Content

Title：	Teachers' Act Ch
Date：	2013.07.10
Legislative：	1.Promulgated on August 09, 1995. 2. Amendment to Article 35 promulgated on July 19, 2000. 3.Amendment to Articles 3,11,17, addition of Articles 14-1~14-3,15-1,18-1, and 36-1 promulgated on January 15, 2003. 4.Addition of Article 35-1 promulgated on May 24, 2006. 5.Amendment to Articles 14,39 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-09800292191 dated November 25, 2009 and taking effect on November 23, 2009. 6.Amendment to Articles 14-3 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-09900317081 dated November 24, 2010. 7.Amendment to Articles 35-1 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-10000291411 dated December 28, 2011. 8.Amendment to Articles 14 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi- 10000299661 dated January 4, 2012. 9.Amendment to Articles 18-1 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi- 10200012401 dated January 23, 2013. 10.Amendment to Articles 14 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi- 10200131131 dated July 10, 2013.
Content：	Chapter I General Provisions Article 1 In order to elevate teachers' professional status, the law is hereby enacted to specify their rights and obligations and to safeguard their career and livelihood. Article 2 The certification and accreditation of teachers' qualifications, employment, rights and obligations, payment, further studies and research, retirement, consolation, separation, severance, insurance, teachers' organizations, appeals and litigations of teachers are governed by and interpreted in accordance with this law. Article 3 This law applies to full-time certified teachers with monthly salaries in public and registered private schools. Chapter II Qualification Certification and Accreditation Article 4 Teacher qualifications can be acquired through certification or accreditation: high schools and lower levels adopt the teacher certification system whereas junior colleges and higher levels adopt the teacher accreditation system. Article 5 The certification of teacher qualifications for high schools and lower levels can be divided into two phases: initial certification and secondary

certification.
Those who pass the initial certification will be given a teaching intern certificate; those who pass the secondary certification will be given a teacher certificate.
Article 6

The initial certification is conducted by way of qualification verification.
Those with one of the following qualifications can submit their diplomas to competent educational authorities in order to be intern teachers at high schools or lower levels:
1. Graduates of the undergraduate division of a teacher training college or normal university.
2. Graduates of colleges of education, departments of education, or graduate education institutes at universities or colleges who have completed the required education credits.
3. Graduates of colleges or universities who have completed education studies programs.
4. Graduates of colleges or universities or Ministry of Education approved foreign colleges or universities who have completed the course credits in education required by the Ministry of Education.
Article 7

The local authorized educational authorities can be authorized to implement the secondary teacher certification by establishing municipal or county secondary teacher certification committees.
Those with the following qualifications can apply for the secondary teacher certification for the certified teacher status at high schools or lower levels:
1. Those who have obtained teaching intern certificates.
2. Those who have undergone a one-year internship with passing grades.
Certificates for qualified teachers shall be issued solely by the Ministry of Education.
Article 8

The regulations governing the qualification certification of teachers at high schools and lower levels shall be prescribed by the Ministry of Education.
Article 9

The qualification accreditation of teachers at junior colleges and higher levels can be divided into two phases: the first review and the second review. The former is done by respective schools whereas the latter is done by the Ministry of Education. When the teacher passes the first review, the school shall report this to the Ministry of Education for the second review. A teacher certificate shall be conferred on the teacher that passes the second review.
If necessary, the Ministry of Education can authorize the school to conduct the second review and then confer a teacher certificate on the teacher that passes it.
Article 10

The regulations governing the qualification accreditation of teachers at junior colleges and higher levels shall be prescribed by the Ministry of Education.

Chapter III Employment

Article 11

The employment of teachers at high schools and lower levels can be divided into initial employment, renewed employment, and tenured employment. Other than those placed in accordance with Paragraph 2 of Article 13 or Article 20 of the Teacher Education Law, teachers shall be employed by the principal after the assessment and approval of the Teachers' Review Committee.

The Teachers' Review Committee referred to in the preceding paragraph shall include representatives from the teaching staff, school administration, and one representative from the Parents' Association. Of that group, the teachers' representatives that are not part of the administration or the board shall not number less than half of the total; the regulations governing the establishment of the committee shall be prescribed by the Ministry of Education.

The appointment of teachers at junior colleges and higher levels shall be made in accordance with the University Law and Junior College Law respectively.

