

H. No. 4553; Manila Bulletin, December 12, 2014; 111 OG No. 3, 388 (January 19, 2015)

[REPUBLIC ACT NO. 10650, December 09, 2014]

AN ACT EXPANDING ACCESS TO EDUCATIONAL SERVICES BY INSTITUTIONALIZING OPEN DISTANCE LEARNING IN LEVELS OF TERTIARY EDUCATION AND APPROPRIATING FUNDS THEREFOR

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 Distance Learning Act".

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

SEC. 3. *Definition of Terms.* – As used in this Act:

(a) *Distance education* refers to a mode of learning in which students and teachers are physically separated from each other. It is student-centered, guided independent study, making use of well-studied teaching and learning pedagogies to deliver well-designed learning materials in various media. It is also sometimes described as flexible learning and distributed learning;

(b) *Higher education* refers to the higher learning level after high school offering baccalaureate, graduate or post-graduate programs;

(c) *Higher education degree programs* refer to specific courses of study in the higher level of the education system leading to a bachelor's, master's or doctoral degree;

(d) *Higher education institution (HEI)* refers to an institution of higher learning which primarily offers degree-granting programs duly recognized by the Commission on Higher Education (CHED) and leading to the conferment of a diploma;

(e) *Open Distance Learning (ODL)* refers to the merger of two (2) concepts, that of open learning and distance education. It is a system which combines the methodology of distance education with the concepts of open learning and flexible learning;

(f) *Open learning* refers to a philosophy of learning that is based on flexibility of access for equity in education, an educational system accessible to every individual with minimal restrictions and emphasizing the flexibility of the system to eradicate problems caused by barriers like age, geographical location, time constraints and economic situation;

(g) *Open university/college/institution* refers to a degree-granting HEI recognized by the CHED which has at least a Level III accreditation in the programs offered in the conventional classroom or traditional mode and which employs operational procedures and strategies of an open learning institution;

(h) *Post-secondary school* refers to an institution that offers nondegree technical-vocational programs accredited by the Technical Education and Skills Development Authority (TESDA);

(i) *Technical-vocational programs* refer to post-secondary certificate courses, officially recognized as nondegree 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; and

(j) *Tertiary education* refers to higher education degree programs, as well as post-secondary technical-vocational programs.

SEC. 4. *Coverage.* – This Act shall apply to public and private higher education institutions (HEIs) and post-secondary schools in the Philippines which have existing ODL programs, and to other HEIs and post-secondary schools which shall later be authorized as qualified implementers of ODL programs.

SEC. 5. *Institutionalization of Open Distance Learning.* – ODL is hereby institutionalized in accordance with the provisions of this Act. The ODL programs shall conform to the guidelines set by the CHED and the TESDA for both the conventional classroom or traditional mode and the nonconventional mode.

SEC. 6. *Guiding Principles for ODL Courses or Subjects.* – All courses or subjects offered in the ODL mode shall adhere to the following principles:

(a) *Learner Centeredness* – ODL programs shall focus on the needs of the learner and the goal of facilitating independent learning;

(b) *Quality and Relevant Programs* – ODL programs shall be equivalent in challenges and depth to conventional classroom or traditional programs in nonconventional delivery;

(c) *Transparency to Guide Informed Choice* – ODL implementers shall make information about their programs, particularly on the curriculum and delivery system, instructional materials development, delivery mode/strategies, student support services, and other relevant information available to accrediting bodies, academic peers, regulators and students. Updated information shall be made accessible through such media as the internet;

(d) *Peer Review* – A review by experts in ODL to determine the acceptability of the course or subject shall be institutionalized following the criteria set by the CHED and/or the TESDA, as applicable;

(e) *Public Responsibility and Accountability* – Implementers shall heed the public impact of ODL programs and shall always exercise due diligence in avoiding harm to program stakeholders, especially students. Consumer protection, in particular, shall be a priority because of the high value that Filipinos put on education; and

(f) *Quality and Continuous Improvement* – An HEI or post-secondary school shall embed in its program framework the proactive needs assessment of students and stakeholders in terms of the ODL program planning, implementation and evaluation. The interaction of students' needs, interests and perceptions, faculty interests and skills/technology available and Filipino culture should be carefully examined, explored and monitored to continuously improve all aspects of development and delivery.

SEC. 7. *Admission and Other Academic Policies and Requirements.* – Admission and other academic policies and requirements in all HEIs and post-secondary schools offering ODL programs shall conform to the minimum policies, standards and requirements set by the CHED and/or the TESDA, as applicable.

