Content

Title：	Act Governing the Appointment of Educators Ch
Date：	2013.12.11
Legislative：	1.Promulgated on May 1, 1985 2.Amendment to Article 21 promulgated on December 19, 1990. 3.Amendment to Articles 8,21,40 promulgated on July 1, 1994. 4.Amendment to Articles 14,15,17,18, and 26, addition of Articles 16-1& 30-1, and deletion of Article 39 promulgated on March 19, 1997. 5.Addition of Articles 41-1 promulgated on January 17, 2001. 6.Amendment to Article 20 promulgated on May 25, 2001 7.Amendment to Articles 2, addition of Articles 22-1 promulgated on December 17, 2003. 8.Amendment to Article 40 promulgated on February 3, 2006. 9. Amendment to Article 6 of the Act Governing the Appointment of Educators per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-09800167921 dated July 8, 2009. 10. Amendment to Articles 31,43 of the Act Governing the Appointment of Educators per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-09800284801 dated November 18, 2009 and taking effect on November 23, 2009. 11. Amendment of Articles 3~6, 8, 10, 31, 36 and 41; addition of Articles 6-1, 10-1 and 34-1; and deletion of Articles 7, 9, 23~25, announced through ROC President Order No. 10000266451 dated November 30, 2011. 12. Amendment of Articles 19, announced through ROC President Order No. 10200225081 dated December 11, 2013.
Content：	Chapter 1 General Provisions Article 1 The appointment of educators shall be enforced in accordance with the Act. Matters not provided herein shall be handled pursuant to the provisions of other related laws. Article 2 The term “educators” mentioned in the Act refers to the principals, teachers, staff and athletic coaches of all levels of public schools, the professionals of social education institutions, and the researchers of the academic research institutions subordinate to all levels of the government agencies in charge of education administration (hereinafter referred to as the “academic research institutions”). Chapter 2 Qualifications for the Appointment Article 3 The appointment of educators should be based on educators’ morals and loyalty to the country. Educational background, experience, capability and physique thereof should meet the type and nature of the function that the educator prepares to perform. The emphasis should be placed on leadership for the appointment of principals/presidents at all levels of school as well as directors for education institutions and academic research institutions.

Article 4

Principals of elementary schools should hold a Teacher's Certificate for elementary schools and meet one of the following qualifications:

1. Have held the position of elementary school teacher for at least five years and have served as a director of first level administrative units of schools for at least three years per regulations governing schools of all levels.

2. Have held the position of elementary school teacher or junior high school teacher for at least three years, or a total of four years in both, and have the recommended appointment rank of 8th grade or above, or its equivalent, in the field of education administration for no less than two years.

3. Have held the position of teacher at schools of all levels for at least seven years, accumulative, among which at least three years as an elementary school teacher and no less than two years as a director of a first-level administrative unit of an elementary school.

For the principal of an elementary school affiliated to a teachers' college, the years serving as a director of a school's first-level administrative unit as referred to in the University Act shall be included in the required seniority of a director of a first-level administrative unit of an elementary school as specified in Item 3 of the preceding paragraph.

Article 5

Principals of junior high schools should hold a Teacher's Certificate for secondary schools and meet one of the following requirements:

1. Have held the position of junior high school teacher for at least five years and have served as a director of a school's first-level administrative unit for at least three years per regulations governing schools of all levels.

2. Have held the position of elementary school teacher or junior high school teacher for at least three years or totaled four years in both, and have the recommended appointment rank of 8th grade or above, or its equivalent, in the field of education administration for no less than two years.

3. Have held the position of teacher at schools of all levels for at least seven years, accumulative, among which at least three years as a junior high school teacher and no less than two years as a director of a first-level administrative unit of a junior high school.

The eligibility for the principal of a junior high school affiliated to a teachers' college shall include a minimum of three years as a full-time lecturer at a college or department of education and another three years as a teacher at a secondary school besides the requirements mentioned in the individual items of the preceding paragraph. A Teacher's

Certificate for secondary schools is also required; the years serving as a director of a school's first-level administrative unit as referred to in the University Act shall be included in the required seniority of a director of a first-level administrative unit of a junior high school as specified in Item 3 of the preceding paragraph.

