Content

Title：	The Special Education Act Ch
Date：	2013.01.23
Legislative：	1. Act of 1984: the complete 25 articless enacted, issued by the President, NO. 6692, December 17, 1984. 2. Amendment of 1997: the complete 33 articles amended, issued by the President, NO. 860011282, May 14, 1997. 3. Amendment of 2001: articles 2~4, 8, 9, 14~17, 19, 20, 28, 31 amended, issued by the President, NO. 9000254110, December 26, 2001. 4. Addition of 2004: articles 31-1 added, issued by the President, NO. 09300117551, June 23, 2004. 5. Amendment of 2009: the complete 51 articles amended, issued by the President, NO. 09800289381, November 18, 2009. 6. Amendment of 2013: articles 3, 14, 23, 24, 30, 33, 45 amended, articles 30-1 added, issued by the President, NO. 10200012441, January 23, 2013.
Content：	Chapter I: Overall Rules Article 1 The Act is enacted for the purpose of individuals with disabilities and/or giftedness to receive appropriate education, fully develop potential, foster personality, and empower social services. Article 2 The so-called authorities are referred to as the Ministry of Education in the central government, city government in the metropolitan cities, and county government in the rural areas, with the last two referred to as local authorities. If involved across sections, all the targeted authorities are required to coordinate to the maximum extent. Article 3 Disabilities meant in the Act are referred to as physiological or psychological disorders, assessed and diagnosed by professionals to be in need of special education and related services, and categorized as follows: A. Intellectual Disabilities. B. Visual Impairments. C. Hearing Impairments. D. Communication Disorders. E. Physical Impairments. F. Cerebral Palsy. G. Health Impairments. H. Severe Emotional Disorders. I. Learning Disabilities. J. Severe/Multiple Impairments. K. Autism. L. Developmental Delays. M. Other Disabilities. Article 4 The so-called “giftedness/talents” by the Act is referred to individuals with excellent potential or outstanding performance and, after evaluated by professionals, demonstrating needs for special education and related services, categorized as follows: A. Giftedness/Talents in Intelligence B. Giftedness/Talents in Scholarship C. Giftedness/Talents in Arts

D. Giftedness/Talents in Creativity
E. Giftedness/Talents in Leadership
F. Giftedness/Talents in Other Areas

Article 5
For the development of special education, local authorities concerned should establish special education consultation committees, inviting scholars and experts, educational and school administrators, delegates of teacher organizations, parent representatives, professionals of special education, and delegates of related institutions and groups to participate in consultation, planning and development of special education services.
Among the members of the aforementioned committee, delegates of educational and school administrators combined are less than a half and those of a single gender less than a third of the total.
Measures and regulations of participation in consultation, planning, development of special education and other services are determined by local authorities.

Article 6
Local authorities should set up the Special Education Students Diagnosis and Placement Counseling Committee (briefly called DPCC), inviting scholars and experts, educational and school administrators, delegates of teacher organizations, parents, professionals of special education, and delegates of related institutions and groups to participate in diagnosis, placement, replacement, and counseling. Measures and regulations on implementation, procedures, duration, allocation of related resources, and operation are set by local authorities.
Among the members of the aforementioned committee, delegates of educational and school administrators combined are less than a half and those of a single gender less than a third of the total.
Measures of participation in consultation, planning, development of special education and other services are determined by local authorities.

Article 7
Local authorities should establish an independent department to monitor practices of special education services.
All the personnel and administrator responsible for special education services in special education schools and regular schools with special education classes should hire professionals with special education background.
The aforementioned special education background is referred to as taking up 3 or more credit hours of special education courses.

Article 8
Local authorities concerned should conduct regular research each year on the status of special education students, proclaim special education demographic needs, publish the yearly statistic report, appropriately allocate available resources based on current status and needs, and develop all the special education services.

Article 9
All the governments should availably develop the special education budget to the extent which is no less than 4.5% of the yearly educational budget in the central government and no less than 5% in the local government.
When the local government develops budgets, the special needs education comes as the top priority.
In order to keep a balanced development of local special needs education, the central government should reimburse budgets in personnel and practices.
Measures of reimbursement are determined by the central government after communication with local governments.

