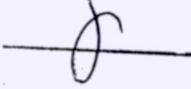




SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'17 APR -4 P5:22

RECEIVED BY: 

SENATE
S.B. No. 1414

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

AN ACT INSTITUTING INCLUSIVE EDUCATION THROUGH 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

EXPLANATORY NOTE

Last school year, the Department of Education recorded an estimated 350,000 students with special needs. Data cited by Save the Children revealed that only 1 out of 3 Filipino children reported to have special needs have the chance to go to school. Moreover, only 1 in 7 of those children attending school have access to specialized education that caters to their varied needs.

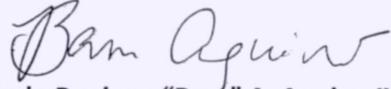
Sadly, our country's education system is currently under-equipped to cater to the individual and unique requirements of students with special needs. Parents find it difficult to provide their children the education they need given only a few public schools have SPED centers. The SPED program and most of our educators also lack the necessary skills and training to accommodate students with exceptionalities.

In line with the mandate of our Constitution, Presidential Decree No. 603, and the Magna Carta for Persons with Disability, the State must uphold the right of all its citizens to quality education regardless of their circumstance.

Thus, this bill seeks to make education inclusive and accessible to every Filipino child by establishing a framework for special needs education implementation nationwide. It also establishes inclusive education learning resource centers that will be the source of appropriate instructional materials, tools, devices, gadgets, and equipment that educators can use in their classrooms to ensure that students with special needs are properly supported and enabled to learn alongside their peers.

It is every Filipino family's dream to give their child the best quality education no matter the circumstances they face. It is our duty to become their partners in achieving this goal to provide a brighter future for our children and our country.

In view of the foregoing, the passing of this bill is earnestly sought.

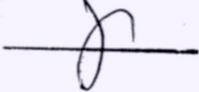

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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

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

3 **SEC. 2. Declaration of Policy.** — It is the policy of the State to protect and promote
4 the rights of Children and Youth with Special Needs (CYSNs) to quality education and to take
5 appropriate steps to make such education accessible to them. The State recognizes their
6 vital role in society and endeavors to include their needs as an integral part of national
7 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 This is in accordance with Section 13, Article II and Section 13, Article XIII of the 1987
12 Constitution; Articles 3(1), 3(3), 3(6), and 12 of Presidential Decree No. 603 otherwise
13 known as the Child and Youth Welfare Code; Section 12 to 14 of Republic Act No. 7277, as
14 amended, otherwise known as the Magna Carta for Disabled Persons; UN Convention on the
15 Rights of the Child; UNESCO Salamanca Statement; UN Convention on the Rights of Persons
16 with Disabilities; Incheon Strategy to Make the Rights Real for Persons with Disability in Asia
17 and Pacific, and other relevant laws.

18 Towards this end, the State shall:

19 (a) Institutionalize an adequate and relevant educational program for every CYSN;

20 (b) Adopt the policy of inclusive education;

- 1 (c) Establish Inclusive Education Learning Resource Centers; and
- 2 (d) Provide vital support mechanisms required to ensure their effectiveness.

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

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

- 7 (a) Provide CYSNs free and appropriate public education and related services in
8 accordance with their needs, and in preparation for adult living and community
9 life;
- 10 (b) Provide CYSNs access to general education curriculum through the formal
11 systems and alternative delivery services in education;
- 12 (c) Institute Inclusive Education and establish Inclusive Education Learning Resource
13 Centers;
- 14 (d) Ensure that CYSNs fully develop their potentials toward self-sufficiency and
15 become fully participative members of society;
- 16 (e) Identify through a child find system CYSNs ages three (3) to twenty-four (24) and
17 infants and toddlers under the age of three (3) in compliance with *Republic Act*
18 *No. 10410* otherwise known as the Early Years Act of 2013;
- 19 (f) Develop, implement, and review Individualized Education Plans;
- 20 (g) Provide parents with information and opportunities to actively participate in the
21 possible placement options and educational programs for their children and to
22 enable them to make informed choices and decisions;
- 23 (h) Enable and empower parents and family members by training and equipping
24 them with capabilities to identify, prevent, refer, or intervene with regard to
25 disorders, disabilities and abilities of their children;
- 26 (i) Train and equip special education teachers, regular teachers,
27 principals/administrators, non-teaching staff of the school, and caregivers, as
28 primary sources of care, development, education and advancement of CYSNs;
- 29 (j) Increase school retention and cohort survival of CYSNs; and
- 30 (k) Create significant and positive changes in community attitudes towards disability
31 and the need to provide inclusive education and proper care to CYSNs.

