IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO. 11617, OTHERWISE KNOWN AS “AN ACT SEPARATING THE DON MARCELINO NATIONAL HIGH SCHOOL – DALUPAN EXTENSION IN BARANGAY DALUPA...

IRR of REPUBLIC ACT NO. 11617, June 30, 2022

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Pursuant to Section 4 of Republic Act No. 11617 titled,"AN ACT SEPARATING THE DON MARCELINO NATIONAL HIGH SCHOOL - DALUPAN EXTENSION IN BARANGAY DALUPAN, MUNICIPALITY OF DON MARCELINO, PROVINCE OF DAVAO OCCIDENTAL FROM THE DON MARCELINO NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS ERNESTO BALINDAN SUMBO NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR" approved on December 10, 2021, the Department of Education hereby issues the following rules and regulations to implement the provisions of this Act:

RULE I

PRELIMINARY PROVISIONS

SECTION 1. Title. - These rules and regulations shall be referred to as the Implementing Rules and Regulations (IRR) of Republic Act (RA) 11617 titled, "AN ACT SEPARATING THE DON MARCELINO NATIONAL HIGH SCHOOL - DALUPAN EXTENSION IN BARANGAY DALUPAN, MUNICIPALITY OF DON MARCELINO, PROVINCE OF DAVAO OCCIDENTAL FROM THE DON MARCELINO NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS ERNESTO BALINDAN SUMBO NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR."

SEC. 2. Rationale. - The provisions of this IRR shall primarily apply to the administration, organization, and procedures for the operation of the Ernesto Balindan Sumbo National High School (EBSNHS) to achieve its purpose of offering a complete secondary education program.

This IRR shall be consistent with the mandate given to the State under Article XIV of the 1987 Constitution, and the purposes and objectives of RA 9155 (Governance of Basic Education Act of 2001), which provides the framework for the governance of basic education, and vests upon DepEd the authority, accountability, and responsibility for achieving higher learning outcomes.

This IRR shall also be compliant with the purposes and objectives of RA 10533 (Enhanced Basic Education Act of 2013), which provides the structure, policies, and standards of educational programs being offered at the basic education level of learning institutions in the Philippines, and all other institutions in the Philippines, and all other education-related laws enacted thereafter.

SEC. 3. Separation and Conversion into an Independent National High School. - The Don Marcelino National

High School - Dalupan Extension in Barangay Dalupan, Municipality of Don Marcelino, Province of Davao Occidental is hereby separated from the Don Marcelino National High School and converted into an independent national high school to be known as Ernesto Balindan Sumbo National High School.

SEC. 4. Transfer of Personnel, Assets, Liabilities, and Records. - All personnel, assets, liabilities, and records of the Don Marcelino National High School - Dalupan Extension are hereby transferred to and absorbed by the EBSNHS.

SEC. 5. Definition of Terms. - For purposes of this IRR, the following terms shall mean or be understood as follows:

5.1 Act refers to RA 11617 titled, "AN ACT SEPARATING THE DON MARCELINO NATIONAL HIGH SCHOOL - DALUPAN EXTENSION IN BARANGAY DALUPAN, MUNICIPALITY OF DON MARCELINO, PROVINCE OF DAVAO OCCIDENTAL FROM THE DON MARCELINO NATIONAL HIGH SCHOOL, CONVERTING IT INTO AN INDEPENDENT NATIONAL HIGH SCHOOL TO BE KNOWN AS ERNESTO BALINDAN SUMBO NATIONAL HIGH SCHOOL AND APPROPRIATING FUNDS THEREFOR."

5.2 Learning Facilitator, as defined under Section 3(i) of RA 9155, refers to the key-learning support person who is responsible for supervising/facilitating the learning process and activities of the learner.

5.3 Learning Support Aide (LSA), as defined under Department Order (DO) No. 32, s. 2020, refers to a person who works together in collaboration with a teacher and contributes to the provision of learning opportunities that promote achievement and progression of learners.

5.4 Non-Teaching Personnel, as defined under Section 1.4(q) of IRR of RA 9155, refers to an employee who is not actually involved in classroom teaching but indirectly and indispensably assisting in the delivery of services to educational constituencies and clientele, such as but not limited to, the Administrative Officer, Accountant, Personnel Officer, Supply Officer, Records Officer, and other support staff of the central, regional, division, and school levels.

5.5 RA 9155 , refers to "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 PURPOSES", otherwise known as the "Governance of Basic Education Act of 2001."

5.6 RA 10533 refers to "AN ACT ENHANCING THE PHILIPPINE BASIC EDUCATION SYSTEM BY STRENGTHENING ITS CURRICULUM AND INCREASING THE NUMBER OF YEARS FOR BASIC EDUCATION, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES," otherwise known as the "Enhanced Basic Education Act of 2013."

5.7 RA 11713 refers to "AN ACT FURTHER STRENGTHENING TEACHER EDUCATION IN THE PHILIPPINES BY ENHANCING THE TEACHER EDUCATION COUNCIL, ESTABLISHING A SCHOLARSHIP PROGRAM FOR STUDENTS IN THE TEACHER EDUCATION PROGRAM, INSTITUTIONALIZING THE NATIONAL EDUCATORS ACADEMY OF THE PHILIPPINES, AND APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7784, ENTITLED "AN ACT TO STRENGTHEN TEACHER EDUCATION IN THE PHILIPPINES BY ESTABLISHING CENTERS OF EXCELLENCE, CREATING A TEACHER EDUCATION COUNCIL FOR THE PURPOSE, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES" otherwise known as the "Excellence in Teacher Education Act."

