

Content

Title : Student Guidance and Counseling Act [Ch](#)

Date : 2014.11.12

Legislative : Presidential Order No. 168991 promulgating this Act comprising twenty-four articles was issued on November 12, 2014

Content :

Article 1

This Act has been formulated for the purpose of promoting and protecting students' physical and mental health and holistic development, and to ensure sound student counseling.

Student counseling shall be undertaken in accordance with the provisions of this Act. However, where the Special Education Act has other provisions, those provisions shall apply.

Article 2

In this Act, the term "competent authority" refers to the Ministry of Education at the central government level; to the municipal government at the municipality level; and to the county (city) government at the county (city) level.

The competent authority for military colleges and academies is the Ministry of National Defense, and the competent authority for police colleges the Ministry of the Interior.

When any matter stipulated in this Act involves an area over which any other competent authority exercises administrative oversight, each competent authority shall work in coordination with any other one involved to achieve the aims of this Act.

Article 3

The terms used in this Act are defined as follows:

1. School(s): Any public or private educational institution at elementary, secondary, or tertiary level in Taiwan, with the exception of reformatory schools.

2. Counseling teacher: A teacher who satisfies the requirements to be a guidance counselor in any school up to and including the senior secondary level, who in accordance with the law and regulations is assigned to engage in student counseling work in such a school.

3. Certified guidance counselor: A person who holds certification as a clinical psychologist, counseling psychologist, or social worker, who has been engaged in accordance with legislation by the competent authority or a school to undertake student counseling work.

The requirements to be a counseling teacher referred to Subparagraph 2 of the previous paragraph shall be prescribed by the central competent authority.

Article 4

To exercise administrative oversight of student counseling, the competent authority at each level shall assign a dedicated unit or dedicated personnel to handle the planning and implementation of student counseling work.

The competent authority for schools up to and including the senior secondary level shall establish a student counseling center responsible for undertaking the following:

1. Provide psychological assessment of students, counseling consultations, and resource and referral services.
2. Assist schools to provide counseling for students with serious adjustment difficulties and those with behavior problems.
3. Assist schools to refer serious cases to receive professional help and transition services.
4. Provide professional consultation services for school teachers and students' parents.
5. Assist schools to arrange conferences about individual cases.
6. Assist schools to handle psychological counselling associated with critical incidents.
7. Conduct outcome assessments and manage follow-up counselling for severe cases.
8. Coordinate and integrate community consultation and counseling resources.
9. Assist in organizing training workshops for, and overseeing the work of, certified guidance counselors and counseling teachers.
10. Integrate and oversee facilitation of schools' adaptive counseling work.
11. Other matters associated with student counseling.

The regulations governing the establishment plan, facilities and equipment of student counseling centers, and facilitation of their operations and coordination and liaison with schools, shall be prescribed by the competent authority for schools up to and including the senior secondary level.

Article 5

In order to advance the development of student counseling work, the competent authority at each level shall convene a Student Counseling Advisory Committee, responsible for undertaking the following:

1. Provide advice regarding initiatives and reforms related to policies and regulations governing student counseling.
2. Coordinate the efforts of schools under their supervision and other relevant authorities (institutions) to facilitate and develop student counseling-related work.
3. Research and discuss the future development direction for implementation of student counseling measures.
4. Provide advice on strategies, programs, and planning associated with the promotion and development of student counseling work.
5. Provide advice on student counseling courses, teaching materials, activity planning, and research and development.
6. Coordinate with other competent authorities when a particular activity falls within their jurisdiction, and bring in resources from the private

sector, to jointly facilitate student counseling work.

7. Other consultation associated with the advancement and development of student counseling work.

The advisory committee referred to in the previous paragraph shall have one person as convener; the head of the competent authority at each level shall take on this role. The other committee members shall be appointed by the head of the competent authority at each level, and drawn from among scholars and experts (who shall include psychiatrists), educational administrators, school administrators (who shall include directors of counseling), teachers' representatives (who shall include counseling teachers), parents' representatives, certified guidance counselors in related areas, and representatives of related authorities (institutions), or of professional associations.

