Content

Title：	Enforcement Act for School-Based Experimental Education Ch
Date：	2014.11.19
Legislative：	This Act was promulgated under Presidential Decree Hua.Zong.Yi.Yi.Zi. No.10300173321 on November 19, 2014, with total 23 articles and shall be enforced on the date of promulgation.
Content：	Chapter 1 General Articles Article 1 This Act is specifically promulgated in order to encourage educational experiment and innovation, implementation of school-based experiment education, preserve people’s rights to learn and to receive education, increase people’s choices of education methods and content, expedite diversified development in education, and uphold Article 13 of the Education Basic Law Article 2 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. Article 3 The school-based experimental education as mentioned in this Act shall mean integrated, experimental education administered base on specific education concepts within a school to fulfill the education concepts through school system, administrative operation, organizational type, equipment and facility, principal qualification and selection method, faculty and staff qualification and employment method, curriculum and instruction, student enrollment, learning outcomes assessment, student affairs and guidance, and community and parental engagement. The private experimental education school mentioned in this Act shall mean private schools under the level of senior high school permitted by the competent authority to adopt school-based experiment education. Article 4 The application for establishment of a private experimental education school shall be submitted by an incorporated school (herein after referred to as incorporated school) or other non-for-profit private corporation. An incorporated school may also transform an existing private school into a private experimental education school. Article 5 The review and supervision of school-based experimental education shall be the responsibilities of school-based Experimental Education Review Committee (herein after referred to as EERC) of the respective competent authority. The EERC abovementioned shall comply with the profile defined in below and consist of 9 to 19 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 educational administration agency; 2. Experts/scholars specialized in accounting, finance, law, or education; 3. School principal and teacher group representative; 4. A person or such person’s child has received experiment education; and 5. Representative of interest group in experiment 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 membership is given on no-compensation basis.
EERC may exercise its duties by assigning its members carrying identification papers to private experimental education school for inspection and investigation, and may demand the school's undertaking personnel to present reports or provide necessary documents and materials and ask the concerned authority to provide assistance if necessary.
The members of the EERC may not participate in the experimental education administered by the private experimental education school under their supervision.

Article 6 In order to preserve students' rights, school-based experimental education 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 shall not be denied.
3. The institute shall provide necessary guidance for students incapable of adapting to experiment 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 students' learning status.
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.

Chapter 2 Permission of School-Based Experimental Education

Article 7
An incorporated school or other non-for-profit private corporation applying for school-based experimental education shall submit a school-based experimental education plan prepared by its designated plan manager (herein after referred to as experimental education plan) to the respective competent authority one year before the beginning of a school year. The said competent authority shall submit the experimental education plan to the EERC for review, and give permission accordingly.
The experimental education plan abovementioned shall include the following details:
1. School name
2. Experimental education name
3. School location
4. Education concepts and plan features
5. Curriculum and teaching plan
6. School system
7. Administrative operation and organization type
8. Equipment and facility
9. Experiment rules
10. Principal qualification and selection method, and faculty and staff qualification and recruitment
11. Student enrollment, learning outcomes assessment, student affairs and guidance methods
12. Community and parental participation methods
13. Funding necessities, sources, and fee standard
14. Estimated number of students enrollment
15. Experiment length and procedures
16. Self-evaluation methods
17. Resume and credentials of experimental education plan manager (herein after referred to as plan manager) and participating staff

The experimental education plan length abovementioned shall be longer than 3 years and shorter than 12 years, unless otherwise continuation is permitted by the competent authority, which continuation is limited to longer than 3 years and shorter than 12 years.

Article 8
The experiment rules mentioned in Subparagraph 9, Paragraph 2, of the previous Article, shall be made in accordance with Paragraph 1 of Article 3, and the scope of the said rules may be exempted from the Act of Governing the Appointment of Educators, the Teachers' Act, the Primary and Junior High School Act, the Senior High School Education Act, the Special Education Act, the Private School Law, and other applicable laws, and shall state the related laws that do not apply to it.
A private experimental education school shall submit the said experiment rules to the competent authority of central government level when its competent authority is the municipal, county, or city government level.

