Content

Title：	Regulations Regarding the Establishment of and Special Recognition for Private Social Education Institutions Ch
Date：	2015.03.11
Legislative：	Amendment to all Articles promulgated on March 11, 2015
Content：	Chapter I General Principles Article 1 These Regulations have been formulated in accordance with Article 8, Paragraph 2 of the Lifelong Learning Act. Article 2 Private social education institutions are categorized into the following types: 1) Social education centers. 2) Libraries, library and information centers, and reading rooms. 3) Science education centers and science museums. 4) Sports facilities. 5) Recreational facilities for children and adolescents. 6) Zoological parks. 7) Other organizations serving social education functions. Article 3 A private social education institutions is categorized as having one of the following organizational structures: 1. A private social education institution that is not an incorporated foundation: a social education institution established by an individual or individuals that is not registered as an incorporated foundation (the term “incorporated foundation” is abbreviated below to simply “foundation”). 2. A private social education institution that is a foundation: a social education institution established by an individual or individuals, a legal person, or a civil association established in accordance with the Civil Associations Act (abbreviated below to simply “civil association”), that is registered as a foundation. 3. A private social education institution affiliated with a legal person: a subsidiary social education institution established by a foundation, a legally incorporated community organization, or other legal person. 4. A private social education institution affiliated with an association: a subsidiary social education institution established by a civil association which is not a legally incorporated community organization. Article 4 An individual who applies to establish a private social education institution that is not categorized as a foundation shall submit the following documents and information and lodge their application with the competent authority of the municipality, county, or city where it is located: 1. a written application for its establishment: including the name, address, purpose of establishment, category, and size of the

proposed institution;
2. a photocopy of the national ID card of the founder and of the person who will be in charge, and documentary evidence of the academic qualifications and experience of the person who will be in charge; if any such person is not an R.O.C. citizen, a photocopy of their passport or their resident certificate shall be submitted;
3. a site position diagram, floor plan, and overall condition of the building(s): including a photocopy of the building use permit; building construction plans; a diagram of where fire safety equipment is located and explanatory notes; and documentary evidence of satisfactorily passing an inspection by a fire safety agency;
4. documentary evidence of the right to use of the land buildings, and structures: including transcripts of the land and building registration (register); and
5. an operations plan: including the organizational structure, staff allocations, administrative regulations, a property and asset inventory, the source of operating funds, and other facilities and equipment.
An individual, legal person, or civil association applying to establish a private social education institution that is a foundation shall submit the following documents, in addition to the documents and information referred to in the previous paragraph:
1. a photocopy of the articles of association of each donor;
2. an inventory of donated property and/or assets and related documentary evidence;
3. a form setting out the curriculum vitae of its representative;
4. a name list of the directors and a photocopy of each director’s national ID card; if the institution has supervisors, a name list and a photocopy of each supervisor’s national ID card; if any such person is not an R.O.C. citizen, a photocopy of their passport or their resident certificate shall be submitted;
5. a written agreement to serve as a director from each director. If the institution has supervisors, a written agreement to serve as a director from each supervisor;
6. the seal certificates of the foundation and each director; and
7. a written undertaking from each donor stating that they agree to transfer ownership of the donated property and assets to the foundation, when registration of the foundation is approved.
When a foundation, a legally incorporated community organization, or some other legal person applies to establish a private social education institution affiliated with a legal person, in addition to the documents and information specified in Paragraph 1, the following documents shall be submitted:
1. a photocopy of the legal person registration or other documentary evidence of their status;
2. a photocopy of the legal person's articles of incorporation;
3. a form setting out the curriculum vitae of its representative;

