

## Content

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| Title :       | Enforcement Act for Non-school-Based Experimental Education across Education Levels below Senior High School <b>Ch</b>  |
| Date :        | 2014.11.19  |
| Legislative : | This Act was promulgated under Presidential Decree Hua.Zong.Yi.Yi.Zi. No. 10300173311 on November 19, 2014, with total 30 articles and shall be enforced on the date of promulgation.   |
| Content :     | <p>Article 1<br/>This Act is provided in order to preserve students' right to learn, and patents' right to choose education; education methods and content other than the same adopted by school system are offered in accordance with Paragraph 3, Article 8, and Article 13 of the Education Basic Law.</p> <p>Article 2<br/>The competent authority as mentioned in this Act shall mean the Ministry of Education at central government level, or municipal government at municipality level, and county/city government at county/city level.</p> <p>Article 3<br/>The non-school-based experimental education as mentioned in this Act (herein after referred to as experimental education) shall mean educations, other than school education, that adopt experimental curriculum, are non-for-profit, and aim to develop holistic citizens with balanced teachings of morals, knowledge, physical strength, social skill, and aesthetics. Persons qualified to enter elementary school, junior high school, or senior high school may enroll in experimental education applicable to the respective education level pursuant to this Act. Students enrolled in experimental education as citizen education level pursuant to this Act are regarded as enrolling in school education of the equivalent level and are exempted from the Compulsory Education Act.</p> <p>Article 4<br/>Experimental education shall be administered in accordance to the following guidelines:<br/>1.Experimental education for individual: experimental education administered at home or other locations for individual student.<br/>2.Experimental education for group: experimental education administered at common hours and location for three or more students.<br/>3.Experimental education for institution: experimental education administered by incorporated, non-for-profit seeking institute at fixed location with purpose of experimenting classes.<br/>The experimental education for group as mentioned in Subparagraph 2 of the previous Paragraph shall have limit of student number up to 30 persons. The experimental education for institution as mentioned in Subparagraph 3 of Paragraph 1 shall have limit of student number up to 25 person per class; total student number of citizen education level may not exceed 250 persons; total student number of senior high school level may not exceed 125 persons with a student-to-teacher ratio may not exceed 10 to 1, and students' cognitive test result or school performance assessment record may not be used as qualification of enrollment acceptance.</p> <p>Article 5<br/>Application method and procedure for experimental education start-up:<br/>1.Experimental education for individual: to be submitted by student' s legal representative to the competent authority of the municipal, county, or city government having the jurisdiction over the administrative area within which the applicant' s household address is registered. Students of</p> |

legal age may apply directly.

2. Experimental education for group: to be submitted by students' legal representatives, either jointly or one voted representative, to the competent authority of the municipal, county, or city government having the jurisdiction over the administrative area within which the majority of the applicants' household addresses are registered. Students of legal age may directly, jointly or one representative to apply.

3. experimental education for institution: to be submitted by the representative of the non-for-profit institute to the municipal, county, or city government having the jurisdiction over the administrative area within which the intended experimental education institute is to be established. The competent authority of the municipal, county, or city government shall announce information of experimental education applications on their respective websites no later than the end of February each year.

#### Article 6

The applicants mentioned in the previous Article shall complete application forms with experimental education plan attached and submit no later than April 30 or October 31 of applicable year.

The application form and experimental education plan shall separately provide the following details:

1. Application form: the applicant, contact information, applicable subjects and length of the experimental education.
2. Experimental education plan: title of experimental education, purpose, method, content (including type and teaching of the curriculum, learning assessment, and intended school facilities and equipment), expected result, plan manager, and personnel information taking part in the experimental education of the experimental education.

Group experimental education applicant shall also provide the following information:

1. Information regarding teaching resources;
2. Written consent of use of teaching facility;
3. Student roster;
4. Source of plan funding and financial planning; and
5. Application submitted by an appointed representative shall also attach the affidavits from other applicants' consent to take part in the experimental education.