Chapter II: Practice of Special Education
Part 1: General Rules

Article 10
Practices of special education fall into the following phases:

A. Preschool: in the hospital, family, kindergarten, day school, social welfare facility, preschool of special education or other adequate places.
B. Civil Education: in elementary school, junior high school, special education school or other adequate places.
C. Senior High School: in senior high school, special education school or other adequate places.
D. Higher/Adult Education: in college, university, and other adult education facility.
For the aforementioned phases A & B, placement of special education students follows the principle of proximity. But where there is a lack of adequate places in the school district of civil education, authorities concerned should find other appropriate places for placement of special education students.

Article 11
All the educational phases under senior high should establish special education classes, as follows:
A. Centralized special education class.
B. Decentralized resource room.
C. Itinerant resource program.
Establishment of the aforementioned special education classes should be determined and certified by local authorities, whereas its personnel and facility are resolved by central authorities.
In the case students under senior high are not placed in the special education class based on the aforementioned regulations, schools involved have to apply for likely special education programs. Measures and regulations on application and procedure are determined by local authorities.

Article 12
The educational level, grade placement, class location and instruction practice of special education students should be flexible to the extent sensitive to their special educational needs. Their entry age of education and duration limit of schooling are required to shift to meet realistic needs.
Procedure and details of practices including lowering or raising the entry age, shortening or extending duration of schooling, etc., are all determined by central authorities. But in case there is a law involved, it should be followed.

Article 13
Special education is basically managed by local authorities, with incentives for private sectors. Measures and regulations involved with management of special education including target population, eligibility, handling of law offenses, and other details are set by local authorities.

Article 14
Schools up to senior high, inclusive, shall set up the special education office in charge of, where it needs, hiring and recruiting special education teachers, related professionals, teaching assistants, and aides to special needs students. Regulations involving establishment of offices and hiring and recruitment of personnel in the special education office shall be enacted by the central government.

Article 15
For the purpose of promoting quality of special education and related services, local authorities should offer training program and in-service re-education for special education teachers and related professionals..

Article 16
For the practice of special education, local authorities should proceed diagnosis of disabled and gifted students based on the diagnostic criteria. The aforementioned diagnostic criteria, procedure, duration, educational needs assessment, reassessment procedure, and other details are determined by central authorities.

Article 17
Nurseries, kindergartens, and all the schools should identify positively or through application for special needs students, who, with their guardian's or agent's consent, should be appropriately diagnosed, placed, and provided with special education as well as related services.
Local authorities should reassess each year the adequacy of aforementioned placement.
In case where their guardian or agent fails to offer consent for diagnosis or placement, institutions (e.g., nurseries, kindergartens, and all the schools involved) should proclaim local authorities.
For the benefit of special needs students, institutions should request the guardian or agent to comply with post-diagnosis placement and related services.

Article 18
Provision and programming of special education and related services should be based on appropriateness, individualization, localization, accessibility, and inclusion.

Article 19
The curriculum, materials, methods and assessment in special education should be flexible to the extent that they meet the needs and suit the characteristics of individual students, with the measures set by central authorities.

Article 20
To develop potential of special education students to the maximum extent, all the schools should coordinate possible resources and recruit instructors with expertise in special education.

Article 21
Student's guardian or agent is able to file a complaint to authorities concern for controversy over diagnosis, placement and counseling services. Authorities concerned should offer complaint services.
Student's guardian or agent is able to file a complaint to the school for infringements of student's rights in learning, counseling, support services and other learning activities. The school should offer complaint services.

Part 2: Education for Disabled

Article 22
All the schools and test centers must not reject student admission to school or test for the sake of disability itself.
All the schools and test centers must offer appropriate test services, and make a public announcement, with measures of test services for special needs students set by central authorities.

Article 23
Special education practices shall be based on the results of professional assessments combined with available medical resources for rehabilitation, training and therapy of special needs students.
In order for special needs children to receive early intervention, special education practices shall start as early as two years old.

