

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**EIGHTEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 1312



Introduced by Honorable Wes Gatchalian

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

EXPLANATORY NOTE

Estimates from the Department of Education indicate that as of SY 2016-2017 there are approximately 303,109 Filipino children in public schools with special education needs. These are Filipino children who are often unable to adapt to regular schools. Physical (e.g. deafness, blindness, orthopedic impairment), cognitive (e.g. autism, intellectual handicaps), psychological (e.g. anxiety disorders, attention-deficit / hyperactivity disorder), and/or communication (e.g. speech impairments, speech-based developmental disorders) disabilities prevent them from fully participating in regular schools. Moreover, the regular schools, whether public or private, are often incapable of providing these children with the care, attention, and guidance that they require for the development of their physical, cognitive, and social skills.

In order to provide services to as many Filipino children with special needs, the government needs to build upon the existing infrastructure of its national public school system. This could be done by establishing *Inclusive Education Learning Resource Centers* in all public schools divisions nationwide. The SPED Centers 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. Each center must likewise be equipped with the facilities and personnel necessary to provide care and instruction to children and youth with special needs, specifically special education teachers and other specialists.

Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, states that every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful, and active member of society-- a gifted child must be given the opportunity and encouragement to develop his talents; the emotionally disturbed or socially maladjusted child must be treated with sympathy and understanding and be entitled to treatment and competent care; and the physically or mentally handicapped child must be given the treatment, education, and care required by his particular condition. Furthermore, every child has the right to an education commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.

Given the current set up this would mean that, as of SY 2016-2017, there were around 303,000 children with special needs enrolled in public elementary and secondary schools who may have not been provided with the needed education and care. Thus, much remains to be done in addressing the gap with respect to the provision of special education in the country.

In view of the foregoing, support for the passage and approval of this legislation is earnestly sought.



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STANDARDS AND GUIDELINES, AND APPROPRIATING FUNDS
THEREFOR**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “*Inclusive*
2 *Education for Children and Youth with Special Needs Act*”.

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

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

12 Towards this end, the State shall:

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

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

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

11 (a) Provide CYSNs free and appropriate public education and
12 related services in accordance with their needs, and in preparation for adult
13 living and community life;

14 (b) Provide CYSNs access to general education curriculum through
15 the formal systems and alternative delivery services in education;

16 (c) Institute inclusive education and establish Inclusive Education
17 Learning Resource Centers for inclusion of CYSNs in the educational
18 mainstream;

19 (d) Ensure that CYSNs fully develop their potentials toward self-
20 sufficiency and become fully participative members of society;

21 (e) Identify thru a child find system CYSNs ages three (3) to twenty-
22 four (24) and infants and toddlers under the age of three (3) in compliance
23 with Republic Act No. 10410, otherwise known as the Early Years Act of
24 2013;

25 (f) Develop, implement, and review the Individualized Education
26 Plan (IEP);

27 (g) Provide parents with information and opportunities to actively
28 participate in the possible placement options and educational programs for
29 their children and to enable them to make informed choices and decisions;

30 (h) Enable and empower parents and family members by training
31 and equipping them with capabilities to identify, prevent, refer or intervene
32 with regard to disorders, disabilities and abilities of their children;

1 (i) Train and equip special education teachers, regular teachers,
2 principals/administrators, non-teaching staff of the school, and caregivers,
3 as primary sources of care, development, education and advancement of
4 CYSNs;

5 (j) Increase school retention and cohort survival of CYSNs;

6 (k) Create significant and positive changes in community attitudes
7 towards disability and the need to provide inclusive education and proper
8 care to CYSNs.

9 SECTION. 4. *Definition of Terms.* – As used in this Act:

10 (a) *Basic Education* refers to meeting the basic learning needs which
11 provide the foundation on which subsequent learning can be based. It
12 encompasses kindergarten, elementary, and secondary education as well as
13 Alternative Learning Systems (ALS) for out-of-school learners and those with
14 special needs;

15 (b) *Child Find System* refers to the process of locating and coming up with
16 a list of CYSNs through the child development teachers or workers who are
17 under the local government units (LGUs);

18 (c) *Children and Youth with Special Needs (CYSNs)* refers to children and
19 youth with specialized needs in education and exceptionalities who differ
20 from the neurotypical children and youth in neuropsychological
21 characteristics, sensory abilities, neuromuscular or physical characteristics,
22 and social attributes to such an extent that the use of modified school
23 practices or specialized education services are required to develop them to
24 maximum capability. It includes the following:

