Content

Title：	Regulations Governing Establishment, Restructuring, Merger, and Discontinuation of Private Schools at Senior High School Level or Below and Branch Campuses and the Branch Departments thereof Ch
Date：	2009.12.23
Legislative：	1.Promulgated on March 3,2009 2.Article 19 amended and promulgated per the Ministry of Education Order No. Tai-Can-Zi-0980211765C, December 23, 2009
Content：	Chapter 1 General Principles Article 1 These Regulations are established pursuant to Paragraph 2, Article 6 and Paragraph 3, Article 24 of the Private Schools Act (“the Act"). Article 2 These Regulations apply to private schools at the senior high school level and below ("the Private Schools”). Article 3 Branch campuses in these Regulations refer to campuses established in other municipalities, counties or cities with an independent teaching unit and an administrative unit to meet the development needs of private schools. Branch departments in these Regulations refer to the teaching unit and administrative unit, if necessary, subordinate to private schools and established to meet actual teaching needs. Article 4 The restructuring of these Regulations refers of the following situations at private schools: 1. An elementary school has been restructured into an elementary school and junior high school, or a junior high school; or an elementary and junior high school has been restructured to become an elementary school or a junior high school. 2. A junior high school has been restructured into a senior high school (with an affiliate junior high division) or a senior high school (with an affiliate junior high division) has been restructured to become a junior high school. 3. An elementary and junior high school has been restructured into a senior high school (with affiliate junior high and elementary divisions) or a senior high school (with affiliate junior high and elementary divisions) has been restructured to become an elementary and junior high school, a junior high school or an elementary school. Article 5 School regulatory authorities shall organize a review panel to review the establishment, restructuring, amalgamation, and discontinuation of private schools and their branch campuses and branch departments. Such a review panel in the preceding paragraph shall consist of five to nine members who are academic experts, and representatives from the authorities concerned hired by school regulatory authorities. One member shall be appointed as the convener. Results of the panel review should be sent to the School Council (“the Council”) for comment after which they will serve as a reference for school regulatory authorities when making decisions. Article 6 Applications for the establishment, restructuring, amalgamation, and discontinuation of private schools and their branch campuses and branch departments by school corporate bodies (“the School Bodies”) should be reviewed and approved by school regulatory authorities in accordance with laws and regulations governing schools at all levels and taking into

consideration factors like the geographical location of the school or source of its students.
Requirements for school bodies in these Regulations apply to applications for the establishment, restructuring, amalgamation, and discontinuation of private schools and their branch campuses and branch departments by corporate bodies established before amendment of the Act took effect on January 18th 2008. However, when such corporate bodies apply for the establishment of additional private schools, they must be reconstituted as school bodies before the school regulatory authorities can approve their applications.
When such application by a corporate body for a change of the name, restructuring, or amalgamation of the school in the preceding paragraph results in changes to the organization or name of the legal entity, upon approval of school regulatory authorities, the corporate body shall be reconstituted as a school body and the established private schools should be school body affiliates in accordance with Paragraph 2, Article 87 of the Act.

Chapter 2 Establishment
Section 1 Establishment of schools

Article 7 Private elementary schools should be established in compliance with the following criteria:
1. Land area:
(1) For a school with less than 180 students, the land area that can be developed and utilized should be at least 2,700 square meters.
(2) For a school with over 180 students, the land area shall increase by an increment of 12.5 square meters for each additional student.
(3) For public facilities within the community where the school is located that can be utilized for physical education with supporting consent of use documents and approval by school regulatory authorities, one half of the area of such public facilities to be utilized shall be deducted from the total required school land area. However, the deducted area shall not exceed one-fifth of the total school land area.
2. School buildings and other equipment: Please follow the Basic Guidelines for School Facilities of Elementary Schools.
2. Establishment budget and fund:
(1) There should be a sufficient establishment budget (e.g. for purchasing and renting the school land, buildings, and equipment) and funds to support annual operational expenditure required to maintain basic school operations, for which a detailed school funding sources statement should be provided.
(2) An establishment fund sufficient for the scale of the school shall be raised and deposited in a designated bank account. For a school with less than six classes, the fund should be NTD 5,400,000; for a school with seven to twelve classes, the fund should be NTD 10,800,000; for a school with 13 to 18 classes, the fund should be NTD 16,200,000; for a school with more than 19 classes, the fund should be NTD 25,000,000.
4. Faculty: Qualified teachers should be hired in accordance with relevant regulations. The number of teachers should be in compliance with the Guidelines on Class Size and Staffing in Elementary and Junior High Schools.

