

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5735**



Introduced by
ACT Teachers Party-List Representative Antonio L. Tinio

EXPLANATORY NOTE

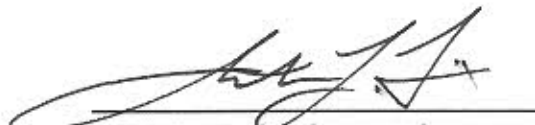
Public school personnel, most especially teachers, are at the very forefront of the delivery of education to millions of students, day in and day out. With large class sizes, multiple shifts each day, and the heavier tasks they have to assume under K to 12, any one of them can attest that instilling discipline in their classrooms has become increasingly difficult.

This heavy burden of teachers is 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, guidance counselors to act as support personnel, and legal assistance and representation.

While child protection is indispensable, teacher protection is also a must. To this end, this bill seeks to lay down institutionalized support mechanisms for teachers and school personnel in matters of classroom management and student discipline. The first is a mandate on DepEd to issue and implement a student manual. DepEd is also proposed to provide pre-service and in-service training for DepEd personnel on child behavior and psychology, classroom management techniques, positive discipline, and other related fields.

Also proposed are measures to protect teachers and school personnel in cases related to student discipline and classroom management, including legal assistance and representation by counsel and union or association representatives. Furthermore, confidentiality of proceedings and the identity of all parties are directed.

Approval of this bill is earnestly sought.


ANTONIO L. TINIO

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AN ACT
INSTITUTIONALIZING MEASURES GOVERNING STUDENT DISCIPLINE AND MECHANISMS
FOR CLASSROOM MANAGEMENT, ESTABLISHING SUPPORT FOR PUBLIC SCHOOL TEACHERS
AND SCHOOL PERSONNEL AND PROVIDING FOR THEIR PROTECTION IN CASES RELATED
THERE TO

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

SECTION 1. *Short Title.* This Act shall be known as the *Student Discipline and Teacher Protection Act*.

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

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

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

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

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

SECTION 3. *Code of discipline or student manual.* Within one hundred and twenty (120) days from the effectivity of this Act, the Department of Education (hereinafter, the Department) is hereby tasked to issue policies and principles on student discipline and classroom management.

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

(1) the school's rules and regulations to be observed by students with respect to fellow students and school personnel and property, whenever inside its premises or outside it, in cases where conduct would interfere with the operation of the school or endanger the safety of other students and school staff;

(2) the rights and responsibilities of students in relation to school rules and regulations, to the end of fostering a positive school climate and safe environment conducive to instruction and learning;

(3) permissible, appropriate, and effective responses and interventions that will address violation of school rules and regulations, including but not limited to communication to parents, counseling, reprimand, and detention, at each level and repetition of offense, to be administered by teachers, the school head, and other school staff; and

(4) a clear description of the disciplinary procedure and clear designation of the authorities competent to investigate, propose, and apply the responses and interventions.

The Department shall formulate a student manual to be implemented in all schools under its jurisdiction, which shall conform to the guidelines so established.

SECTION 4. *Consultation of involved sectors in the drafting of student manual.* Students, parents, teachers, other school personnel, and the community, represented by their respective organizations, as well as professionals in child behavior and social work, shall each have meaningful involvement in the formulation of the guidelines and the student manual.

SECTION 5. *Information dissemination of the student manual.* The Department shall provide explanations, training, and workshops in order to familiarize students and families with the student manual, explain the expectations of various sectors involved, and describe the various preventive and positive responses and interventions that may be used.

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

SECTION 6. *Training of teachers and school personnel on the student manual.* All

employees of the Department shall also annually receive instruction and training related to the specific contents of the student manual.

SECTION 7. *Professional development relating to student discipline and classroom management.* The Department shall provide teachers the appropriate pre-service and in-service training on child behavior and psychology, classroom management techniques, positive discipline, and other related fields, as well as the Department's policies and principles governing student manual and the scope of their duties and responsibilities with respect to student discipline and classroom management.

SECTION 8. *Support personnel.* The Department, with the Department of Budget and Management, shall also ensure that there is a sufficient number of items for guidance counselors who will serve as support personnel to teachers and school administrators in matters of student discipline.

For purposes of this Act, the Department shall endeavor to meet the recommended ratios of one guidance counselor for every 200 students in public elementary and high schools.

SECTION 9. *Other support mechanisms for student discipline and classroom management.* The Department shall provide such other mechanisms necessary to capacitate its teachers and other personnel on matters regarding child behavior and psychology, classroom management techniques, positive discipline, and other related fields. These measures shall include but are not limited to the conduct of periodic training and formulation of primers and other explanatory materials.

SECTION 10. *Protection of teachers and school personnel in cases related to student discipline and classroom management.* In all cases related to student discipline and classroom management, including criminal and administrative charges of child abuse, the Department shall extend to its teachers and other personnel the necessary protection, including but not limited to legal assistance and representation.

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

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

SECTION 11. *Confidentiality of identity of parties and proceedings under this Act.* No person, whether public or private and whether a party to the case or otherwise, shall publicize a case during its pendency. In no case shall the identity of complainants and respondents, or any information that may reasonably identify them, be disclosed to the public during the pendency of the proceedings.

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

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

SECTION 12. *Rules and Regulations.* Within ninety (90) days from the effective date of this Act, the Department shall promulgate the rules and regulations necessary to implement the provisions of this Act.

SECTION 13. *Separability Clause.* Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 14. *Repealing Clause.* All laws, decrees, orders, rules and regulations, or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed.

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

Approved,