The regulations governing the selection and appointment of members, and the organization and operating methods of the student counseling advisory committee referred to in Paragraph 1, shall be prescribed by the competent authority at each level.

Article 6

Schools shall provide three levels of guidance and counseling—developmental guidance, intervention counseling, and remedial counseling—based on students' physical and psychological status and needs.

The three levels of guidance and counseling referred to in the previous paragraph are:

1. Developmental guidance: To advance students' psychological well-being, social adjustment, and adaptive development, schools shall formulate a school guidance and counseling work plan, and implement measures to provide life counseling guidance, academic support, and career counseling, for all students.

2. Intervention counseling: A counseling program or plan will be formulated for students whose needs were not able to be effectively met by the developmental guidance referred to in the previous subparagraph, or who are poorly adjusted, repeatedly exhibiting problem behaviors, or have been seriously traumatized. This will be based on each student's individual needs and will provide advice, individual and group counseling, and an assessment and referral mechanism for case management and counseling.

3. Remedial counseling: For students who were not able to be effectively helped by the intervention counseling referred to in the previous subparagraph, or who have serious adjustment difficulties and behavior problems, or have seriously violated regulations, a combination of a range of professional services such as psychological therapy, social work, family counseling, occupational therapy, legal services, and psychiatric treatment shall be provided, in line with each student's particular needs.

Article 7

School principals, teachers, and professional guidance counselors are all responsible for providing guidance and counseling to students.

The administrative units of a school shall all jointly facilitate and implement measures associated with the three levels of guidance and counseling referred to in the previous Article; assist the personnel

referred to in the previous paragraph to carry out their professional duty to provide guidance and counseling; and arrange and run guidance-related courses and/or activities.

If any member of the dedicated unit or dedicated personnel in a school up to and including the senior secondary level encounters a student who has dropped out of school, is absent from classes for an extended period, is mentally or physically disabled, is experiencing exceptional circumstances, is culturally or financially disadvantaged, or who has some other obvious need for counseling, the dedicated unit or personnel shall proactively provide counseling resources.

When necessary, schools undertaking student counseling work may use a combination of such resources as student counseling centers, special education resource centers, and family education centers, and they may ask other relevant authorities (institutions) to provide assistance. An authority (institution) requested to do so shall provide full cooperation.

Article 8

Schools up to and including the senior secondary level shall set up a student guidance and counseling committee responsible for the following:

1. Integrate appropriate resources of the school's various units, formulate student counseling work plans, and implement plans and assess their results.
2. Plan and/or arrange activities related to student guidance and counseling work for students, teachers and other staff, administrative personnel, and parents.
3. Utilize parental support and private-sector resources to promote and facilitate student guidance and counseling work.
4. Other matters related to the promotion and development of student guidance and counseling work.

The student guidance and counseling committee referred to in the previous paragraph shall have one chairperson, with the school principal taking on this role. The other committee members shall be appointed by the principal from among the school's administrators, counseling teachers or certified guidance counselors, teacher representatives, non-teaching staff representatives, student representatives, and parent representatives; the committee members of any one gender must constitute at least one-third of the total committee members. However, junior high schools and primary schools may be exempted from appointing any student representative to the committee, in the light of actual circumstances.

The regulations governing the organization, meetings, and other matters associated with the student guidance and counseling committee referred to in Paragraph 1 shall be prescribed by the school.

In order to integrate the resources of the school's various units to facilitate and advance student guidance and counseling work, schools at the junior college level or higher may also apply the provisions of the previous three paragraphs, mutatis mutandis, and set up a student guidance and counseling committee.