Article 8 Private junior high schools should be established in compliance with the following criteria:
1. Land area:
(1) For a school with less than 210 students, the land area that can be developed and utilized should be at least 3,360 square meters.
(1) For a school with over 210 students, the land area shall increase by an increment of 13.5 square meters for each additional student.
(3) For public facilities within the community where the school is located that can be utilized for physical education with supporting consent of use documents and approval by school regulatory authorities, one half of the area of such public facilities to be utilized shall be deducted from the total required school land area. However, the deducted area shall not exceed one-fifth of the total school land area.

2. School buildings and other equipment: Please follow the Basic Guidelines for School Facilities of Junior High Schools.
2. Establishment budget and funds:
(1) There should be a sufficient establishment budget (e.g. for purchasing and renting the school land, buildings, and equipment) and funds to support annual operational expenditure required to maintain basic school operations, for which a detailed school funding source statement should be provided.
(2) An establishment fund sufficient for the scale of the school shall be raised and deposited in a designated bank account. For a school with less than six classes, the fund should be NTD 7,200,000; for a school with seven to twelve classes, the fund should be NTD 14,400,000; for a school with 13 to 18 classes, the fund should be NTD 21,600,000; for a school with more than 19 classes, the fund should be NTD 30,000,000.
4. Faculty: Qualified teachers should be hired in accordance with relevant regulations. The number of teachers should be in compliance with the Guidelines on Class Size and Staffing in Elementary and Junior High Schools.

Article 9 Private senior high schools should be established in compliance with the following criteria:
1. Land area:
(1) For a school with less than 600 students, the land area that can be developed and utilized should be at least two hectares.
(2) For a school with over 600 students, the land area shall increase by an increment of 10 square meters for each additional student.
(3) For public facilities within the community where the school is located that can be utilized for physical education with supporting consent of use documents and approval by school regulatory authorities, one half of the area of such public facilities to be utilized shall be deducted from the total required school land area. However, the deducted area shall not exceed one-fifth of the total school land area.
2. School buildings and other equipment: Please follow the Basic Guidelines for School Facilities for Senior High Schools.
3. Establishment budget and funds:
(1) There should be a sufficient establishment budget (e.g. for purchasing and renting the school land, buildings, and equipment) and funds to support annual operational expenditure required to maintain basic school operations, for which a detailed school funding source statement should be provided.
(2) An establishment fund sufficient for the scale of the school of NTD 40,000,000 shall be raised and deposited in a designated bank account.
4. Faculty: Qualified teachers should be hired in accordance with relevant regulations. The number of teachers should be in compliance with the Rules on the Structure of Private Senior High Schools.

Article 10 Private senior vocational schools should be established in compliance with the following criteria:
1. Land area:
(1) For a school with less than 600 students, the land area that can be developed and utilized should be at least two hectares.
(2) For a school with over 600 students, the land area shall increase by an increment of 10 square meters for each additional student.
(3) For public facilities within the community where the school is located that can be utilized for physical education with supporting consent of use documents and approval by school regulatory authorities, one half of the area of such public facilities to be utilized shall be deducted from the total required school land area. However, the deducted area shall not exceed one-fifth of the total school land area.
(4) For agricultural vocational schools, there should be an additional five hectares of land for construction of a practical training farm.
2. School buildings and other equipment: Please follow the Basic Guidelines for School Facilities for Senior Vocational Schools.
3. Establishment budget and funds:
(1) There should be a sufficient establishment budget (e.g. for purchasing and renting the school land, buildings, and equipment) and funds to support

annual operational expenditure required to maintain basic school operations, for which a detailed school funding source statement should be provided.
(2) An establishment fund sufficient for the scale of the school of NTD 50,000,000 shall be raised and deposited in a designated bank account.
4. Faculty: A sufficient number of qualified teachers should be hired to teach specialized subjects in accordance with relevant regulations. The number of teachers should be in compliance with the regulations established by the education administration authority.