25 1.) *Gifted or Talented* – children and youth who are capable of superior
26 performance including those with demonstrated achievement or potential
27 ability in one or more of the following areas – general intellectual ability,
28 specific academic aptitude, creative or productive thinking ability,
29 leadership ability, ability in the visual or performing arts, and
30 psychomotor ability; or, those individuals who consistently manifest the
31 following cluster of traits: above average ability, including intelligence,
32 high creativity, which implies the developmental appreciation of
33 innovative ideas, and high task commitment related to a high degree of

motivation; and those who by reason thereof, require services or activities not ordinarily provided by a school;

2.) *Children with disabilities* – refers to persons below 18 years old who have long term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others, such as but not limited to children with physical or orthopedic disability; intellectual disability, learning disability, communication disability including deaf and hard of hearing; visual disability or psychosocial disability;

3.) *Special Health problems* – children and youth who have health conditions that tend to keep them out-of-school, or those with chronic and/or debilitating illnesses such as cardiac diseases, asthma, diabetes, tuberculosis and other respiratory ailments, carcenonza epilepsy and malnutrition;

4.) *Youth with disability* – refers to persons aged 15 to 30 years who have long-term physical, mental, intellectual or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others, such as but not limited to youth with physical or orthopedic disability; intellectual disability, learning disability, communication disability including deaf and hard of hearing; visual disability or psychosocial disability.

(d) *Disability* shall mean 1) a physical or mental impairment that substantially limit one or more psychological, physiological, or anatomical function of an individual or activities of such individual; 2) a 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 environmental and social barriers;

(e) *Inclusive education* is a process of addressing and responding to the diversity of needs of all students and learners by increasing participation in

1 learning, cultures and communities, and totally reducing exclusion from and
2 within education. It involves the appropriate changes and modifications in
3 content, approaches, structures and strategies with a common vision, which
4 covers all children and youth of all ages, affirming in the process the State's
5 conviction that it is the government's mandate and responsibility to educate
6 all children and youth without discrimination or favor.

7 It shall also focus on the achievement of high quality, appropriate and
8 relevant education for all learners and students and the development of more
9 inclusive and conducive learning environments without focusing on marginal
10 issues;

11 (f) *Private Sector Participation* refers to all forms of indispensable,
12 substantial and meaningful participation of private individuals, partnerships,
13 groups or entities, disabled people's organizations, community-based
14 organizations, or non-governmental organizations, in the delivery of
15 educational and rehabilitative services for CYSNs;

16 (g) *Special Education (SPED)* refers to the customized instructional
17 program or service designed to meet the unique needs of individual CYSNs,
18 which may necessitate use of supplementary aids and services and teaching
19 strategies in classroom and non-academic settings, and includes
20 instructions on physical and vocational education and travel training.
21 Special education addresses significant physical, sensory,
22 neuropsychological, cognitive, or behavioral characteristics that may
23 necessitate the use of specialized materials, equipment, services, and/or
24 teaching strategies. It is geared towards the integration of CYSNs into the
25 education mainstream;

26 (h) *Learning Resource Center* refers to a resource hub that provides
27 students, teachers, school personnel, and other education stakeholders of
28 CYSNs appropriate instructional learning materials, tools, devices, gadgets,
29 equipment to facilitate and enhance learning as well as assessment tools and
30 instruments to evaluate developmental domains and specific areas of
31 concern necessary in determining appropriate services and placement
32 decisions;

(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; and

(j) *Universal Design for Learning* is a scientifically valid framework for guiding educational practice that: 1) provides flexibility in the ways information is presented, in the ways student respond or demonstrate knowledge and skills, and in the ways students are engaged; 2) reduces barriers in instruction, provides appropriate accommodations, supports, and 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 student engagement that tap into learners' interests, challenge them appropriately, and motivate them to learn.

SECTION. 5. *Establishment of Inclusive Education Learning Resource Centers for CYSNs in all Public Schools Divisions.* –An Inclusive Education Learning Resource Center for CYSNs shall be established in all public schools divisions nationwide where there are no existing SPED Centers.

All existing SPED centers shall now be called and referred to as Inclusive Education Learning Resource Centers.