Article 9
The application mentioned in Paragraph 1 of Article 7 shall be determined by the respective competent authority within 3 months from the application date but may be extended once for up to 3 months.

Article 10
The plan manager shall submit a final report 6 months prior to the end of the experimental education plan and may submit at the same time an application for continuation.
The competent authority shall submit the experimental education final report abovementioned to the EERC for review, and the review result shall be used as a reference for decision on permission to continuation.
The previous 3 articles shall be applicable to the procedures of application, review, and permission mentioned in Paragraph 1.

Article 11
Necessary changes to experimental education plan shall be reported by plan manager 6 months prior to the beginning of a school year to the respective competent authority, whereby the change will be reviewed by the EERC, and the approval by the competent authority will be made according to the review result.

Chapter 3 Permission of Private Experimental Education School

Article 12
Incorporated schools and other non-for-profit private corporations permitted by competent authority to operate School-based experimental education and qualify the followings may apply for change of system or establish a new private experimental education school:
1. Recruiting students of age 6 to 18
2. Total student enrollment shall not exceed 480 and each class size shall not exceed 40
3. Ratio of full-time teacher to student is no lower than 1 to 10, while half of the required full-time teachers may be part-time teachers and in the ratio calculation 3 part-time teachers are counted as 1 full-time teacher
4. Floor space per student is no less than 4 square meters
The Private School Law shall be applicable to private experimental education school established by an incorporated school; private experimental education school established by other non-for-profit private corporation shall be regarded as a private school defined in the Private School Law, which shall be applicable to the private experimental education school hereto unless otherwise stipulated in this Act.
The Private School Law and other applicable laws shall govern the supervision on the organization and operation of incorporated schools, and the laws applicable to the permission of establishment of corporations shall govern the supervision on the organization and operation of other non-for-profit private corporations.

Article 13
The representatives of incorporated schools applying for establishment or system change of private experimental education school, or other non-for-profit seeking private corporation applying for establishment of private experimental education school, shall prepare establishment or system change plan and submit to the respective competent authority six months before the starting of the school year, whereby the plan will be reviewed by the EERC, and the said competent authority will make decisions on the said establishment or change accordingly.
The establishment or system change plan mentioned in the previous Paragraph shall include the following details:
1. School name
2. Schedule for school establishment or system change
3. Expected school establishment planning or status quo of school before change
4. School location, space, and related information
5. Organization manning quota and the numbers of teachers, students, and classes being planned
6. Corporation registration certificate
7. Corporation asset status and financial statement attested by Certified Public Accountant
8. School budget summary and funding method for the past 3 years
9. Information or letters of consent to employment of the corporate's representative, principal, teachers, and other personnel to be hired or currently employed.
Article 14
Schools incorporated and other non-for-profit private corporations applying for establishment or system change of private experimental education school shall have school land, buildings, and teaching equipment sufficient to conduct basic teaching and administration for experimental education and are not subject to the limitations stipulated by the Regulations Governing the Establishment, Change, and Discontinuation of Private Schools at the Senior High School Level or Below and Their Branch Campuses and Branch Departments.
The applicant is required to produce court-notarized proof that the owners of the school land and buildings mentioned in the previous Paragraph agree to legitimate uses during the experimental education administration period.
The competent authority of the municipal, county, or city government may provide government-owned school lands or idle schools and buildings under urban planning for use by or lease to private experimental education school pursuant to applicable laws as measures to encourage establishment of school type experimental education.

Chapter 4 Evaluation, Supervision, and Reward

Article 15 The competent authority of the municipal, county, or city government shall assemble an evaluation team consisting with invited EERC members to conduct evaluation during experimental education plan period; the evaluation result, along with the experimental education plan result report, shall be used as references for experimental education continuation application.
The regulations governing the period of evaluation, content, procedure, assembly of evaluation team, qualification of members, and handling of evaluation result shall be stipulated by the competent authority of central government level.

