Content

Title：	Teachers' Act Ch
Date：	2014.01.22
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. 6.Amendment to Articles 14-3 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-09900317081 dated November 24, 2010. 7.Amendment to Articles 35-1 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-10000291411 dated December 28, 2011. 8.Amendment to Articles 14 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi- 10000299661 dated January 4, 2012. 9.Amendment to Articles 18-1 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi- 10200012401 dated January 23, 2013. 10.Amendment to Articles 14 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi- 10200131131 dated July 10, 2013. 11.Presidential Decree No. Hua-Zong-Yi-Yi-Zi-10200232681 issued December 25, 2013: Amendment to Article 35-1 of the Teachers' Act. 12.Amendment to Articles 14 and 16 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi- 10300000681 dated January 8, 2014.) 13.Amendment to Articles 17 of the Teachers' Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi- 10300008931 dated January 22, 2014.)
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 by 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 at 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 at 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 at high schools and lower levels shall be prescribed by the Ministry of Education.

Article 9 The qualification accreditation of teachers at 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 this 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 at junior colleges and higher levels shall be prescribed by the Ministry of Education.

Chapter III Employment

Article 11 The employment of teachers at 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 at 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 at 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 at 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 being employed, a teacher may not be dismissed, suspended, or denied renewed employment unless one of the following situations pertainsù

1.Having being sentenced to a prison term of one year or more without probation.

2.Having being found guilty and convicted or being subject to an arrest warrant for a case that is still pending for corruption or negligence while employed in civil service.

3.Having being found guilty and convicted of a breach of

Article 2, Paragraph 1 of the Sexual Assault Crime Prevention Act.

4.Having being dismissed from their place of employment in accordance with the law, or currently still undergoing a period of suspension from employment as a disciplinary measure, or having being suspended from employment because of an indictment with the case not yet resolved.

5.Having being deprived of their civil rights, with their rights having not yet been reinstated.

6.Having being subject to the commencement of guardianship or assistantship and those orders not having yet been revoked.

7.Having being certified by a qualified physician as having a mental disorder and having not yet recovered from it.

8.Having had the Gender Equity Education Committee of the school or another relevant committee set up in accordance with the law investigate and verify their having committed a sexual assault.

9. Having being Gender Equity Education Committee of the school or another relevant committee set up in accordance with the law investigate and verify their having committed sexual harassment or sexual bullying, of a serious nature.

10.Upon becoming aware of a suspected sexual assault incident on the campus where the teacher is employed, failing to report the matter in accordance with the provisions of the Gender Equity Education Act, thereby leading to a subsequent sexual assaults on campus; or forging, altering, destroying, or concealing evidence of any such assault committed by any other person, where any such failure to report or forging, altering, destroying, or concealing of evidence has been investigated and verified by the authorities concerned.

11. Forging, altering or destroying evidence of any other person committing any criminal offence involving narcotics or hazardous drug on campus, where the matters has been investigated and verified by the authorities concerned.

12.Inflicting corporal punishment on or bullying student(s), causing severe physical or mental injury.

13. Behavior which is against any law, where the matter has been investigated and verified by the authorities concerned.

14. Specific instances of their not fulfilling a teacher's duties, or being incompetent to teach; or violating their employment contract in a way which constitutes a serious offence.

The case of a teacher to whom any of the circumstances set out in Subparagraphs 12 to 14 of the preceding paragraph pertain shall be dealt with by a Teachers' Review Committee with at least two-thirds of its members present and at least two-thirds of the attending members being in agreement with

its decision. With the exception of any case where the circumstances constitute a serious offence, if the circumstances set out in Subparagraph 13 pertain, and the Teachers' Review Committee has decided to dismiss the teacher or not renew their employment, the Teachers' Review Committee shall determine a period of between one to four years, based on the nature of the offence, during which that person may not be re-employed as a teacher, and the details shall be reported to the competent education administrative authority.

