Content

Title：	Teachers' Act Ch
Date：	2009.11.25
Legislative：	1.Promulgated on August 09, 1995. 2. Amendment to Article 35 promulgated on July 19, 2000. 3.Amendment to Articles 3,11,17, addition of Articles 14-1~14-3,15-1,18-1, and 36-1 promulgated on January 15, 2003. 4.Addition of Article 35-1 promulgated on May 24, 2006. 5.Amendment to Articles 14,39 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-09800292191 dated November 25, 2009 and taking effect on November 23, 2009.

Content：

Chapter I General Provisions

Article 1	In order to elevate teachers' professional status, the law is hereby enacted to specify their rights and obligations and to safeguard their career and livelihood.
Article 2	The certification and accreditation of teachers' qualifications, employment, rights and obligations, payment, further studies and research, retirement, consolation, separation, severance, insurance, teachers' organizations, appeals and litigations of teachers are governed by and interpreted in accordance with this law.
Article 3	This law applies to full-time certified teachers with monthly salaries in public and registered private schools.

Chapter II Qualification Certification and Accreditation

Article 4	Teacher qualifications can be acquired through certification or accreditation: high schools and lower levels adopt the teacher certification system whereas junior colleges and higher levels adopt the teacher accreditation system.
Article 5	The certification of teacher qualifications for high schools and lower levels can be divided into two phases: initial certification and secondary certification. Those who pass the initial certification will be given a teaching intern certificate; those who pass the secondary certification will be given a teacher certificate.
Article 6	The initial certification is conducted in the way of qualification verification. Those with one of the following qualifications can submit their diplomas to competent educational authorities in order to be intern teachers in high schools or lower levels: 1. Graduates of the undergraduate division of a teacher training college or normal university. 2. Graduates of colleges of education, departments of education, or graduate education institutes at universities or colleges who have completed the required education credits. 3. Graduates of colleges or universities who have completed education studies programs. 4. Graduates of colleges or universities or Ministry of Education-approved foreign colleges or universities who have completed the course credits in education required by the Ministry of Education.

Article 7	The local authorized educational authorities can be authorized to implement the secondary teacher certification by establishing municipal or county secondary teacher certification committees. Those with the following qualifications can apply for the secondary teacher certification for the certified teacher status in high schools or lower levels: 1. Those who have obtained teaching intern certificates. 2. Those who have undergone a one-year internship with passing grades. Certificates for qualified teachers shall be issued solely by the Ministry of Education.
Article 8	The regulations governing the qualification certification of teachers of high schools and lower levels shall be prescribed by the Ministry of Education.
Article 9	The qualification accreditation of teachers of junior colleges and higher levels can be divided into two phases: the first review and the second review. The former is done by respective schools whereas the latter is done by the Ministry of Education. When the teacher passes the first review, the school shall report to the Ministry of Education for the second review. A teacher certificate shall be conferred on the teacher that passes the second review. If necessary, the Ministry of Education can authorize the school to conduct the second review and then confer a teacher certificate on the teacher that passes it.
Article 10	The regulations governing the qualification accreditation of teachers of junior colleges and higher levels shall be prescribed by the Ministry of Education.
Chapter III	Employment
Article 11	The employment of teachers of high schools and lower levels can be divided into initial employment, renewed employment, and tenured employment. Other than those placed in accordance with Paragraph 2 of Article 13 or Article 20 of the Teacher Education Law, teachers shall be employed by the principal after the assessment and approval of the Teachers Review Committee. The Teachers' Review Committee referred to in the preceding paragraph shall include representatives from the teaching staff, school administration, and one representative from the Parents' Association. Of that group, the teachers' representatives that are not part of the administration or the board shall not number less than half of the total; the regulations governing the establishment of the committee shall be prescribed by the Ministry of Education. The appointment of teachers of junior colleges and higher levels shall be made in accordance with the University Law and Junior College Law respectively.
Article 12	The initial employment of teachers of high schools and lower levels is applicable only to those with teaching intern certificates; renewed employment is applicable only to those with teacher certificates. If the teaching intern doesn't obtain a teacher certificate upon the expiration of the initial employment, the employment can be extended after the assessment and approval of the Teachers Review Committee, which can be done only once.
Article 13	The first and second term of teachers of high schools and lower levels shall be one year, and renewed terms shall be two years. After the third renewed term with excellent teaching performance and with the assessment and approval of two-thirds of the entire Teachers' Review Committee, the teacher can obtain tenured employment. The duration of employment shall be jointly set forth by the Teachers Review Committee of respective schools.