Article 11 For private continuing education schools of all types and at all levels established separately, the establishment criteria in Articles 7 to 10 shall apply. However, when classes are run separately in the daytime and nighttime, the number of classrooms shall be reduced based on the actual total number of classes.

Article 12 When school bodies apply for the establishment of private schools, a school preparation and establishment plan shall be submitted to and passed by the Board of Directors and the school shall only be established when such plan is reviewed and approved by school regulatory authorities. The school preparation and establishment plan shall specify items required in Article 36 of the Act.
When the private schools in the preceding paragraph are established beforehand by school bodies in accordance with a private school establishment plan, the preparation and establishment should be completed within three years after official registration and the registration license shall be applied for in accordance with Article 37 of the Act. When such private schools are in the nature of annexes to existing schools, their preparation and establishment as well as the registration license should be completed within the time frame approved by school regulatory authorities.

When school bodies fail to prepare and establish private schools and obtain the registration license within the time frame in the preceding paragraph, school regulatory authorities should order completion within a given deadline. When school bodies fail to do as required by the deadline, the original preparation and establishment approval shall be revoked or abolished through official announcement. When necessary, school regulatory authorities shall also revoke or abolish the establishment approval granted to the school bodies.
Section 2 Establishment and management of branch campuses and branch departments

Article 13 When private schools apply for the establishment of a branch campus or branch department, a preparation and establishment plan shall be submitted and passed by the school synod and the Board of Directors and sent to the school regulatory authorities for approval. The school preparation and establishment plan shall comprise the following:
1. Background of the preparation and establishment plan.
2. Overall development prospects and features.
3. An establishment plan for the teaching and administrative units.
4. Current status of faculty and a plan for hiring of additional faculty in the future.
5. Teaching tools like books and instruments.
6. A registry of the lands, the sitemap and description of the surroundings of the branch campus or department.
7. Land ownership documents or evidentiary documents supporting consent to use of the land.
8. A financial plan, and sources and proofs of funds.
9. The layout of the branch campus or department.
10. Relationship with the main campus.
Before the establishment of branch campuses or branch departments of private schools whose location involves a different municipality, county, or city is approved by the school regulatory authority in the main campus location, consent from the school regulatory authority at the location of the branch campus or department should be obtained.

Article 14 Private schools should comply with Articles 7 to 10 and Article 12 and meet the following requirements when establishing branch campuses:
1. The branch campus, once established, will help with the school's future development and satisfy national, social, and regional needs, and shall not undermine existing rights and interests of teachers and students.
2. The name of the branch campus should indicate that it is affiliated to the main campus and should contain the name of the administrative region in which it is located.
3. The establishment of the branch campus's teaching unit is subject to the relevant laws and regulations governing the establishment of the main campus. Likewise the establishment of the the administrative unit is subject to the rules governing secondary administrative units of the main campus.

Article 15 A principal shall be assigned to the branch campus to oversee its affairs. The principal is to be hired by the Board of Directors and Articles 41 to 44 of the Act shall apply. The qualifications and employment of the principal should follow relevant laws and regulations such as the Senior High Schools Law, Vocational Schools Law, and the Compulsory Education Law.
Organization of the branch campus shall be specified in the organic regulations of the main campus or separate organic regulations governing the organization of the branch campus shall be stipulated upon authorization from the organic regulations of the main campus and submitted for approval by the school regulatory authorities.

Article 16 Private schools must meet the following requirements when establishing branch departments.
1. The branch department, once established, will help with the school's future development and satisfy national, societal, and regional needs, and shall not undermine existing rights and interests of the teachers and students.
2. The name of the branch department should indicate that it is affiliated to the main campus and should contain the name of the administrative region in which it is located.
3. The land area of the branch department shall not be less than one half of the minimum land area required in Articles 7 to 10 governing the establishment of private schools of the same level and same type.

Article 17 A department head should be assigned to the branch department to oversee its affairs. The department head shall be hired by the principal from candidates who are full-time teachers with over one year of experience as the head of a primary unit in a school of any level.
Organization of the branch campus shall be specified in the organic regulations of the main campus and be submitted for approval by school regulatory authorities.

Article 18 Branch campuses and branch departments of private schools established in different municipalities, counties, and cities should recruit students in the administrative region in which they are located.

