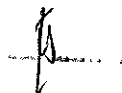


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SENATE

S. No. 1024

RECEIVED BY 

Introduced by Senator Manuel "Lito" M. Lapid

EXPLANATORY NOTE

The school is the center of the teaching and learning process. From the school emanates the generation of youth that will take leadership positions in the future and determine the fate of this country. For the pupils and teachers at the basic level, the school is proof they hold that government remains true to its commitment to provide free, quality accessible education. The school is in the heart of the education governance nexus.

The truism, however, seems to have been lost in the huge bureaucracy that has become the Department of Education. The 1987 Constitution provides in Section 1, Article XIV that:

"The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all."

With this stated obligation on the part of the State, it has thus become imperative to revisit the governance of our basic education structure. The Department of Education needs a stricter focus on the demands of an effective, relevant and adequate educational system for our citizens. There is urgent necessity to enable a decentralized environment within the DepEd, so that those who are closer to the communities they serve – the division schools superintendents and the principals – can take a more responsible and accountable hand delivering educational programs, projects and services. By reorienting its present structure, removing the administrative burdens that pile at its Central Office and bringing policies right where it must be felt – in the school, it is hoped that we could achieve better outcomes in our education assessments.

Passage of this bill is earnestly requested.


MANUEL "LITO" M. LAPID
Senator

SENATE

S. No. 1024

Introduced by Senator Manuel "Lito" M. Lapid

AN ACT
ESTABLISHING AUTHORITY AND ACCOUNTABILITY FOR BASIC
EDUCATION IN THE DEPARTMENT OF EDUCATION, INSTITUTING A
FRAMEWORK FOR GOVERNANCE, DEFINING THE ROLES AND
RESPONSIBILITIES FOR BUILDING AND CONSTANTLY IMPROVING AN
EDUCATION SYSTEM THAT ENABLES THE FILIPINO CHILDREN, OUT-
OF-SCHOOL YOUTH AND ADULT LEARNERS TO BECOME CARING,
SELF-RELIANT, PRODUCTIVE AND NATIONALISTIC CITIZENS,
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "**Governance of Basic Education Act of 2010.**"

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to protect and promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children a free and compulsory education in the elementary level and free education in the high school level. Such education shall also include alternative learning systems for out-of-school youth and adult learners. It shall be the goal of basic education to provide them with the skills, knowledge and values they need to become caring, self-reliant, productive and nationalistic citizens.

All Filipino children, out-of-school youth and adult learners have the right to receive quality basic education that will enable them to acquire knowledge, to be equipped with skills and imbibe the core values they need to develop their potentials to the fullest according to their talents and abilities and to grow into responsible and committed Filipino citizens.

It shall be a national commitment to provide the early and young learners an environment in the school that is child-centered for them to fully develop their talents and abilities. It shall likewise be a national commitment to provide out-of-school youth and adult learners alternative learning systems for them to learn a core of basic competencies and receive accreditation for at least the equivalent of a high school education.

The school teacher/learning facilitator shall play a central role in the teaching-learning process and shall be accountable for achieving higher learning outcomes.

It shall be a national commitment to continuously enhance the status and quality of the teaching profession and to promote the employment status, professional competence, well-being and working conditions of all teachers and learning facilitators.

Schools and learning centers shall be established as facilities where schoolchildren are able to learn a range of core competencies prescribed for elementary and high school education programs or where the out-of-school youth and adult learners are provided alternative learning programs.

The Secretary of Education shall promulgate the broad policy framework defining the mission and vision for basic education; the goals for improving the quality of basic education in both public and private schools; the policy providing for systems of alternative learning and the policy adopting a principle of shared governance.

Governance of basic education shall begin at the national level. It is at the regions, divisions, districts and schools and learning centers – herein referred to as the field offices -- where the policy and principle for the governance of basic education shall be translated into programs, projects and services developed, adapted and offered to fit local needs.

The State shall encourage local initiatives for improving the quality of basic education. The State shall ensure that the values, needs and aspirations of a school community are reflected in the program of education for the children, out-of-school youth and adult learners. Schools and learning centers shall be empowered to make decisions on what is best for the learners they serve.

The State shall orient the education system towards a new paradigm that seeks to enhance the delivery of quality basic education in all schools and learning centers. For this purpose, the Department of Education shall install the appropriate administrative and support systems for the educational thrusts of the field offices. The Department of Budget and Management (DBM), the Civil Service Commission (CSC) and the Commission on Audit (COA) shall, in the issuance and application of policies, rules and regulations, recognize the uniqueness of the educational programs, projects and services undertaken.

