

THE AIMS OF SUPERVISION AND REGULATION OF SCHOOLS

There is a provision in our Constitution which states that "all educational institutions shall be under the supervision of and subject to regulation by the State." The meaning and purpose of this provision should be obvious: The government is vested with the power to see that the schools of the country perform their educational work. It cannot refer to the power to prescribe specific curricula, or one particular method, or one definite way of teaching. If that were so, then the initiative of an institution and its heads would be usurped by the government, and their freedom to think and to act would thereby be suppressed. It is an admitted fact that there is more than one way of teaching, more than one way of discovering the truth, more than one way of improving the mind, more than one way

of stimulating the intelligence, more than one way of discovering new ideas. For these reasons freedom of education is indispensable. Our Constitution recognizes this right when in another place it provides that the natural right and duty of parents to rear their children for *civic efficiency* should receive the aid and support of the government. Civic efficiency is positively produced by education which is largely acquired in the school and only to some extent in the home.

Government supervision and regulation, therefore, must of necessity be so exercised as to respect this freedom. It should go even farther. The government should encourage the use of this freedom. By so doing the government would be aiding parents in the exercise of their natural right and duty

to rear their children for civic efficiency. This is the positive side of supervision and regulation. The negative side of this function is preventive in nature and purpose. Its aim is to correct and restrain the acts of an educational institution which defeat the basic purpose of the freedom of education itself. Among such acts are the following:

1. The non-observance of order and discipline in the school caused by its teachers not appearing regularly at scheduled hours and days.

2. Failure to give courses of study for which students have been led to enroll and pay.

3. Employment of teachers who are obviously ignorant of the subject matter they are assigned to teach.

4. Teaching students to violate the laws of the country, to conduct a propaganda campaign against the authorities, to promote causes patently immoral or illegal.

5. Granting diplomas and degrees to persons who merely paid for them.

6. Immorality or gross negligence on the part of the school administrators or teachers.

Supervision and regulation should be confined to the prevention of these and similar acts of deception, misrepresentation, negligence, immorality, and obvious incompetence to perform the function of giving education to those enrolled as students.

Supervision and regulation by definition refer to the act of overseeing what is being done, how a right is being exercised, and whether positive or negative regulations are faithfully carried out. This power presupposes the existence of acts and conditions created by others, not by those who exercise supervision and regulation. In education this means that the initiative should not be assumed to any considerable extent by the supervisor and the regulatory authority. Otherwise, education would cease to be free but straight-jacketed and regimented. That would be not only contrary to a democratic way of life but detrimental to a wholesome educational development. That could also expose education to another and even more serious danger — the danger of being

used as an instrument for vicious, corrupt, or one-sided, though subtle, propaganda.

A judge in a court of law need to understand the nature and purpose of education and to realize the evils of dictation to educational institutions as a policy of the government. He need to be reminded of the constitutional provision on freedom of education. Unless he is fully aware of these matters, he could not intelligently decide a complaint against misuse or abuse of the governmental power of supervision and regulation of schools. The very idea of control over colleges and universities is abhorrent in a democratic country. Its implications could easily include such practices as brainwashing and thought control.

A bureaucratic approach on the question of education, which implies rigidity and uniformity of rules to their minutest details, is bound to distort the concept of education. Instead of improving the work of schools and advancing educational progress, it could prevent the gradual growth of sound educational

programs. It could hinder experimentation in new ideas, practices, or procedures.

The development of college and university education in the United States has been the result of the absence of restrictive uniformity imposed upon the higher institutions of learning. Variety and free enterprise are the main factors which characterize the life and condition of American education in much the same way that free enterprise has characterized its economic system.

The provision in our Constitution on government supervision and regulation over schools is by no means the basis of the right of private persons to organize and maintain schools. This is a constitutional right distinctly protected by other parts of our fundamental law. Government supervision over it need not be rigid, and regulation should not require uniformity of content and method, disregarding differences of conditions, practices, and methods. These functions, properly exercised could encourage variety of educational methods and curricula so

that out of the resulting competition, which would take place, stronger institutions would rise and weaker ones may be forced to improve themselves.

The present statutes on private secondary and higher education are not sufficiently adequate. They should be improved by amendments. But even as they are, they provide enough room for the administrators of the Department of Education to adopt regulations which could give encouragement to the initiative and imaginative faculty of Filipino educational leaders in the development of the colleges and universities of our country.

The provision in our Constitution on the supervision and regulation of school should not be divorced from the provision on freedom of education. The later is a fundamental principle. If our courts cannot see the absolute necessity of reading these two provisions of our Constitution together and to give to one a meaning which does not cancel but rather support the other, then it is high time that our Congress

be requested to set the correct constitutional? their right and duty to protect the basic principle of freedom of education in positive terms.

But in the meantime our officials in the Department of Education could exercise the discretionary authority they now possess to introduce more flexible rules intended to foster variety among our institutions of learning. One way to accomplish this would be to adopt general, instead of particular, requirements on curriculum matters and to reduce to the basic essentials the subjects or fields of study within the scope of the required curriculum. The result would be a wider opportunity for every enlightened and competent institution of learning to devise its own particular method of imparting education and its own system of attaining its educational or academic objectives. The required variety for wholesome growth may thus be established in our educational system. — V.G.S., *Philippine Weekly Review*, Dec. 27, 1963.