Content

Title：	The Special Education Act Ch
Date：	2019.04.24
Legislative：	1.Presidential Decree (73) Hua-Zong-Yi-Yi-Zi No. 6692 enacted and promulgated on December 17, 1984: the full text of 25 articles. 2.Presidential Decree (86) Hua-Zong-Yi-Yi-Zi No. 8600112820 promulgated on May 14, 1997: amendments to all 33 articles, taking effect on the day of promulgation. 3.Presidential Decree (90) Hua-Zong-Yi-Yi-Zi No. 9000254110 promulgated on December 26, 2001: amendments to Articles2~4, 8, 9, 14~17, 19, 20, 28 and 31. 4.Presidential Decree Hua-Zong-Yi-Yi-Zi No. 09300117551 promulgated on June 23, 2004: the addition of Article 31-1. 5.Presidential Decree Hua-Zong-Yi-Yi-Zi No. 09800289381 promulgated on November 18, 2009: amendments to the complete text of 51 articles, taking effect on the promulgation date. 6.Presidential Decree Hua-Zong-Yi-Yi-Zi No. 10200012441 promulgated on January 23, 2013: amendments to Articles 3, 14, 23, 24, 30, 33 and 45; and the addition of Article 30-1. 7.Presidential Decree Hua-Zong-Yi-Yi-Zi No. 10300085151 promulgated on June 4, 2014: amendments to Article 24. 8.Presidential Decree Hua-Zong-Yi-Yi-Zi No. 10300093311 promulgated on June 18, 2014: amendments to Articles 10, 17, and 32. 9.Presidential Decree Hua-Zong-Yi-Yi-Zi No. 10800039361 promulgated on April 24, 2019: amendments to Articles 14, 26, and 47; and the addition of Article 28-1.
Content：	**Chapter I: Overall Rules** **Article 1** The Act is enacted for the purpose of individuals with disabilities and/or giftedness to receive appropriate education, fully develop potential, foster personality, and empower social services. **Article 2** The so-called authorities are referred to as the Ministry of Education in the central government, city government in the metropolitan cities, and county government in the rural areas, with the last two referred to as local authorities. If involved across sections, all the targeted authorities are required to coordinate to the maximum extent. **Article 3** Disabilities meant in the Act are referred to as physiological or psychological disorders, assessed and diagnosed by professionals to be in need of special education and related services, and categorized as follows: Intellectual Disabilities. Visual Impairments. Hearing Impairments. Communication Disorders. Physical Impairments. Cerebral Palsy. Health Impairments. Severe Emotional Disorders. Learning Disabilities. Severe/Multiple Impairments. Autism. Developmental Delays.

Other Disabilities.

Article 4

The so-called “giftedness/talents” by the Act is referred to individuals with excellent potential or outstanding performance and, after evaluated by professionals, demonstrating needs for special education and related services, categorized as follows:

Giftedness/Talents in Intelligence
Giftedness/Talents in Scholarship
Giftedness/Talents in Arts
Giftedness/Talents in Creativity
Giftedness/Talents in Leadership
Giftedness/Talents in Other Areas

Article 5

For the development of special education, local authorities concerned should establish special education consultation committees, inviting scholars and experts, educational and school administrators, delegates of teacher organizations, parent representatives, professionals of special education, and delegates of related institutions and groups to participate in consultation, planning and development of special education services.

Among the members of the aforementioned committee, delegates of educational and school administrators combined are less than a half and those of a single gender less than a third of the total.

Measures and regulations of participation in consultation, planning, development of special education and other services are determined by local authorities.

Article 6

Local authorities should set up the Special Education Students Diagnosis and Placement Counseling Committee (briefly called DPCC), inviting scholars and experts, educational and school administrators, delegates of teacher organizations, parents, professionals of special education, and delegates of related institutions and groups to participate in diagnosis, placement, replacement, and counseling. Measures and regulations on implementation, procedures, duration, allocation of related resources, and operation are set by local authorities.

Among the members of the aforementioned committee, delegates of educational and school administrators combined are less than a half and those of a single gender less than a third of the total.