Teachers at a junior high school affiliated to a senior high school who hold a Certificate of Successful Completion of Reserve Training for Directors of Junior High Schools shall have their seniority as the director counted as part of the seniority as the director of a first-level administrative unit of a junior high school as specified in Item 3 of Paragraph 1.

Article 6

Principals of senior high schools should hold a Teacher's Certificate for secondary schools and meet one of the following requirements:

Have held the position of senior high school teacher for at least five years and have served as a director of a first-level administrative unit of a school for no less than three years per regulations governing schools of all levels.

Have held the position of secondary school teacher for at least three years and have the recommended appointment rank of 9th grade or above, or its equivalent, in the field of education administration for no less than two years.

Have held the position of teacher at schools of all levels for at least seven years, accumulative, among which three years as senior high school teacher and no less than two years as a director of a first-level administrative unit of a senior high school.

The eligibility for the principal of a senior high school affiliated to a teachers' college shall include two years as a full-time associate professor at a college or department of education, or have held/will hold the position of full-time associate professor of relevant disciplines at a vocational school, and teacher at a high school for another two years at least, besides all other requirements mentioned in the individual items of the preceding paragraph. At least one year of service as a director of a first-level administrative unit of a school per regulations governing schools of all levels. A Teacher's Certificate for secondary schools is required; the years serving as a director of a school's first-level administrative unit as referred to in the University Act shall be included in the required seniority of a director of a first-level administrative unit of a senior high school as specified in Item 3 of the preceding paragraph.

Principals of vocational schools in the field of national art shall have held a teaching position in theatre, arts, or in graduate schools/departments/programs of relevant fields of senior high schools, junior colleges and above for at least two years. No less than two years of serving as a director

with the recommended appointment rank of 9th grade or above, or its equivalent, in the field of education or cultural administration for no less than two years per regulations governing schools of all levels.

Article 6-1

Principals of special education schools should hold a Teacher's Certificate for the highest level of education available at schools, expertise and knowledge of special education, and meet one of the following requirements:

1. Have held the position of special education school (class) teacher for at least five years and have served as a director of a first-level administrative unit of a school per regulations governing schools of all levels for no less than three years.

2. Have held the position of special education school (class) teacher for at least three years and have the recommended appointment rank of 9th grade or above, or its equivalent, in the field of education administration for no less than two years.

3. Have held the position of teacher at schools of all levels for at least seven years, accumulative, among which three years as a special education school (class) teacher and no less than two years as a director of a first-level administrative unit of a senior high school or lower-level schools.

Article 7

(Deleted)

Article 8

Presidents of junior colleges should meet one of the requirements in Item 1 and Item 2 below:

1. Eligibility (meet any of the following qualifications):

(1) Academician at Academia Sinica

(2) Professor

(3) Prior teaching and academic research experience equivalent to that required of a professor

(4) At least three years of experience as associate professor

(5) Prior teaching and academic research equivalent to that required of a associate professor for no less than three years

2. At least three years of experience, accumulative, as a director in schools, government agencies, or in other state-owned or private business entities

Article 9

(Deleted)

Article 10

Presidents of universities should meet one of the requirements in Item 1 and Item 2 below:

1. Eligibility (meet any of the following qualifications):

(1) Academician at Academia Sinica

(2) Professor

(3) Prior teaching and academic research experience equivalent

to that required of a professor
2. At least three years of experience, accumulative, as a director in schools, government agencies, or in other state-owned or private business entities
Other than the requirements mentioned in the individual items of the preceding paragraph, college presidents shall hold a doctoral degree and have worked in the professional field of which the nature relates to that of the intended college, or the selected appointment rank of 12th grade or above, or its equivalent, in the field of education administration for at least six years, accumulative.
Presidents of universities and colleges should meet the requirements in the preceding two paragraphs. Individual universities and colleges may establish additional eligibility requirements, according to their needs, and specify these requirements in Articles of Organization.