4. a name list of the directors or council members and a photocopy of each person's national ID card; if any such person is not an R.O.C. citizen, a photocopy of their passport or their resident certificate shall be submitted;
5. the seal certificates of the legal person and each director or council member; and
6. the minutes of the meeting of the board of directors or of the council at which it was decided to annex the affiliated social education institution.
When a civil association that is not a legally incorporated community organization applies to set up an affiliated social education institution, in addition to the documents and information specified in Paragraph 1, the following documents shall be submitted:
1. a photocopy of documentary evidence of registration of the civil association;
2. a photocopy of the civil association's articles of association;
3. a form setting out the curriculum vitae of its representative;
4. a name list of the council members and supervisors and a photocopy of each person's national ID card; if any such person is not an R.O.C. citizen, a photocopy of their passport or their resident certificate shall be submitted;
5. the seal certificates of the civil association and the supervisors; and
6. the minutes of the general meeting of members of the civil association (or member representatives) at which it was decided to annex the social education institution that was affiliated.
If the land, buildings, or structures referred to in Paragraph 1, Subparagraph 4 are not owned by the applicant, the applicant shall separately submit a notarized copy of a lease agreement or agreement for use of the land, buildings, and/or structures valid for a period of three years or more from the date of application.
The articles of incorporation or articles of association referred to in Paragraph 2, Subparagraph 1; Paragraph 3, Subparagraph 2; and Paragraph 4, Subparagraph 2 shall give clear details of matters pertaining to the operation of the social education institution.

Article 5 The name of a private social education institution shall be in compliance with the following provisions. But any private social education institution established before January 30, 2015, the date on which the amendments to these Regulations came into effect, is not subject to these provisions:
1. It is not permitted to be a name that would easily mislead people to think that the institution was related to a government organization (agency).
2. The name shall begin with the characters meaning "private."
3. The name shall clearly indicate the type of institution it is.
4. The name of a private social education institution that is a foundation shall begin with the foundation's name.
5. The name of a private social education institution affiliated

witth a legal person or an association shall begin with the name of that legal person or association, and shall also include the word "affiliated."

Article 6　A private social education institution shall appoint one person in charge, in principle, on a fulltime basis.

Article 7　When approval is given to establish a private social education institution, within one year the founder shall submit the documents and information stipulated in Article 4, and apply to the competent municipal, county, or city authority for registration. For an application to establish a private social education institution that is a foundation, a photocopy of the foundation's registration certificate shall also be submitted. The establishment procedures stipulated in Article 4 may be carried out concurrently with the registration procedures stipulated in the previous paragraph; the related regulations shall be prescribed by the competent municipal, county, or city authority.

Article 8　When the competent municipal, county, or city authority receives an application for registration of a private social education institution, after conducting an on-site inspection in conjunction with other relevant bodies it shall approve the registration of the institution if the institution is considered to satisfy the provisions of these Regulations and shall notify the applicant; if the provisions have not been satisfied, the applicant shall be notified of the grounds for the decision.

Article 9　A private social education institution may only begin operating after its registration has been approved by the competent municipal, county, or city authority and has been completed.

Article 10　A private social education institution shall hang an external sign displaying its name; the name of the institution on the signage shall be the same as the name used when the institution was approved and registered.

Article 11　The constitution and by-laws of a private social education institution that is a foundation shall clearly stipulate details of the following regarding its board of directors:

1.The number of board members, their eligibility qualifications, term of office, and the procedures for nominating an additional candidate for appointment, appointment and dismissal of directors, and for their continuing to hold a post for another term.

2. The nomination, appointment, and dismissal of the chairperson of the board.

3. The composition of the board of directors; its functions and powers; the number and scheduling of meetings; procedures for convening meetings; determining who will chair meetings; board decision-making methods; and procedures for a director to be absent from the room at any time when matters in which they have a personal stake creating a conflict of interest are being discussed.

Article 12　A private social education institution that is a foundation

shall set up a board of directors with between seven and fifteen directors and its chairperson shall be nominated and selected by the directors.

Directors are appointed for a term of four years; a director who is re-elected may continue to be a director for another term. The directors and the chairperson all serve without receiving remuneration.

When the position of a director or the chairperson falls vacant, the board of directors shall hold a by-election within one month; the person selected will only fill the vacant post until the end of the current term. The board of directors shall submit a report and related documents to the competent municipal, county, or city authority within 30 days after the by-election, and the newly elected director or chairperson may begin exercising their official duties after the competent authority ratifies their appointment.

Article 13 The founder of a private social education institution that is a foundation shall be an ex-officio member of the board of directors. If there are more than three founders, they shall select from one to three persons from among themselves to serve as ex officio board members.