Article 9

Each school shall facilitate student counseling work by having a dedicated

unit or dedicated personnel take charge of the collection, handling, and use of student information; conduct student intelligence, aptitude, and personality tests; survey students' interests, achievements, and aspirations; and conduct counseling, and consultations.

The school shall designate a location for proper storage of the student counseling information referred to in the previous paragraph; the storage method for the information, the length of time it must be retained, and its destruction shall be prescribed by the central competent authority.

Article 10

Schools up to and including the senior secondary level shall have the following numbers of full-time counseling teachers on their staff:

1. Primary schools with 24 or fewer classes shall employ one full-time guidance counselor; those with 25 or more classes shall employ one full-time guidance counselor for every 24 classes.
2. Junior high schools with 15 or fewer classes shall employ one full-time counseling teacher on staff; those with 16 or more classes shall employ one full-time counseling teacher for every additional 15 classes.
3. Senior secondary schools with 12 or fewer classes shall employ one full-time counseling teacher; and those with 13 or more classes shall employ one full-time counseling teacher for every additional 12 classes.

A school that offers education at two or more levels shall separately employ one or more full-time counseling teachers for each level of education offered, in accordance with the provisions stipulating the number required for each individual level.

Article 11

Schools up to and including the senior secondary level may employ a full-time certified guidance counselor and have a number of volunteer counselors, based on specific requirements; any school with 55 or more classes shall have at least one full-time certified guidance counselor.

Full-time professional guidance counselors shall be appointed by the competent authority for elementary schools, junior high schools, and/or senior secondary schools: one full-time professional guidance counselor if competent authority has 20 or fewer such schools under its jurisdiction; two such counselors if it has 21 to 40 schools under its jurisdiction; and if the competent authority has 41 or more such schools under its jurisdiction, the number of full-time professional guidance counselors required is determined using the same ratio.

The full-time certified guidance counselors assigned in accordance with the stipulations of the previous two paragraphs shall be employed by the competent authority for schools up to and including the senior secondary level and shall be deployed as part of overall planning based on specific requirements.

The funds required by schools up to and including the senior secondary level, and by the competent authority at the municipality or county (city) level to employ full-time certified guidance counselors shall be subsidized by the central competent authority, based on specific requirements. The regulations governing counselors' qualifications, appointment, implementation manner, scheduling, and other associated matters will be

prescribed by the central competent authority after consultation with the competent authority at the municipal or county (city) level.

Schools at the junior college level and above with 1,200 or fewer students shall have at least one designated professional guidance counselor on staff; in principle, such schools with more than 1,200 students shall have one additional designated professional guidance counselor on staff for every additional 1,200 students. If there are fewer than 1,200 but 600 or more such additional students, an additional professional guidance counselor may be assigned, based on actual requirements. Open universities and religious colleges are not subject to these restrictions.

If a school that has more than one campus the number of certified guidance counselors at each campus shall be separately determined based on the total number of students at that specific campus.

Article 12

School teachers are responsible for instituting developmental guidance measures and assisting in instituting intervention counseling and remedial counseling measures; counseling teachers at schools up to and including the senior secondary level shall also be responsible for instituting intervention counseling measures.

The professional guidance counselors employed by schools or by the competent authority are responsible for undertaking remedial counseling measures, and for assisting in undertaking developmental guidance and intervention counseling measures; the professional guidance counselors at schools at the junior college level and above shall also be responsible for undertaking intervention counseling.

If a student considers that any counseling measure they have personally been subject to that was instituted by the school or by a staff member providing counseling is illegal or was an inappropriate violation of their rights and benefits, the student, or their guardian or legal agent, may lodge an appeal with the school, and the school shall provide an appeal service. The procedure and method for handling such appeals, and the appeal service provided by the school shall all be in compliance with the relevant regulations.

