Content

Title：	Act of School Fundraising to Support the Education of Financially Disadvantaged Students Ch
Date：	2013.12.25
Legislative：	This Act was promulgated under Presidential Decree Hua.Zong.Yi.Yi.Zi. No. 10200232691 on December 25, 2013, with total 22 articles and shall be enforced on the date of promulgation.
Content：	Article 1 This Act was promulgated to provide education assistance for financially disadvantaged students, to ensure the rights of donors, and to effectively manage the fundraising activities of various public and registered private schools (hereinafter referred to schools). Schools that raise funds or accept donations via fundraising activities for the purpose of supporting financially disadvantaged students with education needs shall be conducted under this Act. Other fundraising activities shall be conducted under the Charity Donations Destined for Social Welfare Funds Implementation Regulations. Article 2 The competent authorities are as follows: the Ministry of Education in the central government; the municipal government in the municipalities; and county (city) government in the counties (cities). Article 3 The terms of this Act are defined as follows: 1. Education savings account: refers to designated accounts opened by a school at a post office or other financial institutions for the purpose of receiving and using fundraising money to assist financially disadvantaged students. 2. Financially disadvantaged students: refers to registered students counter difficulty of taking school education due to low family income, medium-low family income, sudden disruptions or other special circumstances that have resulted in family financial hardships. Article 4 Money obtained through fundraising by schools for assisting financially disadvantaged students with their education needs shall be deposited and saved in a designated education savings account. Money described in the preceding paragraph and any interest accrued shall be accumulated continuously and used for assisting financially disadvantaged students to pay their tuition fees, miscellaneous fees, collection fees, meal costs, and other education-related living expenses. Such money shall not be used for expenditures of financially disadvantaged students that are unrelated to their education. Article 5 Prior to engaging in fundraising as described in the Paragraph 1 of the preceding article, schools shall fill out an application form and attach an executive rule of the education savings account to apply for permission from competent authorities. Schools may apply for permission described in the previous paragraph jointly. In such case, one of the schools shall be elected as the applicant school. Private schools with poor management or having major deficit must demonstrate improvement within time limits set by competent authorities. School which fails to do so, a permission shall not be approved. The executive rules of Paragraph 1 shall include fund savings and

management, subsidization standards, payout processes, methods and purpose of the education savings account, and the objectives, strategies, public proclamation and credit references, expected benefits, and other items related to the fundraising.
The executive rules of Paragraph 1 shall be approved by the school's council board. Private schools must apply for approval from the board of trustees of the school's judicial person. For revisions and amendments, approval must be obtained from the school competent authorities.
The regulations governing the procedures, deadlines, required documents or information, review items, permit conditions, cease and desist, and other procedural accorded matters related to the approval provided in the Paragraph 1 shall be prescribed by the Ministry of Education.

Article 6
Schools with approval for fundraising under the preceding article shall open an education savings account within 10 days since the approved date at a public financial institution (for public schools) with treasury agency window or at the post office or other financial institution (for private schools). School shall submit particulars related to the establishment of the account to the competent authority for reference within 7 days since the account opened date.
Education savings account names shall include the full title of the schools and the words education savings account. The account name of designated education savings accounts for national public schools shall be in accordance with the regulations for establishing the names of treasury authority-specified accounts.
School education savings accounts shall be specified accounts, and the revenue and expenditures shall be recorded. The accounting and cashier of the account shall be implemented under individual school's accounting and cashier rules.

Article 7
A competent authority of municipal and county (city) governments which issued permissions under Article 5 shall report to the Ministry of Education within 7 days since the next day following the approval date for reference.
A competent authority shall publicize the following information on its websites: the name of school that is permitted to engage in fundraising for the purpose of establishing education savings accounts, the account name, permission date and permission document number.

Article 8
After an education savings account is opened and a report to the competent authorities for reference is submitted under Paragraph 1, Article 6, schools may begin the fundraising publicly.
Schools shall establish a designated education savings account management team, which shall be in charge of maintaining and operating the revenue and expenditures of the account.
The management team in the preceding paragraph shall consist of 5 to 11 members, including a convener who shall be the school principal. The remaining membership shall be comprised of: parent association representatives, honorable members of the community, expertise, scholars, and school faculty or staff (appointed or assigned). The number of external (non-school affiliated) representatives shall not be less than one-third of the total number of members.
The tasks of the said management team are as follows:
1. Identify financially disadvantaged students.
2. Review the use in subsidy cases.
3. Review the revenue and expenditures, maintenance and use of the funds.
4. Review the liquidation procedures following the closure of an education savings account.
5. Other fundraising-related and management affairs.
Revenue can be transferred from one school's education savings account to the other to support education-related expensed of other financially disadvantaged students after being reviewed and approved by the management task team prescribed in the preceding paragraph, as well as approved by the

competent authorities.
The regulations governing the means for forming and operating the education savings account management team shall be prescribed by the Ministry of Education.

Article 9
If the donor has destined students or purpose of use, schools shall use the money according to the donator wishes.
If the destined individual in the preceding paragraph graduates and a surplus remains from the original donation, the school shall report the surplus to the competent authorities. After approval, the surplus shall be used to support other financially disadvantaged students according to the objectives of this Act. However, if a donor has specified that the money must be used for the original destined individual, the money shall be transferred to other school designated education savings accounts to execute continuously.