SEC. 3. *Purposes and Objectives.* - The purposes and objectives of this Act are:

- a) To provide the broad framework for the governance of basic education which shall set the general directions for educational policies and standards and establish authority, accountability and responsibility for achieving higher learning outcomes;
- b) To define the roles and responsibilities of the field offices which shall implement educational programs, projects and services for the communities they serve;
- c) To make schools and learning centers the most important vehicle for the teaching and learning of national values and for developing in the Filipino learners love of country and pride in its rich heritage;
- d) To ensure that schools and learning centers receive the kind of focused attention they deserve and that educational programs, projects and services take into account the interests of all members of the community;
- e) To enable the schools and learning centers to reflect the values of the community by allowing teachers/learning facilitators and other staff to have the flexibility to serve the needs of all learners; and
- f) To encourage local initiatives for the improvement of schools and learning centers and to provide the means by which these improvements may be achieved and sustained.

SEC. 4. Definition of Terms. – For purposes of this Act, the terms or phrases used shall mean or be understood as follows:

- a) *Alternative Learning System* - is a parallel learning system to provide a viable alternative to the existing formal education instruction. It encompasses both the non-formal and informal sources of knowledge and skills;
- b) *Basic Education* - refers to the education intended to meet basic learning needs. It lays the foundation on which subsequent learning can be based. It encompasses early childhood, elementary and high school education as well as alternative learning systems for out-of-school youth and adult learners and includes education for those with special needs;
- c) *Cluster of Schools* - is a group of schools which are geographically contiguous and brought together to improve the learning outcomes;
- d) *Informal Education* - is a lifelong process of learning by which every person acquires and accumulates knowledge, skills, attitudes and insights from daily experiences at home, at work, at play and from life itself;
- e) *Integrated Schools* - is a school that offers a complete basic education in one school site. It has unified instructional programs (integrated curriculum for elementary/high school);
- f) *Learner* - is any individual seeking basic literacy skills and functional life skills or support services for the improvement of the quality of his/her life;
- g) *Learning Center* - is a physical space to house learning resources and facilities of a learning program for out-of-school youth and adults. It is a venue for face-to-face learning activities and other learning opportunities for community development and improvement of the people's quality of life;
- h) *Learning Facilitator* - is the key learning support person who is responsible for supervising/facilitating the learning process and activities of the learner in the learning center;
- i) *Non-formal Education* – is any organized, systematic educational activity carried outside the framework of the formal system to provide selected types of learning to a segment of the population;
- j) *School* - is an educational institution, private and public, undertaking educational operation with a specific age-group of pupils or students pursuing defined studies at defined levels, receiving instruction from teachers, usually located in a building or a group of buildings in a particular site; and
- k) *School Head* - is a person responsible for the administrative and instructional supervision of the school or cluster of schools.

CHAPTER I GOVERNANCE OF BASIC EDUCATION

SEC. 5. Governance. - The Department of Education, Culture and Sports, which shall henceforth be called the Department of Education, shall be vested with authority, accountability and responsibility for ensuring access, promoting equity, and improving the quality of basic education. The respective roles and responsibilities of the central office and field offices shall be clearly established.

SEC. 6. Powers, Duties and Functions. - The Secretary of the Department of Education shall exercise overall authority and supervision over the operations of the Department.

A. National Level

The Secretary of Education shall have authority, accountability and responsibility for the following:

- 1. Formulating national educational policies;
- 2. Formulating a national basic education plan;

3. Promulgating national educational standards;
4. Monitoring and assessing national learning outcomes;
5. Undertaking national educational research and studies; and
6. Enhancing the employment status, professional competence, welfare and working conditions of all personnel of the Department.

The Secretary of Education shall be assisted by not more than four (4) undersecretaries and not more than four (4) assistant secretaries whose assignments, duties and responsibilities the Secretary shall determine in the best interest of the service. There shall be at least one undersecretary and one assistant secretary who shall be career executive service officers chosen from among the staff of the Department.

Within six (6) months after the approval of this Act, the Secretary of Education may propose, for approval by the President of the Philippines, pursuant to the Revised Administrative Code of 1987, such changes in the internal structure of the Central Office, including the staff bureaus, centers and services, as may be appropriate to support and facilitate the reforms envisioned in this Act.

B. Regional Level

There shall be as many regional offices as may be provided by law. Each regional office shall have a director, an assistant director and an office staff for program promotion and support, planning, administrative and fiscal services.