When a founder resigns or dies, their ex-officio board membership is forfeited, and the board of directors shall hold a by-election to fill the vacant position thereby created.

Apart from the founder, the founding board of directors shall consist of suitable persons selected for appointment by the founder within three months after the competent municipal, county, or city authority approves the establishment of the institution. The nominated directors shall be formally appointed within 30 days after a list of their names and a written agreement to serve as a director from each have been submitted to the competent municipal, county, or city authority, and the nominations ratified.

The founder shall convene a board meeting within thirty days after the appointment of the board members has been finalized to nominate and elect a chairperson.

When the founding board of directors has been set up, the founder shall hand responsibility for all matters concerning the social education institution to the board of directors.

Article 14 The board of directors of a private social education institution that is a foundation shall hold a meeting to elect the directors for the following term of office two months before their term of office expires, and it shall submit the following documents to the competent municipal, county, or city authority within 30 days after the re-election for it to ratify the results, allowing the new directors begin exercising their duties in due course:

1.The constitution and by-laws of the board of directors.

2. A list of the names of all persons elected to the board of directors.

3. Each director’s written agreement to serve as a director.
4. The minutes of the meeting of the board of directors at which the re-election of its directors took place.
Within 30 days after the competent municipal, county, or city authority has ratified the election results, the incumbent chairperson shall convene a meeting of the newly elected board of directors at which they shall nominate and select a new chairperson. This shall all be reported to the competent municipal, county, or city authority to ratify; and the handover procedure shall be completed before the term of the current board expires and reported to the competent municipal, county, or city authority to be put on record. The same procedure shall be followed when any other change occurs.
If the incumbent chairperson of the board has not convened a meeting of the new directors within the required period or refuses to carry out the handover, if one-third or more of the newly elected directors submit an application to the competent municipal, county, or city authority, it may then designate a particular director to convene a board meeting and carry out the handover.

Article 15 The board of directors of a private social education institution that is a foundation has the following functions and powers:
1) writing and amending the constitution and by-laws of the board of directors;
2) selection and dismissal of directors;
3) appointment and dismissal of the person in charge of the institution;
4) review and approval of the institution's development plan and reports.
5) custody and use of the institution’s fund.
6) fundraising to meet expenses;
5) review and approval of annual budgets and final accounts.
6) supervision of financial matters.

Article 16 After a private social education institution that is a foundation has been registered, if there is re-election or by-election for the position of the chairperson, or any director, or supervisor, or a change in any other registration related matter, the institution shall undertake procedures to amend its registration.
After a private social education institution that is a foundation has been registered, if there is any increase or decrease in its real property or major assets, the institution shall submit an inventory of changes to its assets and a report audited and an audit report certified by a certified public accountant, and undertake procedures to amend its registration within 5 months after the year ends.

Article 17 Matters pertaining to supervision of the legal person of a private social education institution that is a foundation or that is affiliated with a legal person shall be handled in accordance

with these Regulations and other regulations governing the establishment and supervision of legal persons.

Article 18 A private social education institution that has been set up and registered shall independently handle its own finances and accounting. The institution shall open a dedicated account in its own name to use for its everyday income and expenditure funds.

The annual income of a private social education institution affiliated with a legal person or an association shall be treated as the income of that legal person or association, for its own planning and operations.

The earnings of a private social education institution shall be used for its operational needs and may not be distributed to any individual.

Article 19 The publicity material or advertising for a private social education institution's exhibitions, performances, or other activities that it holds may not contain any false or exaggerated claims.

Article 20 A private social education institution that finds it necessary to change its founder, the person in charge, the type of institution established, or its name shall fill out an application form and submit that and other relevant documents to the competent municipal, county, or city authority, and may make the necessary change(s) after approval is given.

Article 21 A private social education institution that needs to do building alterations, or expand, reduce, or relocate its premises shall fill out an application form and submit that and other relevant documents to the competent municipal, county, or city authority; the institution may only undertake any such action after approval has been given. If any such action is not carried out in accordance with regulations or if the action is not within the scope for which approval was given, the competent municipal, county, or city authority shall notify the institution to take corrective action within a specified time period. If the institution fails to take corrective action within the specified deadline after three such notifications, the competent authority may revoke its registration.

