



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

4399

HOUSE BILL NO. _____

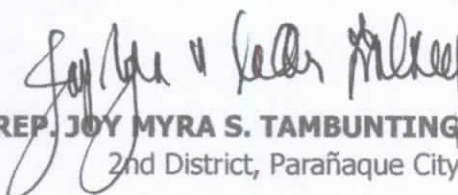
Introduced by **HON. JOY MYRA S. TAMBUNTING**

EXPLANATORY NOTE

Modern health sciences and educational practices have paved the way for the knowledge that a good portion of the youth with special needs sector are capable of reaping the benefits of an inclusive education. With the worldwide movement for inclusive education, and with Special Education being a dire need of many, innovation of our current system is not far off – for inclusive education promotes the child's integral growth: enabling them mentally, physically, socially, emotionally and spiritually.

It is time for us to enact a policy which will pave the way for this innovation.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.


REP. JOY MYRA S. TAMBUNTING
2nd District, Parañaque City

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HOUSE BILL NO. 4399

Introduced by **HON. JOY MYRA S. TAMBUNTING**

AN ACT TO ESTABLISH INCLUSIVE EDUCATION IN ALL PUBLIC SCHOOLS FOR CHILDREN AND YOUTH WITH SPECIAL NEEDS, PROVIDING GUIDELINES AND FINANCIAL ASSISTANCE 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 Inclusive Education Act of 2019.

SECTION 2. *Declaration of Policy.* –

- a) It is the policy of the State to promote and protect the rights of children and youth with special needs to quality education and to make primary education compulsory and accessible to every child and youth with special needs;
- b) It is the policy of the State to recognize the vital role of children and youth with special needs in the society, consider their needs as an integral part of national development and recognize their active participation in the society.
- c) It is also the policy of the State to give full support for the welfare and development of children and youth with special needs, ensure inclusive and equitable quality education for them.

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

- a) *Basic education* – refers to meeting the basic learning needs which provide the foundation on which subsequent learning can be based. It encompasses kindergarten, elementary and secondary education as well as alternative learning systems for out-of-school learners and those with special needs;
- b) *Child Find System* – refers to the process of identifying, locating, and evaluating every qualified child or youth with special needs so that the concerned child development teachers/workers who are under the jurisdiction of local government units (LGUS) can notify parents or guardians the right of their children to receive public education services and facilitate such children's integration into the school system;

- c) *Children and youth with special needs* – refer to children and youth who are gifted or talented, or with intellectual disabilities, learning disabilities, mental, emotional or behavioral disorders, speech and language disorders, sensory impairments, autism, long term physical or health disabilities, deaf blindness and multiple handicapping conditions which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others and are in need of special education as well as services for rehabilitation. They differ from the average children in neuropsychological characteristics, sensory and cognitive abilities, neuromuscular or physical characteristics, and social attributes to such an extent that the use of modified school practices or special education services are required to develop them to maximum capability. This also refers to individuals with mental disabilities whose biological age exceeds eighteen (18) years old, but has a mental age of a child or a youth.
- d) *Disability* – refers to 1) long-term physical, mental, intellectual or sensory impairment that substantially limits one or more physiological or anatomical function of an individual or activities of such individual; 2) limitation or difficulty encountered by an individual in executing a task or action; and 3) a participation restriction or problem experienced by an individual in involvement in life's situations. It does not just entail a health problem but shall reflect the interaction between features of a person's body and features of the society in which he lives as well as the difficulties the person has encountered to remove the environment and social barriers.
- e) *Inclusive Education* – defined as a learning environment that promotes the full personal, academic and professional development of all learners irrespective of race, class, color, gender, disability, sexual preference, learning styles and language (NCSNET, 1997, SOUTH AFRICA). The goal is that the whole education system will facilitate learning environments where teachers and learners embrace and welcome the challenge and benefits of diversity.
- f) *Learning Resource Center (Center)* – refers to a teaching/learning support system for students, teachers, school personnel and other education stakeholders of children and youth with special needs. It includes appropriate, accessible, disability, cultural and gender-sensitive instructional learning materials, tools, devices, gadgets, equipment to facilitate and enhance learning assessment tools and instruments to evaluate developmental domains and specific areas of concern necessary in determining appropriate services and placement decisions; medical, health and allied professionals for care, rehabilitation and development of learners.
- g) *Least restrictive environment (LRE)* – refers to the situation where a CYSN is accorded the equal opportunity to be educated with non-disabled peers to the greatest extent appropriate. The children and youth with special needs should be exposed as much as possible to the same general education curriculum, or any other program that non-disabled peers are able to access.
- h) *Special Education (SPED)* – refers to the customized instructional program/service designed to meet the unique needs of individual children and youth with special needs, which may necessitate the use of supplementary aids and services and teaching strategies

in classroom and non-academic settings and includes instructions on physical and vocational education, social skills development and travel training. It is geared towards their integration into mainstream education and to prepare them as independent and functioning members of society.