Experimental education for institute application shall also provide the following information in addition to the stipulations in Paragraph 2:

1. Information regarding to the corporate applicant and the person in charge to be hired for overseeing the experimental education institute;
2. Name of the experimental education institute;
3. Address and location map of the experimental education institute;
4. Experimental education concepts;
5. Information regarding to teaching resources and faculty;
6. Written consent of use of teaching facility; payment requirement
7. Source of plan funding, financial planning, and;

Length of experimental education plan shall match with length adopted by school system; up to 6 years for education level equivalent to elementary school, up to 3 years for education level equivalent to junior high school, and up to 3 years for education level equivalent to senior high school.

The length of experimental education plan for senior high school level mentioned in the previous Paragraph may be extended when necessary but limited to once and up to 2 years, while students with physical or mental disability, pregnancy, birth delivery, or nursing children of 3 years of age or younger may apply for extension up to 4 years.

Students having studied in or graduated from schools below senior high school level, or having completed respective experimental education of the equivalent level in accordance with this Act, shall not apply to enroll in the experimental education of the same education level pursuant to this Act.

When change of experimental education plan becomes necessary, the applicant shall apply for permit from the competent authority of the municipal, county, or city government by submitting changed experimental education plan.

Notice shall be given to the applicants whose application or experimental

education plan is inconsistent with requirement, and correction shall be made within 15 days; failure to meet the deadline will result in rejection.

#### Article 7

Experimental education for Group and Institute administered at fixed location shall comply with the followings:

1. Space of classroom where students' learning activities take place shall be no smaller than 1.5 square meters per person. The said space excludes indoor corridor and stairwell. Total floor space for experimental education for institute shall be no smaller than 4 square meter per person.
2. In principle, teaching facility shall be located at ground level up to the fifth level above ground.
3. D-5 use group and governing laws of building shall apply to the building. However, experimental education for group having difficulty in compliance with this Paragraph may request for special permission from the competent authority of the municipal, county, or city government and act accordingly if approved.
4. Teaching facility shall comply with fire safety rules; a dedicated fire hazard coordinator shall be in place for total floor space larger than 200 square meters.

Experimental education for group and institute may apply from the competent authority of the municipal, county, or city government for making use of idle space in school without being limited to Subparagraph 3 of the previous Paragraph.

#### Article 8

The concepts of experimental education shall be students-centered and respect students' multi-cultural and religions background, multiple intelligences, curriculum, teaching, teaching material, teaching method, or assessment shall adopt the goal of providing guidance for students according to their learning capacity.

Teaching of experimental education shall be assumed by personnel having the expertise practically concerning the teaching content.

Curriculum, teaching, subjects, and methods of experimental education shall be consistent with experimental education plan permitted by the respective the competent authority of the municipal, county, or city government without being limited to curriculum guidelines. Assessment on students' learning shall be administered according to permitted assessment included in the permitted experimental education plan.

#### Article 9

Experimental education for institute shall preserve students' fundamental human rights, proactively maintain a friendly education environment, and comply with the followings:

1. Administering experimental education shall require approvals from students or students' legal representatives in advance or disclosed in application material;
2. Withdrawal from experimental education requested by students or students' legal representatives may not be denied.
3. The institute shall provide necessary guidance for students incapable of adapting to experimental education, and assist the said students to transfer if evaluation confirms the said incapacity.
4. The institute shall inform or provide information upon request by students or students' legal representatives about learning status or experimental education result.
5. Recruitment or education process may not subject students to discriminated treatment without justifiable cause.
6. Students' personal information and other privacy may not be disclosed.
7. Abuse, negligence in due care, or other acts that may harm students' physical or mental development are prohibited.
8. Acts damaging students' human rights are prohibited.
9. Other requirements stipulated by the competent authority.

#### Article 10

The competent authority of the municipal, county, or city government shall assemble a non-school-based Experimental Education Review Committee (herein

after referred to as- EERC) to assume the responsibility of reviewing experimental education application, change, continuation, and other matters in concern.