Article 13

Schools up to and including the senior secondary level shall arrange developmental guidance related courses and in-class counseling activities, in accordance with curriculum requirements; these shall be taught by a full-time teacher of the particular subject or by a counseling teacher. It is not permitted to allocate full-time counseling teachers to a regular teaching role. But if counseling teachers teach developmental guidance-related courses in response to curriculum requirements; the regulations governing full-time counseling teachers' teaching hours shall be prescribed by the relevant competent authority.

Article 14

The competent authority at each level shall arrange appropriate channels for professional training and strengthen facilitation of counseling-related knowledge and skills through pre-service education and in-service training

for all teachers and certified guidance counselors.

The competent authority for schools up to and including the senior secondary level shall arrange at least 40 hours of scheduled pre-service basic training courses for newly appointed counseling directors or section chiefs, newly appointed counseling teachers, and newly appointed certified guidance counselors.

Schools shall arrange regular workshops on counseling knowledge and skills for principals, teachers, and certified guidance counselors, and include these workshops in their annual guidance and counseling work plans and implement them.

Every year, teachers at schools up to and including the senior secondary level shall receive at least three hours of in-service further training on counseling knowledge and skills; counseling directors or section chiefs, counseling teachers, and certified guidance counselors shall receive at least 18 hours of in-service further training each year; the authority or school employing them shall approve work-related leaves to do so. Any newly appointed counseling director or section chief, newly appointed counseling teacher, or newly employed certified guidance counselor who has completed at least 40 hours of the pre-service basic training referred to in the second paragraph in that year may be exempted from this requirement.

Article 15

The in-service further training received by counseling teachers and certified guidance counselors and the effectiveness of student counseling work shall be taken into account in their performance reviews, and those whose performance is outstanding shall be awarded an incentive.

Article 16

Schools shall set up the facilities and equipment required to undertake student guidance and counseling work and institute and facilitate such work; the criteria for setting up such facilities and equipment shall be prescribed by the central competent authority.

Article 17

Personnel involved in student counseling work are not permitted to disclose any information or confidential information they have about other persons which they have obtained in the course of performing their duties, and they are bound by a duty of confidentiality. This restriction does not apply, however, where disclosure is required under the provisions of another law or regulation or when taking action to avert an imminent crisis or danger. The personnel referred to in the previous paragraph shall also strictly abide by professional ethical standards and protect the rights and benefits of students' receiving professional counseling services.

Article 18

Each school shall undertake regular assessment and evaluation of its counseling work, and institute accountability for student counseling work. The competent authority at each level shall regularly assess and evaluate the effect and results of each school's student counseling work and shall incorporate the findings as a reference item when assessing and evaluating

each school's operations. Schools with outstanding results shall be awarded an incentive; schools performing poorly shall be provided with advice to help them improve.

Article 19

In order to ensure that the counseling needed by students at each stage of education is well-linked, schools shall provide comprehensive and ongoing counselling transition counseling services; the regulations governing the transition counseling services shall be prescribed by the central competent authority.

The central competent authority may set up a student reporting system for schools to undertake the reporting and transition counseling work referred to in the previous paragraph.

Article 20

To facilitate student counseling work, the competent authority at each level and schools shall prioritize the necessary funding and allocate specific funding for this purpose only.

Article 21

Parents, guardians, or legal representatives of students attending schools up to and including the senior secondary level shall fulfill parental educational duties, play their part in sharing responsibility for providing guidance, work together with the schools by participating in activities related to student counseling, and provide assistance when necessary.

In order to encourage more parent participation in student counseling work, schools at all levels shall proactively provide parents with information about counseling resources and notify them about counseling-related activities.

Article 22

The numbers of full-time counseling teachers and full-time certified guidance counselors to be employed stipulated in Article 10 and Article 11 shall increase annually, commencing on August 1, 2017, and the central competent authority shall examine and review these staffing requirements every five years, commencing from 2017.

Article 23

The enforcement rules for this Act shall be prescribed by the central competent authority.

Article 24

This Act is effective from the date of promulgation.