Article 14	After employed, the teacher may not be dismissed, suspended, or denied a renewed employment unless involved in one of the following situations: 1. Being sentenced to a prison term for more than one year without probation. 2. Being convicted of corruption and malfeasance, or being issued a warrant of arrest, the case of which not settled yet during the term of civil service. 3. Being dismissed from the employment in accordance with the law, or undergoing the disciplinary action of suspension from employment with the penalty not yet terminated, or being suspended from employment due to the indictment with the case not yet cleared. 4. Being deprived of civil rights with the rights thereof not yet been reinstated. **5. Being subject to the commencement of guardianship or assistantship and not yet revoked those orders.** 6. Being verified by the authorities concerned to have behaved inappropriately and therefore impaired the teacher's morals and dignity. 7. Being proved to have a mental disorder by a qualified physician. 8. Not fulfilling a teacher's duties or being incompetent in teaching with concrete facts or severe violation of the employment contract. **9. Being verified by the Committee for Gender Equity Education of the school as having committed sexual assaults.** Whether to dismiss teachers in **either of** the situations mentioned in Subparagraphs 6 or 8 of the preceding paragraph, shall be decided only when over two-thirds of the Teachers' Review Committee members are present and over half of the attendant members agree. Teachers in the situations referred to in Subparagraphs 1 to 7 **and Subparagraph 9** of Paragraph 1 can not be employed as teachers. Those already employed shall be reported to the competent educational authorities for dismissal, suspension, or non-renewal of employment upon approval. However, those in the situation mentioned in Subparagraph 7 may be retired or laid off in accordance with the regulations, **and those in the situations mentioned in Subparagraph 9 shall abide by the regulations stated in Paragraph 4. Teachers in the situations referred to in Subparagraph 9 of Paragraph 1 should, after the assessment and approval of the Teachers Review Committee, be suspended of their employment within a month following the discovery of the school about those situations, and wait for the result of the investigation. If the situations are verified after the investigation, the employing school should, after having reported to the competent educational authorities and upon its ratification, dismiss the teachers.**
Article 14-1	When the Teachers' Review Committee of the school reaches an agreement upon dismissal, suspension, or non-renewal employment of a teacher in accordance with Article 14, the school shall report to the competent educational authorities for approval within 10 days of the agreement, and also notify the party in writing, stating its reasons. Before the competent educational authorities approve the dismissal, suspension, or non-renewal employment of the teacher, when the current employment expires, the school shall continue to employ the teacher temporarily.

Article 14-2	During the suspension of the teacher, the school shall reserve the position until the reasons for suspension are gone and shall continue to employ the teacher under the agreement of the Teachers Review Committee of the school. When a teacher is suspended in accordance with the law, and the employment expires before the reasons for suspension are gone, the Teachers' Review Committee of the school shall investigate in accordance with regulations to see if continuing employment is appropriate.
Article 14-3	The teacher suspended in accordance with Article 14 shall be given half of the base salary (seniority salary) during the suspension; when the teacher is again employed after the reasons for suspension are gone, the difference in base salaries (seniority salaries) shall be made up. However, if the teacher is under imprisonment or detention, or is fined, but is paid during imprisonment or detention instead, his/her salary during suspension shall not be given in accordance with this Article.
Article 15	Due to the course adjustment of departments, graduate institutes, subjects, and divisions, or the class reduction, suspension of operations, or dissolution of schools, the school or the authorized educational authorities shall first help transfer those qualified teachers who would like to continue teaching or have other suitable work to do; those who are incompetent for their current positions or are already unemployed and have no other suitable work to transfer to do, or proved by public hospitals to be physically too weak to handle their work shall be reported to the authorized educational authorities and laid off after approval.
Article 15-1	The teachers who are first helped to transfer by schools or competent educational authorities in accordance with the preceding Article may not be employed if found in the situations mentioned in the subparagraphs of Paragraph 1 of Article 14 by the Teachers' Review Committee of the school. Teachers transferred by competent educational authorities in accordance with the regulations of the National Education Law can also apply to the regulation of the preceding paragraph.
Chapter IV Rights and Obligations	
Article 16	After the teacher accepts employment, s/he can enjoy the following rights in accordance with the relevant laws and school rules and regulations: 1. Brings up constructive opinions on teaching and administration of the school. 2. Enjoys the rights and protections in terms of payment, fringe benefits, retirement, consolation, severance, and insurance, etc. 3. Participates in in-service education, research, and academic exchanges. 4. Joins teachers' organizations, and attend other activities held in accordance with the regulations. 5. Appeal in accordance with the law when the measures taken by the authorized educational authorities or schools against the teacher are considered by him/her to be illegal or inappropriate and have damaged his/her interests. 6. Enjoys professional autonomy in teaching and student counseling in accordance with law and school rules and regulations. 7. Can refuse to take part in work or activities irrelevant to teaching assignments by the authorized educational authorities or the school, unless otherwise specified according to law. 8. Enjoys other legitimate rights in accordance with this law or other laws.

