

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

H. B. No. **3094**



Introduced by HONORABLE CZARINA D. UMALI

EXPLANATORY NOTE

Article XIV, Section 1 of the Constitution provides that "xxx 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."

Over the past several years, we have witnessed the increasing number of student drop-outs in the tertiary level. A big factor to this is the fact that a lot of families cannot afford to send their children to school in the traditional way. With their meager resources, they could not afford to sustain the daily allowance of their children for food, transportation, and other school related expenses. Add to that the sad reality for many of these students - find work to support themselves, often resulting to dropping-out and giving up their dream of getting a degree.

To find a solution to this problem, this bill hopes to expand the access to education for these poverty-stricken families and students, through an Open Learning and Distance Education in post secondary and tertiary levels of education. This way, students need not attend classes the traditional way, and make use of technology to access knowledge in their homes or workplace, in pursuit of higher education. This bill will make education accessible to all.

For this reason, the passage of this bill is earnestly sought.

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HOUSE BILL NO. **3094**

Introduced by: HONORABLE CZARINA D. UMALI

AN ACT
TO EXPAND ACCESS TO EDUCATION THROUGH OPEN LEARNING AND DISTANCE
EDUCATION IN POST-SECONDARY AND TERTIARY LEVELS OF EDUCATION,
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 Learning and
Distance Education Act of 2011.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
expand and further democratize access to quality education at the post-secondary
and tertiary levels through the promotion and application of open learning as a
philosophy of access to educational services, and the appropriate, efficient and
effective implementation of distance education as a system of delivering quality
post-secondary and tertiary educational services in the country.

SEC. 3. *Coverage.* This Act shall apply to public and private higher education
institutions (HEIs) and post-secondary technical/vocational schools in the
Philippines which have existing open learning and distance education programs,
and to other tertiary and technical/vocational institutions which shall later be
authorized as qualified implementors of open learning and distance education
programs.

SEC. 4. *Definition of Terms.* – For purposes of this Act, the following terms are
hereby defined:

- (a) Open Learning – refers to a philosophy of learning that is quality-
assured, open to people, methods, places and ideas, and is highly
flexible and learner-centered, enabling the latter to learn at the
time, place and pace which satisfy the person's circumstances and
requirements;
- (b) Distance Education – refers to a mode of educational delivery
whereby the teacher and learner are separated in time and space,
and the instruction is delivered through specially designed
materials and methods using appropriate technologies and
learning management systems and supported by organizational
and administrative structures and arrangements. It enables

learning to take place from a distance, virtually and differently from the conventional classroom or traditional mode;

- (c) Open University/College/Institution – refers to a higher education institution that is a separate, autonomous, and degree-granting academic entity which employs operational procedures and strategies of an open learning institution;
- (d) Center/Institute/School of Distance Education – refers to a subsidiary of a higher education institution (HEI) which offers distance education programs, but is not qualified to be called an Open University, and whose degrees are awarded by the HEI;
- (e) Higher Education Institution - refers to an institution of higher learning in the Philippines which primarily offers degree-granting programs, including post-secondary degree granting vocational and technical institution duly recognized by the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA);
- (f) Tertiary Education – refers to the higher learning level after high school offering baccalaureate, graduate or post-graduate programs;
- (g) Post-Secondary Education - shall refer to non-degree technical-vocational programs accredited by TESDA; and
- (h) Technical-Vocational Programs - refers to post-secondary certificate courses, officially recognized as non-degree programs aimed at preparing technicians, paraprofessionals and other categories of middle-level workers by providing them with a broad range of general education, theoretical, scientific and technological studies, and related job skills training.

SEC. 5. *Institutionalization of Distance Education.* – Distance education is hereby institutionalized in the Philippines in accordance with the provisions of this Act. Due diligence is likewise encouraged in seeing to it that equivalence or comparability with existing standards in both the traditional/residential or alternative education systems is ensured.

SEC. 6. *Admission and Other Academic Policies and Requirements.* – Admission and other academic policies and requirements in HEIs offering tertiary education through distance education programs shall be governed by a set of policies, standards and requirements set for tertiary education by duly authorized academic bodies such as Board of Regents/Trustees, University/Faculty Councils, and/or the Commission on Higher Education, and for technical-vocational courses in the post secondary level by the Technical Education and Skills Development Authority such as, but not limited to, the following:

- (a) Completion of secondary education;
- (b) Passing an entrance examination given by the HEI or post-secondary school; and

- (c) Compliance with the other admission requirements of the admitting higher education or post secondary institutions that are instituted in accordance with the standards set by the CHED and TESDA, respectively.