Measures of participation in consultation, planning, development of special education and other services are determined by local authorities.

Article 7

Local authorities should establish an independent department to monitor practices of special education services.

All the personnel and administrator responsible for special education services in special education schools and regular schools with special education classes should hire professionals with special education background.

The aforementioned special education background is referred to as taking up 3 or more credit hours of special education courses.

Article 8

Local authorities concerned should conduct regular research each year on the status of special education students, proclaim special education demographic needs, publish the yearly statistic report, appropriately allocate available resources based on current status and needs, and develop all the special education services.

Article 9

All the governments should availably develop the special education budget to the extent which is no less than 4.5% of the yearly educational budget in the central government and no less than 5% in the local

government.

When the local government develops budgets, the special needs education comes as the top priority.

In order to keep a balanced development of local special needs education, the central government should reimburse budgets in personnel and practices. Measures of reimbursement are determined by the central government after communication with local governments.

Chapter II: Practice of Special Education

Part 1: General Rules

Article 10

The implementation of special education is divided into the following four stages:

Preschool education: provided in hospitals, households settings, preschools , social welfare facilities, the preschool division of special education schools, or other suitable locations.

Compulsory education: provided in elementary schools, junior high schools, special education schools, or other suitable locations.

Senior high school education: provided in senior high schools, special education schools, or other suitable locations.

Higher education and adult education: provided in colleges, universities, and other adult education organizations.

Special education students at the preschool education stage and the compulsory education stage referred to in the previous paragraph are placed in a school on the principle of proximity to where they live. If the schools within in the school district cannot provide a suitable location to cater for the needs of special education students at the compulsory education stage, the competent authority may arrange placement in another location suitable for special education students.

Article 11

All the educational phases under senior high should establish special education classes, as follows:

Centralized special education class.

Decentralized resource room.

Itinerant resource program.

Establishment of the aforementioned special education classes should be determined and certified by local authorities, whereas its personnel and facility are resolved by central authorities.

In the case students under senior high are not placed in the special education class based on the aforementioned regulations, schools involved have to apply for likely special education programs. Measures and regulations on application and procedure are determined by local authorities.

Article 12

The educational level, grade placement, class location and instruction practice of special education students should be flexible to the extent sensitive to their special educational needs. Their entry age of education and duration limit of schooling are required to shift to meet realistic needs.

Procedure and details of practices including lowering or raising the entry age, shortening or extending duration of schooling, etc., are all determined by central authorities. But in case there is a law involved, it should be followed.

Article 13

Special education is basically managed by local authorities, with incentives for private sectors. Measures and regulations involved with management of special education including target population, eligibility, handling of law offenses, and other details are set by local authorities.

Article 14

For the purpose of providing special education, schools at each educational stage at senior secondary level and below shall set up a unit with that specific responsibility and appoint and employ special education teachers, special education related professional personnel, teaching assistants, and special education student assistants, in accordance with actual needs.

The regulations governing the establishment of the units referred to in the previous paragraph with the specific responsibility of providing special education, the assigning and employment of their personnel, and other related matters shall be prescribed by the central competent authority.

The standards governing the number of periods taught each week by fulltime special education teachers, and by part-time homeroom teachers, and people with part-time administrative and other duties shall be prescribed by each competent authority.

Article 15

For the purpose of promoting quality of special education and related services, local authorities should offer training program and in-service re-education for special education teachers and related professionals..

Article 16

For the practice of special education, local authorities should proceed diagnosis of disabled and gifted students based on the diagnostic criteria.

The aforementioned diagnostic criteria, procedure, duration, educational needs assessment, reassessment procedure, and other details are determined by central authorities.

Article 17

Preschools,and educational institutions at all levels shall identify students who require special education, actively or on the basis of admission applications, and after a proper evaluation of their needs, those whose guardian or legal representative has given consent shall be given a special education placement and related services and measures, in accordance with the provisions of the previous article.

Each competent authority shall reassess the appropriateness of the placement and arrangements referred to in the previous paragraph each year.

