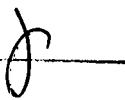


'18 JUL 16 A10 :51

SENATE
S. B. No. 1870

RECEIVED 

Introduced by Senator SONNY ANGARA

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 THEIR PROTECTION IN CASES RELATED THERETO

EXPLANATORY NOTE

With the implementation of the Child Protection Policy, pursuant to the United Nations Convention on the Rights of the Child, it has been the policy of the State to take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity.

Concomitant with the State's full regard to the children's entitlement to respect, dignity and integrity is the protection of the teachers. The teacher's well-being and their ability to manage stress must likewise be of paramount interest in order for them to effectively perform their vital role in shaping the lives of their students. By empowering the teachers, their students will be responsible, productive, empowered, and successful individuals.

With the increasing burden on teachers due to large class sizes, multiple shifts each day, and the heavier tasks under K to 12, instilling discipline in their classrooms has become increasingly difficult. This is further aggravated by the lack of institutional support in the form of standards in classroom management, training

on these standards and the permissible and effective methods of instilling discipline, and legal assistance and representation.

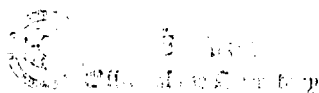
With these evolving considerations, it is now high time to ensure a nurturing and safe school environment not only for all children, but for our educators as well.

Hence, this bill seeks to institutionalize support mechanisms by giving teachers free legal assistance and trainings in matters involving classroom management and discipline. Further, the proposed measure aims to create a Student Manual that will set out, among others, the appropriate and effective responses and interventions that will address violation of school rules and regulations.

The immediate passage of this bill is imperative.



SONNY ANGARA



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

1 Section 1. *Short Title.* – This Act shall be known as the “*Teacher Protection*
2 *Act of 2018.*”

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

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

12 To this end, the State shall institutionalize measures to implement in all public
13 schools clearly defined regulations on appropriate student behaviour towards other
14 students, teachers, and school staff during classes, and within and outside school
15 premises.

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

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

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

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

- 16 (1) The school's rules and regulations to be observed by students with
17 respect to fellow students and school personnel and property,
18 whenever inside its premises or outside it, in cases where conduct
19 would interfere with the operation of the school or endanger the safety
20 of other students and school staff;
- 21 (2) The rights and responsibilities of students in relation to school rules
22 and regulations, to the end of fostering a positive school climate and
23 safe environment conducive to instruction and learning;
- 24 (3) Permissible, appropriate, and effective responses and interventions
25 that will address violation of school rules and regulations, including but
26 not limited to communication to parents, counselling, reprimand, and
27 detention, at each level and repetition of offense, to be administered
28 by teachers, the school head, and other school staff; and
- 29 (4) A clear description of the disciplinary procedure and clear designation
30 of the authorities competent to investigate, propose, and apply the
31 responses and interventions.

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

6 *Sec. 4. Act pursuant to Code of Discipline or student manuals not deemed as*
7 *child abuse.* – Any act committed by a teacher or school staff pursuant to the
8 disciplinary rules and procedure issued by the Department shall not be deemed as
9 child abuse, cruelty, or exploitation as defined in Republic Act No. 7610 or the
10 Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

11 *Sec. 5. Consultation of Involved Sectors in the Drafting of Student Manual.* –
12 Students, parents, teachers, other school personnel, and the community,
13 represented by their respective organizations, as well as professionals in child
14 behaviour and social work, shall each have meaningful involvement in the
15 formulation of the guidelines and the student manual.

16 *Sec. 6. Information Dissemination of the Student Manual.* – The Department
17 shall provide explanations, training, and workshops in order to familiarize students
18 and families with the student manual, explain the expectations of various sectors
19 involved, and describe the various preventive and positive responses and
20 interventions that may be used.

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

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

26 *Sec. 8. Professional Development relating to Student Discipline and Classroom*
27 *Management.* – The Department shall provide teachers the appropriate pre-service
28 and in-service training on child behaviour and psychology, classroom management
29 techniques, positive discipline, and other related fields, as well as the Department's
30 policies and principles governing the student manual and the scope of their duties
31 and responsibilities with respect to student discipline and classroom management.

1 *Sec. 9. Support Personnel.* – The Department, with the Department of Budget
2 and Management, shall also ensure that there is a sufficient number of items for
3 guidance counsellors, who will serve as support personnel to teachers and school
4 administrators in matters of student discipline.

5 For purposes of this Act, the Department shall endeavour to meet the
6 recommended ratios of one guidance counsellor for every 200 students in public
7 elementary and high schools.

8 *Sec. 10. Other Support Mechanisms for Student Discipline and Classroom*
9 *Management.* – The Department shall provide such other mechanisms necessary to
10 capacitate its teachers and other personnel on matters regarding child behaviour and
11 psychology, classroom management techniques, positive discipline, and other related
12 fields. These measures shall include but not be limited to the conduct of periodic
13 seminars and formulation of primers and other explanatory materials.

14 *Sec. 11. Protection to teachers and school personnel in charges related to*
15 *student discipline and classroom management.* – In all cases related to student
16 discipline and classroom management, including criminal and administrative charges
17 of child abuse, the Department shall extend to its teachers and other personnel the
18 necessary protection, including but not limited to legal assistance and
19 representation.

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

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

27 *Sec. 12. Confidentiality of Identity of Parties and Proceedings under this Act.*
28 – No person, whether public or private and whether a party to the case or otherwise,
29 shall publicize a case during its pendency. In no case shall the identity of
30 complainants and respondents, or any information that may reasonably identify the,
31 be disclosed to the public during the pendency of the proceedings.

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

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

5 Sec. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from
6 the effective date of this Act, the Department shall promulgate the rules and
7 regulations necessary to implement the provisions of this Act.

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

11 Sec. 15. *Repealing Clause.* – Republic Act 7610 is hereby modified
12 accordingly. All laws, decrees, orders, rules and regulations, or other issuances or
13 parts thereof inconsistent with the provisions of this Act are hereby repealed.

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

Approved,