Article 16
The respective competent authority governing private experimental education school in violation to this Act or the experimental education plan or determined in the experimental education evaluation result as poor performance and detrimental to students' rights shall take all of part of the following measures:
1. Guidance
2. Correction
3. Rectification and improvement before given deadline
4. Suspension of student recruitment or reduction enrollment

5. Suspension of experimental education plan
The competent authority taking measures mentioned in Subparagraph 4 or 5 of the previous Paragraph on private experimental education school shall first request a review from the EERC and take remedy measures necessary for the concerned students.
Permission for system change issued to an experimental education plan established by an incorporated school through school system change shall be revoked accordingly if the said plan is suspended or discontinued, and the original school system shall be restored. Permission for establishment issued to an experimental education plan established by an incorporated school or other non-for-profit private corporation shall be revoked accordingly if the said plan is suspended or discontinued.

Article 17
A private experimental education school having its experimental education plan suspended or discontinued shall allow its students to remain with the school or assist its students to transfer according to students' preferences, and the respective competent authority may intervene to transfer the said students to other schools when necessary.
The competent authority shall revoke the permission issued to a private experimental education school established by an incorporated school or other non-for-profit private corporation being dissolved by laws.
Article 18
A incorporated school or other non-for-profit private corporation having its experimental education plan being suspended or discontinued may terminate the employment contracts with the staff and other personnel hired outside organization system for its experimental education and to whom the Labor Standard Act is applicable according to the laws concerning laborers; terminated teachers hired outside organization system for experimental education shall be compensated based on the standard factors calculated in accordance with the labor related laws.

Article 19
The competent authority governing the private experimental education school found outstanding in evaluation shall give encouragement. The competent authority shall periodically hold press conferences, academic seminars, or teaching workshops to share the experiment experience of which result found worthy of promotion.

Chapter 5 Miscellaneous
Article 20
The competent authority may assign public schools below senior high school level and under its jurisdiction to administer school-based experimental education on administrative operation, organizational type, equipment and facility, curriculum and instruction, student enrollment, learning outcomes assessment, and student affair and guidance within the scope of the school based on specific educational ideas for the purpose of educational innovation, pursuant to Article 5, Article 6, Paragraph 1 of Article 7, Subparagraphs 1 to 5, 7, 8, 11, and 13 to 17 of Paragraph 2 of Article 7, Paragraph 3 of Article 7, Paragraph 1 of Article 10, Paragraph 2 of Article 10, Subparagraph 1 of Paragraph 1 of Article 12, Article 15, Paragraph 1 of Article 17, Article 18, and Article 19.
The school being assigned by the competent authority to administer school-based experimental education according to the previous Paragraph shall have no more than 480 students. The Total number of schools being assigned shall not exceed five percent of the number of school of the same education level, where partial school shall be counted as one school. However, up to ten percent of number of schools of the same education level may be allowed under special situations and approved by the competent authority of the central government level.
The public school being assigned by the competent authority to administer school-based experimental education shall prepare experiment rules pertaining to the tasks stated in Paragraph 1 and submit to the competent authority governing the school for the review by the central-level competent authority. The scope of the experiment rules may be exempted from the Primary and Junior High School Act, the Senior High School Education

Act, the Special Education Act, and the related laws, and the rules shall state the regulations that do not apply.
The public school being assigned by the competent authority to administer school-based experimental education may hire faculty and staff outside organization system through contracts in accordance with the regulations in concern.

Article 21
The criteria and procedure for granting permission to school-based experimental education applications, the review, continuation, and system change of experimental education plan, the procedure for private experiment education school establishment, the permission revocation, the restoration of original school type, the supervision, the reward, and methods governing other stipulations concerning incorporated schools and other non-for-profit private corporations shall be determined by the respective competent authority.
The criteria and procedure for establishing school type experimental education, the review, change, continuation, and assignment cancellation of experimental education plan, the restoration of original school type, the supervision, the reward, and methods governing other stipulations concerning public schools being assigned by the competent authority shall be determined by the respective competent authority.

Article 22
The enforcement rules for this Act shall be determined by the central-level competent authority.

Article 23
This Act shall be implemented since promulgation date.

Data Source： Laws and Regulations Retrieving System