32 **SEC. 4. Definition of Terms.** — As used in this Act, the following terms shall mean:

1 (a) *Basic Education* refers to meeting the basic learning needs which provide the
2 foundation on which subsequent learning can be based. It encompasses
3 kindergarten, elementary and secondary education as well as alternative learning
4 systems for out-of-school learners and those with special needs.

5 (b) *Child find system* refers to the process of locating and coming up with a list of
6 CYSNs through the child development teachers/workers who are under the local
7 government units (LGUs).

8 (c) *Children and youth with special needs (CYSNs)* are children with exceptionalities,
9 this may refer to children and youth who are gifted or talented, or with
10 intellectual disabilities, emotional or behavioral disorders, speech and language
11 disorders, hearing impairments, visual impairments, autism, physical or health
12 disabilities, deaf-blindedness and multiple handicapping conditions and are in
13 need of special education as well as services for rehabilitation. They differ from
14 the average children in neuropsychological characteristics, sensory abilities,
15 neuromuscular or physical characteristics, and social attributes to such an extent
16 that the use of modified school practices or special education services are
17 required to develop them to maximum capability.

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

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

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

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

35 (f) *Learning Resource Center (Center)* refers to a source hub that provides students,
36 teachers, school personnel and other education stakeholders of CYSNs
37 appropriate instructional learning materials, tools, devices, gadgets, equipment
38 to facilitate and enhance learning; assessment tools and instruments to evaluate
39 developmental domains and specific areas of concern necessary in determining
40 appropriate services and placement decisions;

1 (g) *Private sector participation* refers to all forms of indispensable, substantial and
2 meaningful participation of private individuals, partnerships, groups or entities,
3 disabled people's organizations, community-based organizations or non-
4 governmental organizations, in the delivery of educational and rehabilitative
5 services for CYSNs;

6 (h) *Special Education (SPED)* refers to the customized instructional program/service
7 designed to meet the unique needs of individual CYSNs, which may necessitate
8 use of supplementary aids, services and teaching strategies in classroom and
9 non-academic settings, and includes instructions on physical and vocational
10 education and travel training. Special education addresses significant physical,
11 sensory, neuropsychological, cognitive or behavioral characteristics that may
12 necessitate the use of specialized materials, equipment, services and/or teaching
13 strategies;

14 (i) *Special instructional materials* refer to textbooks in Braille, large type, audio,
15 digital or any other medium or apparatus that convey information to a student or
16 otherwise contributes to the learning process;

17 (j) *Universal design for learning (UDL)* is a scientifically valid framework for guiding
18 educational practice established by the Department of Education that: (1)
19 provides flexibility in the ways information is presented, in the ways students
20 respond or demonstrate knowledge and skills, and in the ways students are
21 engaged; (2) reduces barriers in instruction, provides appropriate
22 accommodations, supports, challenges, and maintains high achievement
23 expectations for all students, including students with disabilities and students
24 who have limited English proficiency.

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

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

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

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

4 It shall:

5 (a) Conduct assessment of CYSNs to evaluate developmental domains and specific
6 areas of concern and determine appropriate services and placement options;

7 (b) Provide training to regular teachers, administrators, non-teaching personnel and
8 parents on inclusive education;

9 (c) Monitor case management of CYSNs within the division;

10 (d) Ensure that the CYSNs within the division shall receive the appropriate services
11 needed;

12 (e) Implement the program of the Center such as individualized education plan,
13 transition program, and other alternative educational programs;

14 (f) Provide access to auxiliary aids that are basically non-educational, but which
15 enhance the education process for the CYSNs, these services may include:

16 (1) Language and speech therapy, occupational therapy, physical and
17 physiotherapy, among other modes of therapy, through multi-
18 disciplinary specialist team;

19 (2) Quality reading, or other effective methods of delivering accessible
20 reading materials to individuals with visual impairment;

21 (3) Appropriate classroom accommodation;

22 (4) Other similar services and actions or all types of aids and services that
23 facilitate the learning process of CYSNs; and

24 (5) Assistance and/or monitoring the transfer or admission of qualified
25 CYSNs to post-secondary or tertiary education institutions.

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

30 **SEC. 8. Benefits and Incentives for Inclusive Education Learning Personnel and Staff.**
31 — The DepEd shall promote the right of the teachers/instructors to professional
32 advancement and ensure that the Centers shall endeavor to attract the best available
33 teaching staff and talents through adequate benefits, remuneration, scholarship, and

1 training grants, teacher exchange programs, incentives and allowances and other means of
2 securing their job satisfaction and fulfillment as well as their long and stable tenure in their
3 respective posts.