If a guardian or legal representative does not give their consent to undertake the evaluation and placement procedure, the preschool, elementary school, junior high school, or senior high school involved shall notify the competent authority.

To safeguard the interests of special needs students, when necessary the competent authority may require the guardian or legal representative to cooperate and assist making arrangements for post-assessment special education placement and related services and measures.

Article 18

Provision and programming of special education and related services should be based on appropriateness, individualization, localization, accessibility, and inclusion.

Article 19

The curriculum, materials, methods and assessment in special education should be flexible to the extent that they meet the needs and suit the characteristics of individual students, with the measures set by central authorities.

Article 20

To develop potential of special education students to the maximum extent, all the schools should coordinate possible resources and recruit instructors with expertise in special education.

Article 21

Student’s guardian or agent is able to file a complaint to authorities concern for controversy over diagnosis, placement and counseling services. Authorities concerned should offer complaint services.

Student’s guardian or agent is able to file a complaint to the school for infringements of student’s rights in learning, counseling, support services and other learning activities. The school should offer complaint services.

Part 2: Education for Disabled

Article 22

All the schools and test centers must not reject student admission to school or test for the sake of disability itself.

All the schools and test centers must offer appropriate test services, and make a public announcement, with measures of test services for special needs students set by central authorities.

Article 23

Special education practices shall be based on the results of professional assessments combined with available medical resources for rehabilitation, training and therapy of special needs students.

In order for special needs children to receive early intervention, special education practices shall start as early as two years old.

Article 24

The competent authority at each level shall provide educational institutions with special needs students and those special needs students for whom it is appropriate and who have approval from the competent authority to receive special education in a non-school home or institution setting with counseling and support services for the assessment, teaching, and administrative care of special needs students.

Educational institutions at all levels shall undertake the assessment, teaching, and counseling of special needs students on the basis of an interdisciplinary team approach, and if required maycombine the services of professionals in the fields of health and medical treatment, education, social work, independent living, and vocational rehabilitation to provide assistance in the form of guidance and services encompassing learning, living, psychological, rehabilitation training, occupational guidance, assessment, and transitions.

The regulations governing the setting up and implementation of the support services and interdisciplinary teams referred to in Paragraph 2 shall be prescribed by the central competent authority.

Article 25

To provide special needs students of under senior high school with appropriate education, local authorities and private sectors are encouraged to establish special education schools, which if likely are kept in a small scale. The top priority for admission goes to students with severe and/or multiple disabilities. Each and every city/county should establish at least one special education school (sub-school or class), each school with several campuses. Establishment of special education class should be based on the policy of prevalence and localization.

Special education schools for the hearing impaired are set for those with hearing impairments mainly, whereas special education schools for the visually impaired are majorly for those with visual impairments.

Special education schools are either national, city, county or private based on its main body (i.e., central government, city government, county government or private sectors), with its establishment, conversion or termination based on the following regulations:

National: certified by the central authorities;
City: certified by the city authorities and reported to central authorities for reference;
County: certified by the county authorities and reported to central authorities for reference;
Private: based on the Private School Act

Establishment of special education schools is required to meet criteria set by the central authorities, including land, building, equipment, faculty, alteration, termination/mergence, certification procedure, organization and personnel.

Article 26

A special education school shall have one principal; their qualifications for appointment shall be in accordance with the provisions of the Act Governing the Appointment of Educators, and each principal shall have special education related professional knowledge and skills. Their selection, and appointment, and other related matters shall be handled using the provisions governing such matters used in other schools that offer the highest-level of education that the school making the appointment offers.

Special education schools may set up an office (room) and a high level unit to handle academic affairs, student affairs, general affairs, internships, research and development, and counseling, based on the scale of the school and its operational requirements, and such high level units may be divided into sections of a lower unit level to handle matters.

Each first-level unit referred to in the preceding paragraph shall have a director and each second-level unit shall have a section leader.

