



DepEd O R D E R
No. **11** , s. 2011

FEB 04 2011

**AMENDMENTS TO THE 2010 REVISED MANUAL OF REGULATIONS
FOR PRIVATE SCHOOLS IN BASIC EDUCATION**

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Directors of Services, Centers and Heads of Units
Regional Directors
Schools Division/City Superintendents
Heads, Private Elementary and Secondary Schools
All Others Concerned

1. The 2010 Revised Manual of Regulations for Private Schools in Basic Education has been issued as DepEd Order No. 88, s. 2010. However, after a careful review, there is a need to clarify certain provisions of said Manual.
2. The amendments to the 2010 Revised Manual of Regulations for Private Schools have been done for the following reasons:
 - a. **Whereas**, there is a need to set a timeline in the present provisions of Section 30 of the 2010 Revised Manual within which the Division and Regional Offices must act upon the application for the opening of a new school, or for the operation of a new course/year level in existing elementary and secondary schools; and to emphasize the liability of the responsible DepEd official/personnel in case of failure to act on said application within the period of time provided.
 - b. **Whereas**, there is a need to provide in the present provisions of Section 30.7 of the 2010 Revised Manual a sufficient period of time within which private schools can acquire their own school sites and construct their own school buildings/facilities.
 - c. **Whereas**, there is a need to state in the present provisions of Section 32(a) of the 2010 Revised Manual the school year in which subject application for recognition must be filed.
 - d. **Whereas**, in view of the prevailing conditions and circumstances, there is a need to clarify the present provisions of Section 41 of the 2010 Revised Manual on establishing a school branch.
 - e. **Whereas**, there is a need to provide a more appropriate title for the present Section 70 of the 2010 Revised Manual, considering that what is provided are the minimum educational qualifications of a school teaching personnel.



- f. **Whereas**, there is a need to repeal Section 133 of the 2010 Revised Manual in order to address the apparent conflict between the provisions in Section 133 and Section 157.1 of the 2010 Revised Manual.
- g. **Whereas**, there is a need to include parents and guardians in the coverage of the present provisions of Section 159 of the 2010 Revised Manual on campus security.
- h. **Whereas**, there is a need to make the present provisions of Section 182(b) of the 2010 Revised Manual conform to the provisions of Section 3(a) of Presidential Decree No. 451 (PD 451 – Authorizing the Secretary of Education and Culture to Regulate the Imposition of Tuition and Other School Fees, Repealing Republic Act No. 6139, and for Other Purposes); Section 5(2) of Republic Act No. 6728 (RA 6728, as amended by RA 8545), An Act Providing Government Assistance to Students and Teachers in Private Education, and Appropriating Funds Therefor; and the pronouncement in the case of St. Joseph's College vs. St. Joseph's College Workers' Association (G.R. No. 155609, January 17, 2007).

3. **Wherefore**, the 2010 Revised Manual of Regulations for Private Schools in Basic Education is hereby amended as follows:

- a. Section 30 of the 2010 Revised Manual is amended and shall read as follows:

Section 30. Requirements for Issuance of Permit. **Application for the authority to open** a new school, or operate a new **course/year** level by existing pre-elementary, elementary and secondary schools, shall be submitted to the Regional Office, or subject to the authority of the Regional Director, to the Division Office on or before August 30 preceding the start of the school year when the new school or new **course/year level** is supposed to operate.

The Regional Office shall assess the completeness of the documentary requirements attached to the subject application. The applicant school shall be informed in writing of deficiencies noted, if any, not later than September 30 of the same year the said application was filed. The school shall be allowed to complete the deficiencies not later than October 31 of the same year.

If all the documentary requirements are complete or the school has already complied, the Regional Office shall conduct ocular inspection and evaluation of the applicant school's compliance with the minimum standards set for the program applied for, not later than November 30 of the same year the subject application was filed.