Article 12

The initial employment of teachers at high schools and lower levels is applicable only to those with teaching intern certificates; renewed employment is applicable only to those with teacher certificates.

If the teaching intern doesn't obtain a teacher certificate upon the expiration of the initial employment, the employment can be extended after the assessment and approval of the Teachers' Review Committee, which can be done only once.

Article 13

The first and second term of teachers at high schools and lower levels shall be one year, and renewed terms shall be two years. After the third renewed term with excellent teaching performance and with the assessment and approval of two-thirds of the entire Teachers' Review Committee, the teacher can obtain tenured employment. The duration of employment shall be jointly
set forth by the Teachers' Review Committee of respective schools.

Article 14

After being employed, a teacher may not be dismissed, suspended, or denied renewed employment unless one of the following situations pertains：

1. Being sentenced to a prison term for one year or more without probation.
2. Being convicted of corruption and malfeasance, or being issued a warrant of arrest, for a case which it is not yet settled during their term of civil service.
3. Being charged and convicted of a crime under Paragraph 1, Article 2 of the Sexual Assault Crime Prevention Act.
4. Being dismissed from their place of employment in accordance with the law, or undergoing the disciplinary action of suspension from employment

with the penalty not yet terminated, or being suspended from employment because of an indictment with the case not yet resolved.

5. Being deprived of their civil rights with their rights having not yet been reinstated.

6. Being subject to the commencement of guardianship or assistantship and those orders not having yet been revoked.

7. Being certified by a qualified physician to have a mental disorder and not yet having recovered from it.

8. Being verified by the Committee for Gender Equity Education of the school or by another relevant committee set up in accordance with the law as having committed a sexual assault.

9. Being investigated and verified by the Committee for Gender Equity Education of the school or by another relevant committee set up in accordance with the law as having committed sexual harassment or bullying, in circumstances which were determined to be severe.

10. Failure to report campus sexual assaults in accordance with the Gender Equity Education Act upon becoming aware of such assaults, leading to subsequent sexual assaults, or forging, altering, destroying, or concealing evidence of such assaults committed by others, where such matters have been investigated and verified by the authorities concerned.

11. Conducting corporal punishment on or bullying student(s), causing severe physical or mental injury.

12. Behavior which is against the law which has been verified by the authorities concerned.

13. Having specific instances of not fulfilling a teacher's duties, or being incompetent to teach, or violating their employment contract, with the circumstances determined to be severe.

A decision as to whether to dismiss teachers in any of the situations referred to in Subparagraphs 11 to 13 of the preceding paragraph, shall be made only when over two-thirds of the Teachers' Review Committee members are present and over two-thirds of the attending members are in agreement. Teachers to whom the situation referred to in Subparagraph 12 pertains, and whom the Teachers' Review Committee has decided to dismiss or not-renew their employment, with the exception of those cases where the circumstance are severe, shall depending on the seriousness of the situation and not be re-employed as a teacher for within at least one to four years, and the details shall be reported to the competent educational authority.

Teachers in the situations referred to in Subparagraphs 1 to 11 of Paragraph 1 and in the last part of the preceding paragraph may not be re-employed as teachers. Those already employed shall be reported to the competent educational authority for dismissal, suspension, or non-renewal of employment unless one of the following situations pertain：

1. Those in the situations referred to in Subparagraph 7 may be retired or laid off in accordance with the regulations.
2. Those in the situations referred to in Subparagraph 8 and Subparagraph 9 shall be dealt with in accordance with the regulations in Paragraph 4.
3. Those in the situations referred to in Subparagraph 3 or Subparagraph 10 shall be reported to the competent educational authority to approve dismissal.

