

[REPUBLIC ACT NO. 9155, August 11, 2001]

**AN ACT INSTITUTING A FRAMEWORK OF GOVERNANCE FOR
BASIC EDUCATION, ESTABLISHING AUTHORITY AND
ACCOUNTABILITY, RENAMING THE DEPARTMENT OF
EDUCATION, CULTURE AND SPORTS AS THE DEPARTMENT OF
EDUCATION, AND FOR OTHER PURPOSE**

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 "Governance of Basic Education Act of 2001."

SEC. 2. *Declaration of Policy.* — It is hereby declared the policy of the State to protect and promote the right of all citizens to quality basic education and to make such education accessible to all by providing all Filipino children a free and compulsory education in the elementary level and free education in the high school level. Such education shall also include alternative learning systems for out-of-school youth and adult learners. It shall be the goal of basic education to provide them with the skills, knowledge and values they need to become caring, self-reliant, productive and patriotic citizens.

The school shall be the heart of the formal education system. It is where children learn. Schools shall have a single aim of providing the best possible basic education for all learners.

Governance of basic education shall begin at the national level. It is at the regions, divisions, schools and learning centers - herein referred to as the field offices - where the policy and principle for the governance of basic education shall be translated into programs, projects and services developed, adapted and offered to fit local needs.

The State shall encourage local initiatives for improving the quality of basic education. The State shall ensure that the values, needs and aspirations of a school community are reflected in the program of education for the children, out-of-school youth and adult learners. Schools and learning centers shall be empowered to make decisions on what is best for the learners they serve.

SEC. 3. *Purposes and Objectives.* — The purposes and objectives of this Act are:

- a. To provide the framework for the governance of basic education which shall set the general directions for educational policies and standards and establish authority, accountability and responsibility for achieving higher learning outcomes;

- b. To define the roles and responsibilities of, and provide resources to, the field offices which shall implement educational programs, projects and services in communities they serve;
- c. To make schools and learning centers the most important vehicle for the teaching and learning of national values and for developing in the Filipino learners love of country and pride in its rich heritage;
- d. To ensure that schools and learning centers receive the kind of focused attention they deserve and that educational programs, projects and services take into account the interests of all members of the community;
- e. To enable the schools and learning centers to reflect the values of the community by allowing teachers/learning facilitators and other staff to have the flexibility to serve the needs of all learners;
- f. To encourage local initiatives for the improvement of schools and learning centers and to provide the means by which these improvements may be achieved and sustained; and
- g. To establish schools and learning centers as facilities where schoolchildren are able to learn a range of core competencies prescribed for elementary and high school education programs or where the out-of-school youth and adult learners are provided alternative learning programs and receive accreditation for at least the equivalent of a high school education.

SEC. 4. *Definition of Terms.* — For purposes of this Act, the terms or phrases used shall mean or be understood as follows:

- a. *Alternative Learning System* - is a parallel learning system to provide a viable alternative to the existing formal education instruction. It encompasses both the non- formal and informal sources of knowledge and skills;
- b. *Basic Education* - is the education intended to meet basic learning needs which lays the foundation on which subsequent learning can be based. It encompasses early childhood, elementary and high school education as well as alternative learning systems for out-of-school youth and adult learners and includes education for those with special needs;
- c. *Cluster of Schools* - is a group of schools which are geographically contiguous and brought together to improve the learning outcomes;
- d. *Formal Education* - is the systematic and deliberate process of hierarchically structured and sequential learning corresponding to the general concept of elementary and secondary level of schooling. At the end of each level, the learner needs a certification in order to enter or advance to the next level;
- e. *Informal Education* - is a lifelong process of learning by which every person acquires and accumulates knowledge, skills, attitudes and insights from daily experiences at home, at work, at play and from life itself;
- f. *Integrated Schools* - is a school that offers a complete basic education in one school site and has unified instructional programs;
- g. *Learner* - is any individual seeking basic literacy skills and functional life skills or support services for the improvement of the quality of his/her life;
- h. *Learning Center* - is a physical space to house learning resources and facilities of a learning program for out-of-school youth and adults. It is a venue for face-to-face learning activities and other learning opportunities for community development and improvement of the people's quality of life;
- i. *Learning Facilitator* - is the key-learning support person who is responsible for supervising/facilitating the learning process and activities of the learner;