The director of the first-level unit shall be a full-time teacher who is appointed by the principal to also serve as director on a part-time basis. The head of the general affairs section shall be filled by a non-teaching staff member on a full-time basis, and the head of the counseling unit responsible for rehabilitation may be appointed to serve as head on a part-time basis from among the fulltime special education related professional personnel, and the group leaders of the other second-level units shall be full-time teachers who are appointed by the principal to also take on those roles on a part-time basis.

If the special education school reaches a particular scale designated by the central competent authority, a secretary shall be appointed to assist the principal deal with school affairs and shall be appointed by the principal from among the full-time teachers.

In order to enhance the special education related knowledge and skills of the teams referred to in the previous article and to facilitate the drawing up of individualized education plans, each competent authority shall increase the provision of training and in-service workshops for regular program teachers, special education teachers, and associated personnel, in view of the categories of obstacles faced by the students with disabilities at the schools under their jurisdiction at each educational stage at senior secondary level and below. Each competent authority shall also provide assistance for related support services.

Article 27

Schools under senior high should offer special needs students in regular class with appropriate instruction and counseling services, with measures of instructional principle and counseling types set by local authorities. For the regular class teachers to take care both of special needs and other students, the aforementioned school should reduce the number of special needs student in the regular class, or providing the required manpower and assistance, with measures of the credential of class reduction, certified number, manpower and assistance set by the central authorities.

Article 28

Schools under senior high should develop the individualized education plan for each and every special needs student based on a multidisciplinary team, invite parents for participation and, where it needs, encourage professionals to accompany parents for participation.

Article 28-1

In order to enhance the special education related knowledge and skills of the teams referred to in the previous article and to facilitate the drawing up of individualized education plans, each competent authority

shall increase the provision of training and in-service workshops for regular program teachers, special education teachers, and associated personnel, in view of the categories of obstacles faced by the students with disabilities at the schools under their jurisdiction at each educational stage at senior secondary level and below. Each competent authority shall also provide assistance for related support services.

Article 29

Schools under senior high should take into consideration of strengths, aptitude, special education needs, and career development of students with disabilities and therefore offer appropriate counseling services in admission to secondary education. The measures of counseling services in admission to secondary school after completion of compulsory education are set by the central authorities.

Article 30

Governments shall provide education services for special needs adults and encourage them to receive life-long learning activities. Measures of implementation offices, means, contents and other related affairs shall be enacted by the central government.

Article 30-1

Schools of higher education shall program special education implementation practices, set up the special education office, hire and recruit, where it needs, related professionals and personnel in order to assist special needs students in learning and growth. Measures of office duties, establishment, personnel format and recruitment and other related affairs shall be enacted by the central government.

Delivery of special education services of the higher education should involve meeting student's needs, developing IEPs, assisting student's learning and growth, and participation of special needs students, their parents and related professionals.

Article 31

For easy transition of service needs by students with disabilities, schools should offer complete and continuous transitory counseling services, with the measures set by the central authorities.

Article 32

The competent authority at each level shall reduce or waive the educational expenses of special needs students based on their family's financial circumstances and may provide educational subsidies for special needs students attending private preschools {C}or social welfare facilities and give awards to the institutions that admit them.

The regulations governing the eligible recipients, criteria, amounts, quotas, and frequency of the reduction or waiver of educational expenses, subsidies and awards referred to in the previous paragraph and other associated matters that must be complied with shall be prescribed by the central competent authority.

The competent authority at each level shall give awards to special needs students who have an excellent academic performance and ethics or have done something outstanding. The associated regulations and rules for autonomous management shall be prescribed by the competent authority at each level.

Article 33

Schools, kindergartens and social institutions shall, based on school learning and daily living, provide special needs students with the following support services:

Educational auxiliary devices.
Appropriate teaching materials.
Personnel assistance in learning and living.
Rehabilitation services.
Family support services.

Access to campus.
Other support services.

Subparagraphs A through E are appropriate for special needs students who are granted for home-based education. Measures of the former two practices shall be enacted by the central government. All the governments concerned shall provide transportation for special needs students who lack mobility to and fro school or, where there are difficulties, offer fares. Measures of implementation, practices and autonomy are to be enacted by governments involved.