Teachers in the situations referred to in Subparagraph 8 and Subparagraph 9 of Paragraph 1 shall, after the assessment and approval of the Teachers' Review Committee, be suspended from their employment within a month

following the discovery of the situations by the school, and wait for the results of the investigation. If such situations are verified after the investigation, the employing school shall dismiss the teachers, after having reported the details to the competent educational administrative authority and received its ratification.
To avoid hiring teachers to whom the situations specified in Subparagraphs 1 to 11 of Paragraph 1 and the last part of Paragraph 2, Article 14 of the Statute pertain, the competent educational administrative authority at all levels and schools at all levels shall comply with the requirements for reporting, information collection and inquiries. The regulations governing the reporting, information collection, inquiries and other mandatory requirements shall be established by the Ministry of Education.
With the exception of anyone who has committed a sexual assault, sexual harassment, sexual bullying, whose behavior was against the law in severe circumstances, or who caused severe physical or mental injury to student(s) through corporal punishment or bullying, any teacher who was verified by the authorities concerned to have behaved inappropriately and impaired the teacher's morals and dignity and was therefore reported for dismissal or non-renewal of employment prior to the enactment of the Teachers' Act amendment on June 27th, 2013, may be employed as a teacher after four years from the date of their dismissal or non-renewal.
Article 14-1

When the Teachers' Review Committee of the school reaches an agreement upon dismissal, suspension, or non-renewal employment of a teacher in accordance with Article 14, the school shall report to the competent educational authorities for approval within 10 days of the agreement, and also notify the party in writing, stating its reasons.
Before the competent educational authorities approve the dismissal, suspension, or non-renewal employment of the teacher, when the current employment expires, the school shall continue to employ the teacher temporarily.
Article 14-2

During the suspension of the teacher, the school shall reserve the position until the reasons for suspension are concluded, and shall continue to employ the teacher under the agreement of the Teachers' Review Committee of the school.
When a teacher is suspended in accordance with the law, and the employment expires before the reasons for suspension are concluded, the Teachers' Review Committee of the school shall investigate in accordance with regulations to see if continuing employment is appropriate.
Article 14-3

A teacher suspended in accordance with Article 14 shall be given half of the base salary (seniority salary) during the period of suspension; when the teacher is once more employed after the reasons for suspension have been concluded, the difference in base salaries (seniority salaries) shall become retroactive. However, if a teacher is under the following situations, his/her salary during the period of suspension shall not be given in accordance with this Article:
1. When a teacher is under imprisonment or detention, or is fined, but is

paid during imprisonment or detention instead.
2. When a teacher is in situations referred to Paragraph 4 of Article 14, then s/he shall not be given half of the base salary (seniority salary) during the period of suspension, when a teacher is again employed after the reasons for suspension have been concluded, the difference in base salaries (seniority salaries) shall become retroactive.
Article 15

Due to the course adjustment of departments, graduate institutes, subjects, and divisions, or the class reduction, suspension of operations, or dissolution of schools, the school or the authorized educational authorities shall first help transfer those qualified teachers who would like to continue teaching or have other suitable work; those who are incompetent for their current positions or are already unemployed and have no other suitable work to transfer, or proved by public hospitals to be physically too weak to handle their work shall be reported to the authorized educational authorities and laid off after approval.
Article 15-1

Teachers who are first helped to transfer by schools or competent educational authorities in accordance with the preceding Article may not be employed if found in any of the situations mentioned in the subparagraphs of Paragraph 1 of Article 14 by the Teachers' Review Committee of the school.
Teachers transferred by competent educational authorities in accordance with the regulations of the National Education Law can also apply to the regulation of the preceding paragraph.
Chapter IV Rights and Obligations
Article 16

After the teacher accepts employment, s/he can enjoy the following rights in accordance with the relevant laws and school rules and regulations:
1. Bring up constructive opinions regarding teaching and administration of the school.
2. Enjoy the rights and protection in terms of payment, fringe benefits, retirement, consolation, severance, and insurance, etc.
3. Participate in in-service education, research, and academic exchanges.
4. Join teachers' organizations, and attend other activities held in accordance with the regulations.
5. Appeal in accordance with the law when the measures taken by the authorized educational authorities or schools against the teacher are considered by him/her to be illegal or inappropriate and have damaged his/her interests.
6. Enjoy professional autonomy in teaching and student counseling in accordance with law and school rules and regulations.
7. Can refuse to take part in work or activities irrelevant to teaching assignments by the authorized educational authorities or the school, unless otherwise specified according to law.
8. Enjoy other legitimate rights in accordance with this law or other laws.
Article 17