Article 17	Other than fulfilling their employment responsibilities in accordance with law, teachers have the following obligations: 1. Abides by the regulations specified in the employment contract and maintains school honor. 2. Actively protects students' rights to education. 3. Implements teaching activities in accordance with relevant laws and the courses arranged by the school. 4. Guides and disciplines students to grow adaptively and develop sound personalities. 5. Conducts research and studies related to teaching. 6. Takes full responsibilities of the position and exalts a teacher's dignity and profession out of clear conscience. 7. Attends academic and administrative activities of the school, as well as social education activities in accordance with relevant laws. 8. Shall not disclose personal or family information of students unless otherwise specified by law. 9. Takes the role of a homeroom teacher. 10. Fulfills other obligations in accordance with this law or other laws. The regulations in Subparagraphs 4 and 9 of the preceding paragraph shall be prescribed by the school council meeting of respective schools.
Article 18	Teachers who violate the regulations in Article 17 will be dealt with by the school in accordance with relevant laws after being appraised by the Teachers Review Committee.
Article 18-1	Teachers can ask for leave because of marriage, funerals, illness, childbirth, or other legitimate reasons in accordance with Teachers Leave Regulations. The Teachers Leave Regulations referred to in the preceding paragraph shall include type and days of leave, procedures, check of responsibilities, violation handling, and other relevant items. The regulations shall be prescribed by the Ministry of Education.
Chapter V Payment	
Article 19	Teachers' payment can be divided into three kinds: base salaries, allowances, and bonuses. The base salaries of teachers of high schools and lower levels shall be paid according to their academic background and experience, and seniority; the base salaries of teachers of junior colleges and higher levels shall be paid according to their rankings, academic background and experience, and seniority. There are three kinds of allowances: position, academic research, and district allowances.
Article 20	The payment of teachers shall be separately stipulated by law.
Chapter VI Further Studies and Research	
Article 21	To elevate educational quality and to encourage the further studies and research of teachers of all levels, the related competent educational authorities and schools shall establish institutions or organizations for further studies and research based on actual needs; its regulations shall be prescribed by the Ministry of Education.
Article 22	Teachers of all levels, when in service, shall be actively engaged in further studies and research on knowledge related to teaching; the reward regulations for the further studies and research of teachers shall be prescribed by the Ministry of Education.

Article 23	Teachers engaged in in-service education are entitled to leave and pay or leave without pay; the funds for further studies and research shall be budgeted by the school or the competent educational authorities. The relevant regulations shall be prescribed by the Ministry of Education.
Chapter VII Retirement, Consolation, Separation, Severance, and Insurance	
Article 24	The payment for teachers' retirement, consolation, separation, severance, and insurance is in the form of savings, which is called the pension fund, jointly contributed by the school and the teachers. The pension payment shall be guaranteed by the government. The retirement, consolation, and severance pay for the teacher whose seniority was accumulated before the savings system shall be given in accordance with the previous regulations. When the teacher leaves her/his post after several years of service, s/he shall be given the savings contributed to him/her in the pension fund. The savings referred to in the preceding paragraph are contributed in proportion to the monthly salary by the teacher and the school. When the teacher transfers between public schools and private schools, the seniority accumulated for retirement, consolidation, and severance pay shall be carried over.
Article 25	An organization in charge of the contribution, management, and operation of the teachers' pension fund shall be set up. The teachers' retirement, consolidation, separation, severance, and insurance shall be separately stipulated by law.
Chapter VIII Teachers' Organizations	
Article 26	There are three levels of teachers' organizations: the School Teachers' Association at the school level; the Local Teachers' Association at the municipal and county (city) levels; the National Teachers' Association at the central level. When the school has a class number smaller than 20, it may co-found a cross-district (township, town) School Teachers' Association with other schools. The establishment of teachers' organizations of all levels shall go through the process of notification and registration to the competent authorities pursuant to the regulations of the People's Organization Law. The Local Teachers' Association shall have over half of the School Teachers' Associations in the district in it to be established. The National Teachers' Association shall have over half of the Local Teachers' Associations in it to be established.
Article 27	The basic missions of teachers' organizations of all levels are as follows: 1. Maintain teachers' professional dignity and autonomy. 2. Reach agreements with authorities of all levels on teachers' employment and provisions governing it. 3. Study and help solve all kinds of educational problems. 4. Monitor the management, operation, and payment, etc. of the organization in charge of the separation fund payment. 5. Send representatives to join statutory organizations of the employment, appeal, and other related matters of teachers. 6. Stipulate Teachers' Self-discipline Agreement.

