



Republic of the Philippines
LEGAL EDUCATION BOARD
Quezon City

As the academic year has begun in the context of the ongoing pandemic, there are recurring concerns as to the effectiveness of remote learning. With recognition of the difficulties faced in using technology and internet-reliant methodologies, as well as the emerging challenge on the mental health of academic members, the Legal Education Board seeks to protect and promote the right to education in the continuing provision of quality and accessible legal education.

*Supplemental to the **Guidelines for the Safe Return to School** (Memorandum Circular No. 62, Series of 2020), the following recommendatory guidelines are hereby promulgated in order to foster a healthy and conducive learning environment for remote classes.*

Memorandum Circular No. 67, Series of 2020

Subject: *Supplemental Guidelines on the Conduct of Remote Classes*

Section 1. Declaration of Policies – In the exercise of academic freedom, law schools may craft their own design in the holding of remote classes. However, this freedom must be properly contextualized in the gravity of the ongoing public health emergency which shall require utmost compassion and flexibility from all education participants. The primacy of the physical and mental wellbeing of stakeholders, while learning is continued, shall remain protected in all legal education institutions. As such, policies for remote classes, and online classes in particular, shall be in accordance with the following general principles which reiterate Legal Education Board (LEB) Memorandum Circular (LEBMC) Nos. 56 and 62 (2020), as follows:

1. During this extraordinary health crisis, the inherent right to life, health and integrity of the human person takes precedence over academic goals.
2. Any and all academic interventions that will be adopted at this time must be premised on the values of compassion, empathic understanding, and solidarity, with care to mitigate existing technological, gender, and socio-cultural-economic inequalities that may be exacerbated by the crisis.
3. Law schools are encouraged to adopt innovative ways of teaching and delivery of instruction that will enable continued learning without imposing additional hardship or burden on the students, faculty members and administrative officials and personnel during these difficult times.
4. Consistent with LEB Memorandum Order (LEBMO) No. 18 (2018), the Higher Education Institution (HEI) of which the law school constitutes a unit shall be treated as one environment or ecosystem that shall have a consistent safety policy over all its constituent departments and units.

5. It is also recognized that the HEI is in the best position to determine the most appropriate interventions that must be made to protect the welfare of its academic community, and therefore the primary responsibility of the institution is heavily emphasized.
6. Additionally, education as a right requires the entire legal education community to work together as the duty to ensure continuity of learning for all is shared by both the Board and the stakeholders.

Section 2. Definition of Terms – For purpose of this Memorandum Circular, the following terms are defined, as follows:

1. **Asynchronous Learning** – a type of instructional delivery where the instructor and the students do not interact in real time. This may include self-guided learning modules, recorded video and audio content, posted lecture notes, online discussion boards, and similar methods.
2. **Online Classes** – a specific kind of synchronous learning where real time interaction between the instructor and the students is facilitated by internet-based technology such as video conferencing and similar methods. Feedback between the participants usually mimics in-person classes.
3. **Remote Classes** – a classroom set-up where the students and the instructor are not physically present in the same place, and which relies on communication technology and other tools for delivery of instruction.
4. **Suspension of Classes** – refers to the suspension of remote classes for a given period of time due to several reasons such as but not limited to: holidays (both national, local and school-based holidays), strong rain warnings, and earthquakes among others.
5. **Synchronous Learning** – a type of instructional delivery where the instructor and the students interact in real time usually through a virtual platform enabled by communication technology. This may include video conferencing, teleconferencing, live chatting, live-streaming and similar methods.

Section 3. Reasonable parameters in online classes – Schools must, in the conduct of synchronous and online classes, take into account the widely diverging impact of the pandemic on the lives of the instructors, students and other participants. Thus, reasonable parameters shall be implemented, as follows:

1. Unless reasonably required by the circumstances, classes shall not be held during Sundays, and schools are advised to follow a six-day school week.
2. Remote classes shall also be subject to suspensions during storms and holidays following Section 4 of this Circular.
3. If possible, an entire course shall not be taught synchronously. It is recommended that schools follow a 60-40 proportion where 60% of the classes in a term shall be asynchronously delivered and 40% held through synchronous learning.

