Content

Title：	Enforcement Act for School-based Experimental Education Ch
Date：	2018.01.31
Legislative：	1.Enacted on November 19th, 2014 2.Amendmened on January 31st, 2018
Content：	Chapter 1 General Principles Article 1 To implement Article 13 of the Educational Fundamental Act, this Act is formulated to encourage educational innovation and implementation of school-based experimental education, protect the right to learn and receive education, improve opportunities to choose educational method and content, and enhance diverse development in education. Article 2 The term “competent authority” referred to in this Act shall be the Ministry of Education at the central government level, the municipal government at the municipal level, and the county or city government at the county or city level. The competent authority for private experimental education schools shall be determined by regulations governing said school’s highest level of education.

Article 3

The school-based experimental education as mentioned in this Act shall refer to integrated, experimental education administered based on specific education concepts within a school to fulfill the education concepts through school system, administrative operation, organization type, equipment and facility, principal qualification and selection method, faculty and staff qualification and employment method, curriculum ad instruction, student enrollment, learning outcomes assessment, student affairs and guidance, and community and parental engagement.

The fulfilling of specific education concepts mentioned in the preceding Paragraph should be student-based and respectful of students' diverse cultures, beliefs and multiple intelligences; guiding students' adaptive learning and promoting diverse education development should be the objective of the curriculum, instruction, teaching material, teaching method, and assessment planning.

The private experimental education school mentioned in this Act shall mean private schools authorized by the competent authority to adopt school-based experimental education.

Article 4

The application for establishment of a private experimental education school shall be submitted by an incorporated school or other non-profit private corporation. An incorporated school may also transform an existing private school into a private experimental education school.

The incorporated school mentioned in the preceding Paragraph shall be limited to those with excellent performance assessment, the standards for which shall be prescribed the central competent authority.

Article 5

The review, supervision, coordination of policy and resources, and other relevant matters of school-based experimental education shall be the responsibilities of the school-based Experimental Education Review Committee (hereinafter referred to as "EERC") regularly convened by the respective competent authority.

The aforementioned EERC shall comply with the profile defined below and consist of 9 to 25 members who are familiar with experimental education affairs, and are to be hired or assigned by the respective competent authority. The number of members mentioned in Subparagraphs 4 to 6 shall be no less than two-fifths of all members. The number of members of one gender shall not be less than one-third of all members.

1. Representative of educational administration agency;

2. Experts/scholars specializing in accounting, finance, law, or education;

3. School principal and teaching association representative;

4. School principal or teachers with experience in experimental education;

5. Parent representative of experimental education, or a person or whose child has received experimental education; and

6. Representative of interest group in experimental education.

The members mentioned in the preceding Paragraph shall have a tenure of two years, and are limited to an additional two terms. The number of members serving consecutive terms shall not be more than two-thirds of all members. Replacement members by employment or assignment are allowed when a vacant seat emerges during tenure, and the replacement tenure shall end upon expiration of the then current tenure.

EERC which review school-based experimental education plans (hereinafter referred to as “experimental education plans”) involving indigenous educational affairs must appoint 1-2 committee members with indigenous identity; the staff quota and term limits shall not be subject to the restrictions of the preceding two Paragraphs.

The Chairperson of the EERC shall be elected among the members.

EERC membership are all positions of no pay.

EERC may exercise its duties by assigning its members identification papers to inspect and investigate private experimental education schools, and may request the school’s personnel to present reports or provide necessary documents and materials. When necessary, EERC members may ask relevant authorities for assistance.

Members of EERC may not participate in the experimental education administered by the private experimental education school under their supervision.

Article 6

In order to protect students' rights, school-based experimental education shall preserve students' fundamental human rights, proactively maintain a friendly educational environment, and comply with the following:

1. It must obtain consent from students or students' legal representatives in advance or clearly disclose matters in the admissions guide prior to administering experimental education.

2. It shall accept withdrawal requests from students or students' legal representatives without exception.

3. It shall provide necessary guidance for students adjusting poorly to experimental education, and assist said students who submit transfer request.

4. It shall provide information upon request by students or students' legal representatives about said students' learning status.

5. It shall not subject students to discriminatory treatment during recruitment or education process without justifiable cause.

6. It shall not disclose students' personal information and other private information.

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.

When receiving senior high school level and above students from experimental education as mentioned in Subparagraph 3 of the preceding Paragraph, schools shall consider the special nature of experimental education and liberally recognize and accept experimental education course credits in accordance with relevant regulations.