Other than fulfilling their employment responsibilities in accordance with

law, teachers have the following obligations:
1. Abide by the regulations specified in the employment contract and maintain school honor.
2. Actively protect students' rights to education.
3. Implement teaching activities in accordance with relevant laws and the courses arranged by the school.
4. Guide and discipline students to grow adaptively and develop sound personalities.
5. Conduct research and studies related to teaching.
6. Take full responsibilities of the position and exalts a teacher's dignity and profession out of clear conscience.
7. Attend academic and administrative activities of the school, as well as social education activities in accordance with relevant laws.
8. Shall not disclose personal or family information of students unless otherwise specified by law.
9. Take the role of a homeroom teacher.
10. Fulfill other obligations in accordance with this law or other laws.
The regulations in Subparagraphs 4 and 9 of the preceding paragraph shall be prescribed by the school council meeting of respective schools.
Article 18

Teachers who violate the regulations in Article 17 will be dealt with by the school in accordance with relevant laws after being appraised by the Teachers' Review Committee.
Article 18-1

Teachers may ask for a Personal Leave for the following reasons：marriage, funerals, illness, childbirth or other legitimate reasons that are in accordance with the Teachers' Leave Regulations. Official Leave requests must be given for the following reasons：The Teachers' Leave Regulations referred to in the preceding paragraph shall directions regarding the type of leave request, number of leave days needed, procedures for handing violations and teacher responsibilities, while on leave. Regulations will be prescribed by the Ministry of Education.
Chapter V Payment
Article 19

Teachers' payment can be divided into three kinds: base salaries, allowances, and bonuses.
The base salaries of teachers at high schools and lower levels shall be paid according to their academic background and experience, and seniority; the base salaries of teachers at junior colleges and higher levels shall be paid according to their rankings, academic background and experience, and seniority.
There are three kinds of allowances: position, academic research, and district allowances.
Article 20

The payment of teachers shall be separately stipulated by law.
Chapter VI Further Studies and Research
Article 21

To elevate educational quality and to encourage the further studies and research of teachers at all levels, the related competent educational authorities and schools shall establish institutions or organizations for further studies and research based on actual needs; its regulations shall be prescribed by the Ministry of Education.

Article 22

Teachers of all levels, when in service, shall be actively engaged in further studies and research on knowledge related to teaching; the reward regulations for the further studies and research of teachers shall be prescribed by the Ministry of Education.

Article 23

Teachers engaged in in-service education are entitled to leave and pay or leave without pay; the funds for further studies and research shall be budgeted by the school or the competent educational authorities. The relevant regulations shall be prescribed by the Ministry of Education.

Chapter VII Retirement, Consolation, Separation, Severance, and Insurance

Article 24

The payment for teachers' retirement, consolation, separation, severance, and insurance is in the form of savings, which is called the pension fund, jointly contributed by the school and the teachers. The pension payment shall be guaranteed by the government. The retirement, consolation, and severance pay for the teacher whose seniority was accumulated before the savings system shall be given in accordance with the previous regulations.

When the teacher leaves her/his post after several years of service, s/he shall be given the savings contributed to him/her from the pension fund.

The savings referred to in the preceding paragraph are contributed in proportion to the monthly salary of the teacher and by the school.

When the teacher transfers between public schools and private schools, the seniority accumulated for retirement, consolidation, and severance pay shall be carried over.

Article 25

An organization in charge of the contribution, management, and operation of the teachers' pension fund shall be set up.

The teachers' retirement, consolidation, separation, severance, and insurance shall be separately stipulated by law.

Chapter VIII Teachers' Organizations

Article 26

There are three levels of teachers' organizations: the School Teachers' Association at the school level; the Local Teachers' Association at the municipal and county (city) levels; the National Teachers' Association at the central level.

When the school has a class number smaller than 20, it may co-form-coordinate a cross-district (township, town) School Teachers' Association with other schools.

The establishment of teachers' organizations at all levels shall go through the process of notification and registration to the competent authorities pursuant to the regulations of the People's Organization Law.

The Local Teachers' Association shall consist of half of the School Teachers' Associations in the district it has established. The National Teachers' Association shall consist of half of the Local Teachers' Associations it has established.

Article 27

The basic missions of teachers' organizations at all levels are as follows:

1. Maintain teachers' professional dignity and autonomy.
2. Reach agreements with authorities at all levels on teachers' employment and provisions governing it.
3. Study and help solve all kinds of educational problems.
4. Monitor the management, operation, and payment, etc. of the organization in charge of the separation fund payment.
5. Send representatives to join statutory organizations at the employment, appeal, and other related matters of teachers.
6. Stipulate Teachers' Self-discipline Agreement.