Article 10-1

Individuals who have previously held or currently hold the position of principal at schools of all levels or are principal candidates for junior high schools or elementary schools who have gone through public screening and reserve training or have met the qualifications of a principal or president for senior high schools and higher-level academic institutions are eligible to serve as a principal at schools of the same level. This criterion shall also apply to those having been qualified through principal reserve training organized by the designated education authority per pre-amended Articles 4 and 5 prior to enforcement of the Act amendment dated November 15, 2011.
When a specialized school is reformed to a college of technology with a specialized division, the president may continue his/her tenure until it expires.
When the designated education authority, school, or board of directors has begun principal or president screening per qualifications of Article 4 to the preceding article of the pre-amended Statute before implementation of the Statute amendment dated November 15, 2011, the qualifications of the principal or president shall follow the pre-amended Statute.

Article 11

The presidents of normal universities, normal colleges, normal junior colleges shall meet the requirements specified in each related article of the Act, and, in principle, shall specialize in education.

Article 12

Elementary school teachers shall possess one of the following qualifications:
1. Graduate from normal junior colleges.
2. Graduate from each department of the normal universities and normal colleges, or graduate from education departments

or colleges.

3. Have acquired certificates of the elementary school teachers before the Act is enforced, and the certificates are still within the term of validity.

Article 13

High school teachers shall possess one of the following qualifications:

1. Graduate from each department or graduate school of the normal universities or normal college.

2. Graduate from each department or graduate school of education colleges, or graduate from education departments or graduate schools of universities.

3. Graduate from each department or graduate school of universities or independent colleges, and have taken education courses and thus acquired the required education credits.

4. Have acquired certificates of the high school teachers before the Act is enforced, and the certificates are still within the term of validity.

Article 14

Teachers of universities, independent colleges and junior colleges refer to professors, associate professors, assistant professors and lecturers.

Teachers of universities, independent colleges and junior colleges shall have specialized publications published in prestigious academic or professional journals in Taiwan or abroad, or accepted and proved to be published regularly, or issued in public, and shall have been certified the qualification by the Ministry of Education.

Teachers may get promoted under the circumstances of the aforementioned qualifications. When necessary, Ministry of Education may authorize schools to handle the screening.

Technical teachers in the fields of physical education, arts and applied technology of universities, independent colleges and junior colleges may apply for the appointment or promotion with their works, proof of achievements, or technical reports to replace the specialized publications for the screening.

Teachers of universities, independent colleges and junior colleges shall arrange for the qualification screening when applying for the appointment or promotion; regulations concerning the screening shall be prescribed by the Ministry of Education.

Article 15

Universities, independent colleges and junior colleges may appoint assistants to assist teaching and research.

Assistants shall possess one of the following qualifications:

1. Graduate from universities or independent colleges with excellent grades.

2. Graduate from three-year junior colleges, have engaged in research work, specialized professions or functions related

to learned subjects for over two years; or graduate from two-year or five-year junior colleges and have engaged in research work, specialized professions or functions for over three years with excellent grades.

Article 16

Lecturers shall possess one of the following qualifications:

1. Research in the graduate schools or institutes, hold master’s degrees or the equivalent, and have outstanding grades.
2. Graduate from universities or independent colleges, have held the position as assistants in teaching or researching for over four years with excellent performance, and have published specialized publications.
3. Graduate from universities or independent colleges, have engaged in research work, specialized professions or functions related to the majored subjects for over six years with outstanding performance, and have published specialized publications.

Article 16-1

Assistant professors shall possess one of the following qualifications:

1. Hold doctoral degrees or the equivalent degree certificates with outstanding performance and have published specialized publications.
2. Hold Master’s degrees or the equivalent degree certificates, have engaged in research work, specialized professions or functions related to the majored subjects for over four years with excellent performance, and have published specialized publications.
3. Graduate from departments of Medicine, Chinese Medicine, or Dentistry of universities or independent colleges, have practiced clinically for over nine years, during which acted as doctors in charge in the medical center for four years with excellent performance, and have published specialized publications.
4. Have held the position as lecturers for over three years with outstanding performance, and have published specialized publications.

