

13th CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE

RECEIVED BY: 

S. BILL NO. 1360

Introduced by Senator Ralph G. Recto

Explanatory Note

Section 17, Article II of the Constitution provides that the State shall give priority to education to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development. Further, the State shall protect and promote the right of all citizens to quality and accessible education at all levels and shall take appropriate steps to make every individual a productive member of society.

Studies made since the 1980's however show that our country's education system is perennially faced by problems like poor quality of education, poor performance in achievement tests, disparities between private and public education, access to education among regions, lack of classrooms and textbooks, unequal teacher-student ratio, inadequate curriculum and ineffective instructional language¹.

Our education system's poor performance may also be attributed to the lack of initiative both from the government and the schools to raise the level of teaching standards and improve student performance. Moreover, the absence of an overall monitoring and performance agency, which shall assess the performance of students, the teacher's teaching abilities and the efficiency of the curriculum being implemented, adds to this problem.

At present, parents and students base their choice of educational institutions on the more trivial criteria such as affordable tuition fees and accessibility rather than on the more important measures like academic excellence and quality of education being offered.

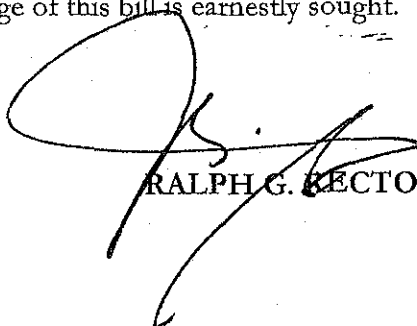
This bill proposes the creation of Schools Academic Efficiency Rating Board designed to assess the learning skills and performance of students and to evaluate the quality and efficiency of the education curriculum being implemented in all educational institutions in the country. The Board shall be responsible for rating schools based on a number of indicators, which are meant to ensure competitiveness and excellence in the quality of education in the country.

This measure also provides the corresponding disciplinary measures to all educational institutions by providing rewards and incentives for good performance and sanctions and penalties for poor and underperformance.

¹ Basic Education: Still Below the Grade, Eleanor Mamaril, Congressional Planning and Budget Office, House of Representatives, Nov. 2000

The enactment of this bill will make educational institutions accountable to parents and the community. It will also support the public's right to information regarding the levels of student performance and the quality of education in each school in the country.

In view of the foregoing, the passage of this bill is earnestly sought.



RALPH G. RECTO

MRC/SB 2231 schools ratings board.doc

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AN ACT
CREATING THE SCHOOLS ACADEMIC EFFICIENCY RATING BOARD,
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. *Short Title.*** - This Act shall be known as the Schools Academic
2 Efficiency Rating Board Act of 2002.

3 **SEC. 2. *Declaration of Policy.*** - It is the policy of the State to protect and promote
4 the right of all citizens to quality and accessible education at all levels and shall take
5 appropriate steps to make every individual a productive member of society. The State shall
6 also recognize the complementary roles of public and private institutions in the educational
7 system and shall exercise reasonable supervision and regulation of all educational institutions.
8 In order to ensure competitiveness and excellence in the quality of student-teacher
9 performance in the country, the State shall adopt an effective and transparent schools
10 academic efficiency rating system designed to assess the learning skills and performance of
11 students and to evaluate the quality and efficiency of the education curriculum being
12 implemented in all educational institutions in the country.

13 **SEC. 3. *Creation of the Schools Academic Efficiency Rating Board*** - To carry
14 out the provisions of this Act, there is hereby created a Schools Academic Efficiency Rating
15 Board, herein after referred to as the Board, under the Office of the President.

16 **SEC. 4. *Powers and Functions.*** The Board shall have the following powers and
17 functions:

- 1 1. To establish and implement an Academic Excellence Evaluation System (AEES)
2 which will serve as the basis for all performance ratings, rewards and sanctions,
3 and reports;
- 4 2. To evaluate the quality and efficiency of the education curriculum being
5 *implemented in all educational institutions in the country;*
- 6 3. To develop and implement an incentives and rewards system as well as sanctions
7 and disciplinary measures for educational institutions based on academic
8 efficiency rating criteria and standards;
- 9 4. To encourage and undertake activities that will promote the growth and
10 development of the education system in the country;
- 11 5. To develop and promote programs that will enhance the skills and performance
12 of students and teachers necessary for an efficient and excellent system of
13 education;
- 14 6. To prescribe the procedures for the exercise of its powers and functions as well
15 as the performance of its duties and responsibilities;
- 16 7. To determine the Board's organizational structure and staffing pattern and
17 appoint officers and employees of the Board in accordance with Civil Service
18 laws, rules and regulations;
- 19 8. To perform such other functions as may be necessary to carry out the provisions
20 of this Act.

