

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON EDUCATIONAL ASSISTANCE FOR REDUCING GAPS IN EDUCATION AND NURTURING TALENTED PEOPLE

Enactment No. 4405, Jul. 19, 2006
Amendment of Other Laws No. 4452, Jan. 02, 2007
Partial Amendment No. 4846, Sep. 29, 2009
Partial Amendment No. 4925, Jan. 07, 2010
Partial Amendment No. 4953, Mar. 02, 2010
Partial Amendment No. 5050, Nov. 04, 2010
Amendment of Other Laws No. 5137, Jul. 28, 2011
Amendment of Other Laws No. 5140, Jul. 28, 2011
Partial Amendment No. 5230, Jan. 05, 2012
Partial Amendment No. 5592, Oct. 04, 2013
Partial Amendment No. 5825, Jan. 02, 2015
Amendment of Other Laws No. 6016, Oct. 08, 2015
Partial Amendment No. 6215, May. 19, 2016
Partial Amendment No. 6659, Sep. 21, 2017
Amendment of Other Laws No. 6851, Mar. 22, 2018
Partial Amendment No. 7078, Mar. 28, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019

Article 1 (Purpose)

The purpose of this Ordinance is to prescribe matters necessary for subsidizing educational expenses of the Seoul Metropolitan Government pursuant to Article 11 (8) and (9) of the Local Education Subsidy Act and the Regulations concerning Educational Subsidies of Local Governments.

[This Article Wholly Amended by Ordinance No. 6659, Sep. 21, 2017]

Article 2 (Scope of Application)

This Ordinance shall apply to educational expenses incurred in providing education to kindergartens under subparagraph 2 of Article 2 of the Early Childhood Education Act and kindergarteners and schools at various levels under Article 2 of the Elementary and Secondary Education Act and students therein in Seoul Metropolitan City (hereinafter referred to as the "City"). <Amended by Ordinance No. 6659, Sep. 21, 2017>

[This Article Wholly Amended by Ordinance No. 5592, Oct. 4, 2013]

Article 3 (Formulation and Implementation of Master Plan for Educational Subsidies)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall formulate and implement a master plan for educational subsidies of the Seoul Metropolitan Government (hereinafter referred to as "master plan") in order to subsidize expenses incurred in education. <Amended by Ordinance No. 6659, Sep. 21, 2017>

(2) When the Mayor intends to formulate a master plan, he or she shall refer the plan to the Deliberative Committee on Educational Subsidy under Article 11 for deliberation after consulting with the Superintendent of the Seoul Metropolitan Office of Education (hereinafter referred to as the "Superintendent"). The foregoing procedure shall also apply where it is intended to amend the master plan. <Amended by Ordinance No. 6659, Sep. 21, 2017>

(3) The master plan under paragraph (1) shall include matters concerning the programs eligible for subsidy and the scale and methods for subsidizing the following educational programs: <Amended by Ordinance No. 5825, Jan. 2, 2015; Ordinance No. 6659, Sep. 21, 2017>

1. School meal facilities and equipment programs;
2. Educational information programs for schools;
3. Programs for refurbishing educational facilities and improving the environment of schools;
4. Programs for assisting the operation of educational courses of schools;
5. Programs for developing and operating educational courses for local residents;
6. Programs for creating cultural and sports spaces in schools for local residents and the youth in connection with educational courses of schools;
7. Other educational assistance programs that the Mayor deems necessary for improving educational conditions, except expenses for environment-friendly free school meals.

(4) When the Mayor formulates the master plan under paragraph (1), he or she shall publicly announce the plan in the Official Gazette of the Seoul Metropolitan Government, the Internet, and other means.

(5) Matters necessary for the formulation and public notification of the master plan shall be prescribed by rule of the Seoul

Metropolitan Government.