Chapter 2

Permission of School-based Experimental Education

Article 7

An incorporated school or other non-profit private corporation applying for school-based experimental education shall submit an experimental education plan prepared by its designated project manager to the respective competent authority one year before the beginning of a school year. Said competent authority shall submit the experimental education plan to the EERC for review and give permission accordingly.

The experimental education plan mentioned in the preceding Paragraph 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 needs, sources, and fee standard

14. Estimated number of students enrolled

15. Experiment length and procedures

16. Self-evaluation methods

17. Resume and credentials of experimental education project manager (hereinafter referred to as “project manager”) and participating staff.

The experimental education plan length mentioned in the preceding Paragraph shall adhere to the following based on the education level in application:

1. School-based experimental education at senior high school level or below: Longer than 3 years and shorter than 12 years, unless continuation is otherwise approved of by the competent authority, and each continuation shall be limited to longer than 3 years and shorter than 12 years.

2. Experimental education at junior colleges and institutions of higher learning: Limited to classes for associate’s, bachelor’s, and master’s degrees, and longer than 4 years and shorter than 12 years, unless continuation is otherwise approved of by the competent authority, and each continuation shall be limited to longer than 4 years and shorter than 12 years.

Article 8

The EERC shall consider the following when reviewing experimental education plan:

1. Protect students' right to learn and provide educational choice for students and parents.

2. Rationality and feasibility of the plan; being in accordance with provisions of Paragraph 2 of Article 3.

3. Expected outcome.

Article 9

The experiment rules mentioned in Subparagraph 9, Paragraph 2 of Article 7 shall be made in accordance with Paragraph 1 of Article 3, and the scope of 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 Junior College Act, the University Act, the Private School Law, the Technical and Vocational Education Act, the Special Education Act, the Degree Conferral Law, the Teacher Education Act, the Student Guidance and Counseling Act, the National Sports Act, and other relevant regulations, and shall clearly state that other relevant regulations are not applicable.

A private experimental education school shall submit said experiment rules to the central competent authority when its competent authority is the municipal, county, or city government.

Article 10

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 11

The project 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 aforementioned experimental education final report to the EERC for review, and the review result shall be used as a reference for decision on permission for continuation.

Articles 7 to 10 shall be applicable to the procedures of application, review, and permission mentioned in Paragraph 1.

Article 12

When hiring foreigners with work permits for teaching academic courses or foreign language courses, teacher education, curriculum development, and activity promotion, private experimental education schools at senior high school level or below shall submit related documents and apply to the central competent authority; those who are qualified to teach courses on foreign language(s) shall be exempt from regulations stated in Paragraph 2 of Article 46 and Paragraphs 1 and 2 of Article 48 of the Employment Service Act.

The regulations governing the teaching qualifications, number of teachers, weekly work hours, screening criteria, permit application, permit cancellation, employment supervision and other relevant matters for foreigners mentioned in the preceding Paragraph shall be stipulated by the central competent authority.

Relevant regulations in Subparagraphs 1 through 6 of Paragraph 1 of Article 46 of the Employment Service Act shall be applicable to the employment supervision of foreigners hired in accordance with Paragraph 1; the regulations of the Immigration Act shall apply to their alien visits, residence, and permanent residence.

Article 13

Following the permission of the experimental education plan by the competent authority, the project manager and school principal shall in principle not be changed; necessary changes to the experimental education plan shall be reported by the project 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 Schools

Article 14

Incorporated schools and other non-profit private corporations permitted by the competent authority to operate school-based experimental education and fulfill one of the following may apply to establish or change system to a new private experimental education school:

1. Those applying to establish or change system to a private experimental education school at senior high school level or below must fulfill the following requirements:

   a. Recruiting students of age 6 to 18

   b. The number of students for each grade shall not exceed 50, and the total number of students from the national compulsory education levels to senior high school level shall not exceed 600. However, for schools which only operate senior high school level or junior

high school level, the total number of students shall not exceed 240, and the number of students for each grade shall not be restricted to 50.

c. The ratio of full-time teachers to students shall be no lower than 1 to 10; while half of the required full-time teachers may be part-time teachers, 3 part-time teachers shall count as 1 full-time teacher in the ratio calculation.

d. Indoor floor area for students' learning and activity shall be no less than 1.5 square meters per person, excluding indoor hallways and stairways. Outdoor floor area for students' learning and activity shall be no less than 3 square meters per person. However, floor area exceeding 4 square meters per person shall not be subject to this restriction.