21 **SEC. 5. *Composition of the Board.*** – The Board shall be composed of a
22 Chairperson and twelve (12) members, five (5) of whom shall be regular members, while the
23 other seven (7) members shall be in an *ex-officio* capacity: *Provided,* That the Chairperson shall
24 be a person of proven administrative proficiency and independence, and knowledgeable of the
25 different aspects of the education system and fully committed to its promotion and
26 development: *Provided, further,* That the Chairperson and the regular members shall be
27 appointed by the President of the Philippines.

28 The seven (7) members who shall be *ex-officio* members of the Board are the following:

- 29 1. The Secretary of the Department of Education (DepEd) or his/her

- 1 duly designated representative;
- 2 2. The Chairperson of the Commission on Higher Education (CHED)
- 3 or his/her duly designated representative;
- 4 3. The Chairperson of the Technical Skills Development Authority
- 5 (TESDA) or his/her duly designated representative;
- 6 4. The Secretary of the Department of Trade and Industry or his/her duly
- 7 designated representative;
- 8 5. The Chairperson of the Philippine Regulatory Commission (PRC)
- 9 or his/her duly designated representative;
- 10 6. The President of the Philippine Accrediting Association of Schools,
- 11 Colleges and Universities (PAASCU); and
- 12 7. The President of the Philippine Association of State Universities and Colleges
- 13 (PASUC).

14 The five (5) regular members shall be as follows:

- 15 1. A representative from the legally constituted ~~---~~ private
- 16 schools/colleges/universities association;
- 17 2. A representative from the legally constituted public
- 18 schools/colleges/universities teachers association;
- 19 3. A representative from the legally constituted students association;
- 20 4. A representative from the legally constituted professionals' organization;
- 21 5. A representative from the business and private sector.

22 **SEC. 6. *Term of Office.*** – The Chairperson and the five (5) regular members shall

23 hold office for a term of three (3) years unless sooner removed by the President: *Provided*, That

24 they shall be eligible for reappointment after the expiration of their respective terms: *Provided*,

25 *further*, That no Chairperson or member shall serve for more than two (2) consecutive terms.

26 If the Chairperson or member fails to complete his/her term, the person appointed to fill the

27 vacancy shall serve only for the unexpired portion of the vacated term whom he/she

28 succeeds: *Provided, finally*, That such service of the unexpired portion shall not be counted as a

29 term.

1 **SEC. 7. Meetings.** – The Board shall meet regularly at least once a month or as
2 often as necessary at the call of the chairperson or a majority of the members. A majority of
3 the members of the Board shall constitute a quorum to do business. The members of the
4 Board shall be entitled to *honoraria* based on existing government accounting and auditing rules
5 and regulations.

6 **SEC. 8. The Chairperson.** – The Chairperson shall be the Chief Executive
7 Officer and shall exercise overall administrative supervision to ensure the effective and
8 efficient implementation of the policies laid down by the Board. The Chairperson shall have
9 the same rank and salary of an Undersecretary of a Department as provided for in the Salary
10 Standardization Law.

11 **SEC. 9. The Executive Director.** – The Chairperson shall be assisted by an
12 Executive Director to be appointed by the Board upon the recommendation of the
13 Chairperson. The Executive Director shall have a salary comparable to that of equivalent
14 rank under the Revised Compensation and Position Classification System and shall be co-
15 terminus with the Chairperson unless sooner removed for cause.

16 **SEC. 10. Functions of the Chairperson.** – The Chairperson shall have the
17 following functions:

- 18 1. Execute and administer the policies, plans and programs approved by the Board;
- 19 2. Direct and supervise the operations and internal affairs of the Board;
- 20 3. Establish the internal organization and administrative procedures of the Board;
- 21 4. Recommend to the Board the appointment, transfer or detail, suspension,
22 dismissal for cause of its subordinate officials and employees; and
- 23 5. Such other functions which the Board may assign from time to time.

24 **SEC. 11. Academic Excellence Evaluation System.** – The Board shall formulate
25 and establish a set of standards, criteria and procedures for the Academic Excellence
26 Evaluation System, which shall be the basis for all performance ratings, rewards and sanctions,
27 primarily based but not limited to the following indicators:

- 1 a. Passing Rate Standards for the subjects included in the Basic and Secondary
- 2 Elementary Curriculum (Filipino, English, Mathematics, Science and Health,
- 3 Makabayan);
- 4 b. Percentage of graduates in each level;
- 5 c. Performance in local, national and international academic competitions;
- 6 d. Achievement rates for NEAT/HSRT/NSAT;
- 7 e. College admission tests results
- 8 f. Advance placement examination results
- 9 g. Results of Bar/Board examinations in various professions
- 10 h. Annual dropout rates

11 **SEC. 12. *Performance Ratings.*** – All educational institutions (schools, colleges,
12 universities) whether private or public shall be evaluated based on the provisions of Section 12
13 and will be assigned any one of the following ratings:

- 14 a. Exemplary – for ratings 90% and above
- 15 b. Recognized – for ratings 80% to 89%
- 16 c. Acceptable – for ratings 75% to 79%
- 17 d. Low-Performing – for ratings below 75%

18 **SEC. 13. *Rewards.*** – Educational institutions may receive rewards other than
19 high ratings for performance based on the Academic Excellence Evaluation System. These
20 rewards include recognition of high achievement on other indicators not used to determine
21 ratings, exemptions from regulations and requirements under specific conditions, and
22 potentially, grants from corporate and industry leaders. These rewards are based on ratings
23 and are intended for those schools rated *Exemplary*, *Recognized*, and *Acceptable* that have
24 exhibited significant gains in student performance.

25 **SEC. 14. *Sanctions.*** – The Board shall administer sanctions and remedies to
26 poor-performing educational institutions. These institutions must develop and implement an
27 improvement plan to address the area/s of poor performance. If the same institution receives
28 the lowest rating over two or more consecutive years, the level of state intervention increases.

1 Sanction determinations would depend on the severity and/or number of deficiencies
2 documented and the number of students affected.

3 **SEC. 15. Enforcement.** -- For purposes of implementing this Act, the Board may:

4 1. Impose administrative fines and penalties of not more than One Hundred
5 Thousand Pesos (P100,000.00) for the violation of any provision of this Act
6 and/or its implementing rules and regulations issued by the Board;

7 2. Cause or initiate the criminal or administrative prosecution of violators of this Act
8 and its implementing rules and regulations. For this purpose, the Board is hereby
9 given the power to issue *subpoena duces tecum* and enlist the assistance or services of
10 the Department of Justice or the Office of the Solicitor General;

11 3. Call upon representatives of the different government agencies and other various
12 associations in the education system to help ensure compliance with the
13 provisions of this Act and its implementing rules and regulations.

14 For this purpose, the Board may constitute Local Regulatory Board or Boards in
15 the cities and municipalities throughout the country composed of representatives
16 from the government and the private sector as may be appropriate to implement
17 the purposes and objectives of this Act and its implementing rules and regulations
18 and they shall serve without compensation and only for such period of time as the
19 Chairperson shall determine;

20 4. To deputize any law enforcement agency and instrumentality of the government
21 for assistance in the implementation and enforcement of its functions and orders.

22 **SEC. 16. Appropriations.** -- -The amount necessary to carry out the purposes of
23 this Act, including the operations of the Board shall be allocated from the budget of the
24 Office of the President under the General Appropriations Act for 2002 and thereafter be
25 included in subsequent annual General Appropriations Acts.

1 **SEC. 17. *Authority to Accept Donations.*** – The Board may accept donations,
2 contributions, grants bequests or gifts, in cash or in kind, from various sources, domestic or
3 foreign, except from educational institutions for purposes relevant to its functions. Said
4 donations shall be deemed automatically appropriated for purposes specified by the donor or
5 in the absence thereof; for the programs and projects as may be approved by the Board
6 subject to the usual government accounting and auditing rules and regulations: *Provided,* That
7 cash donations shall not be used to fund the personal services requirements of the Board.
8 Any donation, contribution, subsidy or financial aid which may be made to the Board shall be
9 exempt from taxes of any kind and shall constitute allowable deductions in full from the
10 income of the donors, contributors or givers for income tax purposes.

11 **SEC. 18. *Assistance from Other Government Agencies.*** – The Board may
12 request any department, bureau, office, agency, or instrumentality of the government for such
13 assistance as may be needed in the performance of its functions.

14 **SEC. 19. *Implementing Rules and Regulations.*** – Within ninety (90) days from
15 the effectivity of this Act, an ad hoc Board shall be constituted to formulate the necessary
16 rules and regulations to implement the provisions of this Act.

17 **SEC. 20. *Annual Report.*** – The Board shall within ninety (90) days after the end
18 of every fiscal year, submit to the President and to Congress an annual report on its
19 compliance with, or accomplishments under this Act, together with its plans and
20 recommendations to improve and develop its capability to enforce the provisions of this Act,
21 and a complete accounting of transactions with respect to any funds received under this Act.

22 **SEC. 21. *Separability Clause.*** – If any provision of this Act is held unconstitutional
23 or invalid, all other provisions not affected thereby shall remain valid.

24 **SEC. 22. *Repealing Clause.*** – All laws, decrees, executive orders, rules and
25 regulations or parts thereof, which are inconsistent with this Act, are hereby repealed,
26 amended or modified accordingly.

27 **SEC. 23. *Effectivity.*** – This Act shall take effect fifteen (15) days following its
28 publication in the Official Gazette or in two (2) newspapers of general circulation.

29 *Approved,*