The EERC abovementioned shall comply with the profile defined in below and consist of 9 to 15 members who are familiar with experimental education affairs, and are to be hired or assigned by the competent authority of the municipal, county, or city government. The member number mentioned in Subparagraphs 4 and 5 shall be no less than two-fifth of all members. Member number of one gender shall not be less than one-third of all members :

1. Representative of education administration agency;
  2. Experts/scholars specialized in accounting, finance, laws, or education;
  3. School principal and teacher group representative;
  4. A person or such person' s child has received experimental education;
- and
5. Representative of interest group in experimental education.

The members mentioned in the previous Paragraph shall have a tenure of two years and consecutive tenure by employment or assignment upon expiration is allowed. Replacement members by employment or assignment are allowed for vacant seat emerges during tenure, and replacement tenure ends upon expiration of the then current tenure.

Chairperson of the EERC shall be elected among the members.  
EERC members are not allowed compensation.

#### Article 11

Application, change, continuation, or permit revocation of experimental education shall be subject to EERC resolution, which requires attendance of at least two-third of the members and approval from the majority of the present members.

EERC meeting shall invite applicant or its representative to deliver opinions, and, when necessary, invite students, registered school representatives, or students' legal representatives to attend the said meeting.

#### Article 12

The followings should be taken into consideration by EERC in their review of experimental education plans:

1. To protect students' right to learn, to preserve parents' right to choose education, and to respect parents' and students' cultural and religion diversities;
2. Reasonability and feasibility of experimental education plan shall comply with Paragraph 1 of Article 8;
3. Expected result.

The followings should be taken into consideration as well in the abovementioned experimental education plan by experimental education for group or experimental education for institute:

1. Qualification and professional capacity of the applicant, the person in charge of experimental education institute, plan manager, and experimental education staff;
2. Funding source for the plan, thoroughness of financial plan, and reasonability of tuition policy; and
3. Adequacy of class schedule arrangement.

#### Article 13

Applicants for individual or group experimental education having passed the EERC review and approved by the competent authority of the municipal, county, or city government may proceed to start experimental education accordingly. Applicants for institute experimental education having passed the EERC review may proceed to start experimental education under supervision by the competent authority of the municipal, county, or city government.

The competent authority of the municipal, county, or city government handling the application mentioned in the previous Paragraph shall made conclusive decision within two months from receiving the said application, and such deadline may extend up to one month when necessary, and provided notice is serviced to the respective applicant.

#### Article 14

Preparation period allowed for experimental education institute shall be limited up to one year, while extension for one year up to once is possible provided applied for at least one month before expiration of the said period.

Applicant shall apply for experimental education institution registration with the competent authority of the municipal, county, or city government by submitting the followings no later than the expiration of preparation period; if approved, the registration certificate is to be issued by the said competent authority:

1. Roster, credentials, and photocopy of identification of faculty and staff to be hired;
2. Legitimate use license of the building to be used as teaching facility, but not required for use of public school as facility;
3. Title or notarized lease with 3 years of longer concerning the building abovementioned, but not required for use of public school as facility;

The name of the institute, of which registration is approved, shall be certain experimental education Institute preceded with the name of municipality, county, or city, and may not be certain experimental school.

The competent authority of the municipal, county, or city government may order an experimental education institute to rename if the name of the institute is identical, similar, or confusing enough to cause public to perceive the said institute as school.

The competent authority of the municipal, county, or city government handling the application for registration mentioned in Paragraph 2 shall made conclusive decision within one month from receiving the said application, and notify the applicant to make correction within 15 days if the application material submitted is found inconsistent with requirement; failure to meet the deadline may result in denial to the application. The competent authority of the municipal, county, or city government may revoke preparation approval if the applicant fails to complete preparation before expiration of the approved preparation period mentioned in Paragraph 1, or the said preparation is in complication of violation to laws.

#### Article 15

Students of citizen education level experimental education for individuals shall have their student identifications registered at the schools in their respective school district; students of experimental education for group or institute shall have their student identifications registered at the schools appointed by the competent authority of the municipal, county, or city government handling the respective experimental education applications.

The competent authority of the municipal, county, or city government having approved experimental education for citizen education level shall notify the abovementioned schools in concern to follow up on student identification registration.

Students having completed their course of study at citizen school level experimental education with passing scores shall receive diploma issued by their respective nominal schools.

