

EIGHTEENTH CONGRESS OF THE]
REPUBLIC OF THE PHILIPPINES]
First Regular Session]

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SENATE

S. No. 171

Introduced by SEN. SHERWIN T. 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.



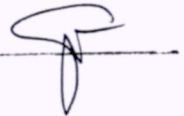
SHERWIN T. GATCHALIAN

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AN ACT
INSTITUTING INCLUSIVE EDUCATION AND ESTABLISHING LEARNING
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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 Education for*
2 *Children and Youth with Special Needs Act*".

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

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

11 Towards this end, the State shall:

- 1 (a) Institutionalize an adequate and relevant educational program for every
2 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 effectiveness.

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

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

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

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

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

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

18 (e) Identify thru a child find system CYSNs ages three (3) to twenty-four (24)
19 and infants and toddlers under the age of three (3) in compliance with Republic Act No.
20 10410, otherwise known as the Early Years Act of 2013;

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

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

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

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

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

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

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

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

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

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

18 1.) *Gifted or Talented* – children and youth who are capable of superior performance
19 including those with demonstrated achievement or potential ability in one or more of
20 the following areas – general intellectual ability, specific academic aptitude, creative or
21 productive thinking ability, leadership ability, ability in the visual or performing arts,
22 and psychomotor ability; or, those individuals who consistently manifest the following
23 cluster of traits: above average ability, including intelligence, high creativity, which
24 implies the developmental appreciation of innovative ideas, and high task commitment
25 related to a high degree of motivation; and those who by reason thereof, require
26 services or activities not ordinarily provided by a school;

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

1 intellectual disability, learning disability, communication disability including deaf and
2 hard of hearing; visual disability or psychosocial disability;

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

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

13 (d) *Disability* shall mean 1) a physical or mental impairment that substantially limit
14 one or more psychological, physiological, or anatomical function of an individual or
15 activities of such individual; 2) a limitation or difficulty encountered by an individual in
16 executing a task or action; and 3) a participation restriction or a problem experienced by
17 an individual in involvement in life's situations.

18 It does not just entail a health problem but shall reflect the interaction between
19 features of a person's body and features of the society in which he lives as well as the
20 difficulties he has encountered to remove the environmental and social barriers;

21 (e) *Inclusive education* is a process of addressing and responding to the diversity of
22 needs of all students and learners by increasing participation in learning, cultures and
23 communities, and totally reducing exclusion from and within education. It involves the
24 appropriate changes and modifications in content, approaches, structures and strategies
25 with a common vision, which covers all children and youth of all ages , affirming in the
26 process the State's conviction that it is the government's mandate and responsibility to
27 educate all children and youth without discrimination or favor.

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

- 1 (f) *Private Sector Participation* refers to all forms of indispensable, substantial and
2 meaningful participation of private individuals, partnerships, groups or entities, disabled
3 people's organizations, community-based organizations, or non-governmental
4 organizations, in the delivery of educational and rehabilitative services for CYSNs;
- 5 (g) *Special Education (SPED)* refers to the customized instructional program or service
6 designed to meet the unique needs of individual CYSNs, which may necessitate use of
7 supplementary aids and services and teaching strategies in classroom and non- academic
8 settings, and includes instructions on physical and vocational education and travel training.
9 Special education addresses significant physical, sensory, neuropsychological, cognitive,
10 or behavioral characteristics that may necessitate the use of specialized materials,
11 equipment, services, and/or teaching strategies. It is geared towards the integration of
12 CYSNs into the education mainstream;
- 13 (h) *Learning Resource Center* refers to a resource hub that provides students,
14 teachers, school personnel, and other education stakeholders of CYSNs appropriate
15 instructional learning materials, tools, devices, gadgets, equipment to facilitate and
16 enhance learning as well as assessment tools and instruments to evaluate developmental
17 domains and specific areas of concern necessary in determining appropriate services and
18 placement decisions;
- 19 (i) *Special Instructional Materials* refer to textbooks in Braille, large type, audio, digital
20 or any other medium or apparatus, that convey information to a student or otherwise
21 contributes to the learning process; and
- 22 (j) *Universal Design for Learning* is a scientifically valid framework for guiding
23 educational practice that: 1) provides flexibility in the ways information is presented, in
24 the ways student respond or demonstrate knowledge and skills, and in the ways students
25 are engaged; 2) reduces barriers in instruction, provides appropriate accommodations,
26 supports, and challenges and maintains high achievement expectations for all students,
27 including students with disabilities and students who have limited English proficiency.
- 28 It is also a set of principles that guide the design of inclusive classroom instruction
29 and accessible course materials. The three principles of UDL are 1) multiple methods of
30 representation that give learners a variety of ways to acquire information and build

1 knowledge; 2) multiple means of student action and expression that provide learners
2 alternatives for demonstrating what they have learned; and 3) multiple modes of student
3 engagement that tap into learners' interests, challenge them appropriately, and motivate
4 them to learn.

