

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

SENATE
OFFICE OF THE SECRETARY

10 JUL 18 11:24

SENATE
S.B. 1060

RECEIVED BY:

Introduced by Senator Villar

EXPLANATORY NOTE

Section 1, Article XIV of the 1987 Constitution mandates 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. Towards this end, the Constitution further provides that the State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society and that the State shall encourage non-formal, informal and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to the community levels."

While the government continuously labors towards upholding these constitutional mandates, it is a sad reality that it encounters difficulty in providing quality and accessible education to all due to budgetary constraints resulting in the lack of classrooms and teachers. On the other hand, on the part of the a great number of our poor Filipino families, it is unfortunate that they cannot afford the everyday expenses involved (e.g. daily allowances for transportation, meals and other school-related incidental expenses) in sending their children to tertiary education the traditional way. In the preceding years, we have witnessed the decline in the quality of education and the significant increase in the number of students not pursuing and/or finishing higher education. In addition, many of our young people necessarily had to leave school and shelve their dream of acquiring college degree for them to work in low-paying jobs to help in the upkeep of their families.

The Open Learning and Distance Education could be a suitable response to this reality. This System has minimal need for classrooms and teachers, it does not entail daily school expenses/allowances on the part of the student and it will enable the student to pursue work or earn a living to help their families while studying. Unlike traditional education in which one goes to school regularly to meet teachers and classmates, a student availing himself or herself of distance learning can attend classes while at home or in the workplace with the use of modules, e-mail, chat and video conference to name a few. Like the traditional learning experience, distance education follows a curriculum. There are deadlines set for the inputs of the students but studying can be done at ones pace. To ensure efficiency and quality, mechanisms are employed to monitor and ensure the academic progress of the students.

This bill seeks to strengthen and regulate the offering of open learning and distance education in the country. This innovative delivery of education to learners could make higher education accessible to a great number of our people pursuant to the

Constitutional mandate. As long as the necessary support for the efficient implementation of the system as enunciated in the bill are followed, open learning and distance education could well serve as effective engines to develop our people and nation.

Early approval of the bill is earnestly recommended.



MANNY VILLAR

FIFTEENTH CONGRESS OF THE)
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AN ACT
STRENGTHENING THE OPEN LEARNING SYSTEM OF HIGHER
EDUCATION IN THE PHILIPPINES, 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 Open Tertiary Education Act of 2010.

SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State to expand and further democratize educational opportunities for our people in a more effective and economical manner through the utilization of innovative educational technologies. In view thereof, the State recognizes the open learning system as a necessary mode to widen access to quality tertiary education even as it guarantees academic freedom of higher education institutions on what to teach and how to teach.

SECTION 3. Definition of Terms. - For purposes of this Act, the following terms are hereby defined:

- a) Open Learning System - A philosophy of learning that is highly flexible and learner-centered, that is the conditions for learning are controlled by the learner, thus enabling him to learn at the time, place and pace which satisfy his circumstances and requirements. It includes Expanded Tertiary Education, Equivalency and Accreditation Program (ETEEAP), prior learning, portfolio learning, non-traditional, or sorts of prior learning that could be submitted for formal recognition.
- b) Distance Education - A system of delivering educational services to students who are disadvantaged by limited time, distance, or physical disability, among others, through the use of specially designed materials and methods and supported by organizational and administrative structures and arrangements. It is characterized by the separation of learner and teacher, the influence of an organization, the possibility of occasional meetings and face-to face interactions, the recourse to an industrialized form of education, and the use of technical media such as print, radio, audio, video and computers.
- c) Open University - A university which makes use of the open learning system by offering distance education programs at the tertiary level to students who cannot complete their education using the traditional mode.

SECTION 4. Coverage. This Act shall apply to public and private higher education institutions with existing open learning programs and to other

institutions which shall later be authorized as qualified implementers of the System.

SECTION 5. Admission Requirements. - Admission to an open tertiary education shall be governed by these admission requirements:

- a) Completion of high school education evidenced by a high school certificate/ transcript of records shall be required for admission; and
- b) Admission requirements by the admitting educational institution shall be instituted in accordance with standards set by the Commission on Higher Education (CHED).

SECTION 6. Program Requirements. - There shall be defined a set of courses (subjects) and/or examinations, the completion of which shall be required for graduation from a program, and which shall be equivalent to those under the formal system.