- i) *Special Instructional Materials* – refer to textbooks in Braille, large type, audio, digital or any other medium or apparatus that convey information to a student or otherwise contributes to the learning process.
- j) *Regional Leading Institutions* – refers to educational institutions, whether public or private, who shall be designated the expertise and authority over matters involving special education.
- k) *Universal Design for Learning (UDL)* – refers to a scientifically valid framework for guiding educational practice established by the Department of Education (DepEd) that:

(1) Provides flexibility in the way information is presented, in the way students respond or demonstrate knowledge and skills, and in the way students are engaged; and

(2) Reduces barriers in instruction, provides appropriate accommodations, supports mental and physical challenges and maintains high achievement expectations for all students, including students with disabilities and students who have limited English proficiency. It also refers to a set of principles that guides the design of inclusive classroom instruction and accessible course materials.

SECTION 4. *Establishing of Inclusive Education Learning Resource Center for CYSNs in all Public School Divisions.* – An Inclusive Education Learning Resource Center for CYSNs (hereinafter “Centers”) shall be established in all public schools nationwide where there are no existing SPED Centers. This is to ensure that basic education is made available to CYSNs. All existing SPED Centers shall now be called and referred to as “Inclusive Education Learning Resource Centers”.

SECTION 5. *Functions of the Inclusive Education Learning Resource Center.* – The centers shall function as a learning resource center that shall assist in promoting inclusive education and in capacitating regular schools to effectively handle the needs of CYSNs. It shall:

- a) Conduct school-based training of CYSNs;
- b) Produce appropriate teaching materials for CYSNs;
- c) Provide training to regular teachers, administrators, non-teaching personnel and parents on inclusive education;
- d) Assess CYSNs to identify specific developmental areas of concern and determine appropriate services for them;
- e) Facilitate the transfer or admission of qualified children with disabilities to post-secondary or tertiary educational institutions;
- f) Implement programs for the CYSNs;

SECTION 6. *Responsibilities of Agencies.* – The following agencies shall participate in promoting inclusive education for children and youth with special needs:

- a) Department of Education (DepEd) – shall be the lead government agency responsible for the implementation of this Act to ensure inter-agency coordination and integration of services among school systems, early intervention programs. It shall also be responsible for facilitating Least Restrictive Environment (LRE) in order to effectively integrate CYSNs in a regular learning environment.
- b) Department of Health (DOH) – The DOH shall make available health care services for children and youth with special healthcare needs, child mental health service providers, health plans, oral health providers, family-to-family health information and education, advocacy organizations and other community organizations serving children and youth with special needs and their families. Due to the importance of integrating primary care with mental health services, the DOH shall collaborate with the National Nutrition Council (NCC) and the Early Childhood Care and Development Council (ECCD) in the provision of inclusive health and nutrition services for the implementation of this Act.
- c) Department of Social Welfare and Development (DSWD) – The DSWD shall be responsible for the effective management and provision of social and welfare services for poor-and deserving children and youth with special needs based on their assessed needs, subject to guidelines it shall prescribe.
- d) Department of Public Works and Highways (DPWH) – the DPWH shall prescribe the proper physical set-up of the Centers and shall build and maintain roads that shall ensure accessibility to children and youth with special needs.
- e) Department of Interior and Local Government (DILG) – the DILG shall promulgate the policies and guidelines relevant to the implementation of this Act by the local government units.
- f) Department of Science and Technology (DOST) – The DOST shall be responsible for recognizing the potential of children and youth with special needs in the field of scientific advancement. It should recognize and give incentives to the possible inventions or discoveries contributed in the scientific field by children and youth with special needs and/or disabilities.