Chapter 3 Restructuring

Article 19 A private elementary school meeting the requirements of Article 8 may apply for restructuring itself into a private junior high school, or a private elementary and junior high school.
A private junior high school meeting the requirements of either Article 9 or Article 10 may apply for restructuring itself into a private school at senior high school level of the appropriate type, within which a junior high division may also be affiliated in accordance with the law.
A private elementary and junior high school meeting the requirements of either Article 9 or Article 10 may apply for restructuring itself into a private school at senior high school level of the appropriate type, within which a junior high division and elementary division may also be affiliated in accordance with the law.
A private junior high school or a private elementary and junior high school

meeting the requirements of Article 5 of the Regulations Governing Application for Establishing Experimental Senior High School may apply for restructuring itself into an experimental senior high school, within which a junior high division and/or elementary division may also be affiliated in accordance with the law.

Article 20 Private schools must meet the following requirements when applying for restructuring.
1. The restructuring must comply with objectives of education policies and related regulations.
2. Operations of the private schools must be satisfactory with evidentiary documents supporting such good performance and the latest evaluation results must meet requirements set by the regulatory authority.
3. School administrative operations like student recruitment, student registration management, HR, and accounting, financial, and curricular affairs are normal with sound systems in place and no major administrative errors have been listed by school regulatory authorities.
4. The board of directors, legal person registration, and alterations in the registration of the private school are normal with a sound system in place.

Article 21 Restructuring of each private school is limited to once per year. The deadline for preparing information in accordance with each fundamental requirement for review is February 1st of each year.
In handling and review of applications school regulatory authorities should follow the procedures below:
1. Private schools prepare the restructuring plan which will be reviewed and passed by the school board and then apply to school regulatory authorities enclosing the restructuring plan, board meeting minutes, documents supporting compliance with the requirements in the preceding paragraph and related forms.
2. School regulatory authorities form a case review panel to conduct a preliminary review.
3. School regulatory authorities will visit private schools that pass the preliminary review as part of the secondary review.
4. Private schools having passed the secondary review will be forwarded to the Guidance Council by school regulatory authorities for suggestions on substantive improvements to help with future planning and long-term development.
5. After successful completion of the secondary review, restructuring of private schools will be approved by school regulatory authorities with reference to the feedback of the Guidance Council. When necessary, the approval may be preceded by a preparation period of six months to one year, with a possible extension of another six months to one year. Once preparations are complete within the given time frame and the actual site has been visited by school regulatory authorities and passes the secondary review, restructuring shall be approved. However, for those having failed the onsite inspection after preparation, applications should start over.
The restructuring plan mentioned in Subparagraph 1 of the preceding paragraph should specify the following:
1. Background and process of the restructuring.
2. School profile: brief history, organization, personnel, existing number of classes and students, land area and buildings, teaching materials, instruments and equipment, performance record, and the organization, outcome, and verification of self-assessment on qualification for the restructuring of the school.
3. Restructuring plan: overall conceptualization of the restructuring, development features, operation scale, personnel quota, land area, layout of buildings, recruitment method and source of students and faculty, curriculum and teaching materials, books, instruments, and equipment, student counseling and administrative support measures of the school.
4. Annual status tracing and control mechanism.
5. Resource requirements and preparation, including the annual demand for and the source of human resources and budget within the past five years.
6. Possible problems and counter-measures.
7. Expected efficacy.

Article 22 When restructuring of private schools meets one of the following conditions, the relevant Regulation governing the establishment of private schools of the same level shall apply.
1. An elementary and junior high school or a junior high school is restructured as an elementary school.
2. A senior high school (with an affiliate junior high division) is restructured as a junior high school.
3. A senior high school (with affiliate junior high and elementary divisions) is restructured as an elementary and junior high school, a junior high school or an elementary school.

Chapter 4 Merger

Article 23 Private schools shall consider available resources and their development priorities while choosing a proper merger target and planning the merger.
School regulatory authorities shall give suggestions and assist private schools in planning mergers based on development trends of senior secondary education and compulsory education, distribution of private schools, and allocation of education resources.

Article 24 Merger of private schools fall into the following three categories:
1. Operations continue under the name of one of the schools being merged. Other schools which will become part of the continuing school, its branch campus, or branch department.
2. Consolidation: After consolidation, all schools no longer exist and are replaced by a newly established private school with a different name.
3. Change of affiliation: The school body acquires a private school established by a different school body to be one of its affiliates.