Article 24
All the governments concerned shall provide assessment, instruction and administrative supports for special needs students as well as those who receive home-based special education services.
Practices of assessment, instruction and counseling services in all the schools shall be grounded on the interdisciplinary team made up of professionals in medical, education, social work, independent living, and vocational rehabilitation in order to develop a package of services involving learning, living, psychological, rehabilitation and transitions.
Measures of establishment and implementation concerned the aforementioned support services and interdisciplinary team shall be enacted by the central

government.

Article 25
To provide special needs students of under senior high school with appropriate education, local authorities and private sectors are encouraged to establish special education schools, which if likely are kept in a small scale. The top priority for admission goes to students with severe and/or multiple disabilities. Each and every city/county should establish at least one special education school (sub-school or class), each school with several campuses. Establishment of special education class should be based on the policy of prevalence and localization.
Special education schools for the hearing impaired are set for those with hearing impairments mainly, whereas special education schools for the visually impaired are majorly for those with visual impairments.
Special education schools are either national, city, county or private based on its main body (i.e., central government, city government, county government or private sectors), with its establishment, conversion or termination based on the following regulations:
A. National: certified by the central authorities;
B. City: certified by the city authorities and reported to central authorities for reference;
C. County: certified by the county authorities and reported to central authorities for reference;
D. Private: based on the Private School Act
Establishment of special education schools is required to meet criteria set by the central authorities, including land, building, equipment, faculty, alteration, termination/mergence, certification procedure, organization and personnel.

Article 26
Special education school is set for one principal, armed with expertise in special education, whose credential is based on the Educational Personnel Recruitment Decree, and the recruiting procedure following school regulations.

Article 27
Schools under senior high should offer special needs students in regular class with appropriate instruction and counseling services, with measures of instructional principle and counseling types set by local authorities. For the regular class teachers to take care both of special needs and other students, the aforementioned school should reduce the number of special needs student in the regular class, or providing the required manpower and assistance, with measures of the credential of class reduction, certified number, manpower and assistance set by the central authorities.

Article 28
Schools under senior high should develop the individualized education plan for each and every special needs student based on a multidisciplinary team, invite parents for participation and, where it needs, encourage professionals to accompany parents for participation.

Article 29
Schools under senior high should take into consideration of strengths, aptitude, special education needs, and career development of students with disabilities and therefore offer appropriate counseling services in admission to secondary education. The measures of counseling services in admission to secondary school after completion of compulsory education are set by the central authorities.

Article 30
Governments shall provide education services for special needs adults and encourage them to receive life-long learning activities. Measures of implementation offices, means, contents and other related affairs shall be enacted by the central government.

Article 30-1

Schools of higher education shall program special education implementation practices, set up the special education office, hire and recruit, where it needs, related professionals and personnel in order to assist special needs students in learning and growth. Measures of office duties, establishment, personnel format and recruitment and other related affairs shall be enacted by the central government.
Delivery of special education services of the higher education should involve meeting student's needs, developing IEPs, assisting student's learning and growth, and participation of special needs students, their parents and related professionals.

Article 31
For easy transition of service needs by students with disabilities, schools should offer complete and continuous transitory counseling services, with the measures set by the central authorities.

Article 32
Local authorities should waive educational fees of special needs students based on their familial economy status, offer educational subsidies for private kindergarten, day care center, or social welfare facility, and fund institutions that special needs toddlers attend.
The measures concerning subjects, qualification, amount, quota, frequency and other details of the aforementioned waiver and subsidy are set by local authorities. For those special needs students with excellent performance in academics and ethics, local authorities should offer premium, with the measures and regulations set by local authorities.

