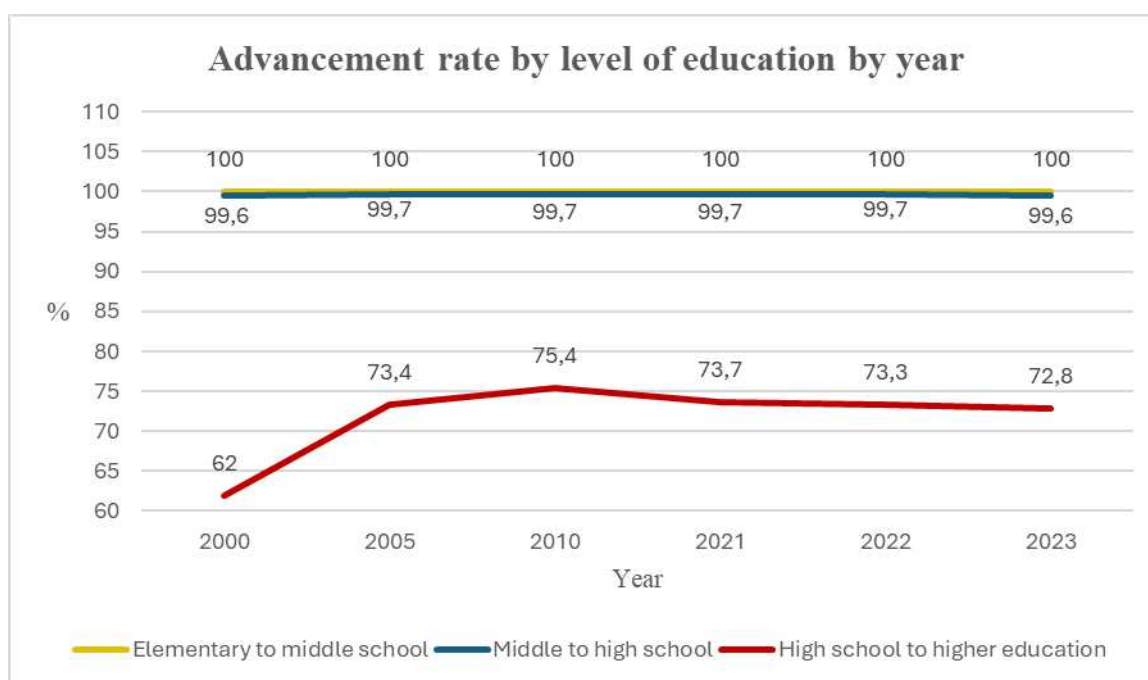
Yoon L., Private education in South Korea: Statistics & Facts, Last Updated in October 2024, Accessed in December 2024, <https://www.statista.com/topics/5915/private-education-in-south-korea/#topicOverview>.