1. Duties and Responsibilities of the Regional Director

The regional director shall have authority, accountability and responsibility for the following:

- a. Defining a regional educational policy framework which reflect the values, needs and expectations of the communities they serve;
- b. Developing a regional basic education plan;
- c. Developing regional educational standards with a view towards benchmarking for international competitiveness;
- d. Monitoring, evaluating and assessing regional learning outcomes;
- e. Undertaking research projects and developing and managing regionwide projects which may be funded through official development assistance and/or other funding agencies;
- f. Ensuring strict compliance of prescribed national criteria for the recruitment, selection and training of all staff in the region and divisions;
- g. Formulating, in coordination with the regional development council, the budget to support the regional educational plan which shall take into account the educational plans of the divisions and districts;
- h. Determining the organization component of the divisions and districts and approving the proposed staffing pattern of all employees in the divisions and districts;
- i. Hiring, placing and evaluating all employees in the regional office, except for the position of assistant director;
- j. Hiring, placing and evaluating all division supervisors, school district supervisors and all school heads in the region;
- k. Planning and managing the effective and efficient use of all personnel, physical and fiscal resources of the regional office, including professional staff development;
- l. Managing the database and management information system of the region;
- m. Approving the establishment of public and private elementary and high schools and learning centers; and

- n. Performing such other functions as may be assigned by proper authorities.

2. Career Path for Regional Directors

The career path for regional directors and assistant regional directors shall be as determined by the Career Executive Service Board (CESB).

C. Division Level

A division shall consist of a province or a city which shall have a schools division superintendent, at least one assistant schools division superintendent and an office staff for programs promotion, planning, administrative, fiscal, legal, ancillary and other support services.

1. Duties and responsibilities of Schools Division Superintendents

The schools division superintendents shall have authority, accountability and responsibility for the following:

- a) Developing and implementing division education development plans;
- b) Planning and managing the effective and efficient use of all personnel, physical and fiscal resources of the division, including professional staff development;
- c) Hiring, placing and evaluating all employees in the division, both teaching and non-teaching, except for the positions of the assistant division superintendent, division supervisors, schools district supervisors and school heads;
- d) Monitoring the utilization of funds provided by the national government and the local government units to the schools and learning centers;
- e) Ensuring compliance of quality standards for basic education programs and for this purpose strengthening the role of division supervisors as subject area specialists;
- f) Promoting awareness of and adherence by all schools and learning centers to accreditation standards prescribed by the Secretary of Education;
- g) Supervising the operations of all public and private elementary, secondary and integrated schools, and learning centers; and
- h) Performing such other functions as may be assigned by proper authorities.

2. Career Path for Division Superintendents and Assistant Division Superintendents

The career path for Division Superintendents and Assistant Division Superintendents shall be determined by the Career Executive Service Board.

D. Schools District Level

Upon the recommendation of the schools division superintendents, the regional director may establish additional schools district within a schools division and/or additional district supervisors to be assigned at large to cluster of schools within a schools division. Schools districts already existing at the time of the passage of this law shall continue to be maintained. A schools district shall have a schools district supervisor and an office staff for program promotion.

1. Duties and responsibilities of Schools District Supervisors

The schools district supervisor shall have authority, accountability and responsibility for the following:

- a) Providing instructional support to the cluster of schools and learning centers in the district; and

- b) Performing such other functions as may be assigned by proper authorities.

2. Career Path of Schools District Supervisors

The Secretary of Education shall develop, promote and implement a career path for schools district supervisors.

E. School Level

The school shall be the heart of the formal education system. It is where children learn. Schools shall have a single aim of providing the best possible basic education for all learners.

1. School Heads

There shall be a school head for all public elementary schools and public high schools or a cluster thereof. The establishment of integrated schools from existing public elementary and public high schools shall be encouraged.

The school head, who may be assisted by an assistant school head, shall be both an instructional leader and administrative manager. The school head shall form a team with the school teachers/learning facilitators for delivery of quality educational programs, projects and services. A core of non-teaching staff shall handle the school's administrative, fiscal and auxiliary services.

2. Duties and responsibilities of school heads

The school heads shall have authority, accountability and responsibility for the following:

- a) Setting the mission, vision, goals and objectives of the school;
- b) Creating an environment within the school that is conducive to teaching and learning;
- c) Implementing the school curriculum and being accountable for higher learning outcomes;
- d) Developing the school education program and school improvement plan;
- e) Offering educational programs, projects and services which provide equitable opportunities for all learners in the community;
- f) Establishing school and community networks;
- g) Administering and managing all personnel, physical and fiscal resources of the school;
- h) Generating, soliciting and accepting contributions and donations from parents, the community, alumni and other benefactors for the purpose of upgrading teachers'/learning facilitators' competencies, improving and expanding school facilities and providing instructional materials and equipment and being accountable for the proper recording, reporting and utilization thereof; and
- i) Performing such other functions as may be assigned by proper authorities.