SECTION. 6. *Functions of the Inclusive Education Learning Resource 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) Integrate and include CYSNs in regular classes;
- (b) Conduct assessment of CYSNs to evaluate developmental domains and specific areas of concern and determine appropriate services and placement options;

- 1 (c) Conduct school-based training of CYSNs;
- 2 (d) Undertake and monitor case management and coordination
- 3 services;
- 4 (e) Ensure that the CYSNs within the division shall receive the
- 5 appropriate services needed;
- 6 (f) Provide training to regular teachers, administrators, non-
- 7 teaching personnel, and parents on inclusive education;
- 8 (g) Produce appropriate teaching materials for CYSNs;
- 9 (h) Implement the programs of the center such as the
- 10 Individualized Education Plan (IEP), transition program, and other
- 11 alternative educational programs;
- 12 (i) Provide access to auxiliary aids that are basically non-
- 13 educational, but which enhance the education process of the CYSNs.

14 These services may include:

- 15 1. Language and speech therapy, occupational therapy,
- 16 physical and physiotherapy, among other modes of therapy,
- 17 through the Mobile Multi-Specialist Inclusive Education
- 18 Division Support Team;
- 19 2. Quality reading, or other effective methods of delivering
- 20 accessible reading materials to individuals with visual
- 21 impairments;
- 22 3. Appropriate classroom accommodation;
- 23 4. Other similar services and actions or all types of aids and
- 24 services that facilitate the learning process of CYSNs; and
- 25 5. Assistance and/or monitoring the transfer or admission of
- 26 qualified CYSNs to post-secondary or tertiary education
- 27 institutions; and

28 SECTION. 7. *Hiring of Personnel and Staff.* – In addition to the

29 teachers with special trainings in handling CYSNs and to ensure the

30 effective implementation of this Act, the DepEd may hire the necessary

31 personnel and support staff to operate, administer and oversee the Center.

32 SECTION. 8. *Benefits and Incentives for Personnel and Staff of the*

33 *Center.* - The DepEd shall enhance the right of the teachers or instructors to

1 professional advancement and ensure that the Centers shall attract the best
2 available teaching staff and talents through adequate remuneration,
3 scholarship and training grants, teacher exchange programs, incentives,
4 and allowances and other means of securing their job satisfaction and
5 fulfillment as well as their long and stable tenure in their respective posts.

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

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

15 SECTION. 10. *Authority of the DepEd Secretary.* – The Secretary of
16 DepEd shall develop programs, enter into cooperative arrangements or
17 contracts with public or private non-profit agencies, institutions, or
18 organizations for the establishment or creation of Centers or implementation
19 of inclusive education such as, but not limited to, the following:

20 (a) Technical assistance to Center teachers who are preparing to
21 serve or are serving CYSNs for inclusion and mainstreaming;

22 (b) Training of professionals or related services personnel including
23 all regular teachers;

24 (c) Replication of successful innovative approaches in providing
25 educational or related services to CYSNs;

26 (d) Facilitation of parental involvement in the education of their
27 CYSNs;

28 (e) Diagnosis and educational evaluation of CYSNs;

29 (f) Consultative, counseling and training services for the families of
30 CYSNs;

31 (g) Familiarization of the municipality or city being served by a
32 Center with the problems and potentialities of such children and
33 youth; and

1 (h) Enter into agreements with medical and allied medical
2 professional groups.

3 Inclusive Education Learning Resource Centers created under this
4 Section shall remain part of the DepEd system.

5 SECTION 11. *Program Office.* – Inclusive education programs shall be
6 under the Student Inclusion Division of the Bureau of Learning Delivery
7 under the Office of the Undersecretary for Curriculum and Instruction. The
8 Student Inclusion Division shall assist in the formulation, implementation,
9 monitoring, and evaluation of policies, programs, and services for, but not
10 limited to, CYSNs.

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

22 SECTION. 13. *Student Assistance.* – The DepEd, DSWD, NCDA and
23 LGUs shall develop programs to support the financial and educational needs
24 of the marginalized or disadvantaged CYSNs, as defined in Republic Act No.
25 8425, otherwise known as the Social Reform and Poverty Alleviation Act.

26 The benefits accorded by Republic Act No. 8545, or the E-GATSPE Act
27 shall likewise be extended to qualified CYSNs students in the secondary
28 levels.

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

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

12 Copies of these instructional materials shall be furnished without cost
13 to either the CYSNs or the teacher who is handling their instruction.