## Appendix

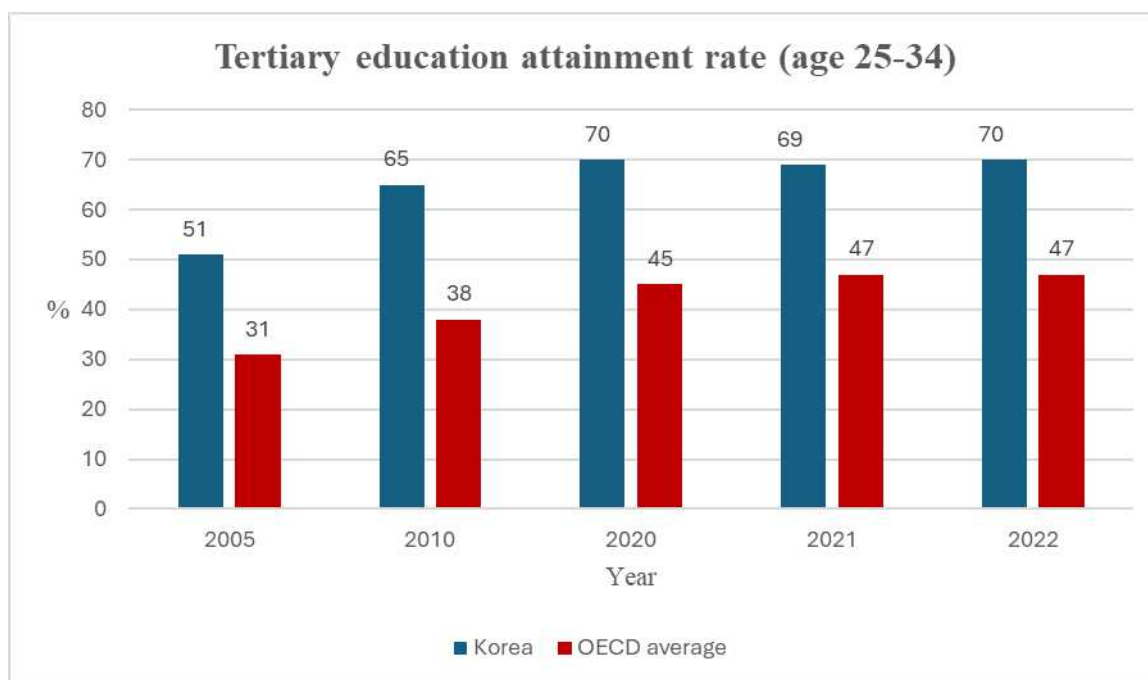
### Statistics



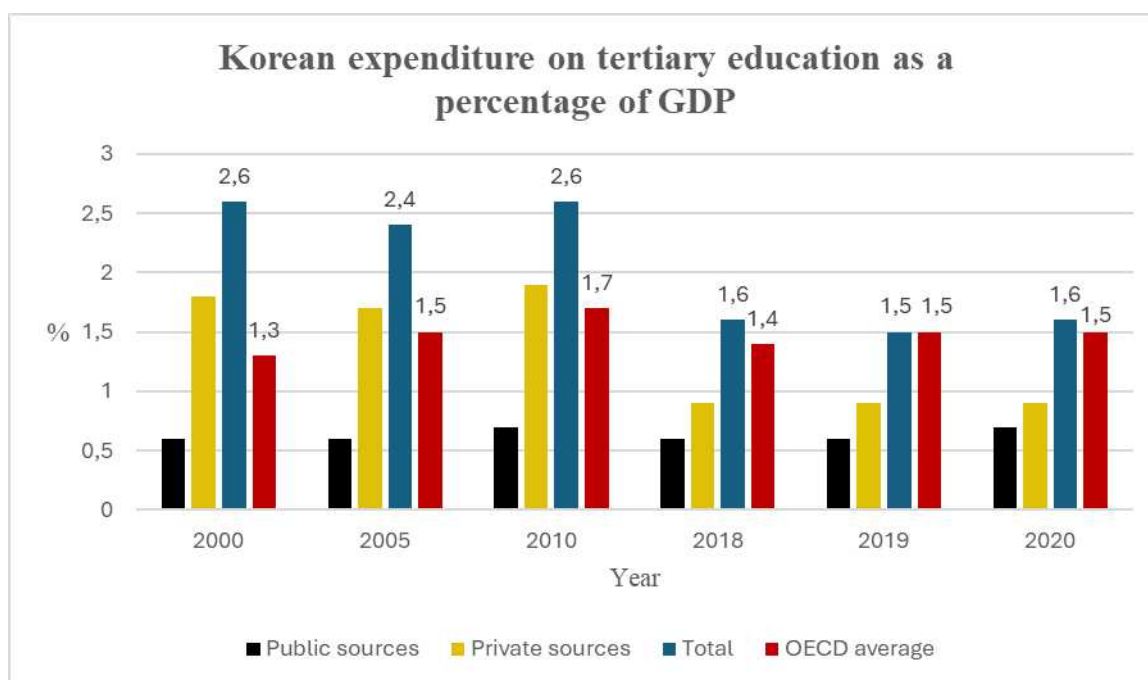
Graph 1 (Source: KEDI, MOE, US Department of State)



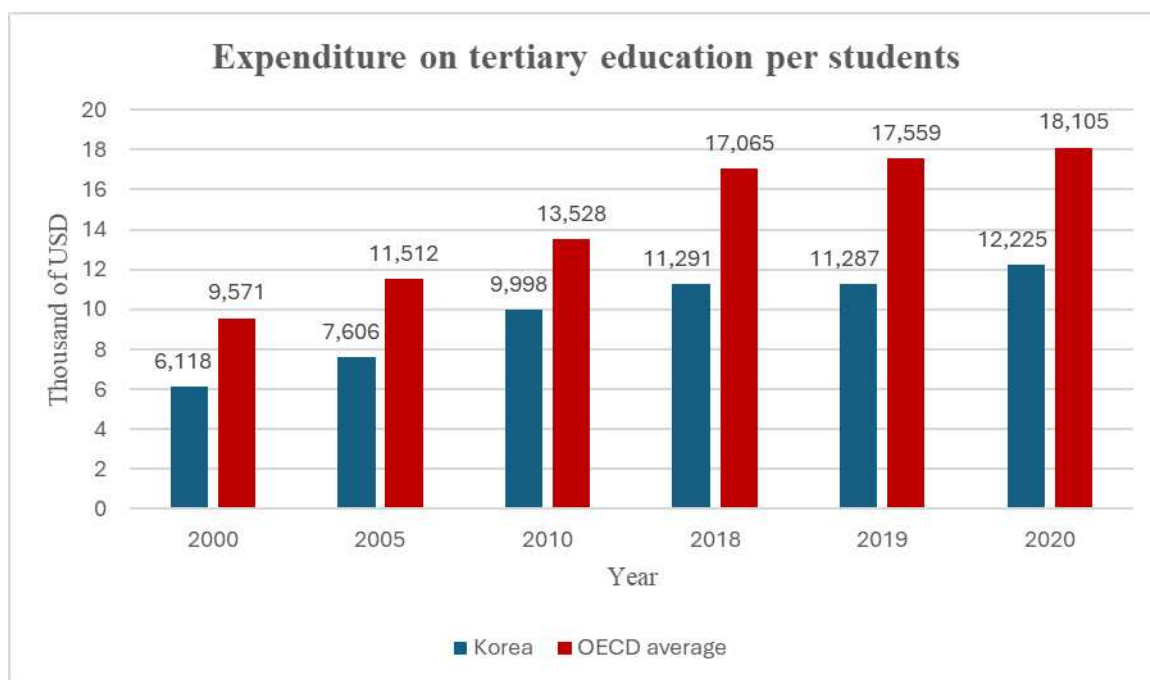
Graph 2 (Source: KEDI)