Article 25 For merger of private schools, school bodies concerned should prepare a merger plan and a merger contract to govern details of the merger with enclosure of the balance sheet and list of assets authenticated and notarized by a certified public accountant which will be passed by the staff meeting and the board before being sent for approval by school regulatory authorities. However, for merger of private schools of the same level or different levels established by the same school body, preparation of a merger contract is not required.

Article 26 The private schools merger plan should specify the following:
1. Background of the merger plan.
2. School status and problems analysis.
3. School merger planning process.
4. Merger time frame and action items.
5. Content of planning: development vision, campus planning, layout and adjustment of space allotment of school buildings, administrative organizational structure, personnel quota, and financial planning.
6. Measures to protect the rights and interests of existing faculty and staff and students after merger.
7. Expected efficacy.
8. Other related measures.

Article 27 Private schools should complete amendment of school organic regulations within one year after the merger is approved by school regulatory authorities.For those that cannot meet the deadline because of special reasons, the time frame may be extended by a maximum of two years upon approval from the school regulatory authorities.

Article 28 A principal should be assigned to the private school after a merger.The founding principal should be assigned in accordance with Article 12 of the Senior High Schools Law, Article 10 of the Vocational Schools Law, and Article 9 of the Compulsory Education Law governing the assignment of principals for newly established private schools.

Article 29 When existing students of private schools are to be restructured or merged in accordance with these Regulations do not wish to continue their studies at the restructured or merged school or the school established after consolidation, their original school shall issue a certificate of transfer and assist them in transferring to a different school. When necessary, such students shall be allocated by school regulatory authorities to other schools.

Chapter 5 Discontinuation

Article 30 When school bodies apply for the discontinuation of established private schools, their branch campuses or branch departments, in accordance with Paragraph 1, Article 70, of the Act, they should prepare a discontinuation plan specifying the following and submit it for approval by the school regulatory authorities.
1. Reason for discontinuation.
2. Management and maintenance of school facilities, equipment, and file data during the discontinued period.
3. Arrangements for existing faculty and staff.
4. Measures to assist existing students in transferring to a different school.
5. Other discontinuation-related planning.
Upon ordering a school body to discontinue its private schools in accordance with Paragraph 2, Article 70 of the Act, school regulatory authorities shall assign the school body or staff of the private schools to take charge of operations related to discontinuation, compilation of student enrollment data, personnel files, bookkeeping documents and other related information and verifying and handing them over in accordance with Paragraph 2 of Article 32.

Article 31 When branch campuses or branch departments of private schools are discontinued, students of the discontinued branch campuses or branch departments shall complete their studies at the main campus. When the main campus has been discontinued, the school should issue a certificate of transfer and assist its students in transferring to a different school. When necessary, such students shall be allocated by school regulatory authorities to other schools.

Article 32 When branch campuses or branch departments of private schools are discontinued, their student enrollment data, personnel files, bookkeeping documents and other related information should be stored securely on the main campus.
When private schools are discontinued, all student enrollment data, personnel files, bookkeeping documents and other information required by schools regulatory authorities should be sorted out, organized, handed to, and stored by school bodies and be returned as soon as the private schools resume operations.
When private schools are dissolved as a result of merger, all of their student enrollment data, personnel files, bookkeeping documents and other related information should be stored securely by the continuing private school after merger or by the newly established private school after consolidation.

Article 33 Discontinued private schools and their branch campuses and branch departments may apply for restoration of operations with school regulatory authorities. Once approved, related establishment requirements in these Regulations should be followed.
When school bodies have no established private schools after merger and discontinuation of their established private schools, they may apply for restoration of operations of the schools, establishment of a new private school or consolidation of schools within three years of the discontinuation. If they fail to do so by the deadline, the school body's governing authority should order application for change of status or dismiss the school body in accordance with Article 71 or Article 72 of the Act. Regarding applications for change of status, related documents should be kept on file.For dismissals, the school body should seal related data

and request assistance from school regulatory authorities in data inquiry and storage.

Chapter 6 Supplementary Provisions

Article 34 These Regulations come into effect on the date of promulgation.

Data Source： Laws and Regulations Retrieving System