- j. *Non-Formal Education* - is any organized, systematic educational activity carried outside the framework of the formal system to provide selected types of learning to a segment of the population;
- k. *Quality Education* - is the appropriateness, relevance and excellence of the education given to meet the needs and aspirations of an individual and society;
- l. *School* - is an educational institution, private and public, undertaking educational operation with a specific age-group of pupils or students pursuing defined studies at defined levels, receiving instruction from teachers, usually located in a building or a group of buildings in a particular physical or cyber site; and
- m. *School Head* - is a person responsible for the administrative and instructional supervision of the school or cluster of schools.

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SEC. 5. *Principles of Shared Governance.* —

- a. Shared governance is a principle which recognizes that every unit in the education bureaucracy has a particular role, task and responsibility inherent in the office and for which it is principally accountable for outcomes;
- b. The process of democratic consultation shall be observed in the decision-making process at appropriate levels. Feedback mechanisms shall be established to ensure coordination and open communication of the central office with the regional, division and school levels;
- c. The principles of accountability and transparency shall be operationalized in the performance of functions and responsibilities at all levels; and
- d. The communication channels of field offices shall be strengthened to facilitate flow of information and expand linkages with other government agencies, local government units and nongovernmental organizations for effective governance;

SEC. 6. *Governance.* — The Department of Education, Culture and Sports shall henceforth be called the Department of Education. It shall be vested with authority, accountability and responsibility for ensuring access to, promoting equity in, and improving the quality of basic education. Arts, culture and sports shall be as provided for in Sections 8 and 9 hereof.

SEC. 7. *Powers, Duties and Functions.* — The Secretary of the Department of Education shall exercise overall authority and supervision over the operations of the Department.

A. National Level

In addition to his/her powers under existing laws, the Secretary of Education shall have authority, accountability and responsibility for the following:

- 1. Formulating national educational policies;
- 2. Formulating a national basic education plan;
- 3. Promulgating national educational standards;
- 4. Monitoring and assessing national learning outcomes;

5. Undertaking national educational research and studies;
6. Enhancing the employment status, professional competence, welfare and working conditions of all personnel of the Department; and
7. Enhancing the total development of learners through local and national programs and/or projects.

The Secretary of Education shall be assisted by not more than four (4) undersecretaries and not more than four (4) assistant secretaries whose assignments, duties and responsibilities shall be governed by law. There shall be at least one undersecretary and one assistant secretary who shall be career executive service officers chosen from among the staff of the Department.

B. Regional Level

There shall be as many regional offices as may be provided by law. Each regional office shall have a director, an assistant director and an office staff for program promotion and support, planning, administrative and fiscal services.

Consistent with the national educational policies, plans and standards, the regional director shall have authority, accountability and responsibility for the following:

1. Defining a regional educational policy framework which reflects the values, needs and expectations of the communities they serve;
2. Developing a regional basic education plan;
3. Developing regional educational standards with a view towards benchmarking for international competitiveness;
4. Monitoring, evaluating and assessing regional learning outcomes;
5. Undertaking research projects and developing and managing regionwide projects which may be funded through official development assistance and/or other funding agencies;
6. Ensuring strict compliance with prescribed national criteria for the recruitment, selection and training of all staff in the region and divisions;
7. Formulating, in coordination with the regional development council, the budget to support the regional educational plan which shall take into account the educational plans of the divisions and districts;
8. Determining the organization component of the divisions and districts and approving the proposed staffing pattern of all employees in the divisions and districts;
9. Hiring, placing and evaluating all employees in the regional office, except for the position of assistant director;
10. Evaluating all schools division superintendents and assistant division superintendents in the region;
11. Planning and managing the effective and efficient use of all personnel, physical and fiscal resources of the regional office, including professional staff development;
12. Managing the database and management information system of the region;
13. Approving the establishment of public and private elementary and high schools and learning centers; and
14. Performing such other functions as may be assigned by proper authorities.