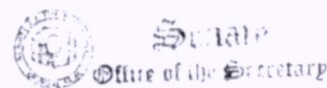


EIGHTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'19 SEP -2 P5:31

SENATE
S.B. NO. 1001

RECEIVED BY _____

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT
INSTITUTIONALIZING SUPPORT MECHANISMS FOR PUBLIC SCHOOL TEACHERS AND SCHOOL PERSONNEL IN MATTERS OF STUDENT DISCIPLINE AND MECHANISMS FOR CLASSROOM MANAGEMENT AND PROVIDING FOR THE PROTECTION IN CASE RELATED THERETO

EXPLANATORY NOTE

Public school teachers are at the very forefront in delivering educational service to millions of students. Aside from dealing with large class sizes, multiple shifts, and the additional tasks assigned to them under the K to 12 program, teachers considers instilling discipline in their classroom to be increasingly difficult.

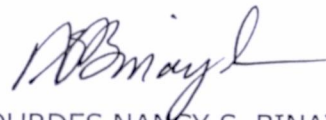
Public school teachers lack the institutional support in standards and the permissible and effective methods of instilling discipline, guidance counselors to serve as support personnel, and legal assistance and representation.

Teacher protection is just as indispensable as child protection. To this end, this bill seeks to amend to Republic Act No. 7610, otherwise known as the Child Abuse Law, to the extent that any act committed by a teacher or school personnel shall not be deemed as "child abuse" so long as the said act is pursuant to the disciplinary rules and procedures prescribed by the DepEd, through the issuance and implementation of a student manual.

This bill further seeks to establish institutionalized support mechanisms for teachers and school personnel in matters of classroom management and discipline, as well as the provision of pre-service and in-service training for DepEd personnel on child behavior and psychology, classroom management techniques, and positive discipline, among others.

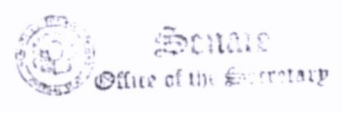
This bill also seeks to provide legal assistance and representation by counsel and union or association representatives to protect teachers and school personnel in cases related to student discipline and classroom management. The confidentiality of the proceedings and the identity of all parties are further provided.

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




MARIA LOURDES NANCY S. BINAY
Senator

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

1 Section 1. *Short Title.* – This Act shall be known as the “*Teacher*
2 *Protection Act of 2019.*”

3
4 Sec. 2. *Declaration of State Policies.* – In all actions relating to children,
5 the State shall accord special protection to children from all forms of abuse,
6 exploitation, cruelty, and other conditions prejudicial to their development.
7 Furthermore, the State has the duty to establish and maintain a complete and
8 adequate system of public basic education geared towards the holistic
9 development of a child.

10 These policies are henceforth understood to encompass the State’s
11 responsibility to provide appropriate instruction to students about school
12 discipline, their duties and responsibilities with respect to their peers, to their
13 teachers and other persons of authority, and to members of their community.

14 To this end, the State shall institutionalize measures to implement in all
15 public schools clearly defined regulations on appropriate student behavior

1 towards other students, teachers, and school staff, during classes, and within
2 and outside school premises.

3 The State is also hereby bound to establish and maintain support systems,
4 including training on classroom management and child discipline and legal
5 assistance for teachers and school staff, who daily stand in direct contact with
6 students and are thus find themselves in situations that could expose them to
7 allegations of child abuse in the course of the discharge of their duties.

8 It is hereby also declared that the State shall promote and improve the
9 working conditions of public school teachers and other school personnel, which
10 are understood to determine whether or not the physical and emotional
11 environments of children and teachers are conducive to learning and teaching.

12

13 *Sec. 3. Code of Discipline or Student Manuals.* – Within one hundred and
14 twenty (120) days the effectivity of this Act, the Department of Education
15 (hereinafter, the Department) is hereby tasked to issue policies and principles on
16 student discipline and classroom management, which shall govern all Division-
17 level student manuals.

18 For purposes of this Act, a student manual is a written document
19 detailing:

- 20 (1) the school's rules and regulations to be observed by students
21 with respect to fellow students and school personnel and
22 property, whenever inside its premises or outside it, in case
23 where conduct would interfere with the operation of the
24 school or endanger the safety of other students and school
25 staff;
- 26 (2) the rights and responsibilities of students in relation to school
27 rules and regulations, to the end of fostering a positive school
28 climate and safe environment conducive to instruction and
29 learning;

1 (3) permissible, appropriate, and effective responses and
2 interventions that will address violation of school rules and
3 regulations, including but not limited to communication to
4 parents, counseling, reprimand, and detention, at each level
5 and repetition of offense, to be administered by teachers, the
6 school head, and other school staff; and

7 (4) a clear description of the disciplinary procedure and clear
8 designation of the authorities competent to investigate,
9 propose, and apply the responses and interventions.

