



SENATE
S. No. 1189

'19 NOV 25 P4:57

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Introduced by Senator Grace Poe

AN ACT
INSTITUTIONALIZING SUPPORT MECHANISMS ON MATTERS OF STUDENT
DISCIPLINE AND CLASSROOM MANAGEMENT FOR TEACHERS AND
PERSONNEL IN THE PUBLIC SCHOOL SYSTEM

Explanatory Note

Our public schools shoulder the crucial role of providing education to millions of students every year. The classroom serves as a venue of formation for the children where teachers spend their careers teaching not only knowledge but values as well.

A disorganized classroom without procedures and expectations makes it difficult for our teachers to do their job. The ambiguity of permissible teacher conduct in the context of student discipline and classroom management hurts the school system. This difficulty is worsened by the fact that many teachers do not receive institutional training in the right strategies that will allow them to properly manage student-behavioral troubles. The lack of licensed guidance counselors who act as support personnel and legal assistance and representation also compound the problem.

Through mandating the issuance of a teacher's manual and provision of pre-service and in-service training on child behavior and psychology, effective classroom management and appropriate disciplinary techniques, the bill seeks to lay down an overdue institutionalized support mechanism for our public school teachers and personnel.

In addition to the provisions of guidance and support for proper classroom management, this bill seeks to amend Republic Act 7610, commonly known as the Child Abuse Law, insofar as any act committed by a teacher or school personnel complying with the multi-stakeholder teacher's manual shall not be deemed as "child abuse." To complement this, legal assistance is provided to teachers and personnel in cases related to student discipline and classroom management.



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

1 Section 1. *Title.* — This Act shall be known as the "Teacher Protection Act".

2 Sec. 2. *Declaration of Policy.* — It is the declared policy of the State to protect
3 and promote the right of all citizens to quality education. It is likewise declared that
4 the State has the duty to establish and maintain a complete and adequate system of
5 public basic education geared towards the holistic development of a child.

6 To this end, the State shall institutionalize measures to implement in all public
7 schools clearly defined regulations for teachers on student discipline and classroom
8 management.

9 The State is also hereby bound to establish and maintain support system,
10 including training on classroom management and child discipline and legal assistance
11 for teachers and school staff, who stand in direct contract with students in the
12 course of the discharge of their duties.

1 Sec. 3. *Coverage.* – This Act shall be applicable to all teaching personnel of all
2 public school institutions, including non-teaching personnel who stand in direct
3 contact with students in the course of the discharge of their duties.

4 Sec. 4. *Guidelines for Teachers.* – The Department of Education (hereinafter
5 the Department) is hereby tasked to issue policies and principles on student
6 discipline and classroom management.

7 For purposes of this Act, a teacher's manual is a written document detailing:

8 (1) The school's rules and regulation to be observed by teachers with respect
9 to students, whenever inside its premises or outside it;

10 (2) Permissible, appropriate, and effective responses and interventions that
11 will address violations of school rules and regulations, including but not
12 limited to communications to parents, counseling, reprimand, and
13 detention, at each level and repetition of offense, to be administered by
14 teachers, the school head, and other school staff; and

15 (3) A clear description of the disciplinary procedure and clear designation of
16 the authorities competent to investigate, purpose, and apply the
17 responses and interventions.

18 The Department shall formulate a teacher's manual to be implemented in all schools
19 under its jurisdiction. This manual shall set out, among others the disciplinary action
20 to be taken against students who are found to have made malicious accusations of
21 child abuse against teacher and school staff.

22 Sec. 5. *Act pursuant to teacher's manual not deemed as child abuse.* – Any
23 act committed by a teacher or school staff pursuant to the disciplinary rules and
24 procedure issued by the Department shall not be deemed as child abuse, cruelty,
25 exploitation as denied in Republic Act No. 7610 or the Special Protection of Children
26 Against Abuse, Exploitation and Discrimination Act.

27 Sec. 6. *Consultation of involved sectors in the drafting of student manual.* –
28 Students, parents, teachers, other school personnel, and the community,
29 represented by their respective organizations, as well as professionals in child
30 behavior and social work, shall each have meaningful involvement in the formulation
31 of the guidelines and the teacher's manual.

1 *Sec. 7. Information dissemination of the student manual.* – The Department
2 shall provide explanations, training, and workshops in order to familiarize students
3 and families with the student manual, explain the expectations of various sectors
4 involved, and describe the various preventive and positive responses and
5 interventions that may be used.

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

8 *Sec. 8. Support personnel.* – The Department, in coordination with the
9 Department of Budget and Management, shall also ensure that there is a sufficient
10 number of items for licensed guidance counselors, who will serve as support
11 personnel to teachers and school administrators in matters of student discipline.

12 For purposes of this Act, the Department shall implement the recommended
13 ratio of one guidance counselor for every 200 students in both public and private
14 primary and secondary schools.

15 *Sec. 9. Other support mechanisms for student discipline and classroom*
16 *management.* – The Department shall provide such other mechanisms necessary to
17 capacitate its teachers and other personnel on matters regarding child behavior and
18 psychology, classroom management techniques, positive discipline, and other related
19 fields. These measures shall include but not limited to the conduct of periodic
20 seminars and formulation of primers and other explanatory materials.

21 *Sec. 10. Protection to teachers and school personnel in charges related to*
22 *student discipline and classroom management.* – In all cases related to student
23 discipline and classroom management, including criminal and administrative charges
24 of child abuse, the Department shall extend to its teachers and other personnel the
25 necessary protection, including but not limited to legal assistance and representation.

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

30 Violation of this section shall render the administrative proceedings void and
31 all responsible persons administratively liable for gross neglect of duty.

1 Sec. 11. *Confidentiality of identity of parties and proceedings under this Act.* –

2 No person, whether public or private and whether a party to the case or otherwise,
3 shall publicize a case during its pendency. In no case shall the identity of complaints
4 and respondents, or any information that may reasonably identify them, be disclosed
5 to the public during the pendency of the proceedings.

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

8 The Department shall issue its guidelines for the media with regard to the
9 handlings of cases within the contemplation of this Act.

10 Sec. 12. *Rules and Regulations.* – Within ninety (90) days from the effective
11 date of this Act, the Department shall promulgate the manual, rules and regulations
12 necessary to implement the provisions of this Act.

13 Sec. 13. *Separability Clause* – If any portion or provision of this Act is held
14 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
15 remain in force and effect.

16 Sec. 14. *Repealing Clause.* – Republic Act No. 7610 is hereby modified
17 accordingly. Any law, presidential decree or issuance executive order, letter of
18 instruction, rule or regulation inconsistent with the provisions of this Act is hereby
19 repealed or modified accordingly.

20 Sec. 15. *Effectivity.* – This Act shall take effect after fifteen (15) days
21 following its complete publication in the Official Gazette or a newspaper of general
22 circulation.

23 Approved,