- a) The place, pace and mode of study shall be done at the option and convenience of the student, except in the case of examinations whose context, content and conduct shall be determined by the institution.
- b) The Commission on Higher Education and/or the institution concerned shall develop and implement a mechanism to monitor the academic progress of the students.
- c) The programs to be offered and the curricula to be implemented under the open tertiary education shall conform with the CHED's updated policies and guidelines on open learning and distance education.
- d) Completion of a program shall be evidenced by the award of the appropriate certificate or diploma.
- e) For the practice of the profession for which one has acquired the necessary academic credentials in the Open Tertiary Education, the existing requirements of passing a board or exams shall apply.

SECTION 7. Mode of Delivery. - Open Learning System /Distance Education may be delivered using the following:

- a) Media
 1. Print - textbooks, study guides, workbooks, course syllabi, correspondence feedback, and other print formats;
 2. Audio-visual - radio, audio cassette tapes, slides, film, videotapes, television, telephone, fax, audio-conferencing, video-conferencing;
 3. Electronic/Computer Technology - CD-ROM, electronic mail, ebulletin boards, world-wide web, E-learning or online delivery of education; and
 4. Face-to-face sessions.
- b) Autonomous open learning/distance education institutions or independent open learning/distance education departments of a conventional or traditional institute, college or university;
- c) Consortium model consisting of open learning/distance education departments of different institutions.

SECTION 8. Support to Distance Education Programs. - Higher education institutions with open learning programs shall be provided support based on the following criteria to be determined by the CHED:

- a) Qualified faculty with experience and/or training in distance education;
- b) Relevant curricular programs;
- c) Appropriate educational materials;
- d) Suitable student support services and delivery system; and
- e) Linkages with other appropriate institutions as study centers

SECTION 9. Support to Students. - Any student enrolled under this Act shall be given access to all privileges, opportunities and entitlements that a student similarly situated under the traditional system may have access to, including but not necessarily limited to, availment of scholarships, grants and loans from the government or government-administered funding sources. Specifically, higher education institutions shall be tasked to perform the following support services:

- a) Maintain faculty-student dialogue in strategic sites and/or establish learning centers or linkages with other HEIs to ensure greater access to the clientele for admission, tutorial, counseling, testing and evaluation activities;
- b) Provide clear admission policies and procedures for applicants;
- c) Provide for an efficient and reliable communication system and media support including equipment and facilities;
- d) Show evidence of regular monitoring of learners' progress; and
- e) Provide liberty and learning resources for the students.

SECTION 10. Role of the Commission on Higher Education (CHED).
- The CHED has the authority to identify the higher educational institutions which shall be allowed to offer open learning/distance education programs and be given allocation for the continued implementation of these programs. As such, it shall:

- a) Promulgate the necessary rules and regulations for the effective implementation of the System;
- b) Propose approaches to improve the quality of distance education in the country and formulate a quality control mechanism for distance education;
- c) Monitor and evaluate existing open learning programs;
- d) Review and approve proposals for new open learning programs from educational institutions; and
- e) Recommend to the Department of Budget and Management (DBM) the budget for open learning programs of qualified higher education institutions based on the CHED monitoring and evaluation results.

SECTION 11. Role of Broadcast Stations and Telecommunications Network. - Broadcast stations and telecommunications networks are encouraged to provide assistance and cooperation in support of the open learning system or in the delivery of distance education, which may include but not necessarily limited to, the transmission of materials for formal and non-formal courses to learners not only in the Philippines but also outside the country.

SECTION 12. Tax Incentives. - Private entities such as broadcast stations and telecommunications networks and others which shall provide appropriate materials, time and services to the system shall be given corresponding tax credits in accordance with existing rules and regulations.

SECTION 13. Appropriations. - The amount necessary to carry out the initial implementation of this Act shall be charged to the appropriations of the Commission on Higher Education under the current General Appropriation Act. Thereafter, the funds necessary for the continuous implementation of this Act in the ensuing years shall be included in the annual appropriations of CHED in the General Appropriations Act.

SECTION 14. Implementing Rules and Regulations. - The Commission on Higher Education (CHED), in consultation with relevant stakeholders in higher education, is hereby mandated to formulate the rules and regulations to implement this Act within a period of ninety (90) days from the effectivity thereof.

SECTION 15. Separability Clause. - If any provision of this Act or any part thereof be declared unconstitutional or invalid, the other provisions, as far as they are separable from the invalid ones, shall remain in force and effect.

SECTION 16. Repealing Clause. - All laws, decrees, orders, rules and regulations or parts thereof specifically inconsistent with this Act are hereby repealed or modified accordingly

SECTION 17. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,