10 The Department shall formulate a student manual to be implemented in all
11 schools under its jurisdiction, which shall conform to the guidelines so
12 established. This manual shall set out, among others, the disciplinary action to
13 be taken against students who are found to have made malicious accusations of
14 child abuse against teachers and school staff.

15
16 *Sec. 4. Act Pursuant to Code of Discipline or Student Manuals not Deemed*
17 *as Child Abuse.* – Any act committed by a teacher or school staff pursuant to the
18 disciplinary rules and procedure issued by the Department shall not be deemed
19 as child abuse, cruelty, or exploitation as defined in Republic Act No. 7610 or the
20 *Special Protection of Children Against Abuse, Exploitation and Discrimination Act.*

21
22 *Sec. 5. Consultation of Involved Sectors in the Drafting of Student*
23 *Manual.* – Students, parents, teachers, other school personnel, and the
24 community, represented by their respective organizations, as well as
25 professionals in child behavior and social work, shall each have meaningful
26 involvement in the formulation of the guidelines and the student manual.

27
28 *Sec. 6. Information Dissemination of the Student Manual.* – The
29 Department shall provide explanations, training, and workshops in order to
30 familiarize students and families with the student manual, explain the

1 expectations of various sectors involved, and describe the various preventive and
2 positive responses and interventions that may be used.

3 At the beginning of each school year, copies of the student manual shall
4 be provided to each student as well as their parents or legal guardians.

5
6 *Sec. 7. Training of Teachers and School Personnel on the School*
7 *Manual.* – All employees of the Division shall also annually receive instruction
8 related to the specific contents of the student manual.

9
10 *Sec. 8. Professional Development Relating to Student Discipline and*
11 *Classroom Management.* – The Department shall provide teachers the
12 appropriate pre-service and in-service training on child behavior and psychology,
13 classroom management techniques, positive discipline, and other related fields,
14 as well as the Department’s policies and principles governing the student manual
15 and the scope of their duties and responsibilities with respect to student
16 discipline and classroom management.

17
18 *Sec. 9. Support Personnel.* – The Department, with the Department of
19 Budget and Management, shall also ensure that there is a sufficient number of
20 items for guidance counselors, who will serve as support personnel to teachers
21 and school administrators in matters of student discipline.

22 For purposes of this Act, the Department shall endeavor to meet the
23 recommended ratios of one guidance counselor for every 200 students in public
24 elementary and high schools.

25
26 *Sec. 10. Other Support Mechanisms for Student Discipline and Classroom*
27 *Management.* – The Department shall provide such other mechanisms necessary
28 to capacitate its teachers and other personnel on matters regarding child
29 behavior and psychology, classroom management techniques, positive discipline,
30 and other related fields. These measures shall include but not be limited to the

1 conduct of periodic seminars and formulation of primers and other explanatory
2 materials.

3
4 Sec. 11. *Protection to Teachers and School Personnel in Charges Related*
5 *to Student Discipline and Classroom Management.* – In all cases related to
6 student discipline and classroom management, including criminal and
7 administrative charges of child abuse, the Department shall extend to its
8 teachers and other personnel the necessary protection, including but not limited
9 to legal assistance and representation.

10 The Department shall ensure that respondents, in all stages of the
11 disciplinary proceedings, are amply represented by the accredited union, or
12 registered union, where there is no existing accredited union, of teachers or non-
13 teaching employees, as the case may be.

14 Violation of this Section is a violation of due process and shall render the
15 proceedings void and all responsible persons administratively, civilly, and
16 criminally liable.

17
18 Sec. 12. *Confidential of Identity of Parties and Proceedings under this*
19 *Act.* – No person, whether public or private and whether a party to the case or
20 otherwise, shall publicize a case during its pendency. In no case shall the identity
21 of complainants and respondents, or any information that may reasonably
22 identify them, be disclosed to the public during the pendency of the proceedings.

23 Violation of this Section shall subject the person to the appropriate
24 administrative, civil, criminal, and other liabilities.

25 The Department shall issue its guidelines for the media with regard to the
26 handling of cases within the contemplation of this Act.

27
28 Sec. 13. *Rules and Regulations.* – Within ninety (90) days from the
29 effectivity date of this Act, the Department shall promulgate the rules and
30 regulations necessary to implement the provisions of this Act.

1 Sec. 14. *Separability Clause.* – Should any provision herein be declared
2 unconstitutional, the same shall not affect the validity of the other provisions of
3 this Act.

4

5 Sec. 15. *Repealing Clause.* – Republic Act No. 7610 is hereby modified
6 accordingly. All laws, decrees, orders, rules and regulations, or other issuances
7 or parts thereof inconsistent with the provisions of this Act are hereby repealed.

8

9 Sec. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
10 following its publication in at least two (2) newspapers of general circulation.

Approved,