Students having ceased to attend citizen school level experimental education for certain reason shall return to the schools with which their nominal schools, schools in the school district same to their registered household district, or other public or private schools to continue their study; violations will be processed in accordance with the Compulsory Education Act.

Policies for students of citizen school level experimental education to transfer in and out shall be stipulated by the competent authority of the municipal, county, or city government.

Schools shall provide necessary assistance and guidance for students returning to the schools from citizen school level experimental education.

Students of citizen school level experimental education participating in all sorts of contests and activities that require school recommendation shall be entitled to the same opportunities given to other students. In the beginning of a semester the nominal schools shall notify parents with written information about scheduled contest and activities and separate

notices for ad hoc contests or activities.

Students of citizen school level experimental education are entitled to equal chance to participate in all sorts of contests.

Students of citizen school level experimental education may apply for use of the facilities and equipment of their respective nominal schools. Nominal schools may collect handling fees from students according to actual needs of students of citizen school level experimental education.

#### Article 16

Students of senior high school level experimental education in accordance with this Act and wish to obtain senior high school student identification registration at the same time shall enroll in accordance with Regulations Governing Senior High School Diversified Entrance and Recruit (高級中等學校多元入學招生辦法), and their legal representatives shall submit a cooperation plan jointly made with the respective school regarding to the implementation of curriculum and teaching, performance assessment, school activity participation, tuition collection, and other matters concerning experimental education, which plan is to be submitted to the competent authority for approval by the school. Students of legal age may make the said cooperation plan directly with the respective school.

The students abovementioned having completed their study shall take the performance assessment according to the Regulations Governing Senior High School Students' - Learning Assessment (高級中等學校學生學習評量辦法) or the assessment defined in the cooperation plan jointly made with the school; those who pass the assessment shall receive graduation diploma or certificate of study issued by the nominal school according to the Senior High School Education Act.

#### Article 17

Legal representatives of the students taking senior high school level experimental education in accordance with this Act without obtaining student identification registration from senior high school may make a cooperation plan together with the respective school regarding to the implementation of curriculum and teaching, performance assessment, school activity participation, tuition collection, and other matters concerning experimental education, in which plan is to be submitted to the competent authority for approval by the school. Students of legal age may make the said cooperation plan directly with the respective school.

#### Article 18

Applicants for experimental education may submit experimental education student roster to the competent authority of the municipal, county, or city government to apply for student IDs for the students taking senior high school level experimental education in accordance with this Act without obtaining student identification registration from senior high school, to entitle the students the accesses to the benefits and preferential treatments enjoyed by students of the same school level and fair chance to participate in all sorts of contests.

#### Article 19

Students having obtained identification registration in accordance with Paragraph 1 of Article 16 may apply for tuition subsidiary from the school pursuant to the Regulations Governing Schools Collecting Fees from Students (高級中等學校向學生收取費用辦法); students without identification registration as mentioned in the previous two Articles may apply for tuition subsidiary as private school students defined in the Regulations abovementioned and in accordance with their experimental education plans from the competent authority of the municipal, county, or city government, where the applications will be forwarded to the competent authority of the central government.

Administrators of experimental education for group shall disclose the fees, amounts, and purposes, and explain to the concerning students and parents.

Administrators of experimental education for institute shall provide details of fees, amounts, and purposes collected from students every year on application materials, and publish them on their websites.

#### Article 20

Administrators of experimental education for individuals shall submit student learning status report within two months after the end of each school year, and submit a final report within one month prior to the end of experimental education plan, to the competent authority of the municipal, county, or city government as reference if the plan concerns citizen education level, and to the competent authority of the municipal, county, or city government for review if the plan concerns senior high school level.

Administrators of experimental education for group and institute shall make experimental teaching plan for each school year and at the end of each school year submit an annual report and submit final report within one month after the end of experimental education plan to the competent authority of the municipal, county, or city government as reference if the plan concerns citizen education level, and to the competent authority of the municipal, county, or city government for review if the plan concerns senior high school level.