Article 17

Associate professors shall possess one of the following qualifications:

1. Hold doctoral degrees or the equivalent degree certificates, have engaged in the research work, specialized professions or functions related to the majored subjects for over four years, and have published specialized publications.
2. Have held the position as assistant professors for over three years with outstanding performance, and have published specialized publications.

Article 18

Professors shall possess one of the following qualifications:

1. Hold doctoral degrees or the equivalent degree certificates, have engaged in the research work, specialized professions or functions related to the majors for over eight years with productions or inventions, and have great academic contributions or important specialized publications.
2. Have held the position as associate professor for over three years with outstanding performance and have published specialized publications.

Article 19

A person who has made an outstanding academic contribution may be appointed as a teacher in a university, independent college, or junior college, provided that this appointment has been approved by at least three quarters of the members present at a meeting of the Council of Academic Reviewal and Evaluation of the Ministry of Education that was attended by at least half of all Council members. And this appointment is not subject to the restrictions stipulated in Articles 15 to 19.

Article 20

The qualifications of principals and teachers of schools in the remote or special areas and qualifications of teachers teaching specialized subjects, technical subjects and special subjects and the rare technicians shall be enacted by the Ministry of Education.

For those accepted by the Department of Early Childhood Education of the normal colleges before 7 Feb. 1994 and those accepted by the Extension Division of Department of Early Childhood Education of the normal colleges before 16 Nov. 1995 but have not completed the education, when they take the selection exams of elementary school teachers in remote areas, the recognition of education subjects and credits thereof shall be handled by the teacher training institutions he or she originally attended in accordance with the principle of substantial recognition.

For those who passed the selection exams of elementary school teachers in remote areas in the academic year of 2000 but have not been appointed, their cases, if conforming to the provisions of the preceding paragraph, shall be handled in compliance with the preceding paragraph.

Article 21

The appointment of school staff shall be handled in accordance with the provisions of Act Governing the Appointment of Civil Servants or Statute Governing the Appointment of Technicians pursuant to the function classification thereof and be proceeded to the appointment confirmation process.

For the incumbent staff incorporated within the school organization, if selected and appointed before the enforcement

of the Act, the appointment qualifications thereof shall apply to the provisions of the former related laws and the staff may be transferred among schools.

The incumbent staff incorporated within the school organization, if possessing the statutory appointment qualifications for the civil servants or technicians before the enforcement of the amended Statute, shall be reassigned and the pay rate thereof shall be switched pursuant to the incumbent positions. The regulations governing the reassignment and the switch of pay rate shall be enacted by the Examination Yuan along with the Executive Yuan.

The appointment of the human resources staff and the budgeting, accounting, and statistics staff in schools shall be handled in accordance with the provisions of the respective related laws.

The rules governing the promotion exams of public school staff shall be enacted by the Examination Yuan.

Article 22

The appointment qualifications for the professionals in social education institutions and the researchers in academic research institutions may, in accordance with the function classification thereof, apply mutatis mutandis to the respective school's provisions.

The appointment qualifications for the general administrative staff of the institutions specified in the preceding paragraph shall abide by the provisions of the related civil servant laws.

Article 22-1

The qualifications for the full-time athletic coaches of all levels of schools shall be enacted by the central government agencies in charge of physical fitness and sports; the procedures and terms of the appointment shall be enacted by the central government agencies.

Chapter 3 Procedures for the Appointment

Article 23

(Deleted)

Article 24

(Deleted)

Article 25

(Deleted)

Article 26

The appointment of teachers of all levels of school shall be handled in accordance with the principles of fairness, justness and openness. The procedures are as follows:

1. Teachers of the senior high schools and lower levels may be allocated in accordance with the decrees. Otherwise, the principals thereof may report the publicly selected qualified candidates to the Teachers Review Committee for

the screening. The teachers shall be appointed after the consent of the Committee.