5.8 School-Based Management (SBM) as defined under DepEd Order (DO) 45, s. 2015, refers to the decentralization of decision-making authority from Central, Regional, and Division levels to the individual

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schools, with the intent of bringing together the School Heads, teachers, students as well as parents, the local government units, and the community at large in producing improved learning outcomes through effective schools.

5.9 Teacher/Teaching Personnel, as defined under Section 3(k) of RA 11713, refers to a person qualified to practice teaching under the law and engaged in the teaching under the law and engaged in the teaching of any subject, including technical-vocational (Tech-Voc), at the basic education level in all private or public basic education institutions. This may include teachers who may not actually be employed as such.

For purposes of this IRR, "teacher" may also refer to "teaching personnel."

RULE II

SCHOOL CURRICULUM, OPERATIONS, MANAGEMENT, ADMINISTRATION AND FACILITIES

SEC. 6. Inclusion of EBSNHS in DepEd's Program of Expenditure and Its Management Information Systems. - For purposes of this IRR and consistent with Section 2 of the Act, DepEd shall immediately include EBSNHS in its program of expenditures and shall ensure the provision of basic education inputs necessary in EBSNHS's operations that are compliant with the minimum service standards, and appropriate to the needs of its learners and teachers. Basic education inputs shall include, among others, adequate instructional rooms such as academic classrooms, computer room, science laboratory and workshop room, and ancillary facilities like multi-purpose rooms, library, and clinic. Other inputs line instructional materials, tools, equipment, furniture, and water and sanitation facilities that the school may require in the delivery of public secondary education services shall also be included. It shall likewise include EBSNHS in its Enhanced Basic Education Information System (EBEIS), the Learner Information System (LIS), and other management information systems of DepEd.

SEC. 7. School Head. - The school head of the EBSNHS shall be appointed and compensated in accordance with RA 9155, Civil Service laws, and other applicable laws, rules, regulations, and guidelines.

The school head shall be both an instructional leader and administrative manager. The school head shall form a team with the school teachers/learning facilitators for delivery of quality educational programs, projects and services. the school head shall also lead a core of non-teaching staff to handle the school's administrative, fiscal and auxiliary services.

Consistent with the national educational policies, plans, and standards of DepEd, particularly on SBM, the school head shall have authority, accountability, and responsibility for the following:

7.1. Setting the mission, vision, goals and objectives of the school;

7.2. Creating an environment within the school that is conducive to teaching and learning;

7.3. Implementing the school curriculum and being accountable for higher learning outcomes;

7.4. Developing the school education program and school improvement plan;

7.5. Offering educational programs, projects and services which provide equitable opportunities for all learners in the community;

7.6. Introducing new and innovative modes of instruction to achieve higher learning outcomes;

7.7. Administering and managing all personnel, physical and fiscal resources of the school;

7.8. Recommending the staffing complement of the school based on its needs;

7.9. Encouraging staff development;

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7.10. Establishing school and community networks and encouraging the active participation of teachers organizations, non-academic personnel of public schools, and parent-teachers community associations;

7.11. Accepting donations, gifts, bequests, and grants for the purpose of upgrading teachers'/learning facilitators' competencies, improving, and expanding school facilities and providing instructional materials and equipment. Such donations or grants must be reported to the appropriate district supervisors and division superintendents; and

7.12. Performing such other functions as may be assigned by proper authorities.

SEC. 8. Creation of Items and Recruitment/Deployment of Teaching and Non-Teaching Personnel. - DepEd shall create the items and recruit/deploy the necessary teaching and non-teaching personnel in EBSNHS, consistent with its existing guidelines and standards on the authorized manpower and staffing complement of public schools and/or establishment of organizational structures and staffing patterns for small, medium, large, and extra-large public schools, including, but not limited to, DepEd's existing guidelines on the hiring of teachers and LSAs. The team of teaching and non-teaching personnel to be formed shall also be consistent with the guidelines and standards set by the Department of Budget and Management (DBM), Civil Service Commission (CSC), and other relevant government agencies on the matter.

SEC. 9. Curriculum and Instruction Implementation. - The EBSNHS shall implement the basic education curriculum formulated and designed by DepEd in accordance with the standards and principles set forth under Section 10, Rule II of the IRR of RA 10533, and other pertinent issuances of DepEd.

SEC. 10. Monitoring and Evaluation of the Performance of EBSNHS by the DepEd Division Office of Davao Occidental. - Consistent with the SBM and other system for the operationalization of public basic education schools, EBSNHS shall endeavor to produce high learning outcomes. Its performance shall be closely monitored and reported by the concerned DepEd division and regional offices.

RULE III

FINAL PROVISIONS

SEC. 11. Appropriations. - The Secretary of Education shall immediately include in the Department's program the operationalization of the EBSNHS, the funding of which shall be charged against the current year's appropriation of the Don Marcelino National High School - Dalupan Extension. Thereafter, the amount necessary for the continued operation of the school shall be included in the annual General Appropriations Act.

SEC. 12. Separability Clause. - If any clause, sentence, paragraph, or part of this IRR is subsequently declared unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

SEC. 13. Amendments. - Amendments to this IRR shall be promulgated by the Secretary of DepEd, and to the extent applicable, in consultation with the EBSNHS.

SEC. 14. Repealing Clause. - All DepEd Orders and other related issuances, rules, and regulations inconsistent with this IRR are hereby repealed, rescinded, or modified accordingly.

SEC. 15. Effectivity. - This IRR shall take fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

This IRR shall be registered with the Office of the National Administrative Register, (ONAR) at the University of the Philippines Law Center, UP Diliman, Quezon City.

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Done this 30th day of June, 2022.

(SGD.) ATTY. NEPOMUCENO A. MALALUAN

Undersecretary and Chief of Staff

Officer-in-charge

Office of the Secretary

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