All the governments concerned shall take priority in budget allotment in delivery of services of subparagraphs A and D.

Article 34

Local authorities must put in practice special needs education based on certified or delegated social welfare facility, medical center or juvenile correction school.

Part 3: Gifted Education

Article 35

Gifted education in preschool and schools under senior high is conducted as follows:

Preschool education: in the type of special education project.
Civil education: in the form of decentralized resource room, itinerant program, or special education project.
Senior high education: on the basis of Article 11, Items A & C.

Article 36

Schools under senior high should take up the team teaching model, involving the aptitude, strengths, learning characteristics, and special needs of gifted students, developing individualized education plan of gifted students and, where it needs, inviting their parents for participation.

Article 37

Practices of gifted education in higher education should take into account of aptitude and strengths of gifted students, following the model of special education project.

Article 38

School admission and educational advance of gifted students should follow the procedure specified in the regulations of school admission and educational advance for regular students. Schools above senior high are able to carry on the multiple admission model, fully considering both school performance and potential strengths of gifted students.

Article 39

Gifted students are able to take up courses of higher grade, which if passed can be waived after successful school admission.

Article 40

Local educational authorities under senior high should fund schools in implementing the plural gifted education project, offering premium for excellent performance. Measures and regulations of funding and offering premium are set by local authorities.

Article 41

Local authorities and schools should reinforce diagnosis procedures and counseling services for gifted students with special needs and economical/social disadvantages.

Chapter III: Special Education Support Systems

Article 42

Local authorities should carry on research and publish the obtained data so as to achieve a better performance in development of special education curriculum, teaching materials and methods, and assessments.

Article 43

To encourage colleges and universities with special education department and institute affiliated with special education center to support diagnosis, instruction and counseling services, the central authorities should plan budget for subsidy. To conduct special education research, colleges/universities are able to establish affiliated special education school/class.

Article 44

Local authorities should establish special education administrative support network in order to implement special education to the extent that it integrates possible resources, assists special education practices, and provides consultation, counseling and services. Measures and regulations on linking and operation of support network are set by local authorities.

Article 45

Schools up to senior high, inclusive, are to set up the schoolwide special education implementation committee, taking care of learning affairs of special needs students, in which parents are to participate. Measures of components, practices and autonomy shall be enacted by governments concerned.

To take care of learning affairs of special needs students, schools of higher education should set up the schoolwide special education implementation committee, in which students or parents are to participate.

Article 46

Schools should offer special needs family with consultation, counseling, parenting education, and transfer services. The budget and resources of the aforementioned support services are taken up by the local authorities.

At least one special needs parent shout be member or standing member of the school parental committee, participating in operation of special education affairs.

Article 47

The effectiveness of the special education provided by schools at each educational stage at senior secondary level and below shall be assessed by the competent authority at least once every four years or be undertaken simultaneously with a school’s evaluation in accordance with its regular evaluation cycle.

The performance of the municipal competent authorities and the county (city) level competent authorities providing special education shall be assessed by the central competent authority at least once every four years.

The matters assessed and the results of the assessments referred to in the two preceding paragraphs shall be made public, and competent authorities that have performed well shall be given incentive awards, and any that fail to meet standards shall be given follow-up guidance. The regulations governing the related assessments and autonomous regulations shall be prescribed by each competent authority.

Chapter IV: Affix Rules

Article 48

All the income and outgo involving lending space, facility and equipment, delegating operation, encouraging private sector in participation, student enrollment, school admission, screening, practicum, and extension education of public school education school should be documented in an independent account and specified in terms of automated

clearing house. The rest balance has to be deposited for the purpose of improving school infrastructure and teaching equipment, unlimited by the Budget Act, Article 13, National Property Act Article 7, and Local Public Property Regulations

Article 49

The Enactment of regulations authorized by the Act should be participated by teacher organization and parent group.

Article 50

The specific enforcement rules of the Act are set by the central authorities.

Article 51

The Act is put into effect the day it is announced.

Data Source： Laws and Regulations Retrieving System