2. For the appointment of junior college teachers, the department directors shall report the candidates to the Teachers Review Committee for the screening after the departmental meetings and, after the consent of the Committee, the candidates shall be reported to the principals for the appointment.

3. For the appointment of teachers of each department and graduate school of universities and independent colleges, schools shall put want ads on the media or academic journals and the chairpersons of the departments or graduate schools shall propose the applicants to the Teachers Review Committees of the department, college and school for the ratification. After the consent of the Committees, the candidates shall be reported to the principals for the appointment.

The regulations concerning the establishment of Teachers Review Committee specified in the preceding paragraph shall be enacted by the Ministry of Education; however, those of the junior colleges and higher levels shall be prescribed in accordance with the regulations governing the school organization.

Article 27

Junior high and elementary school principals shall be selected openly from the qualified candidates except those who hold the current positions in accordance with the decrees.The same shall be applied to high school teachers except the allocated ones.

Article 28

The school staff shall be appointed by the principals from the qualified candidates and reported to the government agencies in charge of education administration for a later check. However, the appointment of the budgeting, accounting, and statistics staff and the human resources staff shall be handled in accordance with the respective related laws.

Article 29

The professionals in social education institutions and researchers in academic research institutions shall be nominated by the respective chairperson and reported to the government agencies for the ratification and appointment.

Article 30

School teachers shall apply for the screening of qualifications after the appointment in accordance with the following procedures:

1. The screening cases of the junior high and elementary school teachers shall be submitted to the schools they serve

and later reported to the county (city) governments so as to forward to the education division of the provincial government for the screening.

2. The screening cases of the senior high school teachers shall be submitted to the schools they serve and later forwarded to the education division of the provincial government for the screening.

3. The screening cases of the public and private high school and elementary school teachers under the jurisdiction of the municipality shall be submitted to the schools they serve and later forwarded to the municipal education bureaus for the screening.

4. The screening cases of the high school and elementary school teachers subordinate to normal universities, normal colleges and education departments or colleges of universities and public high school teachers shall be submitted to the schools they serve and later forwarded to the provincial education division (city education bureaus) under whose jurisdiction the school belongs to for the screening.

5. The screening cases of the teachers of junior colleges and higher levels shall be submitted to the schools they serve and later transferred to the Ministry of Education for the screening. The regulations governing the screening of teacher qualifications and registration shall be enacted by the Ministry of Education.

Article 30-1

The screening cases of the incumbent staff who have received the certificates of lecturers or assistant professors before the enforcement of the amended Act and have continued teaching without suspension shall be directly submitted for the screening in accordance with the former promotion regulations without the constraints of Article 29 of University Act. The same may apply to the professionals in social education institutions and researchers of the academic research institutions who have been appointed in accordance with the Act.

Chapter 4 Restrictions on the Appointment

Article 31

Individuals with any of the following conditions shall not be an educator; those who have already been appointed shall be dismissed or discharged after the ratification by the designated authority:

1. Be convicted of a crime of treason or invasion, or be issued a warrant of arrest and the case is not yet closed.

2. Be convicted of corruption and malfeasance, or be issued a warrant of arrest during the term of civil service, and the case is not yet closed.

3. Be convicted of crimes under Paragraph 1, Article 2 of the

Sexual Assault Crime Prevention Act

4. Be dismissed from employment in accordance with the law, or undergo the disciplinary action of suspension from employment and such action is not yet terminated, or be suspended from employment for which the reason has not yet cleared.

5. Be deprived of civil rights and the rights thereof have not yet be reinstated.

6. Be announced to be subject to guardianship or assistantship, which has not yet been revoked.

7. Be proven to have mental disorder by a physician.

8. Be verified by designated authorities to have conducted inappropriately and therefore impaired teachers' morals and dignity, or be verified by the Committee for Gender Equity Education of the school to have committed sexual assaults.

9. Fail to report campus sexual assaults according to the Gender Equity Education Act upon awareness of such assaults, leading to subsequent sexual assaults, or forged, altered, destroyed or hid evidence of such assaults committed by others as investigated and verified by authorities.