[This Article Wholly Amended by Ordinance No. 5592, Oct. 4, 2013]

Article 4 (Allocation of Budget)

The Mayor may allocate the budget for subsidy in educational programs under Article 3 (3) with funds transferred from the special accounts for educational expenses, etc. <Amended by Ordinance No. 6659, Sep. 21, 2017>

[This Article Wholly Amended by Ordinance No. 5592, Oct. 4, 2013]

Article 5 (Financial Resources for Educational Subsidies)

(1) The amount of the educational subsidies under Article 4 shall not exceed 6/1000 of ordinary taxes specified in Article 8 (1) 1 of the Framework Act on Local Taxes, out of the revenue of the main budget for the pertinent year. <Amended by Ordinance No. 6215, May 19, 2016; Ordinance No. 6659, Sep. 21, 2017>

(2) The educational subsidies shall be divided into general educational subsidies and special educational subsidies, and the funds for the special educational subsidies shall be within 10/100 of the total amount of educational subsidies. <Amended by Ordinance No. 6215, May 19, 2016; Ordinance No. 6659, Sep. 21, 2017>

(3) Whether to grant special educational subsidies under paragraph (2) shall be determined by an agreement between the Mayor and the Superintendent on applications filed for the grant by kindergartens, schools, etc. (hereinafter referred to as "entities eligible for educational subsidies"), if extraordinary demands for educational subsidies arise due to an emergency unforeseen at the time of formulating the master plan. Further details about the entities eligible for special educational subsidies and the procedure and methods for the grant of such subsidies shall be prescribed by rule of the Seoul Metropolitan Government. <Amended by Ordinance No. 6659, Sep. 21, 2017>

(4) An educational subsidy shall be granted for a specific program for specified purposes and conditions. <Amended by Ordinance No. 6659, Sep. 21, 2017>

[This Article Wholly Amended by Ordinance No. 5592, Oct. 4, 2013]

Article 6 (Allocation of Expenses)

When the Mayor deems it necessary to allocate financial burdens, taking into consideration the purposes, effects, etc. of a subsidized educational program (hereinafter referred to as "educational subsidy program"), he or she may allocate the burden of part of expenses to the Superintendent or the head of a Gu. In such cases, the Mayor shall consult with the Superintendent or the head of the relevant autonomous Gu. <Amended by Ordinance No. 5592, Oct. 4, 2013; Ordinance No. 6659, Sep. 21, 2017>

Article 6-2 (Limitation of Educational Subsidies)

The Mayor shall not grant educational subsidies in any of the following cases: <Amended by Ordinance No. 6851, Mar. 22, 2018>

Where local bonds are issued to fund subsidies for subsidy programs;

Where the labor costs of public officials under his or her jurisdiction for the relevant year may not be appropriated by the total amount of local tax and non-tax revenue allocated in general revenues of the relevant year.

[This Article Newly Inserted by Ordinance No. 6659, Sep. 21, 2017]

Article 7 (Application for Subsidization)

(1) When the head of an entity eligible for educational subsidies files an application for educational subsidy programs, he or she shall attach a review opinion of the Superintendent on the feasibility of the program in the application, the possibility of overlapping investment, etc. <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 5592, Oct. 4, 2013; Ordinance No. 6659, Sep. 21, 2017>

(2) If the Mayor deems it necessary for examining an application filed for subsidies under paragraph (1), he or she may request the head of the entity eligible for educational subsidies to supplement relevant documents. <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 5592, Oct. 4, 2013; Ordinance No. 6659, Sep. 21, 2017>

(3) Upon receipt of an application for subsidies from the head of the entity eligible for educational subsidies, the Mayor shall decide whether to grant subsidies and notify the Superintendent and the head of the entity eligible for educational subsidies thereof.

<Newly Inserted by Ordinance No. 6659, Sep. 21, 2017>

Article 8 (Prohibition of Use for Unauthorized Purposes)

(1) The head of the entity eligible for educational subsidies may not use the subsidies granted by the Mayor pursuant to Article 7 (3) for purposes other than those originally approved: Provided, That the foregoing shall not apply where such person has obtained a prior approval from the Mayor.