2. Those applying to establish or change system to a private experimental education school at junior college level or above must fulfill the following requirements:

a. The enrollment target of associate's degree courses and bachelor's degree courses shall be graduates from public or private senior high schools or schools of equal level, or students of equal academic level; the enrollment target of master's degree courses shall be bachelor's degree recipients or student of equal academic level.

b. The total number of students from associate's degrees to master's degrees shall not exceed 500. However, for schools which only operate associate's degrees or only operate master's degrees, the total number of students shall not exceed 160; for schools which only operate bachelor's degrees, the total number of students shall not exceed 320.

The Private School Law shall be applicable to private experimental education schools established by incorporated schools; private experimental education schools established by other non-profit corporations shall be regarded as a private school defined in the Private School Law, which shall be applicable to private experimental education schools hereto unless otherwise stipulated in this Act.

The Private School Law and other applicable regulations shall govern the supervision of the organization and operation of incorporated schools, and the regulations applicable to the permission of establishment of corporations shall govern the supervision of the organization and operation of other non-profit private corporations.

Article 15

The representatives of incorporated schools applying for establishment or system change of private experimental education school, or other non-profit private corporations applying for establishment or system change of private experimental education school, shall prepare establishment or system change plan and submit to the respective competent authority 6 months before the start of a school year, whereby the plan shall be reviewed by the EERC, and said competent authority shall make decisions on said establishment or system change accordingly.

The establishment or system change plan mentioned in the preceding 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 system change

4. School location, space, and related information

5. Organization staff quota and number of teachers, students, and classes planned

6. Corporation registration certificate

7. Corporate 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 corporation's representative, principal, teachers, and other personnel to be hired or currently employed

The establishment or system change plan mentioned in Paragraph 1 shall be submitted with the experimental education plan mentioned in Article 7 to the competent authority, which shall submit the experimental education plan to the EERC for review and give permission accordingly.

Article 16

Incorporated schools and other non-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 and Regulations Governing the Establishment, Alterations, and Cessation of Operations of Junior Colleges and Institutions of Higher Education and of Their Branch Campuses and Divisions including Skills-based Senior High School Divisions. The establishment standards for private experimental education schools at junior college level or above shall be stipulated by the central competent authority.

The applicant is required to produce court-notarized proof that the owners of the school land and buildings mentioned in the preceding Paragraph agree to its legitimate use or lease during the experimental education administration period.

The respective competent authority may provide government-owned school lands or idle schools and buildings under urban planning for use by or lease to private experimental education schools pursuant to applicable regulations as measures to encourage establishment of school-based experimental education.

The lease period of lands for experimental education school shall be the same as the experiment plan schedule, and the requirement for lease for at least 30 years as stated in Paragraph 3, Article 36 of the Private School Law shall not be applicable.

Chapter 4

Evaluation, Supervision, and Reward

Article 17

The respective competent authority shall assemble an evaluation team consisting of invited EERC members to conduct evaluation during the 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, handling of evaluation result, and other relevant matters of the evaluation mentioned in the preceding Paragraph shall be stipulated by the central competent authority.

Article 18

Private experimental education schools at junior college level and above shall establish an education quality assurance mechanism, which shall receive regular evaluation or approval from a domestic or foreign professional evaluation agency. Regulations governing the education quality assurance mechanism, evaluation and approval, and other relevant matters shall be stipulated by the central competent authority.

The education quality assurance mechanism mentioned in the preceding Paragraph and its evaluation or approval by a professional evaluation agency shall be clearly stated in the admissions guide.

Article 19

The respective competent authority governing private experimental education school in violation of this Act or the experimental education plan or determined in the experimental education evaluation result as poor performance or detrimental to students' rights shall take all or 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

Prior to taking measures mentioned in Subparagraph 4 or 5 of the preceding Paragraph on private experimental education school, the competent authority shall request a review from the EERC and take corrective measures necessary for the students concerned.

In the case of suspension of experimental education plan or discontinuation of private experimental education school, permission for system change of private school shall be revoked for incorporated school and the original school system shall be restored; permission for establishment of private school by incorporated school or other non-profit private corporation shall be revoked.

Article 20

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 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-profit private corporation being dissolved by law.