In the previous paragraph, "building alterations" refers to refurbishing part or all of the building(s); "expand" refers to increasing the amount of useable space of the buildings and/or structures; "reduce" refers to decreasing the amount of such useable space; and "relocate its premises" refers to moving the institution to another address within the same municipality, county, or city.

Article 22 A competent municipal, county, or city authority shall notify the applicant if it has reviewed and approved an application that it received pertaining to the circumstances referred to in either of the previous two articles; if such an application was not approved, it shall notify the applicant of the grounds for its decision.

Article 23 A private social education institution that wants to

voluntarily apply to apply to suspend its operations shall set out the reason for this suspension and the period during which operations will be suspended in writing and apply to the competent municipal, county, or city authority to do so; the institution may suspend its operations after it receives approval to do so and shall make a public announcement of the suspension. If an institution suspends operations in a manner not in accordance with these provisions, the competent municipal, county, or city authority shall notify the institution to take corrective action within a specified time period; if the institution fails to take corrective action within the specified deadline after three such notifications, the competent authority may revoke its registration.

The period during which operations will be suspended referred to in the previous paragraph shall, in principle, be for one year; if necessary, an application may be made to reduce that period or to extend it by a further year.

At least 2 months before the end of the period of suspension, the private social education institution shall fill out and submit an application, and a resumption of operations plan and related documents to the competent municipal, county, or city authority. The institution may only resume operations after its application to do so has been approved.

At the conclusion of the period during which operations will be suspended referred to in Paragraph 2, if the institution has not applied for an extension or to resume its operations, or if its application to resume operations has not been approved, the competent municipal, county, or city authority shall notify it to take corrective action within a specified time period; if the institution fails to take corrective action within the specified deadline after three such notifications, the competent authority may revoke its registration.

Article 24　A private social education institution that wants to voluntarily apply to terminate its operations shall set out the reason in writing and apply to the competent municipal, county, or city authority to do so. The competent municipal, county, or city authority shall revoke its registration after the application is approved.

Article 25　When the registration of a private social education institution that is a foundation is revoked, its remaining assets shall be disposed of in accordance with the provisions of its articles of association. If the articles of association contain no such provisions, ownership of the assets will be transferred to local autonomous groups in the same locality to use to augment development of educational activities.

Article 26　A private social education institution that has been registered for two years or more, is soundly organized, and which has achieved one of the following results shall receive an incentive award from the competent municipal, county, or city authority:

1) an outstanding performance undertaking social education;
2) a special contribution to education and culture;or
3) expanded or added to its facilities, equipment, collection, or library holdings resulting in a substantial contribution to social education.

Article 27 The incentive awards referred to in the previous article shall take the following forms:
1) awarding plaques, trophies, or award certificates.
2) an award of items such as books, cultural items and materials, or equipment; or
3) awarding a grant to augment the institution’s facilities.

Article 28 Additional property or items a private social education institution receives as an incentive award or that it purchases shall be listed in its property inventory and be reported to the competent municipal, county, or city authority to be put on record.

Article 29 If a private social education institution undertaking social education acts in violation of the purpose for which it was established or the content or conditions for the approval of its establishment, the competent municipal, county, or city authority may deal with the situation in the following ways, depending on the severity of the particular circumstances:
1) issue a reprimand;
2) order rectification and improvement within a specified time period;
3) suspend some or all of the institution's activities;
4) revoke the institution's registration and order its dissolution.

Article 30 A private social education institution established before January 30, 2015, the date on which the amendments to these Regulations came into effect, that is not in compliance with the provisions of Article 10; Article 16, Paragraph 1; Article 18, Paragraphs 1 and 2; Article 20; or Article 21 shall take action to effect compliance within one year from the date that the amendments to these Regulations come into effect.

Article 31 The competent municipal, county, or city authority may formulate supplementary regulations, in accordance with the provisions of these Regulations.

Article 32 These Regulations come into effect on the promulgation date.

Data Source： Laws and Regulations Retrieving System