(2) In any of the following subparagraphs, the Mayor may require the person granted with subsidies of an educational subsidy program to fully or partially return the subsidy: Provided, That the foregoing shall not apply where such person has obtained a prior approval from the Mayor in any case referred to in subparagraphs 1 through 3:

1. If the person uses the subsidy for any purpose other than the purpose of assistance;
2. If the person completely or partially suspends the relevant program;
3. If it is found impossible to accomplish the purposes of the relevant program;

4. If there exists any false information in relation to the relevant program.

[This Article Wholly Amended by Ordinance No. 6659, Sep. 21, 2017]

Article 9 (Evaluation and Management of Educational Subsidy Programs)

(1) When a program ends under Article 6 of the Regulations on Educational Subsidies of Local Governments, the head of the entity eligible for educational subsidies shall submit a business performance report to the Mayor and the Superintendent. <Newly Inserted by Ordinance No. 6659, Sep. 21, 2017>

(2) The Mayor shall evaluate educational subsidy programs and reflect the results thereof in the master plans formulated after evaluation. <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 6659, Sep. 21, 2017>

(3) If the Mayor deems it necessary for evaluating and managing educational subsidy programs, he or she may request the relevant school or entity to submit relevant documents or may authorize public officials under his or her direction to visit the relevant school or entity for inspection. <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 6659, Sep. 21, 2017>

Article 9-2 (Implementation of Subsidies)

The heads of schools at various levels granted with subsidies shall implement the subsidies by any of the following methods:

Public schools at various levels shall implement the subsidies earmarked in the budget of school accounting pursuant to Article 30-2 (1) of the Elementary and Secondary Education Act: Provided, That public kindergartens may implement subsidies by methods designated by the Superintendent;

Private schools at various levels shall implement the subsidies earmarked in the budget of accounts of school expenses pursuant to Article 29 (2) of the Private School Act.

[This Article Newly Inserted by Ordinance No. 6659, Sep. 21, 2017]

Article 10 (Return of Unused Subsidies)

If a person to whom a subsidy for an educational subsidy program has been granted has an amount left over out of the subsidy as a result of the settlement of the relevant program, he or she shall return the amount. <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 6659, Sep. 21, 2017>

Article 11 (Establishment and Functions of Deliberative Committee on Educational Subsidies)

The Deliberative Committee on Educational Subsidies of the Seoul Metropolitan Government (hereinafter referred to as the "Committee") shall be established to deliberate on the following matters concerning educational subsidy programs and render advice to the Mayor as requested: <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 5592, Oct. 4, 2013; Ordinance No. 6659, Sep. 21, 2017>

1. Formulation and amendment of master plans;
2. Determination of the order of priority of educational subsidy programs and selection of educational assistance programs;
3. The amount of the subsidy for each educational subsidy program and methods of assistance;
4. Evaluation of educational subsidy programs;
5. Other matters tabled by the Mayor for deliberation.

Article 12 (Composition of Committee)

(1) The Committee shall be composed of not more than 15 members, including one chairperson and one vice chairperson, and the Director General of Lifelong Learning Bureau of the Seoul Metropolitan Government shall serve as the chairperson, while the Director General of Planning and Administration Office in the Seoul Metropolitan Office of Education (hereinafter referred to as the "Office of Education") shall serve as the vice chairperson, and committee members shall be commissioned or appointed by the Mayor as follows: <Amended by Ordinance No. 7078, Mar. 28, 2019>

1. Commissioned members: Three members of the Seoul Metropolitan Council recommended by the Chairperson of the Seoul Metropolitan Council and the persons who have abundance experience and knowledge about education, among the persons engaged in education or journalism and school parents, shall be commissioned by the Mayor as commissioned members, but not more than 1/2 of commissioned members may be commissioned from among the persons recommended by the Superintendent;
2. Ex officio members: The Director-General of Finance and Planning Bureau of the Seoul Metropolitan Government and the Directors-General of Education Policy Bureau and Education Administration Bureau of the Office of Education shall service as ex officio members.

(2) The chairperson shall represent the Committee and administer all administrative affairs of the Committee, but the vice chairperson shall act on behalf of the chairperson, if the chairperson is unable to perform his or her duties due to any unavoidable cause. <Amended by Ordinance No. 4925, Jan. 7, 2010>

(3) The term of office of a committee member who is a public official shall be the period of service in the position, and the term of office of each commissioned member shall be two years but may be renewed consecutively, and the term of office of a committee member commissioned to fill a vacancy shall be the remainder of his or her predecessor's term of office. <Amended by Ordinance No. 4925, Jan. 7, 2010>

Article 13 (Meetings)

(1) Committee meetings shall be divided into annual meetings and special meetings. In principle, an annual meeting shall be held once a year, but special meetings may be convened by the chairperson occasionally whenever the chairperson deems necessary. <Amended by Ordinance No. 4925, Jan. 7, 2010>