Article 28	The school can not ask the teacher not to participate in teachers' organizations or hold any position in them as a requirement of employment. The school can not refuse to employ the teacher, dismiss the teacher, or take other unfavorable actions against the teacher because of his/her participation in teachers' organizations.
Chapter IX Appeals and Litigations	
Article 29	When a teacher considers the measures taken against him/her by the competent educational authority or the school illegal or inappropriate, and so his/her rights are damaged, s/he can appeal to the Teachers' Appeal Review Committee of all levels. The Teachers' Appeal Review Committee shall include representatives from the teachers' organizations or their branches and educational scholars in the district, and the number of teachers not involved in the administration shall be smaller than two-thirds of the total number. However, during the investigation and litigation period of the appeal concerning the school of a committee member, that member shall avoid this case; the organization and review standards shall be prescribed by the Ministry of Education.
Article 30	The Teachers' Appeal Review Committees can be categorized into the following levels: 1. The school and central levels for junior colleges and higher levels. 2. County (city), provincial, and central levels for high schools and lower levels.
Article 31	The procedure of the teacher's appeal can be divided into two levels: appeal and re-appeal. If the teacher is not satisfied with the result of the appeal, s/he can file a re-appeal. The school and the competent educational authorities can do the same when they are not satisfied with the result of the appeal.
Article 32	After the appeal is reviewed and finalized, the competent educational authorities shall execute it thoroughly, and the review report shall be sent to the person in question, the competent authority, and the teachers' organization of the district at the same time.
Article 33	If the teacher does not wish to appeal or is not satisfied with the results of the appeal and re-appeal, s/he can file litigation based on its nature according to law, or ask for aid in accordance with the Rules on Administrative Appeal or the Administrative Litigation Law or other related regulations such as protection laws.
Chapter X Supplementary Provisions	
Article 34	The qualifications of those who already gained the post as teachers before this law is enacted shall be protected.
Article 35	The certification and accreditation of part-time teacher qualifications of schools of all levels shall be implemented in accordance with the regulations of this law. The rights and obligations of part-time, probation, and substitute teachers shall be governed by the regulations prescribed by the Ministry of Education. The qualifications of professional, technical subjects, and nursing teachers for military training and nursing courses of schools of all levels, shall be governed by and interpreted in accordance with the Statute Governing the Appointment of Educators.

	Article 35-1	The dismissal, appeals, further studies, payment, fringe benefits, severance of nursing teachers in paragraph 3 of the preceding article, apply to the teacher’s relevant laws. Nursing teachers transferred by authorized educational authorities, who are the qualified teachers of health and nursing courses, can not continue teaching due to the adjustment of military training and nursing courses from this law was amended and enforced in 2006 to July 31. 2008, competent educational authorities should transfer to health and nursing teachers. The transfer rules shall be prescribed by the Ministry of Education.
	Article 36	All relevant regulations stipulated in this law shall apply mutatis mutandis to full-time teachers of public kindergartens and private kindergartens already registered as a foundation. The relevant regulations stipulated in this law shall also apply mutatis mutandis to full-time teachers of private kindergartens not yet registered as a foundation except Article 24 and 25 of this law.
	Article 36-1	The teachers' appeal regulations shall apply mutatis mutandis to school presidents of all levels in filing appeals.
	Article 37	The Ministry of Education shall invite representatives of the National Teachers' Association to participate in the stipulation of the regulations that this law authorizes the Ministry of Education to prescribe.
	Article 38	The enforcement rules of this law shall be prescribed by the Ministry of Education.
	Article 39	This law shall enter into force from the date of promulgation. However, the implementation date of the payment, retirement, consolation, separation, severance, and insurance part shall be ordained by the Executive Yuan; the articles of this law amended on the 6th of November, 2009 take effect on the 23rd of November, 2009.

Data Source： Laws and Regulations Retrieving System