14 SECTION 16. *Incentives for Private Sector Participation.* – Partnership
15 between the government and private institutions catering to the needs of
16 CYSNs shall be encouraged. Private entities who or which team up with
17 DepEd or provide the necessary educational assistance and service of
18 CYSNs enrolled in public schools shall be entitled to benefits and incentives
19 provided under Republic Act No. 8525 or the 'Adopt a School Act of
20 1998' and its Implementing Rules and Regulations.

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

28 The Early Childhood Care and Development Council (ECCD Council)
29 shall coordinate with LGUs, DepEd, DSWD, DOH and other concerned
30 agencies to provide support programs for children with special needs under
31 five years old.

32 SECTION. 18. *Health and Nutrition Services and Interventions.* – The
33 Department of Health (DOH), National Nutrition Council (NNC), and ECCD

1 Council shall provide inclusive health and nutrition services and
2 interventions for implementation by the Department of Social Welfare and
3 Development (DSWD), DepEd, and LGUs.

4 SECTION. 19. *Parent, Sibling, and Caregiver Education.* – A formal
5 training and counseling program shall be developed and initiated by the
6 LGUs, in coordination with DepEd, DSWD, LGUs, ECCD Council, DOH,
7 disabled people's organizations (DPOs), parent-support organizations, health
8 professional organizations, non-government organizations (NGOs), and civil
9 society organizations (CSOs) to equip parents, siblings, and caregivers of
10 CYSNs with working knowledge of special education, an understanding of
11 the psychology of CYSNs, and the awareness of their crucial role as
12 educators so that they, in turn, can maximize their knowledge and skills to
13 fully participate in developing the potentials of CYSNs. Parents should also
14 be apprised of procedural safeguards to protect the educational rights of
15 children and their parents, and processes to resolve disputes and
16 complaints related to the education of CYSNs.

17 SECTION. 20. *Local Government Unit Participation.* – LGUs may
18 allocate a portion of their Special Education Fund for the following:

19 (a) Provision of sites, buildings or centers where there are no existing
20 school facilities that may be used for the special education of CYSNs, as well
21 as the establishment of CDCs pursuant to Sec. 18 hereof;

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

27 (c) Operation of Inclusive Education programs including the payment of
28 salaries, allowances, and other benefits of teaching and non-teaching
29 personnel in Centers, as well as the conduct of competency trainings; and

30 (d) Delivery of health and nutrition services and interventions,
31 educational assessment program of CYSNs in their respective localities that
32 would be initiated by the DepEd.

1 SECTION. 21. *Public Information, Education, and Communication.* – A
2 nationwide information dissemination campaign on the prevention, early
3 identification, early detection and the strategic intervention programs for
4 CYSNs shall be intensified. This shall be the joint responsibility of the
5 Philippine Information Agency (PIA), Council for the Welfare of Children
6 (CWC), the National Council for Disability Affairs (NCDA) and the DepEd.
7 Likewise, the DepEd, in collaboration with DOH, Department of Labor and
8 Employment (DOLE), and LGUs shall disseminate materials and information
9 concerning effective practices in working with, training and educating
10 CYSNs.

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

14 SECTION. 22. *Appropriations.* – The Secretary of DepEd shall
15 immediately include in the DepEd program the implementation of this Act,
16 the funding of which shall be included in the annual General Appropriations
17 Act. A separate line item budget for CYSNs shall be incorporated in the
18 budget of the DepEd.

19 SECTION. 23. *Implementing Rules and Regulations.* – Within ninety
20 (90) days from the effectivity of this Act, the DepEd, in coordination with the
21 DSWD, Department of Interior and Local Government (DILG), DOH, DOF,
22 Bureau of Internal Revenue (BIR), CWC, ECCD Council, and NCDA and in
23 consultation with DPOs, parent-support organizations, health professional
24 organizations, and NGOs and CSOs that are working with CYSNs, shall
25 promulgate and issue the necessary guidelines for the effective
26 implementation of this Act.

27 SECTION. 24. *Separability Clause.* – If for any reason, a provision or
28 part hereof is declared invalid, other provisions not affected thereby shall
29 remain in full force and effect.

30 SECTION. 25. *Repealing Clause.* – All laws, decrees, executive orders,
31 rules and regulations contrary or inconsistent with the provisions of this Act
32 are hereby repealed or modified accordingly.

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

Approved,