SEC. 8. *Program, Curriculum and Course Development Offerings and Requirements.* – The curricular offerings using ODL mode shall ensure that the learning outcomes are clearly articulated in terms of competencies, skills and behavioral attributes and conform to the respective policies, standards and guidelines for ODL set by the CHED and/or the TESDA, as applicable.

There shall be a defined set of courses or subjects and/or examinations, and/or special projects and activities, the completion of which shall be required for graduation from the higher education degree program or technical-vocational 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 HEIs or post-secondary schools offering the ODL program;

(b) The concerned HEIs or post-secondary schools shall formulate and implement a mechanism to monitor the academic progress of the students;

(c) The curricular offerings using ODL shall conform to respective policies, standards and guidelines for ODL of the CHED and/or the TESDA, as applicable;

(d) Practicum or on-the-job trainings shall be observed for courses that require the same;

(e) Completion of all the requirements for the academic program shall be evidenced by the award of the appropriate academic degree or certificate; and

(f) For the practice of the profession for which one has acquired the necessary academic credentials through ODL, the existing requirement of the Professional Regulation Commission or other relevant government agencies of passing a licensure examination for programs offered in the conventional classroom or traditional mode, or technical-vocational programs shall also apply to graduates of ODL programs.

SEC. 9. *Mode of Delivery.* – The ODL programs may be delivered using information and communications technology and other approaches, such as 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, telephones, fax, audio-conferencing and video-conferencing;

(c) *Electronic/Computer Technology and Virtual Classrooms* – internet, CD-ROM, electronic mail, e-bulletin boards, podcasts, m-learning, e-lectures, e-learning or online learning management systems; and

(d) *Face-to-Face Sessions* – conducted in learning and study centers.

SEC. 10. *Support to ODL Programs.* – The CHED and the TESDA shall provide support to HEIs and post-secondary schools in developing and providing high quality programs and offerings in ODL education. This support shall include the following:

(a) Training of qualified teachers, providers, and other professionals;

(b) Relevant curriculum, courseware, and program development;

(c) Development of appropriate learning materials;

(d) Cyber infrastructure planning, resource sourcing, and implementation;

(e) School operations and management planning and development, including support services, learning management systems, instructional design and development, and research on emerging technologies; and

(f) Formal linkages and networking with institutions which may serve as learning or testing centers.

SEC. 11. *Support to Students.* – Any student enrolled in ODL programs under 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 the availment of scholarships, grants-in-aid, and loans from the government or government-administered funding sources. Specifically, HEIs and post-secondary schools engaged in ODL 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. 12. *Role of the University of the Philippines Open University.* – The University of the Philippines Open University, hereinafter referred to as the UPOU, shall assist and provide expertise to the CHED and the TESDA in the performance of its functions pursuant to Section 14 of this Act. As such, it shall:

(a) Provide leadership in the development of ODL in the country and in the appropriate use of information and communications technologies in support of quality tertiary education;

(b) Promote best practices in ODL in the Philippines;

(c) Share knowledge through informed and innovative research and other development activities related to ODL through its exemplar policies, programs, materials, learning management systems, guidelines and offerings;

(d) Provide technical assistance to the CHED and the TESDA in matters relating to ODL, particularly in the development of basic curricular design and formulation of national policies, standards and guidelines for ODL 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 and post-secondary schools in the country shall be patterned after;

(f) Develop and promote appropriate information and communications technology to facilitate quality ODL programs in the country;

(g) Design 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 ODL programs accessible to the public through collaborative arrangements and other appropriate mechanisms;

(i) Assist other interested educational institutions in developing their ODL programs, courses, and materials for specific learner groups or the public at large;

(j) Design and implement a continuing program to develop high level expertise in the fields of ODL in the Philippines through quality higher education degree programs and technical-vocational programs through either or both ODL and face-to-face modes of instruction and training; and

(k) Help capacitate ODL teachers and practitioners through capacity building and professionalization programs.

SEC. 13. *Zonal ODL Centers.* – Zonal ODL centers shall be established, one each in Metro Manila, Luzon, Visayas and Mindanao, and eventually one in each region, to assist the CHED and the TESDA in performing its tasks. The zonal ODL centers shall take charge of the training of teachers for ODL programs.

