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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 217

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Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

Inclusive educational services must be made available by the State to children and youth with special needs (CYSNs) or those who require differentiated techniques and facilities for learning.

Presently, however, an educational program for CYSNs has yet to be institutionalized and supported by the State. Once established, this will benefit all children regardless of the degree of sensory, physical or intellectual disability or need. Each will have an opportunity to be educated in a manner consistent with quality education. This will also provide them support for their welfare and development to ensure their full integration to society and facilitate their active participation in national development goals.

This general framework of inclusive education is sought to be implemented under the proposed bill by establishing Inclusive Learning Resource Centers in public schools in all divisions, nationwide where there is no existing Center.

Support for the enactment of this measure is earnestly requested.

[Signature]

REP. LINABELLE RUTH R. VILLARICA

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Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

AN ACT INSTITUTING INCLUSIVE EDUCATION AND THE ESTABLISHMENT OF INCLUSIVE EDUCATION LEARNING RESOURCE CENTERS FOR CHILDREN AND YOUTH WITH SPECIAL NEEDS IN ALL PUBLIC SCHOOLS DIVISIONS, PROVIDING FOR STANDARDS AND GUIDELINES, AND APPROPRIATING FUNDS THEREFOR

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Title.* - This Act shall be known as the "Inclusive Education for Children and Youth with Special Needs Act".

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to protect and promote the rights of Children and Youth with Special Needs (CYSNs) to quality education and to take appropriate steps to make such education accessible to them. The State recognizes their vital role in society and endeavors to include their needs as integral part of national development strategies.

It is also the policy of the State to give full support for their welfare and development, to ensure their full integration to society as well as to facilitate their active participation in the affairs of the State.

This is in accordance with Section 13, Article II and Section 13, Article XIII of the 1987 Constitution; Article 3, paragraphs 1, 3, 6 and 12 of Presidential Decree No. 603 otherwise known as *The Child and Youth Welfare Code*; Sections 12 to 14 of Republic Act. No. 7277, as amended (*Magna Carta for Disabled Persons*); UN Convention of the Rights of the Child; UNESCO Salamanca Statement; UN Convention on the Rights of Persons with Disabilities; Incheon Strategy to make the Rights Real for Persons with Disabilities in Asia and Pacific, and other relevant laws.

Towards this end, the State shall:

- (a) Institutionalize an adequate and relevant educational program for every CYSN;
- (b) Adopt the policy of inclusive education;
- (c) Establish Inclusive Education Learning Resource Centers; and
- (d) Provide vital support mechanisms required to ensure their effectiveness

All CYSNs in any degree of educational need shall therefore have the opportunity to be developed in the most enhancing environment, consistent with the provision of a quality education that best meets their needs.

SEC. 3. *Objectives.* – This Act shall pursue the following:

- (a) Provide CYSNs free and appropriate public education and related services in accordance with their needs, and in preparation for adult living and community life;
- (b) Provide CYSNs access to general education curriculum through the formal systems and alternative delivery services in education;
- (c) Institute Inclusive Education and establish Inclusive Education Learning Resource Centers for inclusion of CYSNs in the educational mainstream;
- (d) Ensure that CYSNs fully develop their potentials towards self-sufficiency and become fully participative members of society;
- (e) Identify, thru a child find system CYSNs ages three (3) to twenty four (24) and infants and toddlers under the age of three (3) in compliance with Republic Act No. 10410, otherwise known as the *Early Years Act*;
- (f) Develop, implement, and review individualized Education Plan;
- (g) Provide parents with information and opportunities to actively participate in the possible placement options and educational programs for their children and to enable them to make informed choices and decisions;
- (h) Enable and empower parents and family members by training and equipping them with capabilities to identify, prevent, refer or intervene with regard to disorders, disabilities and abilities of their children;
- (i) Train and equip special education teachers, regular teachers, principals/administrators, non-teaching staff of the school, and caregivers, as primary sources of care, development, education and advancement of CYSNs;
- (j) Increase school retention and cohort survival of CYSNs;
- (k) Create significant and positive changes in community attitudes towards disability and the need to provide inclusive education and proper care of CYSNs.