SECTION 7. Local Government Unit (LGU) Participation. – The LGUs shall be responsible for the following:

- a) Provision of sites, buildings or centers where there are no existing school facilities that may be used for the special education of children and youth with special needs as well as the establishment of Child Development Centers (CDCS) pursuant to Sec. 11 hereof;
- b) Identification, coordination and partnership with public or private volunteers and private organizations, national or international, duly recognized and accredited by appropriate government office, for information dissemination campaigns and funding support to augment the funding for Inclusive Education programs and activities;
- c) Organization of a Parent-Teacher Association (PTA) in every school within their territorial jurisdiction;

- d) Provision of funds for the delivery of health and nutrition services and interventions, educational assessment program for children and youth with special needs in their respective localities that would be initiated by the DOH and DepEd, respectively;
- e) Develop government and community awareness and responsiveness to the needs of children and youth with special needs such as offering basic and advanced seminars on disability awareness;
- f) Coordinate with other agencies in ensuring the proper implementation of the provisions of this Act within their territorial jurisdiction;
- g) Enact appropriate ordinances to implement the LGUs' role in this Act;
- h) Use their corresponding Special Education Fund for the aforementioned duties and other similar programs; and
- i) Work hand in hand with DSWD to initiate Child Find System.

SECTION 8. *Private sector participation.* – All LGUs should ensure that those in private sectors will have the opportunity to participate in developing, supporting and rehabilitating children and youth with special needs. These private sectors shall include private individuals, partnerships, groups or entities, disabled people's organizations community-based organizations or non-government organizations, and business and industry groups. They shall participate in delivering indispensable and substantial educational services for children and youth with special needs. In order to encourage the continuous flow of financial support for CYSNs, the contributions made to respective Inclusive Education Learning Resource Centers shall be considered as tax deductions on the part of such participating private sector.

SECTION 9. *Student Assistance.* – The DepEd, and LGUs shall develop programs to support the financial and educational needs of the marginalized or disadvantaged children and youth with special needs. They shall provide financial assistance to children and youth with special needs including but not limited to scholarship grants, monthly allowances, training programs, book allowance, uniform allowance and other similar incentives.

SECTION 10. *Medical Assistance.* – The DepEd shall provide medical assistance to children and youth with special needs which are essential to the needs of the CYSNs' rehabilitation.

SECTION 11. *Family Members, Guardians, Caregivers and Day Care Workers Education.* – There shall be a formal training and counseling program for Family Members, Guardians, Caregivers and Day Care Workers for them to acquire a working knowledge of special education, gain an understanding of the psychology of children with special needs, be aware of their crucial role as educators and gain knowledge and skills to fully participate in developing the potentials of children and youth with special needs.

SECTION 12. *Remuneration, Benefits and Incentives for Inclusive Education Learning Personnel and Staff.* – The salary grades of Special Education (SPED) teachers and Program Directors managing the Centers shall be in accordance with the Revised Compensation and Position Classification System and other civil service rules and regulations.

SECTION 13. *Training and Continuous Education for Teachers/Instructors.* – The DepEd shall enhance the access of teachers/instructors to specialized and continuing training and

education, conducted locally and abroad in order to keep them abreast with the updated Special Instructional Materials being used across the globe as well as Universal Design for Learning (UDL).

A similar program shall be designed for support personnel to include interpreters, psychologists, social workers and health service professionals/workers involved in the education, health and rehabilitation of children with special needs.

SECTION 14. *Constitution of Regional Leading Institutions.* – The DepEd shall identify at least one (1) leading institution or university in every region of the country whose faculty is considered or regarded as highly competent in the area of special education and where a uniform or standardized curriculum for any post-graduate education program shall be designed to benefit SPED teachers and other personnel of the centers. The manner of selection of such institution shall be provided under the rules and regulations to be formulated to implement the provisions of this Act.

SECTION 15. *Appropriations.* – The Secretaries of the DepEd, DOH, DSWD, DPWH and DOST shall immediately include in their respective Departments' programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 16. *Implementation.* – Within one hundred twenty (120) days from the effectivity of this Act, the Secretaries of the DepEd, the DOH and the DSWD, in coordination with the heads of other concerned agencies, shall promulgate and issue the necessary guidelines for the effective implementation of this Act. The implementing rules and regulations issued pursuant to this section shall take effect thirty (30) days after its publication in two (2) national newspapers of general circulation.

SECTION 17. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 18. *Repealing Clause.* – All laws, presidential decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, modified, or amended accordingly.

SECTION 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,