SEC. 14. *Roles of the CHED and the TESDA.* – The CHED and the TESDA shall be respective regulators of HEIs and post-secondary schools involved in ODL programs. As such, they shall:

(a) Formulate, promulgate, disseminate and implement the necessary policies, standards, guidelines, rules and regulations for the effective implementation of ODL in the country;

(b) Develop strategies to improve the quality of ODL programs and implement a system of quality control for ODL in the country;

(c) Monitor and evaluate existing ODL programs and effect the continuation or closure of programs in accordance with the provisions of Republic Act No. 7722 or the "Higher Education Act of 1994", the Manual of Regulations for Private Higher Education (MORPHE) and other issuances of the CHED and/or the TESDA, as applicable;

(d) Review and approve or disapprove proposals from HEIs and post-secondary schools for the implementation of new ODL programs; and

(e) Recommend to the Department of Budget and Management (DBM) the budget for ODL programs of qualified state HEIs and post-secondary schools based on the monitoring and evaluation results of the CHED and the TESDA, respectively.

SEC. 15. *Roles of Broadcast Media and Telecommunications Networks.* – Broadcast media and telecommunications networks are encouraged to provide as much assistance and cooperation to HEIs and post-secondary schools offering ODL 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. 16. *Independent Evaluation.* – In aid of better policy making, the CHED and the TESDA shall enter into an agreement with reputable research institutions to conduct an independent evaluation of the state, regulatory governance, quality, concerns, challenges and prospects of ODL programs in the Philippines. It shall survey a diverse group of HEIs and post-secondary schools with respect to size, mission and geographic distribution.

SEC. 17. *Interim and Final Report.* – The agreement under Section 16 of this Act shall require that the reputable research institutions submit to the CHED Chairperson, 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, as provided herein, not later than six (6) months after the date of the 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. 18. *Tax Exemptions.* – Any donation, contribution, bequest and grant, in cash, materials, and services which may be made by individuals and organizations, including private entities, which shall, provide appropriate materials, time and delivery support services for the promotion of ODL in partnership with HEIs delivering academic degree programs and post-secondary schools delivering technical-vocational programs through ODL, 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. 19. *Implementing Rules and Regulations.* – The CHED, through its Technical Panel for Distance Education, the TESDA, and the UPOU, in consultation with relevant stakeholders in higher degree and post-secondary 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. 20. *Appropriations.* – The amount needed for the initial implementation of this Act shall be charged against the current year's appropriations of the CHED, the TESDA, and the state universities and colleges which have existing ODL programs. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 21. *Separability Clause.* – If any provision of this Act or any part hereof be declared unconstitutional or invalid, the same shall not affect the validity of the other provisions of this Act.

SEC. 22. *Repealing Clause.* – All laws, decrees, orders, ruled and regulations or parts thereof which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SEC. 23. *Effectivity.* – This act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

(SGD.) FELICIANO BELMONTE JR.

Speaker of the House
of Representatives

(SGD.) FRANKLIN M. DRILON

President of the Senate

This Act which is a consolidation Senate Bill No. 2274 and House Bill No. 4553 was finally passed by the Senate and the House of Representatives on September 23, 2014 and September 24, 2014, respectively.

(SGD.) MARILYN B. BARUA-YAP

Secretary General
House of Representatives

(SGD.) OSCAR G. YABES

Secretary of the Senate

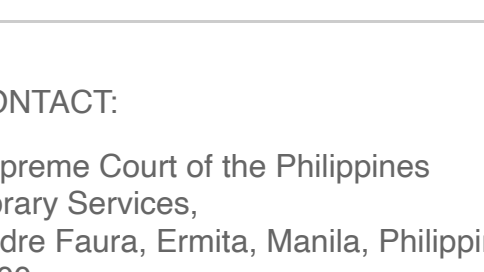
Approved: DEC 09 2014

(SGD.) BENIGNO S. AQUINO III

President of the Philippines

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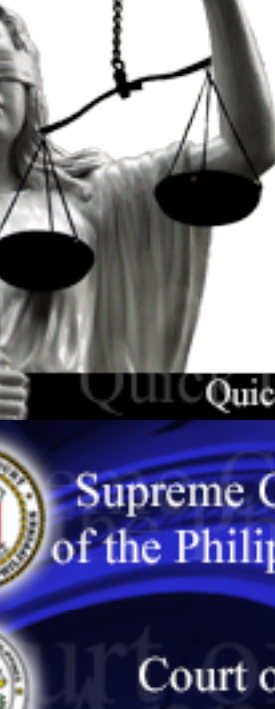


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