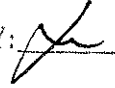


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SENATE
S. No. 3073

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Family Code, Article 233, para. 2 states: “In no case shall the school administrator, teacher or individual engaged in child care and exercising special parental authority, inflict corporal punishment upon the child.”

However, despite the prohibition, according to recent news reports, corporal punishment supposedly still persists in schools.

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law.¹

Thus, this bill seeks to end the use of corporal punishment in all public and private schools with students that receive government services. The bill also assists in creating a safer learning environment for every child ensuring that our schools are places that foster students’ growth and dignity.²

This bill is consistent with, and reflects the Philippine government’s commitment to the UN Convention on the Rights of the Child.



MIRIAM DEFENSOR SANTIAGO
ccs

¹http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/PH/GIEACP_PHL_UPR_S1_2008_GlobalInitiativetoEndAllCorporalPunishmentofChildren_uprsubmission.pdf

²<http://www.arktimes.com/ArkansasBlog/archives/2010/06/29/bill-to-end-school-corporal-punishment>

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SENATE
S. No. **3073**

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO END THE USE OF CORPORAL PUNISHMENT IN SCHOOLS

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

3 SECTION 1. *Short Title.* – This Act may be cited as “Ending Corporal Punishment in
4 Schools Act of 2011”.

5 SECTION 2. *Purposes.* – The purposes of this Act are to:

6 (A) eliminate the use of corporal punishment in schools;

7 (B) ensure the safety of all students and school personnel in schools and promote a
8 positive school culture and climate;

9 (C) assist public and private schools in identifying and implementing effective
10 evidence-based models to prevent and reduce:

11 (1) corporal punishment in schools;

12 (2) aversive behavior interventions that compromise health and safety; and

13 (3) physical, emotional, or psychological abuse.

14 SECTION 3. *Definitions.* – For purposes of this Act, the term –

15 (A) “corporal punishment” means paddling, spanking, or other forms of physical
16 punishment, however light, imposed upon a student.

17 (B) “positive behavior supports” means a systematic approach to embed evidence-
18 based practices and data driven decision-making to improve school climate and culture,
19 including a range of systemic and individualized strategies to reinforce desired behaviors and
20 diminish reoccurrence of problem behaviors, in order to achieve improved academic and social

1 outcomes and increase learning for all students, including those with the most complex and
2 intensive behavioral needs.

3 (C) “school” means an entity that:

4 (1) is a public or private –

5 (I) day or residential elementary school or secondary school; or

6 (II) early childhood, elementary school, or secondary school program that is
7 under the jurisdiction of a school or other educational institution or
8 program; and

9 (III) receives, or serves students who receive, support in any form from any
10 program supported, in whole or in part, with funds appropriated to the
11 Department of Education.

12 (D) “specialized instructional support personnel” means school counselors, school
13 social workers, school nurses, school psychologists, and other qualified professional personnel
14 involved in providing assessment, diagnosis, counseling, educational, health, therapeutic, and
15 other necessary corrective or supportive services.

16 (E) “student” includes any person who is in attendance at a school or institution.

17 SECTION 4. *Prohibition Against Corporal Punishment.* –

18 (A) *General Prohibition.* – No funds shall be made available under any applicable
19 government program to any school or institution that has a policy or practice which allows
20 school personnel to inflict corporal punishment upon a student:

21 (1) as a form of punishment; or

22 (2) for the purpose of modifying undesirable behavior.

23 (B) *Rule of Construction.* – Nothing in this Act shall be construed to preclude school
24 personnel from using, within the scope of employment, reasonable restraint to the lightest
25 possible degree upon a student, if:

26 (1) the student’s behavior poses an imminent danger of physical injury to the student,
27 school personnel, or others;

- 1 (2) less restrictive interventions would be ineffective in stopping such imminent
2 danger of physical injury; and
- 3 (3) the reasonable restraint ends immediately upon the cessation of the conditions
4 described in paragraphs (1) and (2).

5 SECTION 5. *Grant Authority.* –

6 (A) *In General.* – From the amount appropriated under this Act, the Secretary of the
7 Department of Education (here called the “Secretary”) may award grants to schools to assist in
8 improving school climate and culture by implementing school-wide positive behavior support
9 approaches.

10 (B) *Duration of Grant.* – A grant under this Act shall be awarded to a school for a
11 three-year period.

12 (C) *Application.* – Each school desiring a grant under this Act shall submit an
13 application to the Secretary at such time, in such manner, and accompanied by such information
14 as the Secretary may require, including information on how the school –

15 (1) will develop training programs on school wide-positive behavior support
16 approaches, such as training programs developed with the assistance of the
17 Secretary; and

18 (2) will target resources to schools in need of assistance related to improving school
19 culture and climate through positive behavior supports.

20 (D) *Required Activities.* – A school receiving a grant, under this Act shall use such
21 grant to carry out the following:

22 (1) Developing and implementing high-quality professional development and training
23 programs, such as training programs developed with the assistance of the
24 Secretary, to implement evidence-based systematic approaches to school-wide
25 positive behavior supports, including improving coaching, facilitation, and
26 training capacity for principals and other administrators, teachers, specialized
27 instructional support personnel, and other staff.

1 (2) Providing technical assistance to develop and implement evidence-based
2 systematic approaches to school-wide positive behavior supports, including
3 technical assistance for data-driven decision-making related to behavioral
4 supports and interventions in the classroom and throughout common areas.

5 (3) Researching, evaluating, and disseminating high-quality evidence-based programs
6 and activities that implement school-wide positive behavior supports with fidelity.

7 (4) Supporting other local positive behavior support implementation activities
8 consistent with this subsection, including outreach to families and community
9 agencies and providers, such as mental health authorities.

10 (E) *Evaluation and Report.* – Each school receiving a grant under this Act shall, at the
11 end of the three-year grant period for such grant, prepare and submit to the Secretary, a report
12 that:

13 (1) evaluates the school’s progress toward developing and implementing evidence-
14 based systematic approaches to school-wide positive behavior supports; and

15 (2) includes such information as the Secretary may require.

16 SECTION 6. *National Assessment.* – The Secretary shall carry out a national assessment
17 to:

18 (A) determine compliance with the requirements of this Act; and

19 (B) identify best practices with respect to professional development and training
20 programs, which shall include identifying evidence-based school personnel training models with
21 demonstrated success (including models that emphasize positive behavior supports and de-
22 escalation techniques over physical intervention).

23 SECTION 7. *Applicability.* –

24 (A) *Private Schools.* – Nothing in this Act shall be construed to affect any private
25 school that does not receive, or does not serve students who receive, support in any form from
26 any program supported, in whole or in part, with funds appropriated to the Department of
27 Education.

28 (B) *Home Schools.* – Nothing in this Act shall be construed to:

- 1 (1) affect a home school, whether or not a home school is treated as a private school
2 or home school under the law; or
3 (2) consider parents who are schooling a child at home as school personnel.

4 SECTION 8. *Authorization of Appropriations.* – There are authorized to be appropriated
5 such sums as may be necessary to carry out this Act for fiscal year 2012 and each of the four
6 succeeding fiscal years.

7 SECTION 9. *Separability Clause.* – If any provision of this Act shall be declared
8 unconstitutional, any other provision not affected thereby shall remain in full force and effect.

9 SECTION 10. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, or
10 parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

11 SECTION 11. *Effectivity.* – This Act shall take effect immediately after publication in
12 two (2) newspapers of general circulation.

Approved,

/fldp