Article 10
Schools shall provide all donors with a written receipt upon receiving donations of fundraising money and shall state the fundraising approval number, the name of the donor, the donation amount, and the donation date on the receipt. If a specific individual is destined to receive the donation, or if the donation is for a specific use, as prescribed in Paragraph 2 of Article 4, the beneficiary of the donation and/or its purpose shall be also stated.

Article 11
Schools shall publicize the revenues and expenditures of designated education savings accounts on the website designated by the Ministry of Education for public proclamation and credit reference monthly.
Schools shall report the revenue, expenditures, and balance of designated education savings accounts of the previous year to competent authorities prior to January 31 of each year for reference. The reports shall be publicized on the website designated by the Ministry of Education for public proclamation and public credit reference.

Article 12
Schools' fundraising should not be forcibly apportioned, or against the wills of parties involved. A donation should not be solicited forcibly from who is obligated or supervised under duty or business relationship. In addition, fundraisers should not accept donations from who has a direct conflict of interest.
Money received in violating preceding paragraph shall be returned to the donor, and written receipts shall be retrieved and invalidated. The school should notify the local tax authority. A receipt that cannot be retrieved shall be stated in writing document with the date of donation returned, amount, and the reason the receipt cannot be retrieved, and reported to the competent authorities for reference. Money received that cannot be returned to the donor shall be forwarded to the competent authorities within 2 months since the date of receipt for treasury processing.

Article 13
A competent authority may inspect the relevant accounting books of received donations and designated education savings accounts under this Act. Schools and their associated personnel shall not evade, obstruct, or refuse this inspection.

Article 14
When schools are closed, dissolved, or abolished, or when the reason for fundraising no longer exists or changed, thus it is necessary to terminate fundraising, schools shall report to the competent authorities, and the fundraising permit shall be ceased and deceased thereby.
After fundraising permit being ceased and deceased, Schools shall process their education savings account surplus according to the following provisions:
1. Liquidate funds.

2. Designated education savings accounts with a surplus after liquidation shall be reported to the competent authorities. The competent authorities shall destine education savings accounts of other schools to execute remaining funds.
3. The education savings account shall be closed after the completion of the procedures in the two preceding Subparagraphs.

Article 15
Schools that violate one of the paragraphs below shall be fined between NTD$ 50,000 and NTD$ 250,000 by the competent authorities, and ordered to take necessary corrective action within the time prescribed in the order. Failure to comply by the deadline may result in an additional fine for each violation. The fundraising permit may be ceased and deceased in case of serious violation.
1. Violation of Paragraph 4, Article 2: using raised donations and profits for other purposes.
2. Violation of Paragraph 5, Article 1: engaging in fundraising without permission issued by competent authorities.
3. Violation of Article 9.
4. Violation of Article 12.

Article 16
Schools that violate one of the paragraphs below shall be fined between NTD$ 20,000 and NTD$ 100,000 by the competent authorities, and ordered to take necessary corrective action within the time prescribed in the order. Failure to comply by the deadline may result in an additional fine for each violation.
1. Violation of Paragraph 5, Article 5.
2. Violation of Paragraph 1, Article 6 failure to open an education savings account.
3. Violation of Paragraph 2, Article 14.
Schools that severely violate Subparagraph 1 or 2 of the preceding paragraph, their fundraising permit may be ceased and deceased by the competent authorities.

Article 17
Schools and their associated personnel who evade, obstruct, or refuse competent authority’ s inspection pursuant to Article 13 shall be fined NTD$ 10,000 to NTD$ 50,000 by competent authorities, and an inspection may be compulsory enforced; fundraising permit may be ceased and deceased in case of serious violation.

Article 18
Schools that violate one of the paragraphs below shall be fined between NTD$ 3,000 and NTD$ 15,000 by the competent authorities, and ordered to take necessary corrective action within the time prescribed in the order. Failure to comply by the deadline may result in an additional fine for each violation. The fundraising permit may be ceased and deceased in case of serious violation.
1. Violation of Paragraph 1, Article 6 failure to submit report to competent authorities within 7 days of opening an education savings account for reference, or a public school having not opened an education savings account at a financial institution with treasury agency window.
2. Violation of Article 10.
3. Violation of Article 11.

Article 19
Anyone violates this Act shall be penalized under this Act and shall be sent to judicial department if any suspected crime is founded.

Article 20
Schools that are permitted by the Ministry of Interior, municipal governments, or county (city) governments to organize fundraising activities and establish education savings accounts pursuant to the Charity Donations Destined for Social Welfare Funds Implementation Regulation prior to the enforcement of this Act shall execute their fundraising activities

and financial use as originally planned until the expiration date. Designated education savings accounts in the preceding paragraph containing a surplus may continue to be used according to this Act after receiving approval in accordance with this Act.

Article 21
Articles 3 to 14 are quasi applied to the fundraising activities of military schools founded by Ministry of National Defense in which donations are raised and accepted to support the education of financially disadvantaged, self-supporting students. The violation of this Act in such schools shall be penalized by the Ministry of National Defense under Articles 15 through 18.

Article 22
This Act is enforced from the date of promulgation.

Data Source： Laws and Regulations Retrieving System