A teacher to whom any of the circumstances set out in Subparagraphs 1 to 12 of Paragraph 1 or in the last part of the preceding paragraph pertain may not be re-employed as a teacher. Except when any of the provisions for handling the matter listed below apply, a teacher already employed shall be reported to the competent educational administrative authority to review the matter and approve the disciplinary measure, and then be dismissed, suspended, or not have their employment renewedù

1. Those to whom the circumstances set out in Subparagraph 7 pertain shall be retired or laid off in accordance with the regulations.
2. Those to whom the circumstances set out in Subparagraph 8 and Subparagraph 9 pertain shall be dealt with in accordance with the regulations in Paragraph 4.
3. Those to whom the circumstances set out in Subparagraph 3, Subparagraph 10 or Subparagraph 11 pertain shall be dismissed after their case has been reported to the competent educational administrative authority to review, and their dismissal has been approved.

Within one month of becoming aware of a teacher being involved in the circumstances set out in Subparagraph 8 or Subparagraph 9 of Paragraph 1, after the Teachers' Review Committee has reviewed the matter and given approval, the employing school shall suspend that teacher's employment, and wait for the results of an investigation. If the investigation verifies that the circumstances did occur, the employing school shall dismiss the teacher after reporting the details to the competent educational administrative authority and received its ratification.

To avoid employing any teacher to whom the circumstances set out in Subparagraphs 1 to 12 of Paragraph 1 or the last part of Paragraph 2, pertain, the competent educational administrative authority at each level and schools at all levels shall comply with the regulations governing reporting, the collection of information, and investigation. The regulations governing the reporting, collection information, investigation, and other mandatory requirements shall be established by the Ministry of Education.

With the exception of anyone who has committed a sexual

assault; sexual harassment, or sexual bullying, which constitute a severe breach of the law severe; or who have caused severe physical or mental injury to student(s) as a result of corporal punishment or bullying, any teacher who before the Amendment to the Teachers' Act took effect on June 27th, 2013, was investigated and verified by the authorities concerned to have impaired their professional dignity and status as a teacher by behaving inappropriately, and was therefore dismissed or did not have their appointment renewed, may be re-employed as a teacher after at least four years from the date of effect of their dismissal or the non-renewal.

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 concluded, 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 concluded, the Teachers' Review Committee of the school shall investigate in accordance with regulations to see if continuing employment is appropriate.

Article 14-3 A teacher suspended in accordance with Article 14 shall be given half of the base salary (seniority salary) during the period of suspension; when the teacher is once more employed after the reasons for suspension have been concluded, the difference in base salaries (seniority salaries) shall become retroactive. However, if a teacher is under the following situations , his/her salary during the period of suspension shall not be given in accordance with this Article:
1. When a teacher is under imprisonment or detention, or is fined, but is paid during imprisonment or detention instead.
2. When a teacher is in situations referred to Paragraph 4 of Article 14, then s/he shall not be given half of the base salary (seniority salary) during the period of suspension, when a teacher is again employed after the reasons for suspension have been concluded, the difference in base salaries (seniority salaries) shall become retroactive.

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; those who are incompetent for their current positions or are already unemployed and have no other suitable work to transfer, 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 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 any of 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 a teacher accepts employment, s/he enjoys the following rights in accordance with the relevant laws and school rules and regulations:

1.To put forward suggestions for new approaches or changes to the school's teaching and administration.

2.To enjoy salary, benefits, retirement, death benefits, severance payment, and insurance rights and protection.

3.To participate in in-service education, research, and academic exchange activities.

4.To join teachers' organizations, and attend other activities held in accordance with the regulations.

5.To lodge an appeal in accordance with the law when the measures taken by the competent education administrative authority or schools concerning the teacher are considered to be illegal or to be inappropriate and damaging their interests.

6.To enjoy professional autonomy in teaching and student counseling in accordance with law and school rules and regulations.

7.Unless otherwise specified by law, a teacher may refuse to engage in work or activities outside the scope of the teaching and learning related work or activities assigned by the education administrative authority or by the school.