When the educator in the preceding paragraph is a school principal, the designated education authority shall dismiss the principal. When sexual assault is involved as stated in Item 8, the principal is subjected to investigation by the Committee for Gender Equity Education under the designated authority.

When an educator is accused of a sexual assault, the designated education authority or the school shall ask the judicial institution to provide related information on the case and shall be informed of the investigation or ruling result during the course of investigation or court proceedings unless such action obstructs secret investigation, undermine investigation of a separate case, violate legitimate confidentiality or compromise the exercise of les droits de la defense.

To avoid hiring educators with the conditions specified in Paragraph 1, Article 31 of the Act, designated authorities and schools of all levels should follow the requirements on reporting, information collection and inquiries. The regulations governing the reporting, information collection, inquiries and other requirements are to be established by the Ministry of Education.

Article 32

All levels of school principals may not appoint their spouses, blood relatives within the third degree of relationship, or relatives by affinity as the schools' staff; neither shall they appoint the teachers with kinship to serve concurrently the administrative positions. But those who have held the positions before the principals succession, if taking charge of fiscal positions, shall be adjusted from their incumbent positions or work; if the positions they hold are fixed-

termed, they may continue working until the completion of the term.

Article 33

Those who fail to work due to chronic illness or have served civil service but fail to hand over the duties thereof may not be appointed as educators. Those who reach the retirement age may not be appointed as full-time educators.

Article 34

Full-time educators may not work part-time outside of the schools or hold concurrent jobs except there shall be provisions of other laws.

Article 34-1

Unless specified otherwise in the laws, full-time educators shall have their position retained without pay for taking care of their newborns, parents, advanced studies, temporary transfer, or others as long as application is approved by the school, institution, or designated education authority.

Reasons, approval process, duration, frequency, reinstatement, and other requirements concerning the application for retention of position without pay as mentioned in the preceding paragraph are to be established by the Ministry of Education.

Article 35

The provisions in Article 32 shall apply mutatis mutandis to the head of social education institutions and academic research institutions.

Chapter 5 The Term of Office

Article 36

Principals of schools at all levels work by terms. The regulations concerning the terms shall be enacted by the Ministry of Education.

When the principals who have held a Teacher’s Certificate have served their terms, they shall be exempt from deliberations by the Teacher Evaluation Committee for resuming the position of teacher according to the following:

1. Presidents of junior colleges and above shall resume their teaching positions at the original institutions.
2. Principals of senior high schools and lower-level schools shall follow respective laws/regulations governing the schools.

Article 37

The first and second term of teachers of junior colleges and higher levels shall be one year, but the later renewed terms shall be two years.

The first term of high school teachers shall be one year, but the later renewed terms shall be two years.

Article 38

Schools may not dismiss teachers whose terms of appointment are still within the validity on the condition that the teachers thereof have not violated the contract of appointment or have not been approved dismissed by the government agencies in charge of education administration due to any serious incidents.
Teachers may not resign when the term of appointment thereof is still within validity unless due to legitimate reasons.

Article 39 (Repealed)

Chapter 6 Supplementary Provisions

Article 40
The table of job rankings of school principals , teachers and athletic coaches shall be enacted by the Ministry of Education; the official levels, position levels and function levels of school staff shall apply to the provisions of the Act Governing the Appointment of Civil Servants.
The former salary list adopted by the staff appointed before the enforcement of the Act shall be adjusted in accordance with the equivalent levels of functions.

Article 41
The appointment qualifications and reviewing procedures for private school principals and teachers shall apply mutatis mutandis to the provisions of the Statute. Principals of academies of religious studies shall be university graduates with at least 10 years of experience in teaching religious studies and no less than six years of serving as a director at a religious institution.

Article 41-1
The qualifications, selection, appointment and transfer of the nursery teachers teaching military training or nursing courses in senior high schools and higher levels shall be enacted by the central government agencies.

Article 42
The enforcement rules of the Act shall be enacted by the Ministry of Education.

Article 43
The Act shall come into force as the day of promulgation.
The articles of this act amended on the 23rd of October, 2009 took effect on the 23rd of November, 2009.