



2. The Legal Basis for the Administration of Education

In order to ensure and spur the full development of education in Taiwan, the 13th Chapter of the Constitution, section 5 clearly states that all citizens should have equal access to education, and that the poor should be given greater financial assistance. Public and private educational undertaking that was established according to these laws all give assurance of these principles and offer scholarships to students with outstanding results. Clause 164 of the constitution further states and lists the minimum amount of expenses that each level of government must allot for education.

In 1997, the 'Amended Clauses of the Constitution' was released. This stated clearly that expenses for education, science, culture and especially national education should be prioritized. It also listed the lowest fraction of budget

that each level of government should spend on education, science and culture, and it also stipulated that this amount was not restricted by the restrictions in the 164th clause. The government further affirmed a more multicultural society, and expressed their commitment to the active protection of the development of aboriginal language and culture, offering assistance for these and spurring their development.

In 1999, 'the Basic Education Law' was promulgated. It stipulated that the citizens are the subjects to the right of education and that the goal of education was the cultivation of people that possessed good character, democratic thinking, concepts of law and order, cultural achievement, healthy and with the abilities of judgment and creation. It further stipulated that education should also stress and develop citizen's



respect for basic human rights, the protection of the ecological environment and the understanding of and care for people of different countries, social groups, genders, religions and cultures and to cultivate citizen's sense of national identity as well as global vision. The government, education bodies, teachers and parents should all be responsible for the achievement of the above-mentioned education goals. All citizens should have equal access to education regardless of their gender, age, ability, geographic origin, race, religious beliefs, political opinions, social economic status and so on. The autonomy and special nature of education for aboriginals, the mentally and physically disabled and other disadvantaged groups should also be taken into consideration. The law should be used to offer special assurance to these people and assistance should be given to them to aid in their development. The responsibilities of the central government and the various levels of city and county governments should be made clear and a clear legal definition should be firmly established for teachers and their profession.

In order to ensure the full development of education and in order to increase the efficiency in the use of educational funds, the government especially formulated 'the Law of Educational Budget Allocation and Management' according to the 2nd regulation in the 5th clause of 'the Basic education law' in 2002. This law concretely stated that the education budgets for each level of government each year should not be lower than 21.5% of their final average yearly income of the previous 3 years. Governments of special municipalities and counties should give priority to education spending. In order to meet the need for the balanced development of education in all areas of Taiwan and to continue to protect the education for aboriginals, the physically and mentally impaired and other disadvantaged groups, subsidies and funding from all

levels of government should be given to people in remote areas and people from special social groups. In order to encourage equality in the development of public and private education, private schools that operate well should be given appropriate subsidies and incentives. Governments of special municipalities and counties should set up education development funds, and schools that belong to local governments should set up funds for the development of school of affairs.

The Basic Education Law and 'the law of Educational Budget Allocation and Management' both supply a complete legal basis and a guarantee that allow the sustainable and complete development of education in Taiwan.