SEC. 7. Program, Curriculum and Course Development Offerings and Requirements. – Course offerings and programs of distance education schools should be comparable in standards, practice and policies to other HEIs. Curricula, requirements for admission and graduation should also be at par with traditional or conventional systems, and should similarly be subject to regulations by appropriate authorities like CHED or TESDA.

There shall be defined a set of courses/subjects and/or examinations, and/or special projects and activities, the completion of which shall be required for graduation from the academic degree program, and which shall be equivalent to those under the conventional mode of instruction. The following shall also be considered:

- (a) The place, pace, and mode of study of the student shall be at the option and convenience of the student within the time frame as may be prescribed by the learning institution: *Provided*, That, the content, context and conduct of examination shall be determined by the institution;
- (b) The institution concerned shall formulate and implement a mechanism to monitor the academic progress of the students;
- (c) The curricular offerings using the open learning philosophy which are offered through the distance education mode shall conform to respective policies, standards, and guidelines for distance education of CHED and TESDA;
- (d) Completion of all the requirements for the academic program shall be evidenced by the award of the appropriate academic degree; and
- (e) For the practice of the profession for which one has acquired the necessary academic credentials through distance education, the existing requirements of passing a board examination shall apply.

SEC. 8. Mode of Delivery. Open Learning/Distance Education may be delivered using information and communications technology and other approaches, such as but not limited, to the following:

- (a) Print – textbooks, study guides, workbooks, course syllabi, correspondence feedback, and other print formats;
- (b) Audio-Visual – radio, audio cassettes, slides, film, videotapes, television, telephone, fax, audio-conferencing, and video-conferencing;
- (c) Electronic/Computer Technology and Virtual Classrooms – CD-ROM, electronic mail, e-bulletin boards, world-wide web, podcasts, m-learning, i-lectures, e-learning or online learning management systems; and
- (d) Face-to-face sessions – conducted in learning and study centers.

SEC. 9. *Support to Open Learning and Distance Education Programs.* – The CHED, TESDA and the University of the Philippines Open University (UPOU) shall provide support to higher education institutions and post secondary schools in developing and providing high quality programs and offerings in open, distance and online learning. This support includes, among others:

- (a) Training of qualified teachers, providers and other professionals;
- (b) Curriculum, courseware and program development;
- (c) Cyber infrastructure planning, resource sourcing and implementation;
- (d) School operations and management planning and development, including support services, learning management systems, instructional design and development, and research on emerging technologies; and
- (e) Institutional linkages and networking.

SEC. 10. *Support to Students.* – Any student enrolled in open learning and distance education programs under the auspices of this Act shall have access to all privileges, opportunities and entitlements that a student similarly situated under the conventional system of instruction may have access to, including, but not necessarily be limited to, availment of scholarships, grants, and loans from the government or government-administered funding sources. Specifically, HEIs and post-secondary schools engaged in open learning and education programs shall be tasked to perform the following student support services:

- (a) Provide clear admission policies and procedures for applicants;
- (b) Maintain faculty-student dialogue and interactivity through virtual classrooms linked electronically or through established learning centers or both, whichever may be feasible, to ensure greater knowledge sharing, access to counseling and other support services;
- (c) Provide for an efficient and reliable communication system, feedback mechanism, especially on learners' academic progress, and multimedia support;
- (d) Show evidence of regular monitoring of learners' progress; and
- (e) Provide a wide range of relevant, updated and accessible learning resources that are easily accessible to students.