3. Career path for school heads

The Secretary of Education shall develop, promote and implement a career path for school heads where promotion shall be based more on merit and performance than on the number of teachers/learning facilitators and learners in the school. The career path, salary grade, status of employment and welfare and benefits of school heads shall be the same for public elementary, secondary and integrated schools.

CHAPTER 2 TRANSFER OF CULTURAL AGENCIES

SEC. 7. *Cultural Agencies.* - The *Komisyon ng Wikang Pilipino*, National Historical Institute, Records Management and Archives Office and the National Library shall now be administratively attached to the National Commission for Culture and the Arts (NCCA) and no longer with the Department of Education, Culture and Sports now the Department of Education. The program for school arts and culture shall remain part of the school curriculum.

CHAPTER 3

TRANSFER OF BUREAU OF PHYSICAL EDUCATION AND SCHOOL SPORTS

SEC. 8. The Bureau of Physical Education and School Sports shall be absorbed by the Philippine Sports Commission. The program for school sports and physical fitness shall remain part of the school curriculum.

CHAPTER 4

SUPPORT AND ASSISTANCE OF OTHER GOVERNMENT AGENCIES

SEC. 9. The Department of Education shall determine the administrative and support systems required to implement a new paradigm that will enhance the delivery of quality basic education. For this purpose, the Secretary of Education and the Secretary of Budget and Management shall, within ninety (90) days from the approval of this Act, jointly promulgate the guidelines to implement fully the principle of shared governance promulgated herein, particularly the allocation, distribution and utilization of resources provided by the national government for the field offices.

Henceforth, the Secretary of the Department of Education shall ensure that: (1) resources appropriated for the field offices are adequate; (2) that resources for school personnel, school desks and textbooks and other instructional materials allocated to the proper field offices are not contained in any lump sum appropriations in the budget of the central office; and (3) that such resources are transferred directly by the Department of Budget and Management to the proper field offices.

SEC. 10. The Department of Education shall collaborate with the Civil Service Commission for the issuance of appropriate personnel policy rules and regulations that will best meet the requirements of the teaching profession taking into consideration the uniqueness of the working conditions of the teaching service.

Henceforth, the Secretary of the Department of Education shall ensure that personnel policies, rules and regulations issued and implemented by the Civil Service Commission are relevant, responsive and supportive of the teaching service.

SEC. 11. The Department of Education shall collaborate with the Commission on Audit for the issuance of appropriate audit rules and regulations that will guide the utilization of all resources as well as the liquidation, recording and reporting thereof taking into account the different characteristics and distinct features of the agency's field offices, its organizational set-up as well as the nature of the operations of schools and learning centers.

CHAPTER 5

FINANCE

SEC. 12. *School Innovation and Improvement Fund.* - For the effective implementation of this Act, there is hereby established a School Innovation and Improvement Fund (SIIF) for which the sum of Ten Billion Pesos (P10,000,000,000.00) is hereby appropriated. Such amount shall be in addition to whatever appropriation shall

be approved for the Department of Education for the fiscal year following the approval of this Act.

The SIIF shall enable the schools to improve the teaching-learning process by making available to teachers/learning facilitators and learners a wide range of audio-visual and/or multi-media facilities, tools and equipment, including computers and access to Internet, and other appropriate educational technologies that will aid instruction and enhance learning.

The SIIF shall be utilized in accordance with the guidelines to be promulgated by the Secretary of Education; *Provided*, That the SIIF to be allocated to each of the public schools shall not be less than Two Hundred Thousand Pesos (P200,000.00); *Provided*, further, that such allocated SIIF shall be in addition to the regular allotment for maintenance and other operating expenses (MOOE) of the schools provided in the General Appropriations Act in subsequent years following the approval of this Act.

CHAPTER 6 FINAL PROVISIONS

SEC. 13. The Regional Education Secretary for the Autonomous Region in Muslim Mindanao (ARMM) shall exercise similar governance authority over the divisions, districts, schools and learning centers in the region as may be provided in the Organic Act.

SEC. 14. *Rules and Regulations.* - The Secretary of Education shall promulgate the implementing rules and regulations within ninety (90) days after the approval of this Act which may include a period not to exceed two (2) years after the approval of this Act within which to fully implement the principle of shared governance. There shall be an automatic review of the implementation of the Act seven (7) years from the date of approval of this Act.

SEC. 15. *Separability Clause.* - If any portion or provision of this Act shall be declared unconstitutional, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SEC. 16. *Repealing Clause.* - All laws, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 17. *Effectivity Clause.* This Act shall take effect fifteen (15) days following the publication in at least two (2) newspapers of general circulation.

Approved,