SEC. 4. *Definition of Terms.* – For purposes of this Act, these terms are defined as follows:

- (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 locating and coming up with a list of CYSNs through the child development teachers/workers who are under the local government units (LGUs);
- (c) *Children and Youth with Special Needs (CYSNs)* are children and youth with exceptionalities. This may refer to children and youth who are gifted or talented, or with intellectual disabilities, learning disabilities, emotional or behavioral disorders, speech and language disorders, hearing impairments, visual impairments, autism, physical or health disabilities, deaf, blindness and multiple handicapping conditions and are in need of special education as well as services for rehabilitation. They differ from the average children in neuropsychological characteristics, sensory 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 capacity.
- (d) *Disability* shall mean (1) a physical or mental impairment that substantially limit 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 a 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 he has encountered to remove the environment and social barriers.

- (e) *Inclusive Education* is a process of addressing and responding to the diversity of needs of all learners by increasing participation in learning, cultures and communities, and reducing exclusion within and from education. It involves changes and modifications in content, approaches, structures and strategies, with a common vision which covers all children of the appropriate age range and a conviction that it is the responsibility of the state to educate all children.

It shall also focus on the achievement of high quality education for all learners and the development of more inclusive societies and not just on marginal issues.

- (f) *Learning Resource Center (Center)* refers to a resource hub that provides students, teachers, school personnel and other education stakeholders of CYSNs appropriate 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;
- (g) *Private sector participation* refers to all forms of indispensable, substantial and meaningful participation of private individuals, partnerships, groups or entities, disabled people's organizations, community-based organizations or non-government organizations, in the delivery of educational and rehabilitative services for CYSNs;
- (h) *Special Education (SPED)* refers to the customized instructional program/service designed to meet the unique needs of individual CYSNs, 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 and travel training. Special education addresses significant physical, sensory, neuropsychological, cognitive or behavioral characteristics that may necessitate the use of specialized materials, equipment, services and/or teaching strategies. It is geared towards the integration of CYSNs into the education mainstream;

- (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) *Universal Design for Learning (UDL)* is a scientifically valid framework for guiding educational practice established by DepEd that: (1) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the way students are engaged; (2) reduces barriers in instruction, provides appropriate accommodations, supports, challenges and maintains high achievement expectations for all students, including students with disabilities and students who have limited English proficiency.

It is also a set of principles that guide the design of inclusive classroom instruction and accessible course materials. The three principles of UDL are: (1) multiple methods of representation that give learners a variety of ways to acquire information and build knowledge; (2) multiple means of student action and expression that provide learners alternatives for demonstrating what they have learned; and (3) multiple modes of students engagement that tap into learners' interests, challenge them appropriately and motivate them to learn.

SEC. 5. *Establishment of Inclusive Education Learning Resource Centers for CYSNs in all Public Schools Divisions.* – An Inclusive Education Learning Resource Center, hereinafter referred to as Center, for CYSNs shall be established in public schools in all divisions nationwide where there is no existing Center.

All Centers will comply with the Universal Design for Learning as defined under Section 4, subparagraph (j).

SEC. 6. *Function of the Center.* – The Center shall function as a resource center that shall assist in promoting inclusive education to capacitate regular schools to effectively handle the needs of children and youth with disability.

It shall:

- a. Conduct assessment of CYSNs to evaluate developmental domains and specific areas of concern and determine appropriate services and placement options;
- b. Provide training to regular teachers, administrators, non-teaching personnel and parents on inclusive education;
- c. Monitor case management of CYSNs within the division;
- d. Ensure that the CYSNs within the division shall receive the appropriate services needed;

- e. Implement the programs of the Center such as individualized education plan, transition program, and other alternative educational programs;
- f. Provide access to auxiliary aids that are basically non-educational, but which enhance the education process for the CYSNs, these services may include;
 - 1. Language and speech therapy, occupational therapy, physical and physiotherapy, among other modes of therapy, through multi-disciplinary specialist team;
 - 2. Quality reading, or other effective methods of delivering accessible reading materials to individuals with visual impairment
 - 3. Appropriate classroom accommodation;
 - 4. Other similar services and actions or all types of aids and services that facilitate the learning process of CYSNs; and
 - 5. Assistance and/or monitoring the transfer or admission of qualified CYSNs to post-secondary or tertiary education institutions.