8.When a teacher becomes involved in a lawsuit as a result of performing duties in accordance with the law, the school where they teach shall engage a lawyers to defend them and provide legal assistance.

9.To enjoy all other rights they are entitled to in accordance with this law or other laws.

The Ministry of Education shall formulate regulations governing legal assistance for any teacher who becomes involved in a lawsuit as a result of performing their duties, referred to in Subparagraph 8 of the preceding paragraph; any teacher who becomes involved in a lawsuit as a result of some intentional offence or gross negligence shall reimburse any money they were provided with to assist them with legal expenses.

Article 17 Other than fulfilling their employment responsibilities in accordance with law, teachers have the following obligations:

1. To comply with the terms of their employment contract and uphold their school's reputation.
2. To actively protect students' rights to education.
3. To implement flexible suitable teaching and learning activities, in accordance with relevant laws and regulations and the teaching program arranged by the school.
4. To advise and discipline students, guiding their appropriate growth and nurturing their development of a sound personality.
5. To engage in teaching-related research andfurther studies.
6. To strictly fulfill the responsibilities that go with their position, and always act professionally and in good conscience, upholding the honor and dignity of teaching.
7. To participate in the academic and administrative work of the school and in social education activities, in accordance with relevant laws and regulations.
8. To not disclose any student's personal or family information, unless required to do so in accordance with any law or regulations.
9. To serve as a homeroom teacher.
10. To fulfill other duties which must be fully complied with in accordance with the stipulations of this law or other laws.

The regulations for the matters referred to in Subparagraphs 4 and 9 of the preceding paragraph shall be formulated by each school's governing bord.

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 may ask for a Personal Leave for the following reasons：marriage, funerals, illness, childbirth or other legitimate reasons that are in accordance with the Teachers' Leave Regulations. Official Leave requests must be given for the following reasons：The Teachers' Leave Regulations referred to in the preceding paragraph shall directions regarding the type of leave request, number of leave days needed, procedures for handing violations and teacher responsibilities, while on leave. Regulations will 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 at high schools and lower levels shall be paid according to their academic background and experience, and seniority; the base salaries of teachers at 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 at 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 from the pension fund.
The savings referred to in the preceding paragraph are contributed in proportion to the monthly salary of the teacher and by 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-form-coordinate a cross-district (township, town) School Teachers' Association with other schools.
The establishment of teachers' organizations at 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 consist of half of the School Teachers' Associations in the district it has established. The National Teachers' Association shall consist of half of the Local Teachers' Associations it has established.

Article 27 The basic missions of teachers' organizations at all levels are as follows:
1. Maintain teachers' professional dignity and autonomy.
2. Reach agreements with authorities at 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 at 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 nor hold any position for 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 at all levels.
The Teachers' Appeal Review Committee shall include representatives from the teachers' organizations or their branches and educational scholars from 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 regarding 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 results of the appeal, s/he can file a re-appeal. The school and the competent educational authorities can do the same if they are not satisfied with the results of the appeal.

Article 32 After the appeal has been 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 nor 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 that already received the post as a teacher before this law was enacted shall be protected.

Article 35	The certification and accreditation of part-time teacher qualifications at 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 at schools of all levels, shall be governed by and interpreted in accordance with the Statute Governing the Appointment of Educators.
Article 35-1	The relevant regulations and directions which apply to teachers may be used to handle matters pertaining to the dismissal, appeals, further studies, payment, benefits, and severance pay of the nursing teachers referred to in Paragraph 3 of the preceding article. The competent education administrative authority may handle the employment of nursing teachers who are qualified to teach health and nursing courses and who have been assigned by the competent education administrative authority to teach health and nursing. The regulations governing their employment shall be determined 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 for Article 24 and 25 of this law.
Article 36-1	The teachers' appeal regulations shall apply mutatis mutandis to school presidents at 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 November 6, 2009 take effect on the November 23, 2009.