The competent authority of the municipal, county, or city government reviewing the reports mentioned in the previous two reports shall complete the said review within two months from receiving the reports, and notify the students, parents, groups, and institutes concerning the experimental education about the review results. The competent authority of the municipal, county, or city government shall issue certificate of completion of experimental education to students who have completed the experimental education plan longer than 1.5 years and passed the review.

Those who qualify the proviso in Paragraph 3, Article 18 of the Regulations Governing Senior High School Level Non-school-Based experimental education prior to the implementation of this Act shall apply for certificate of completion of experimental education within 3 years after the implementation of this Act from the competent authority of the municipal, county, or city government; application beyond the deadline will be declined.

When submitting annual report according to Paragraph 2, the administrators of experimental education for institute shall also submit at the same time the annual budget plan and annual balance sheet for the same year to the competent authority of the municipal, county, or city government as reference.

#### Article 21

The competent authority of the municipal, county, or city government shall invite the EERC or commission concerned academic group or professional agency to inspect the experimental education every school year. Focuses of the inspection shall be announced in advance and conclusion should be announced afterward. If necessary, they may also invite the students, parents, groups, and institutes concerning the experimental education to present the result.

The competent authority of the municipal, county, or city government shall provide guidance and order the administrator of experimental education to make improvement within a given deadline if the inspection result is poor. Those who fail to make improvement accordingly may result in revocation of experimental education permit approved by the EERC. Result found to be good may help toward permit for continuation of the experimental education.

#### Article 22

The competent authority of the municipal, county, or city government shall conduct performance evaluation on the experimental education for institute three months prior to the expiration of the institute experimental education plan. The experimental education for institute that passes the evaluation may apply for continuation with the competent authority of the municipal, county, or city government by submitting the experimental education plan result report and the experimental education plan for continuation pursuant to Paragraph 1 of Article 6. However, under urgent, special situation, the plan manager of the experimental education may apply for continuation from the competent authority of the municipal, county, or

city government before the evaluation is passed.  
The duration, content, procedure, assembly of evaluation team, team member qualification, result release deadline, and handling of the evaluation result of the evaluation abovementioned shall be defined by the competent authority of the central government.  
The regulations concerning experimental education start-up application shall be applicable to the application, review, and permit of the continuation mentioned in Paragraph 1.

#### Article 23

The competent authority of the municipal, county, or city government may order the experimental education administered in violation to this Act or the experimental education plan and those evaluation result found to be poor or negatively impact on students' rights to make improvement within a given deadline; failure to comply accordingly may result in revocation of experimental education permit by the EERC.

#### Article 24

The competent authority of the municipal, county, or city government shall provide necessary assistance and guidance for students, parents, groups, or institutes in the process of application, participation, or administration of experimental education.

#### Article 25

The competent authority of the municipal, county, or city government and the nominal school shall provide necessary resources and assistance for underprivileged, aboriginal, poverty household experimental education students.

#### Article 26

Experimental education for institute may establish Student Parents Association, and the regulations governing parents participating in affairs of school of the same education level shall be applicable to the establishment and operation of the said Association.

#### Article 27

Without prejudice to this Act, the competent authority of the municipal, county, or city government may stipulate self-regulation rules or supplementary rules for experimental education.

The competent authority of the municipal, county, or city government making the self-regulation rules or supplementary rules for experimental education abovementioned shall invite scholars and experts familiar with experimental education, parents, teachers, representatives of school administrators, and other stakeholders to participate.

#### Article 28

Experimental education already permitted by the competent authority of the municipal, county, or city government prior to the implementation of this Act may continue according to original plan until the expiration.

#### Article 29

Students taking experimental education pursuant to this Act may take graduation examination for self-guided study of senior high school level education according to the governing regulations.  
Students taking senior high school level experimental education pursuant to this Act, qualifying any of the followings, and holding certificate of completion of experimental education issued by the competent authority of the municipal, county, or city government may take university entrance exam with equivalent education level according to the governing regulations:  
1. Having completed 3 years of experimental education; and  
2. Having attended senior high school and experimental education for 3 years in total.

Article 30 This Act shall be implemented since promulgation date.