SEC. 7. *Hiring of Personnel and Staff.* – In addition to the teachers with special trainings in handling CYSNs and to ensure the effective implementation of this Act, the DepEd may hire the necessary personnel and support staff to operate, administer and oversee the Center.

SEC. 8. *Benefits and Incentives for Inclusive Education Learning Personnel and Staff.* – The DepEd shall promote the right of the teachers/instructors to professional advancement and ensure that the Centers shall endeavor to attract the best available teaching staff and talents through adequate benefits, remuneration, scholarship and training grants, teacher exchange programs, incentives and allowances and other means of securing their job satisfaction and fulfillment as well as their long and stable tenure in their respective posts.

SEC. 9. *In-Service Training of Teachers, Administrators, Non-teaching Personnel.* – To enhance the inclusive education program, the DepEd shall coordinate with the appropriate national government agencies to offer basic and advanced seminars on disability awareness and inclusive education for the concerned education stakeholders.

The appropriate and necessary trainings, seminars and other opportunities for upgrading the performance of DepEd teachers implementing the inclusive education curriculum shall be conducted and evaluated by the National Educators' Academy of the Philippines (NEAP).

SEC. 10. *Authority of the Secretary of Education to give Grants to, or enter into Cooperative Arrangements for the creation of Inclusive Education Resource Centers.* – The Secretary of Education shall develop programs, or enter into cooperative arrangements or contracts with public or private non-profit agencies, institutions or organization for the establishment or creation of Centers or implementation of the inclusive education such as the following:

- (a) Technical assistance to Center teachers who are preparing to serve or are serving CYSNs for inclusion and mainstreaming;
- (b) Training of professionals or related services personnel including all regular teachers;
- (b) Replication of successful innovative approaches to providing educational or related

- services to CYSNs;
- (d) Facilitation of parental involvement in the education of their CYSNs;
 - (e) Diagnosis and educational evaluation of CYSNs;
 - (f) Consultative, counseling and training services for the families of CYSNs;
 - (g) Familiarization of the municipality or city being served by an Inclusive Education Learning Resource Center with the problems and potentialities of such children and youth; and
 - (h) Enter into agreements with medical and allied medical professional groups.

Centers created under this Section shall remain part of the DepEd system.

SEC. 11. *Program Office.* – Inclusive Education Programs shall be under the Student Inclusion Division of the Bureau of Learning Delivery under the Office of the Undersecretary for Curriculum Instruction. The Student Inclusion Division shall assist in the formulation, implementation, monitoring, and evaluation of policies, programs and services for but not limited to CYSNs.

SEC. 12. *Continuing Research to Identify Needs of CYSNs.* – The DepEd, by itself or in coordination with organizations or institutions, shall undertake continuing research to identify and design programs that shall meet the full range of needs of CYSNs: *Provided, That*, such continuing research shall also be used to develop instructional techniques for use by the Centers towards improving the acquisition of skills by the CYSNs necessary for their transition to independent living, vocational training or competitive development: *Provided, further*, That such continuing research shall be used by the DepEd in designing physical education and therapeutic recreation program for use by the Centers to increase the potential of the children and youth for community participation.

SEC. 13. *Student Assistance.* – The Department of Education (DepEd), DSWD, National Council on Disability Affairs (NCDA) and the local government units (LGUs) shall develop programs to support the financial and educational needs of the marginalized or disadvantaged CYSNs, as defined in Republic Act No. 8425, otherwise known as *The Social Reform and Poverty Alleviation Act*.

The benefits accorded by Republic Act No. 8545, otherwise known as the *Government Assistance to Students and Teachers in Private Education Act* shall likewise be extended to qualified CYSNs students in the secondary levels.

SEC. 14. *Recreational and Artistic Opportunities.* – The DepEd shall establish opportunities for safe and wholesome individual as well as interactive group recreation and social activities for CYSNs, optimal use of their leisure hours and advancement of their physical, mental, social and cultural development.