SEC. 11. *Role of the University of the Philippines Open University.* The University of the Philippines Open University, hereinafter referred to as the UPOU, shall be designated as the National Open University. As such, it shall:

- (a) Provide leadership in the development of open learning and distance education expertise in the country and in the appropriate use of information and communications technologies in support of quality higher education;
- (b) Promote best practices in open learning and distance education in the Philippines;

- (c) Share knowledge through informed and innovative research and other development activities related to distance education through its exemplar policies, programs, materials, learning management systems guidelines and offerings;
- (d) Provide technical assistance to CHED and TESDA on matters relating to distance education policies, guidelines and standards, particularly in implementing an accreditation system for open learning and distance education programs and institutions in the country;
- (e) Design model curricular programs which shall serve as prototype programs upon which similar programs to be offered by other HEIs in the country shall be patterned after;
- (f) Develop and promote appropriate information and communication technologies to facilitate quality open learning and distance education programs in the country;
- (g) Design and produce quality learning materials and objects, both in print and multimedia formats, for higher education and post-secondary instruction in the country;
- (h) Make instructional materials for distance education programs accessible to the public through collaborative arrangements and other appropriate mechanisms;
- (i) Assist other interested educational institutions in developing their distance education programs, courses, and materials for specific learner groups or the public at large; and
- (j) Design and implement a continuing program to develop high level expertise in the fields of open learning and distance education in the Philippines through quality formal academic degree programs and non-formal courses through either or both distance and face-to-face modes of instruction and training; and
- (k) Help capacitate distance education teachers and practitioners through capacity building and professionalization programs.

SEC. 12. *Roles of the CHED and the TESDA.* – The CHED and the TESDA shall be the respective regulators of HEIs and post-secondary schools involved in open learning and distance education. As such, they shall:

- (a) Formulate, promulgate, disseminate and implement the necessary policies, standards, guidelines, rules and regulations for the effective implementation of distance education in the country;
- (b) Formulate and implement strategies to improve the quality of distance education programs and implement a system of quality control for open learning and distance education in the country;
- (c) Monitor and evaluate existing open learning and distance education programs and effect the continuation or closure of programs in

accordance with the provisions of the implementing rules and regulations for distance education in the country;

- (d) Review and approve or disapprove proposals from higher education institutions for the implementation of new distance education programs; and
- (e) Recommend to the Department of Budget and Management (DBM) the budget for distance education programs of qualified state higher education institutions and public post secondary schools based on the respective monitoring and evaluation results of the CHED and TESDA.

SEC. 13. *Roles of Broadcast Media and Telecommunications Networks.* – Broadcast media and telecommunications networks are encouraged to provide as much assistance and cooperation to higher education institutions offering open learning and distance education programs. Such assistance may include, but not necessarily be limited to, the transmission of learning materials for formal and non-formal courses to learners not only within the Philippines, but also outside the country.

SEC. 14. *Independent Evaluation.* – In aid of better policy making, the CHED and TESDA shall enter into an agreement with the Department of Science and Technology (DOST) and other reputable research institutions to conduct an independent evaluation of the state, regulatory governance, quality, concerns, challenges and prospects of open learning and distance education in the Philippines. It shall survey a diverse group of HEIs with respect to size, mission and geographic distribution.

SEC. 15. *Interim and Final Report.* The agreement under Section 14 shall require that the DOST submit to the CHED Chair and the TESDA Director-General, the Senate Committee on Education, Culture and the Arts, and the House Committee on Higher and Technical Education the following:

- (a) An interim report regarding the evaluation under Section 14 not later than six (6) months after the date of enactment of this Act; and
- (b) A final report regarding such evaluation not later than one (1) year after the date of the enactment of this Act.

SEC. 16. *Tax Incentives.* – Any donation, contribution, bequest and grant, in cash and/or services which may be made by individuals and organizations, including, but not limited, to private entities such as private schools, broadcasting companies, telecommunications networks which shall provide appropriate materials, time and delivery support services for the promotion of open learning and distance education in partnership with HEIs delivering academic degree programs through distance education, shall be exempt from the donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SEC. 17. *Implementing Rules and Regulations.* – The CHED, through its Technical Panel for Distance Education, the Technical Education and Skills Development Authority, and the UPOU, in consultation with relevant stakeholders in higher and technical education, are hereby mandated to formulate the rules and

regulations to implement this Act within a period of ninety (90) days from the effectivity thereof.

SEC. 18. *Appropriations.* – The amount necessary to carry out the provisions of this Act shall be included in the respective budget of the CHED, TESDA, UPOU and higher education institutions and post-secondary technical/vocational schools which have existing open learning and distance education programs in the annual General Appropriations Act.

SEC. 19. *Separability Clause.* - If any provision of this Act or any part thereof be declared unconstitutional or invalid, the same shall not affect the validity of the other provisions of this Act.

SEC. 20. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 21. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,