Article 28

The school can not ask the teacher not to participate in teachers' organizations nor hold any position for them as a requirement of employment. The school can not refuse to employ the teacher, dismiss the teacher, or take other unfavorable actions against the teacher because of his/her participation in teachers' organizations.

Chapter IX Appeals and Litigations

Article 29

When a teacher considers the measures taken against him/her by the competent educational authority or the school illegal or inappropriate, and so his/her rights are damaged, s/he can appeal to the Teachers' Appeal Review Committee at all levels.

The Teachers' Appeal Review Committee shall include representatives from the teachers' organizations or their branches and educational scholars from the district, and the number of teachers not involved in the administration shall be smaller than two-thirds of the total number. However, during the investigation and litigation period regarding the appeal concerning the school of a committee member, that member shall avoid this case; the organization and review standards shall be prescribed by the Ministry of Education.

Article 30

The Teachers' Appeal Review Committees can be categorized into the following levels:

1. The school and central levels for junior colleges and higher levels.
2. County (city), provincial, and central levels for high schools and lower levels.

Article 31

The procedure of the teacher's appeal can be divided into two levels: appeal and re-appeal.

If the teacher is not satisfied with the results of the appeal, s/he can file a re-appeal. The school and the competent educational authorities can

do the same if they are not satisfied with the results of the appeal.
Article 32

After the appeal has been reviewed and finalized, the competent educational authorities shall execute it thoroughly, and the review report shall be sent to the person in question, the competent authority, and the teachers' organization of the district, at the same time.
Article 33

If the teacher does not wish to appeal nor is not satisfied with the results of the appeal and re-appeal, s/he can file litigation based on its nature according to law, or ask for aid in accordance with the Rules on Administrative Appeal or the Administrative Litigation Law or other related regulations such as protection laws.
Chapter X Supplementary Provisions
Article 34

The qualifications of those that already received the post as a teacher before this law was enacted shall be protected.
Article 35

The certification and accreditation of part-time teacher qualifications at schools of all levels shall be implemented in accordance with the regulations of this law.
The rights and obligations of part-time, probation, and substitute teachers shall be governed by the regulations prescribed by the Ministry of Education.
The qualifications of professional, technical subjects, and nursing teachers for military training and nursing courses at schools of all levels, shall be governed by and interpreted in accordance with the Statute Governing the Appointment of Educators.
Article 35-1

The dismissal, appeals, further studies, payment, fringe benefits, severance of nursing teachers in paragraph 3 of the preceding article, apply to the teacher’s relevant laws.
Nursing teachers that are transferred by authorized educational authorities, who are qualified teachers of health and nursing courses, can not continue teaching due to the revision of military training and nursing courses pertaining to when this law was amended and enforced from 2006 to July 31, 2008, designated ,should be transfered to health and nursing teachers. The transfer rules shall be prescribed by the Ministry of Education.
According to the preceding paragraph deadline, nursing teachers who are qualified teachers of health and nursing courses, that have not been transferred to health and nursing teachers designated, can be transferred continuously to health and nursing teachers designated beginning from December 9, 2012 to December 9, 2014 .
Article 36

All relevant regulations stipulated in this law shall apply mutatis mutandis to full-time teachers of public kindergartens and private

kindergartens already registered as a foundation.
The relevant regulations stipulated in this law shall also apply mutatis mutandis to full-time teachers of private kindergartens not yet registered as a foundation except for Article 24 and 25 of this law.

Article 36-1

The teachers' appeal regulations shall apply mutatis mutandis to school presidents at all levels in filing appeals.

Article 37

The Ministry of Education shall invite representatives of the National Teachers' Association to participate in the stipulation of the regulations that this law authorizes the Ministry of Education to prescribe.

Article 38

The enforcement rules of this law shall be prescribed by the Ministry of Education.

Article 39

This law shall enter into force from the date of promulgation. However, the implementation date of the payment, retirement, consolation, separation, severance, and insurance part shall be ordained by the Executive Yuan; the articles of this law amended on the November 6, 2009 take effect on the November 23, 2009.

Data Source： Laws and Regulations Retrieving System