

“Guidelines for Mergers or Termination of Operation of Public Primary and Junior High Schools” Made Public

(Article Courtesy of Chen, Guan-Ying from the Division of Junior High, Elementary School and
Preschool Education)

“Guidelines for Mergers or Termination of Operation of Public Primary and Junior High Schools,” which lays down the conditions, procedures, reviewing policy, resettlement of students as well as teachers, and other relevant affairs for the mergers or termination of operation of schools, has been published today (9 of February, 2017). This will safeguard the learning rights of students, parental rights to choose, and employment rights of the teaching faculty

The Ministry of Education notes that even though there are relevant regulations in this regard that take into account the effectiveness of students’ learning, distribution of educational resources in special municipalities as well as cities and counties, standards for merging and termination could vary from one place to another; thereby creating confusion and controversies. To ensure common practices for the mergers or termination of operation for schools in special municipal, municipal, and county governments, “Guidelines for Mergers or Termination of Operation of Public Primary and Junior High Schools” has been developed in line with item one of article 4-1 of the Primary and Junior High School Act, and the major focal points are stated below:

1. With the learning rights of students taken into account, mergers of schools is defined as a school that is transformed into a branch, subsidiary, or a division of the other school without the status as an independent legal entity, while continuing its educational activities at the same site. On the other hand, the definition of termination of operation is that a school terminates its education and teaching activities, and that the organization of the original school is dissolved, or teaching activities of its branches, subsidiaries, or divisions are discontinued. (Article 2)

2. The mergers or termination of operation of public primary and junior high schools shall comply with their purposes, and take effect on the first day of an academic year or a new semester. (Article 3)

To promote transformative development of schools, local authorities shall encourage schools with less than 50 students in total to consolidate students of different grades into one class and teach accordingly, or transfer its operation to private entities. Meanwhile, if there are at least one student for one grade, the class should run as scheduled, and local authorities cannot stipulate in local regulations that a class will be dissolved if the number of students fails to meet a required number. (Article 4)

4. If there is only one national junior high school or elementary school in one township (town, city, or district), and for schools that have major safety concerns when traveling to their neighboring schools of the same level, they cannot terminate the school operation unless there is consensus reached by legal voters, which is defined as a threshold of more than half of the signatures collected from households registered in the school district, or it can be proven that there is no school-age child in the district. (Article 5)

5. Schools that decide to merge or terminate the operation shall evaluate the organization of the task force, the procedure, and relevant evaluation metrics. In addition, after holding public hearings in the school district, they shall submit the records as well as the evaluation result to Local Education Committee in their districts for further review. (Article 6)

6. After mergers or termination of operation, local authorities shall readjust the school district accordingly. Furthermore, for a school that is going to be merged with the other school or terminated, its principal, full-time teaching faculty, and contract teachers as well as remaining employees should be resettled in an appropriate manner, or dealt with in line with the law. (Article 7 and 8)

7. For a branch school that is terminated, if its students are assigned to a neighboring school or its main campus, the local authority shall compensate them for traveling cost, offer them traveling insurance, arrange their traveling or accommodation, and keep track of their learning; if necessary, these students shall be offered counseling and guidance. (Article 9)