(2) A committee meeting shall be duly formed with the attendance of the majority of current members, and a resolution shall be adopted by affirmative votes of the majority of the members present at the meeting. <Amended by Ordinance No. 4925, Jan. 7, 2010>

(3) The Committee shall have one executive secretary who shall carry out administrative affairs, and the executive secretary shall be appointed by the chairperson from among public officials of the Seoul Metropolitan Government. <Amended by Ordinance No. 4925, Jan. 7, 2010>

(4) Any committee member who has a direct interest in an item on the agenda shall not participate in deliberation on the relevant item. <Amended by Ordinance No. 4925, Jan. 7, 2010>

(5) Other matters necessary for the operation of the Committee shall be determined by the chairperson after resolution by the Committee. <Amended by Ordinance No. 4925, Jan. 7, 2010>

Article 14 (Allowances)

Members who attend a committee meeting may be reimbursed for attendance allowances and travel expenses in accordance with the Seoul Metropolitan Government Ordinance on the Payment of Committee Allowances and Travel Expenses, within budgetary limits.

[This Article Wholly Amended by Ordinance No. 5592, Oct. 4, 2013]

Article 15 (Working-Level Education Council)

(1) In order to efficiently operate the Committee, the Mayor shall establish the Working-Level Education Council of the Seoul Metropolitan Government (hereinafter referred to as the "Working-Level Council") as an organization affiliated with the Committee for deliberating on the following matters: <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 6659, Sep. 21, 2017>

1. Working-level discussions between the Seoul Metropolitan Government and the Office of Education on education policies;
2. Specialized survey, research, and review on educational subsidy programs for which an application has been filed under Article 7;
3. Other matters tabled by chairpersons (referring to the chairpersons of the Working-Level Council; the same shall apply hereafter in this Article) for deliberation.

(2) Directors (Officers) in charge of education in the Seoul Metropolitan Government and Directors (Officers) in charge of budget in the Office of Education shall serve as chairpersons. <Amended by Ordinance No. No. 7078, Mar. 28, 2019>

(3) The members of the Working-Level Council shall comprise the Directors of related divisions (Officers) in the Seoul Metropolitan Government and the Office of Education and the Education Coordination Officers under Article 17, including two chairpersons. <Amended by Ordinance No. 4925, Jan. 7, 2010>

(4) Other matters necessary for the operation of the Working-Level Council shall be determined by chairpersons after resolution by the Working-Level Council. <Amended by Ordinance No. 4925, Jan. 7, 2010>

Article 16 (Entrustment of Administrative Services)

In order to grant educational subsidies efficiently, the Mayor may entrust specialized research institutes with the evaluation of educational subsidy programs under Article 9 and the development of policies on educational subsidies. <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 6659, Sep. 21, 2017>

Article 16-2 (Submission and Reporting of Master Plans)

(1) The Mayor shall submit the master plan, including the amount of subsidies for educational subsidy programs and the entities eligible for subsidies, and the explanatory statement of each program to the Seoul Metropolitan Council (hereinafter referred to as the "Council"), along with the budget bill for the following year. <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 5592, Oct. 4, 2013; Ordinance No. 6659, Sep. 21, 2017>

(2) The Mayor shall report the results of implementation of educational subsidy programs during each year and the results of evaluation of performance to the relevant Standing Committee of the Council by the end of May of the following year. <Amended by Ordinance No. 4925, Jan. 7, 2010; Ordinance No. 6659, Sep. 21, 2017>

Article 17 (Request for Dispatch of Educational Coordination Officers)

If the Mayor deems it necessary for formulating and executing an educational subsidy plan, searching for programs for cooperation between the Seoul Metropolitan Government and the Office of Education, and efficiently implementing educational subsidy programs, he or she may request the Superintendent to dispatch public officials under his or her direction (hereinafter referred to as "Educational Coordination Officers"), as prescribed by relevant statutes or regulations. <Amended by Ordinance No. 6659, Sep. 21, 2017>

Article 18 (Enforcement Rules)

Matters necessary for the enforcement of this Ordinance shall be prescribed by rule of the Seoul Metropolitan Government.

<Amended by Ordinance No. 4925, Jan. 7, 2010>