4 **SEC. 9. *In-Service Training of Teachers, Administrators, Non-Teaching Personnel.***

5 — To enhance the inclusive education program, the DepEd shall coordinate with the
6 appropriate national government agencies to offer basic and advanced seminars on
7 disability awareness and inclusive education for the concerned education stakeholders.

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

12 **SEC. 10. *Authority of the Secretary of Education to Give Grants to, or Enter into***
13 ***Cooperative Arrangements for the Creation of Inclusive Education Resource Centers.*** —

14 The Secretary of Education shall develop programs, or enter into cooperative arrangements
15 or contracts with public or private non-profit agencies, institutions or organizations for the
16 establishment or creation of Centers or implementation of the inclusive education such as
17 the following:

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

20 (b) Training of professionals or related services personnel including all regular
21 teachers;

22 (c) Replication of successful innovative approaches to providing educational or
23 related services to CYSNs;

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

25 (e) Diagnosis and education evaluation of CYSNs;

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

27 (g) Familiarization of the municipality or city being served by an Inclusive Education
28 Learning Resource Center with the problems and potentialities of such children
29 and youth; and

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

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

32 **SEC. 11. *Program Office.*** — Inclusive Education Program shall be under the Student
33 Inclusion Division of the Bureau of Learning Delivery under the Office of the Undersecretary
34 for Curriculum Instruction. The Student Inclusion Division shall assist in the formulation,

1 implementation, monitoring, and evaluation of policies, programs, and services for but not
2 limited to CYSNs.

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

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

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

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

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

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

40 **SEC. 17. Inclusion of Children with Special Needs in Child Development Centers.** —
41 Child Development Centers (CDCs) specially designed for pre-school children and their

1 parents, where early identification of disabilities and special needs and introductory
2 educational and intervention programs will be administered, shall be established near or
3 within existing *Inclusive Education Learning Centers*. As far as practicable, the use of existing
4 CDCs and facilities shall be maximized.

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

7 **SEC. 18. Health and Nutrition Services and Interventions.** — The Department of
8 Health (DOH), the National Nutrition Council (NNC) and the Early Child Care and
9 Development (ECCD) Council shall provide inclusive health and nutrition services and
10 interventions for implementation by the DSWD, DepEd, and LGUs.

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

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

21 **SEC. 20. Local Government Unit Participation.** — The LGUs shall allocate a portion of
22 their Special Education Fund (SEF) for the following:

23 (a) Provision of sites, buildings or centers where there are no existing school
24 facilities that may be used for the special education of the CYSNs, as well as the
25 establishment of CDCs pursuant to Section 18 hereof;

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

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

33 **SEC. 21. Public Information, Education and Communication.** — A nationwide
34 information dissemination campaign on the prevention, early identification and the
35 strategic intervention programs for CYSNs shall be intensified. This shall be the joint
36 responsibility of the Philippine Information Agency (PIA), Council for the Welfare of Children
37 (CWC), the NCCA and the DepEd. Likewise, the DepEd, in collaboration with the DOH, the
38 Department of Labor and Employment (DOLE) and the local government units (LGUs) shall

1 disseminate materials and information concerning effective practices in working with,
2 training, and education of CYSNs.

3 **SEC. 22. *Implementing Rules and Regulations.*** — Within sixty (60) days from the
4 effectivity of this Act, the DepEd, in coordination with the DSWD, the Department of the
5 Interior and Local Government, the DOH, the Department of Finance, the Bureau of Internal
6 Revenue, the CWC, the ECCD Council, and the NCDA, and other relevant government
7 agencies, shall promulgate the necessary rules and regulations for the effective
8 implementation of this Act.

9 **SEC. 23. *Appropriations.*** — The funds needed to implement this Act shall be
10 included in the Annual General Appropriations Act. A separate line item budget for CYSNs
11 shall be incorporated in the budget of the DepEd.

12 **SEC. 24. *Separability Clause.*** — Should any provision herein be declared
13 unconstitutional, the same shall not affect the validity of the other provisions of this Act.

14 **SEC. 25. *Repealing Clause.*** — All laws, decrees, orders, rules, and regulations or
15 other issuances or parts inconsistent with the provisions of this Act are hereby repealed or
16 modified accordingly.

17 **SEC. 26. *Effectivity.*** — This Act shall take effect fifteen (15) days after its publication
18 in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,