Article 21

An incorporated school or other non-profit private corporation having its experimental education plan 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 regulations governing laborers; terminated teachers hired outside organization system for experimental education shall be compensated based on the standard factors calculated in accordance with labor relevant regulations.

Article 22

The relevant competent authority shall reward private experimental education schools with outstanding assessment results. The competent authority shall regularly hold press conferences, academic seminars, or teaching workshops to share experiment experiences and results found worthy of promotion.

Chapter 5

Supplementary Provisions

Article 23

Public schools may submit application upon approval from its academic affairs meetings, or the competent authority may assign public schools at senior high school level or below under its jurisdiction, to administer school-based experimental education on administrative operation, organization type, equipment and facility, curriculum and instruction, student enrollment, learning outcomes assessment, and student affairs and guidance within the scope of the school based on specific education concepts, 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, Article 8, Paragraphs 1 and 2 of Article 11, Article 12, Items 1 and 2 of Subparagraph 1 and Subparagraph 2 of Paragraph 1 of Article 14, Article 17, Paragraph 1 of Article 20, Article 21, and the preceding Article.

Excluding key indigenous schools, the total number of public schools in a competent authority's jurisdiction conducting school-based experimental education shall not exceed five percent of the number of schools at the same education level, where a partial school shall be counted as one school. However, up to 15 percent of the number of schools at the same education level may be allowed under special circumstances for schools whose experimental education plan is submitted 6 months before the beginning of a school year for approval by the central competent authority.

The total number of schools mentioned in the preceding Paragraph shall not exceed 10 percent of the number of schools nationally at the same education level.

Public schools conducting 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 review by the central competent authority. The scope of the experiment rules may be exempted from the Primary and Junior High Act, the Senior High School Education Act, the Junior College Act, the University Act, the Technical and Vocational Education Act, the Special Education Act, the Degree Conferral Law, the Teacher Education Act, the Student Guidance and Counseling Act, the National Sports Act, and other relevant regulations. Those who fall within the proviso of Paragraph 2 shall also submit their experimental education plan.

The selection and employment procedures of principals at public schools conducting school-based experimental education shall be separately stipulated by the relevant competent authority as necessary. Principals with excellent performance, whose school's development plan has been reviewed and approved, and who have been approved by the competent authority's Principal Selection Committee shall not be restricted to the limit of one additional term.

The principal of a public experimental education school at senior high school level or below must fulfill one of the qualities stated in Articles 4, 5, or 6 of the Act of Governing the Appointment of Educators.

Public schools conducting school-based experimental education may hire faculty and staff outside organization system through contracts in accordance with relevant regulations.

Article 24

The original building use category and its relevant regulations may remain applicable to non-profit private corporations which establish non-school-based experimental education institutes and apply to change system in accordance with this Act to private experimental education school at senior high school level or below, using original school lands and buildings with number of students in accordance with original regulations, upon reporting to the relevant competent authority and receiving permission.

Article 25

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 experimental education school establishment, the permission revocation, the restoration of original school type, supervision, reward, and methods governing other stipulations concerning incorporated schools and other non-profit private corporations at the senior high school and below shall be determined by the respective competent authority; those at the junior college level or above shall be determined by the central competent authority.

The criteria and procedure for establishing school-based experimental education, the review, change, continuation, and assignment cancellation of experimental education plan, the restoration of original school type, the supervision, reward and methods governing other stipulations concerning public schools at the senior high school level or below shall be determined by the respective competent authority; those at junior college level or above shall be determined by the central competent authority.

The respective competent authority shall provide budgets to subsidize the experimental education schools mentioned in the preceding two Paragraphs, with priority given to schools in remote areas. The central competent authority shall prioritize subsidies based on the financial rating of the municipal, county, or city government. The funds shall be earmarked for specific purposes.

The central competent authority shall provide reward for municipal, county, or city competent authorities which conduct experimental education with excellent assessment results.

Article 26

In order to enhance the general public’s knowledge, the respective competent authorities shall establish online education platforms, conduct hearings, and provide information regarding diverse opportunities.

Experimental education may cooperate with local communities and groups, collaborate with local industries to create local life-oriented teaching, and employ industry experts to assist with teaching.

Article 27

The enforcement rules of this Act shall be stipulated by the central competent authority.

Article 28

This Act comes into effect on the date of promulgation.

Data Source： Laws and Regulations Retrieving System