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

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

11 SECTION. 6. *Functions of the Inclusive Education Learning Resource Center.* –
12 The center shall function as a resource center that shall assist in promoting inclusive
13 education to capacitate regular schools to effectively handle the needs of children and
14 youth with disability. It shall:

- 15 (a) Integrate and include CYSNs in regular classes;
- 16 (b) Conduct assessment of CYSNs to evaluate developmental domains and
17 specific areas of concern and determine appropriate services and placement
18 options;
- 19 (c) Conduct school-based training of CYSNs;
- 20 (d) Undertake and monitor case management and coordination services;
- 21 (e) Ensure that the CYSNs within the division shall receive the appropriate
22 services needed;
- 23 (f) Provide training to regular teachers, administrators, non-teaching
24 personnel, and parents on inclusive education;
- 25 (g) Produce appropriate teaching materials for CYSNs;
- 26 (h) Implement the programs of the center such as the Individualized Education
27 Plan (IEP), transition program, and other alternative educational programs;
- 28 (i) Provide access to auxiliary aids that are basically non-educational, but which
29 enhance the education process of the CYSNs. These services may include:

- 1 1. Language and speech therapy, occupational therapy, physical and
2 physiotherapy, among other modes of therapy, through the Mobile Multi-
3 Specialist Inclusive Education Division Support Team;
- 4 2. Quality reading, or other effective methods of delivering accessible
5 reading materials to individuals with visual impairments;
- 6 3. Appropriate classroom accommodation;
- 7 4. Other similar services and actions or all types of aids and services
8 that facilitate the learning process of CYSNs; and
- 9 5. Assistance and/or monitoring the transfer or admission of qualified
10 CYSNs to post-secondary or tertiary education institutions; and

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

15 SECTION. 8. *Benefits and Incentives for Personnel and Staff of the Center.* - The
16 DepEd shall enhance the right of the teachers or instructors to professional advancement
17 and ensure that the Centers shall attract the best available teaching staff and talents
18 through adequate remuneration, scholarship and training grants, teacher exchange
19 programs, incentives, and allowances and other means of securing their job satisfaction
20 and fulfillment as well as their long and stable tenure in their respective posts.

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

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

28 SECTION. 10. *Authority of the DepEd Secretary.* – The Secretary of DepEd shall
29 develop programs, enter into cooperative arrangements or contracts with public or private
30 non-profit agencies, institutions, or organizations for the establishment or creation of

1 Centers or implementation of inclusive education such as, but not limited to, the
2 following:

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

5 (b) Training of professionals or related services personnel including all regular
6 teachers;

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

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

10 (e) Diagnosis and educational evaluation of CYSNs;

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

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

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

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

17 SECTION 11. *Program Office.* – Inclusive education programs shall be under the
18 Student Inclusion Division of the Bureau of Learning Delivery under the Office of the
19 Undersecretary for Curriculum and Instruction. The Student Inclusion Division shall assist
20 in the formulation, implementation, monitoring, and evaluation of policies, programs, and
21 services for, but not limited to, CYSNs.

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

1 by the Centers to increase the potential of the children and youth for community
2 participation.

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

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

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

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

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

25 SECTION 16. *Incentives for Private Sector Participation.* – Partnership between the
26 government and private institutions catering to the needs of CYSNs shall be encouraged.
27 Private entities who or which team up with DepEd or provide the necessary educational
28 assistance and service of CYSNs enrolled in public schools shall be entitled to benefits
29 and incentives provided under Republic Act No. 8525 or the 'Adopt a School Act of
30 1998' and its Implementing Rules and Regulations.

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

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

10 SECTION. 18. *Health and Nutrition Services and Interventions.* – The Department
11 of Health (DOH), National Nutrition Council (NNC), and ECCD Council shall provide
12 inclusive health and nutrition services and interventions for implementation by the
13 Department of Social Welfare and Development (DSWD), DepEd, and LGUs.

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

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

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

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

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

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

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

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

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

25 SECTION. 23. *Implementing Rules and Regulations.* – Within ninety (90) days
26 from the effectivity of this Act, the DepEd, in coordination with the DSWD, Department
27 of Interior and Local Government (DILG), DOH, DOF, Bureau of Internal Revenue (BIR),
28 CWC, ECCD Council, and NCDA and in consultation with DPOs, parent-support
29 organizations, health professional organizations, and NGOs and CSOs that are working

1 with CYSNs, shall promulgate and issue the necessary guidelines for the effective
2 implementation of this Act.

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

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

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

Approved,