SEC. 15. *Special Instructional Materials.* – Publishers shall grant the DepEd the authority to transcribe adopted instructional materials into accessible format, without penalty or payment of royalty in accordance with Republic Act No. 8293 otherwise known as the *Intellectual Property Code of the Philippines*. *Provided, That*, publishers of newly adopted materials shall provide, not later than the second working day after the adoption of textbook titles by the DepEd, the digital copy as specified by the DepEd for the purpose of producing accessible versions of the textbooks for students with reading disabilities. The accessible versions may be produced by the DepEd or by non-profit accessible book producers, which may be copied and distributed upon request by a

Schools Division for instructional purposes.

Copies of these instructional materials shall be furnished without cost to either the CYSNs or their teachers in charge.

SEC. 16. *Incentives for Private Sector Participation.* – Partnership between the government and private institutions catering to the needs of CYSNs shall be encouraged, private entities who or which team up with DepEd or provide the necessary educational assistance and service of CYSNs enrolled in public schools shall be entitled to the benefits and incentives provided under R.A. No. 8525, otherwise known as the *Adopt-a-School Act* and its implementing rules and regulations.

SEC. 17. *Inclusion of Children with Special Needs in Child Development Centers.* – Child Development Centers (CDCs) specially designed for pre-school children and their parents, where early identification of disabilities and special needs and introductory educational and intervention programs will be administered, shall be established near or within existing *Inclusive Education Learning Centers*. As far as practicable, the use of existing CDCs and facilities shall be maximized.

The DepEd shall coordinate and provide support programs for CDCs for children with special needs under five years old.

SEC. 18. *Health and Nutrition Services and Interventions.* – The Department of Health (DOH), National Nutrition Council (NNC) and ECCD Council shall provide inclusive health and nutrition services and interventions for implementation by the DSWD, DepEd and LGUs.

SEC. 19. *Parent, Sibling and Caregiver Education.* – A formal training and counseling program for parents, sibling and caregivers of CYSNs shall be developed jointly by the DepEd, DSWD, LGUs, ECCD Council, disabled people's organizations (DPOs), parent-support organizations, health professional organizations, non-government organizations (NGOs), and civil society organizations (CSOs) to facilitate a working knowledge of special education, and understanding of the psychology of CYSNs and their important role as educators, so as to maximize their knowledge and skills to fully participate in developing the potentials of CYSNs.

Parents should likewise be appraised of procedural safeguards to protect the educational rights of children and their parents, and processes to resolve disputes and complaints related to the education of CYSNs.

SEC. 20. *Local Government Unit Participation.* – The LGUs shall allocate a portion of their Special Education Fund (SEF) 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 the CYSNs, as well as the establishment of CDCs pursuant to Section 18 hereof;

(b) Identification, coordination and the tapping of public and private volunteers and private organizations, national or international, for information dissemination campaigns, funding programs and other projects to augment the funding of Inclusive Education programs and equipment, among others;

(c) Provision for funds for the delivery of health and nutrition services and interventions, educational assessment program of CYSNs in their respective localities that would be initiated by DepEd.

SEC. 21. *Public Information, Education and Communication.* – A nationwide information dissemination campaign on the prevention, early identification and the strategic intervention programs for CYSNs shall be intensified. This shall be the joint responsibility of the Philippine Information Agency (PIA), Council for the Welfare of Children (CWC), the NCDA and the Department of Education (DepEd). Likewise, the DepEd, in collaboration with the Department of Health (DOH), Department of Labor and Employment (DOLE) and the local government units (LGUs) shall disseminate materials and information concerning effective practices in working with, training and education of CYSNs.

Private media outlets and organizations are encouraged to participate in the dissemination of relevant materials and information regarding effective practices in working with, training and educating CYSNs.

SEC. 22. *Appropriations.* – The Secretary of the DepEd shall immediately include in the Department's programs the implementation of this Act, the funding of which shall be included in the annual *General Appropriations Act*. A separate line item budget for CYSNs shall be incorporated in the budget of the DepEd.

SEC. 23. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act DepEd, in coordination with the DSWD, DILG, DOH, DOF, BIR, CWC, ECCD Council and the National Council on Disability Affairs (NCDA), shall promulgate and issue the necessary guidelines for the effective implementation of this Act, upon consultation with DPOs, parent-support organizations, health professional organizations, and NGOs and CSOs that are working with CYSNs.

SEC. 24. *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.

SEC. 25. *Repealing Clause.* – All laws, decrees, executive orders, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 26. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,