After inspection and evaluation, the applicant school shall be officially informed of the deficiencies noted, if any, not later than December 15 of the same year the subject application was filed and shall be given until January 31 of the following year to correct the same. Thereafter, the Regional Office shall re-evaluate and validate compliance with the requirements. If the applicant school complies with all the requirements, the subject authority shall be issued not later than February 28 of the following year the said application was filed. Otherwise, a written disapproval shall be issued within the same period.

If any DepEd personnel fails to act on the subject application, the said DepEd personnel shall be dealt with in accordance with DepEd Order No. 49, s. 2006.

The **subject application** shall be accompanied with a notarized feasibility study covering comprehensively the following factors, supported with sufficient evidence:

- | | | | |
|----|-----|-----|-----|
| a. | xxx | xxx | xxx |
| | xxx | xxx | xxx |
| f. | xxx | xxx | xxx |

A permit to operate which had been previously issued shall be considered renewed and continue to be valid for purposes of graduating students during the period where the school has already applied for recognition of the program and the Regional Office which has not officially responded to the same in writing, either favorably or unfavorably, without the fault of the applicant school.

All schools shall post copies of new permits and recognition of their programs on bulletin boards located inside their campuses.

Regional and Division Offices shall post in their bulletin boards a list of schools granted with the authority to operate.

- b. Section 30.7 of the 2010 Revised Manual is amended and shall read as follows:

Section 30.7. Private schools should own sites adequate for their own buildings, and facilities for physical education and athletics, military training and recreation, and also for vocational education in which this course is required in the curriculum. Its size, nature, location and accessibility must

adequately serve the purpose of the school. It should be free from noise, unpleasant odors and dust, and should be sufficiently far from cockpits, dancing halls, bowling alleys, movie houses, markets, garbage dumps, funeral parlors, cemeteries, heavy traffic high-ways, jails, railroad yards, and manufacturing and industrial establishments.

In meritorious cases, a school may be allowed to lease its premises; however, a grace period may be allowed by the Department such that the private school concerned shall have: (1) acquired its own school site within five (5) years from the date of filing of the application for permit to operate; and (2) constructed school buildings/facilities on said school site within ten (10) years from the said filing of the application for permit to operate. Failure to comply with the condition stated above shall be a ground for the revocation of the permit and/or recognition of the school concerned.

- c. Section 32.a of the 2010 Revised Manual is amended and shall read as follows:

Section 32. Grant of Recognition. The grant of recognition for schools shall be based on their satisfactory operation during the school year, without any deficiencies in instruction, administration and/or management and on full compliance with the prescribed requirements of the course.

- a. On or before February 1st preceding the opening of the school year **in which recognition is intended**, schools operating courses under a temporary permit shall file an application for recognition of those courses on the first and second level of instructions. It should be filed with the Regional Office. Subject to the authority of the Regional Director, the Division Office may also accept such application.

- d. Section 41 of the 2010 Revised Manual is amended and shall read as follows:

Section 41. **Establishment of a School Branch.** In line with the Constitutional mandate for the State to take appropriate steps to make quality education accessible to all, the Department encourages educational institutions to establish branches all over the country which shall be considered part of the corporate identity of the educational institution originally recognized by the Department. Accordingly, there is no need for a school branch to incorporate or have a separate corporate identity for the establishment of a school branch.

Educational institutions shall not be required to secure approval from the Regional Director concerned to establish a school branch, except in the National Capital Region (NCR). However, the said Regional Director shall make sure that such school branch complies with the standards and requirements set by the Department.

A school facility shall be considered a branch where (1) a separate site and attendance educational facilities such as building and classrooms specifically for the school have been established, (2) the branch is offering educational programs which are also offered in the main school, and (3) the courses offered in the branch are not restricted to special clientele such as employees of a company, but are open to the qualified general public.

At its discretion the school may apply as a separate educational institution rather than as a branch. As such, the applicant should meet the requirements for the establishment of a new school.