Graph 3 (Source: KEDI)

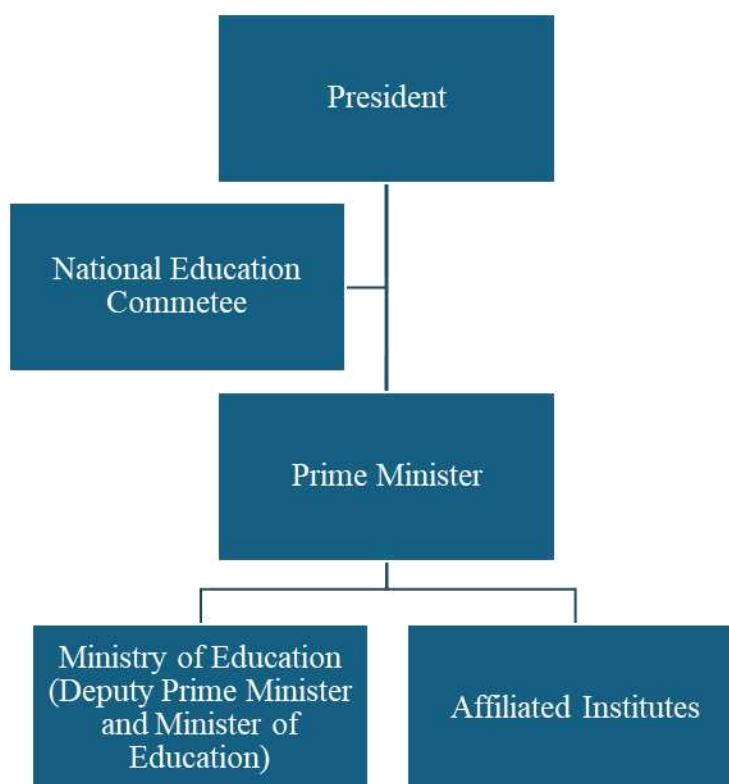


Graph 4 (Source: KEDI, MOE)



Graph 5 (Source: KEDI, MOE)

### Central Education Administrative Governance



Graph 6 (Source: MOE)

## Tables

Higher institutions in 2023			
Classification	Number of schools		Share of private schools
	Total	Private	%
Junior college	153	125	81.7
Undergraduate college	227	200	88.1
Graduate college	44	42	95.5

Table 1 (Source: KEDI, KOSIS, MOE)

University students in 2023				
Classification	Number of students		Share of female students (%)	
	Total	Female	Male	Female
Junior college	553,212	248,089	54.3	45.7
Undergraduate college	2,153,040	973,332	57.1	42.9
Graduate college	336,596	178,090	Master	
			44.3	55.7
			Doctorate	
			55.3	44.7

Table 2 (Source: KEDI, KOSIS, MOE)

<b>Enrollment rate in 2023 (%)</b>				
<b>Kindergarten</b>	<b>Elementary school</b>	<b>Middle school</b>	<b>High school</b>	<b>Higher education</b>
54.8	99.8	96.9	93.3	76.2

Table 3 (Source: KEDI, MOE)

<b>Budget as a percentage of total government budget by year</b>			
<b>Year</b>	<b>Government budget (A) (KRW)</b>	<b>MOE budget (B) (KRW)</b>	<b>B/A (%)</b>
2000	93,937,057	19,172,028	20.4
2005	134,370,378	27,982,002	20.8
2010	255,334,387	41,741,895	16.3
2021	459,880,082	75,456,432	16.4
2022	497,676,890	88,456,497	17.8
2023	553,968,815	110,184,329	20.6

Table 4 (Source: KEDI)

## Anti-Plagiarism Statement

I declare that all of the material in this work was authored by me and that, aside from quotations, no portion has been taken directly from previously published research, online resources, academic papers, or interviews. If a quote is derived from an existing publication, I have specifically cited the source at the conclusion of the quotation or at the bottom of the page. I also affirm that I am aware of the penalties that the present Study Regulations stipulate for plagiarism.

Name and surname Daniela Carlino

Date of birth March 20, 1999

Matriculation number 878995

Signature *Daniela Carlino*