



2. Goals and Legal Basis for the Education Platform of the Republic of China

In 1929, the Nationalist Government put forth a purpose statement and guidelines for its policy on education. The ultimate goal was to fulfill and reinforce the ideals stated in the Three Principles of the People: nationalism, democracy, and social well-being.

According to the three principles, education is to improve the livelihood of the people, ensure each individual's decent existence in the society, pursue economic development and national regeneration so as to achieve independence of the nation, implementation of democracy, advancement of social well-being, and to attain the ideal world of universal brotherhood.

In the Constitution of the Republic of China (ROC) promulgated in 1947, a specific section in Chapter 13 Fundamental National Policies is set aside for issues related to education and culture. Such section incorporates essential philosophy and ideals proposed by the aforementioned educational purpose statement and guidelines and fully embodies them in every single article within this section. Furthermore, it specifies the two major principles guiding our nation's educational policies as follows: (1) all citizens shall be entitled to equal opportunities for receiving education, hence there shall be financial assistance offered for the poor to ensure their rights of education; (2) for public and private institutions engaging in cultural and educational businesses which are established in conformity with relevant laws and regulations, their legal rights shall be properly secured. Beside, recognitions and financial supports shall be granted for those institutions which show excellent performances.

Consequently, affairs concerning education and culture, such as the enactment of relevant laws and regulations, the constructions of cultural and educational facilities, etc., are based on the

principles set forth by the Constitution.

According to the Additional Articles of the Constitution revised and promulgated in 1997, the government shall be given to funding education, science and culture, and in particular funding for compulsory education. Under such circumstance, the restrictions specified in Articles 164 of the Constitution do not apply. Moreover, recognizing the importance of promoting multicultural education, the government actively engages in the conserving languages and cultures of the aborigines as well as proposes regulations and measures to support and encourage their development.

(Note: Articles 164 of the Constitution stipulates that expenditures of educational programs, scientific studies and cultural services shall reach certain minimum percentage of the yearly budgets of the governments of all levels.)

In 2000, the government enacted the regulation for budget-making and management of educational funds according to the Basic Law of Education promulgated in 1999 for the purpose of maintaining the development of education as well as responding to the calling for a more rational allocation of educational resources. Relevant affairs of the governments at all levels shall be subject to such regulation.



ARTICLES OF THE CONSTITUTION OF THE REPUBLIC OF CHINA PERTAINING TO EDUCATION AND CULTURE

The Constitution of the Republic of China adopted by the National Assembly on December 25, 1946. Promulgated by the National Government on January 1, 1947. Effective on December 25, 1947.

Chapter 13

Section 5. Education and Culture

Article 158. Education and culture shall aim at the development among the citizens of the national spirit, the spirit of self-government, national morality, good physique, scientific knowledge and the ability to earn a living.

Article 159. All citizens shall have equal opportunity to receive an education.

Article 160. All children of school age from 6 to 12 years shall receive free primary education. Those from poor families shall be supplied books by the Government.

Article 161. The national, provincial, and local governments shall extensively establish scholarships to assist students of good scholastic standing and exemplary conduct who lack the means to continue their school education.

Article 162. All public and private educational and cultural institutions in the country shall, in accordance with law, be subject to State supervision.

Article 163. The State shall pay due attention to the balanced development of education in different regions, and shall promote social education in order to raise the cultural standard of the citizens in general. Grants from the National Treasury shall be made to frontier regions and economically poor areas to help them meet their educational and cultural expenses. The Central Government may either itself undertake the more important educational and cultural enterprises in such regions or give them financial assistance.

Article 164. Expenditures of educational programs, scientific studies and cultural services shall not be, in respect of the Central Government, less than 15 percent of the total national budget; in respect of each province, less than 25 percent of the total provincial budgets; and in respect of each municipality or hsien, less than 35 percent of the total municipal or hsien budget. Educational and cultural foundations established in accordance with law shall, together with their property, be protected.

Article 165. The State shall safeguard the livelihood of those who work in the fields of education, sciences and arts, and shall, in accordance with the development of national economy, increase their remuneration from time to time.

Article 166. The State shall encourage scientific discoveries and inventions, and shall protect ancient sites and articles of historical, cultural or artistic value.

Article 167. The State shall give encouragement or subsidies to the following enterprises or individuals:

1. Educational enterprises in the country what have been operated with good record by private individuals;
2. Educational enterprises what have been operated with good record by Chinese citizens residing abroad;
3. Persons who have made discoveries or inventions in the fields of learning and technology; and
4. Persons who have rendered long and meritorious services in the field of education.

Section 6. Frontier Regions

Article 168. The State shall accord to the various racial groups in the frontier regions legal protection of their status and shall give them special assistance in their local self-government undertakings.

Article 169. The State shall, in a positive manner, undertake and foster the development of education, culture, communications, water conservancy, public health and other economic and social enterprises of the various racial groups in the frontier regions. With respect to the utilization of land, the State shall, after taking into account the climatic conditions, the nature of the soil and the life and habits of the people, adopt measures to protect the land and to assist in its development.

Note: Article 10 of the Additional Articles of the Constitution of the ROC in April 2000 stipulate: Priority shall be given to funding for education, science, and culture, and in particular funding for compulsory education, the restrictions in Article 164 of the Constitution notwithstanding.