41-a. A school facility shall be considered an extension class when it possesses the characteristics of a school branch as above, with the exception that (1) administrative and support facilities mentioned are not available at the site, but merely the classrooms; (2) enrollment in an extension class is restricted to special clientele, and not available to the general public; and (3) such extension classes are temporary in nature. Prior notice given to the Department on the intention to hold extension classes will be sufficient.

- e. Section 70 of the 2010 Revised Manual is amended and shall read as follows:

Section 70. Minimum **Educational** Qualifications of a School Teaching Personnel. xxx xxx xxx.

xxx xxx xxx

- f. Section 133 of the 2010 Revised Manual is repealed.
- g. Section 157.1 of the 2010 Revised Manual is amended and shall read as follows:

Section 157. Attendance and Punctuality. xxx xxx xxx.

Section 157.1. Absences. A pupil/student who incurs absences of more than twenty percent (20%) of the prescribed number of class or laboratory periods during the

school year or term should be given a failing grade and given no credit for the course or subject. Furthermore, the school head may, at his/her discretion and in the individual case, exempt a **pupil**/student who exceeds the twenty percent (20%) limit for reasons considered valid and acceptable to the school. Such discretion shall not excuse the **pupil**/student concerned from responsibility of keeping up with lesson assignments and taking examinations when indicated. The discretionary authority is vested in the school head, and may not be availed of by a student nor granted by a faculty member without the consent of the school head.

Habitual tardiness especially during the first period in the morning and in the afternoon shall not be allowed. Teachers concerned shall call for the parent or **guardian** of the student concerned or visit him at home.

h. Section 159 of the 2010 Revised Manual is amended and shall read as follows:

Section 159. Campus Security. Only bonafide students of the school shall be allowed inside the school campus.

No visitors, **including parents or guardians**, shall be allowed inside the campus during school hours except for valid reasons. They shall be required to sign the logbook of the security service.

Teachers shall confer with parents/guardians or entertain visitors during their off period.

No students or visitors, **including parents or guardians**, shall be allowed inside the school building and the premises after the last class period has ended except for schools with night classes.

i. Section 182 of the 2010 Revised Manual is amended and shall read as follows:

Section 182. Limitation. The increase in tuition or other school fees as well as new fees or charges shall be subject to the following conditions:

a. xxx

xxx

xxx

b. That no increase in tuition or other school fees or charges shall be approved unless seventy percent (70%) of the **tuition fee increase shall be allocated for payment of salaries, wages, allowances and other benefits** of the members of the faculty and all other employees of the school

concerned, and the balance for institutional development, student assistance and extension services, and return on investment; Provided, that in no case shall the return on investment exceed twelve percent (12%) of the incremental proceeds; **Provided, further, that in computing the incremental proceeds from the tuition fee increase, such increase for the current year is to be multiplied by the number of enrollees in the same year who have actually paid for the increased tuition fees.**

4. Any part or provision of this DepEd Order which may be held invalid or declared unconstitutional shall not affect the effectivity and efficiency of operation and implementation of the remaining parts or provisions hereof.

5. The incorporation of the amendments shall change the title of **the 2010 Manual of Regulations for Private Schools in Basic Education** to **2011 Manual of Regulations for Private Schools in Basic Education**, which include policies pertaining to the Enhanced Basic Education Program or K+12. Any existing Department Circulars, Orders, Memoranda, including the 2010 Revised Manual issued under DepEd Order No. 88, s. 2010 dated June 24, 2010, or any of its part which are contrary to or inconsistent with any provision of this DepEd Order shall be deemed repealed or modified accordingly.

6. This DepEd Order is approved and shall take effect upon its publication in DepEd website: www.deped.gov.ph.

7. Immediate dissemination of and compliance with this Order is directed.



BR. ARMIN A. LUISTRO FSC
Secretary

References:

DepEd Order: (Nos. 88, s. 2010 and 49, s. 2006)

To be indicated in the Perpetual Index
under the following subjects:

CHANGE
MANUALS
POLICY
RULES & REGULATIONS
SCHOOLS