Early Childhood Care and Education Reform in the Republic of Korea:
Part 2 -- Early Childhood Education Law

In 1997, the then Presidential Commission on Education Reform announced a proposal to reform the country’s early childhood care and education system. Included in this reform was the legislation of Early Childhood Education Law. After six years, however, the Law has still not been passed. To learn more about the stalemate, an interview was arranged with Dr. Jung Na, Senior Researcher in the Korean Educational Development Institute, the architect of the early childhood reform. The interview was conducted by Ms. Soo-Hyang Choi, UNESCO, Paris, who prepared the following summary. Another interview on the reform of the Early Childhood School was presented in Brief Article No. 15. The opinions expressed in this note do not reflect those of the Government of the Republic of Korea or UNESCO.

Choi: Could you tell us about the context in which the Early Childhood Education Law (ECE Law) was proposed?

Na: When the Ministry of Education and Human Resources Development (MOE-HRD) reviewed the Education Law in 1997 for reform, early childhood experts and stakeholders in the field requested that a separate law be prepared for early childhood education. But the area was again put under the Primary and Secondary Education Law. This unfinished business needed attention.

C: Were there specific problems stemmed from not having an independent law for early childhood?

N: First of all, by being subsumed in primary and secondary education, there is no due recognition given to early childhood education as a separate stage of education. Second, the Primary and Secondary Education Law was not deemed suitable for the new integrated Early Childhood School (ECS), which has not only an educational but also a care function. Third, government support is denied to private kindergartens on the ground that there is no law for kindergartens. For example, private kindergartens have no entitlement to government subsidies for rice for children’s lunches and snacks, a support available for school establishments. Finally, according to the current law, primary school teachers can become pre-school teachers, without any specialised training. An independent law was necessary to remove such features of the current law potentially detrimental to the pedagogy of early childhood education.

C: It has been six years since the Proposal for the ECE Law was announced, drafted and presented to the lawmakers. But the Law has still not been passed. What has been the problem?

N: One of the problems is that the Proposal has not been submitted by the concerned ministry, MOE-HRD, but tabled by Members of the National Assembly.

C: If the Proposal was tabled from within the National Assembly, there must have been some support, at least, from its Members. Was this not enough?

N: The National Assembly Proposal for ECE Law was prompted, initially, by arguments forwarded by kindergarten operators. Later on, the care service providers and Hakwon operators did their share of lobbying to veto the Proposal. In this process, the members of the Education Committee, which tabled the Proposal, came to wonder if the Proposal was lopsidedly favouring kindergartens. They thus hesitated to push through the Proposal, which in part contributed to the stalemate of the proposed Law.

C: Where are we now with the Proposal?

N: The Proposal was tabled again by the National Assembly this year, but rejected. But recently we hear that

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2 The then name was Ministry of Education. The name changed to the Ministry of Education and Human Resources Development in 2001.

Erratum: The correct present name of the ministry is Ministry of Education and Human Resources Development (MOE-HRD), not Ministry of Education and Human Resources (MOEHR), as referred to in Brief 15.

3 Even before, early childhood education had been under the Primary and Secondary Education Law.

4 A full day, integrated care and education service for 3-5-year-olds presented in the 1997 Reform.

5 School-based national/public kindergartens are treated like schools, entitled to government support reserved for schools.

6 The Proposal was presented four times in 1997, 1999, 2001, and 2003. In Korea, if a proposal fails to be addressed at a given Annual Session, it is automatically abandoned. In order to maintain its status as a proposal, it has to be reintroduced at the next Annual Session.

7 Commercial services for young children’s lessons in drawing, piano, dancing, sport, arithmetic, foreign languages, etc. These services offer, in part, early childhood care and education programmes.
MOE-HRD is exploring the possibility of preparing it as a Government Proposal. If so, this will help break the impasse.

C: Will the MOE-HRD’s Government Proposal for ECE Law be the same as that suggested in the 1997 Reform?

N: Yes, but it will concern kindergartens only, excluding care services and Hakwon. In fact, the original reform was revised in 1997 to limit the scope of the reform to kindergartens only. The Government Proposal for the ECE Law is likely to reflect this revision.

C: Was the revised reform still centred upon the concept of ECS?

N: Yes, the main concept of ECS – that is, creating full-day integrated care and education services – was kept. But it was decided that the integrated service would not be called ECS. Thus, the Government Proposal for ECE Law by the MOE-HRD would use the word, kindergarten, not ECS.

C: Would you consider the kindergartens-only ECE Law, if passed, still a progress?

N: Yes, first of all, with an ECE Law, the country’s Education Law will have a complete set of lifecycle education laws covering early childhood, primary-secondary, higher, and adult education. Second, the ECE Law will certainly prepare a ground for government support for private kindergartens.

C: One of the significant changes attempted by the ECE Law is to make kindergartens as full-day services in order to cater for the parents’ childcare needs. Is the demand for childcare great in Korea?

N: Childcare has been one of the biggest obstacles preventing mothers from seeking employment outside home. Recently, the country’s low fertility rate, too, was attributed, in part, to the burden of childcare. So there is a growing concern that early childhood services are needed to increase female participation in the labour market and to promote gender equality.

C: Given this social context in the country, do you think the implementation of the Reform would have been facilitated if it had focused on the care issue and argued for the increase of responsibility of the welfare sector?

N: It could have been easier.

C: If so, could one say that the country’s educationally oriented reform that centres upon increased responsibility of the education sector was a misguided one?

N: No, as MOE-HRD itself agreed, the Reform shows the right direction for the country to take, though a difficult one to implement; and time has come for us to think about our future seriously. Concerning the educational perspective, I would like to note that integrating care and education under the responsibility of the education sector is the latest direction that is being adopted and considered by developed countries. But some years ago, their investment in early childhood, too, was justified mainly as a means to increase the female labour force and promote gender equality. Korea is in this earlier stage of development, but she will soon move into a more advanced stage. Given this, the reform would have been, indeed, a misjudged, outdated one if it had advocated a perspective that will soon be replaced by another one. Correcting a botched reform is far more challenging and costly than launching a new one. A reform should set its vision on the future.

C: What is your advice for countries attempting to launch a similar legislative effort?

N: A government should not be afraid of embracing early childhood within the framework of education. As we attempted in the concept of ECS, one can come up with a service whose purpose is both educational and care. The problem arises only when the concept of education is understood and interpreted strictly in the “old” sense of schooling. But now that countries are moving away, though slowly, from the conventional, schooling-based, concept of education, into the expanded vision of education, early childhood programmes with features of both care and education should have a solid place. It is time for the concept of education to become more flexible and open, rather than for early childhood to distort itself to fit into the old concept.