Article 33
Schools, kindergartens and social institutions shall, based on school learning and daily living, provide special needs students with the following support services:
A. Educational auxiliary devices.
B. Appropriate teaching materials.
C. Personnel assistance in learning and living.
D. Rehabilitation services.
E. Family support services.
F. Access to campus.
G. Other support services.
Subparagraphs A through E are appropriate for special needs students who are granted for home-based education. Measures of the former two practices shall be enacted by the central government. All the governments concerned shall provide transportation for special needs students who lack mobility to and fro school or, where there are difficulties, offer fares. Measures of implementation, practices and autonomy are to be enacted by governments involved.
All the governments concerned shall take priority in budget allotment in delivery of services of subparagraphs A and D.

Article 34
Local authorities must put in practice special needs education based on certified or delegated social welfare facility, medical center or juvenile correction school.

Part 3: Gifted Education

Article 35
Gifted education in preschool and schools under senior high is conducted as follows:
A. Preschool education: in the type of special education project.
B. Civil education: in the form of decentralized resource room, itinerant program, or special education project.
C. Senior high education: on the basis of Article 11, Items A & C.

Article 36
Schools under senior high should take up the team teaching model, involving the aptitude, strengths, learning characteristics, and special needs of

gifted students, developing individualized education plan of gifted students and, where it needs, inviting their parents for participation.

Article 37
Practices of gifted education in higher education should take into account of aptitude and strengths of gifted students, following the model of special education project.

Article 38
School admission and educational advance of gifted students should follow the procedure specified in the regulations of school admission and educational advance for regular students. Schools above senior high are able to carry on the multiple admission model, fully considering both school performance and potential strengths of gifted students.

Article 39
Gifted students are able to take up courses of higher grade, which if passed can be waived after successful school admission.

Article 40
Local educational authorities under senior high should fund schools in implementing the plural gifted education project, offering premium for excellent performance. Measures and regulations of funding and offering premium are set by local authorities.

Article 41
Local authorities and schools should reinforce diagnosis procedures and counseling services for gifted students with special needs and economical/social disadvantages.

Chapter III: Special Education Support Systems

Article 42
Local authorities should carry on research and publish the obtained data so as to achieve a better performance in development of special education curriculum, teaching materials and methods, and assessments.

Article 43
To encourage colleges and universities with special education department and institute affiliated with special education center to support diagnosis, instruction and counseling services, the central authorities should plan budget for subsidy. To conduct special education research, colleges/universities are able to establish affiliated special education school/class.

Article 44
Local authorities should establish special education administrative support network in order to implement special education to the extent that it integrates possible resources, assists special education practices, and provides consultation, counseling and services. Measures and regulations on linking and operation of support network are set by local authorities.

Article 45
Schools up to senior high, inclusive, are to set up the schoolwide special education implementation committee, taking care of learning affairs of special needs students, in which parents are to participate. Measures of components, practices and autonomy shall be enacted by governments concerned.
To take care of learning affairs of special needs students, schools of higher education should set up the schoolwide special education implementation committee, in which students or parents are to participate.

Article 46
Schools should offer special needs family with consultation, counseling, parenting education, and transfer services. The budget and resources of the aforementioned support services are taken up by the local authorities.

At least one special needs parent shout be member or standing member of the school parental committee, participating in operation of special education affairs.

Article 47
Local authorities should appraise once or more every three years the school under senior high on implementation outcome of special education. Central authorities should appraise once or more every three years the local authorities on implementation outcome of special education.
The appraised items and obtained data should be announced, with premium for excellent performance and follow up guidance for poor performance. The measures and regulations of appraisal are determined by local authorities.

Chapter IV: Affix Rules

Article 48
All the income and outgo involving lending space, facility and equipment, delegating operation, encouraging private sector in participation, student enrollment, school admission, screening, practicum, and extension education of public school education school should be documented in an independent account and specified in terms of automated clearing house. The rest balance has to be deposited for the purpose of improving school infrastructure and teaching equipment, unlimited by the Budget Act, Article 13, National Property Act Article 7, and Local Public Property Regulations

Article 49
The Enactment of regulations authorized by the Act should be participated by teacher organization and parent group.

Article 50
The specific enforcement rules of the Act are set by the central authorities.

Article 51
The Act is put into effect the day it is announced.

Data Source： Laws and Regulations Retrieving System