4. Schools shall also set a maximum number of participants in any online class for effective engagement and learning. It is similarly recommended that online classes be capped at 20 to 25 participants.
5. The time spent in online classes on any given school day shall be regulated by institutions to prevent fatigue for all participants. It is recommended that screen time be limited to 3 to 4 hours per day. Regular breaks shall also be allowed during classes that extend for more than an hour.
6. An HEI bears primary responsibility in the data privacy and cyber security concerns in the online classes it organizes, and shall therefore implement protocols in accordance with their duty under law.

Section 4. Class Suspensions – Consistent with LEBMO No. 18, and in the promotion of the general welfare, classes shall be suspended in all law schools in the country due to holidays, inclement weather and calamities, in the following circumstances:

1. Holidays – Whenever national or local holidays have been declared, schools shall not hold any remote classes in the dates affected. School-based holidays, meanwhile, shall be appropriately implemented by the institutions concerned.
2. Inclement weather and natural disturbances – All synchronous and online classes shall also be automatically suspended in schools:
 - a. Situated in areas placed under public storm warning/signal no. 3 by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA);
 - b. where the local government unit (LGU) concerned has declared a suspension due to inclement weather, flooding, earthquakes and similar disturbances; or
 - c. where, even without government suspension, the President or Head of the HEI has determined that inclement weather or natural disturbances will severely affect the internet connectivity in their locality.
3. Calamities – Disasters, whether manmade or natural, civil disturbances and other calamities shall cause the automatic suspension of all remote classes.
4. Other instances – Remote classes may also be suspended when determined appropriate by the HEI. Furthermore, remote classes shall also be suspended by a declaration of the LGU concerned when an urgent reason arises.

Section 5. Welfare in learning – The importance of continuity of learning shall not be diminished by the measures implemented during the pandemic. Nonetheless, the inherent right to life, health and integrity of the human person takes precedence over academic goals. Given the unprecedented threat that the public health emergency has on both physical and mental health of persons, law schools shall endeavor to promote the welfare of the different academic members, minimize the fatigue incurred by them, and ensure their wellbeing.

1. During these trying times, it is advised that compassion and leniency should be observed. Both faculty members, administrators, students and staff are doing their very best to cope, and empathy towards each other shall ensure a safe and conducive environment for all.
2. Schools must therefore be on the lookout for unintended occupational hazards experienced by faculty members over extended use of technology for remote classes. This includes technology fatigue and other physical and mental health pressures in the migration to virtual learning environments, especially for online classes.

3. Similarly, law schools are also encouraged to consider implementing policies that provide leniency against failing students, such as a no fail policy. While grading is the prerogative of law professors, a system that allows for maximum tolerance for student compliance will ensure no student is penalized simply on account of their difficulty to cope with the gravity of the pandemic.
4. The varying digital adaptability of academic members shall also be taken into consideration by schools in that some instructors and students are able to migrate to virtual learning environment easier than others owing to circumstances such as resources, age, health and other factors.
5. Given the realities of poor internet connectivity in the country, schools are also encouraged to exercise consideration in cases that academic members cannot participate in, or have difficulty with online classes. Opportunities for asynchronous catch up learning shall therefore be made available.
6. Similar consideration shall also be extended to class participants who suffer from power interruptions in their localities in light of the technology-heavy requirements of remote learning.

Section 6. Implementation

1. Coverage – These guidelines are immediately executory and shall apply until revoked.
2. Interpretation – These guidelines shall only be recommendatory in character, except when they reiterate the national pandemic guidelines by the Inter-Agency Task Force on Emerging Infectious Diseases, public health advisories of the Department of Health and LGUs, and LEBMO No. 18, in which case they shall be mandatory to promote the general welfare.
3. Adjustments in implementation – As reasonably required by exigency, the Dean or the school administration may adjust these guidelines to facilitate the safe implementation of remote classes.

Issued under the seal of the Legal Education Board this 14th day of October, 2020 in Quezon City.

For the Board:


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