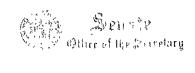
## FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES Third Regular Session



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37: Pw

Introduced by Senator Miriam Defensor Santiago

## **EXPLANATORY NOTE**

The Constitution provides:

Article 2, Section 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civil affairs.

Article 14, Section 1. The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

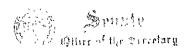
Education is a right, especially for the most vulnerable children and youth. Homelessness should not be a reason for children and young people not to receive primary and secondary education. Further, it is not sufficient reason to separate students from the mainstream school environment.

Hence, the State must ensure that each homeless child and youth has access to the same free appropriate public education, including public preschool education, as is provided to other children and youths.

This bill authorizes the Department of Education to grant funds to local governments which will formulate and implement a comprehensive plan to give access to primary and secondary education to homeless children and young people.

MIRIAM DEFENSOR SANTIAGO

## FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES Third Regular Session



\*12 AUG 28 P3:09

SENATE S. No. **3260** 

RECOVERY: RY: Rx

## Introduced by Senator Miriam Defensor Santiago

1 2 3	AN ACT TO IMPROVE ACCESS TO PRESCHOOL, PRIMARY, AND SECONDARY EDUCATION OF CHILDREN AND YOUTH WITHOUT HOMES					
4 5 6	Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:					
7	SECTION 1. Short Title This Act may be cited as the "Educational Success for					
8	Children and Youth without Homes Act of 2012."					
9						
10	SECTION 2. Declaration of Policy It is hereby declared the policy of the State to					
11	recognize the vital role of the youth in nation-building. Towards this end, the State shall promote					
12	their physical, moral, spiritual, intellectual, and social well-being.					
13	It is also the policy of the State to protect and promote the right of all citizens to quality					
14	education at all levels, and it shall take appropriate steps to make such education accessible to					
15	all.					
16	The State shall ensure that each homeless child and youth has access to the same free					
17	appropriate public education, including public preschool education, as is provided to other					
18	children and youths.					
19						
20	SECTION 3. Definition of Terms In this Act, the term-					
21	(A) "Department" means the Department of Education;					
22	(B) "Enroll; enrollment" includes attending classes and participating full in school					
23	activities;					

1	(C)	Homeress er	march and youns —
2	()	) means	individuals who lack a fixed, regular, and adequate nighttime
3		reside	nce; and
4	(2	2) includ	es—
5		(i)	children and youths who—
6			(I) are sharing the housing of other persons due to loss of
7			housing, economic hardship, or a similar reason;
8			(II) are living in emergency or transitional shelters;
9			(III) are abandoned in hospitals; or
10			(IV) are awaiting foster care placement;
11		(ii)	children and youths who have a primary nighttime residence that is
12			a public or private place not designed for or ordinarily used as a
13			regular sleeping accommodation for human beings; and
14		(iii)	children and youths who are living in cars, parks, public spaces,
15			abandoned buildings, substandard housing, bus or train stations, or
16			similar setting.
17	(D) "	Local gover	nment" refers to the local government of cities and municipalities, as
18	defined under th	e Local Gov	rernment Code;
19	(E) "	Secretary" n	neans the Secretary of Education; and
20	(F) "	Unaccompa	nied youth" means a homeless child or youth not in the physical
21	custody of a pare	ent or legal	guardian.
22			
23	Section	4. Grants j	for the Education of Homeless Children and Youths. – (A) The
24	Secretary is auth	norized to m	ake grants to local governments to enable such local governments to
25	carry out the act	ivities descr	ibed in this section.
26	(B) I	n order for a	local government to be eligible to receive a grant under this section,
27	the local gover	nment, in	consultation with relevant government agencies, shall submit an

2	such information as the Secretary may require.		
3	(C)	Grant funds f	from a grant made to a local government under this section shall be
4	used for the f	ollowing:	
5	(1)	To provide a	ctivities for and services to improve the identification of homeless
6		children and	youths and enable such children and youths to enroll in, attend, and
7		succeed in sc	hool, including in early care and education programs (especially in
8		prekindergart	en).
9	(2)	To provide a	activities and services to improve the identification of homeless
10		children and	youths and enable such children and youths to enroll in, attend, and
11		succeed in scl	nool and preschool programs.
12	(3)	To establish o	or designate an Office of the Coordinator for Education of Homeless
13		Children and	Youths in the local government to carry out the duties described in
14		this Act.	
15	(4)	To prepare an	d carry out the local government plan described in this section.
16	(D)	The Coordina	tor for Education of Homeless Children and Youths established in
17	each local government shall—		
18		(1) gather	and make publicly available reliable, valid, and comprehensive
19		inform	nation—
20		(i)	on the number of homeless children and youths identified in each
21			barangay, municipality, city, or province;
22		(ii)	on the nature and extent of the problems homeless children and
23			youths have in gaining access to early care and education
24			programs, and to public elementary schools and secondary schools;
25		(iii)	on the difficulties in identifying the special needs and barriers to
26			participation and achievement of such children and youths;
27		(iv)	on any progress made by the local government in addressing such
28			problems and difficulties; and

application to the Secretary at such time, in such manner, and containing or accompanied by

1	(2)	dever	op and carry out the local government plan described in this section,
2	(3)	collec	t data for and transmit to the Secretary, at such time and in such
3		manne	er as the Secretary may require, reports containing such information
4		as the	Secretary determines is necessary to assess the educational needs of
5		all ho	omeless children and youths within the territory of the local
6		goveri	unent;
7	(4)	in ord	er to improve identification of homeless children and youths and to
8		impro	ve the provision of comprehensive education and related support
9		service	es to homeless children and youths and their families, and to
10		minim	nize educational disruption, coordinate activities, and collaborate
11		with-	_
12		(i)	educators, including teachers, administrators, special education
13			personnel, child development and preschool program personnel;
14		(ii)	providers of services to homeless children and youths and their
15			families, including services of public and private child welfare and
16			social services agencies, law enforcement agencies, juvenile and
17			family courts, agencies providing mental health services, domestic
18			violence agencies, child care providers, and runaway and homeless
19			youth centers;
20		(iii)	providers of emergency, transitional, and permanent housing to
21			homeless children and youths, and their families, including public
22			housing agencies, shelter operators, operators of transitional
23			housing facilities, and providers of transitional living programs for
24			homeless youths;
25		(iv)	community organizations and groups representing homeless
26			children and youths and their families; and
27		(v)	relevant government agencies, bureaus, and instrumentalities.

1		(5) respond to inquiries from parents and guardians of homeless children and			
2	youths and unaccompanied youths to ensure that each child or youth who				
3	is the subject of such an inquiry receives the full protections and service				
4		provided by this Act.			
5	(E)	Local Government Plan Each local government shall submit to the Secretary			
6	and carry ou	t a plan to provide for education and related support services for all homeless			
7	children and y	youths within its territory. Such plan shall include the following:			
8	(1)	A description of how such children and youths are (or will be) given the			
9		opportunity to meet the same challenging student academic achievement			
10		standards as all students are expected to meet.			
11	(2)	A description of the procedures the local government will use, in coordination			
12		with local educational agencies, to identify all such children and youths and to			
13		assess their special needs.			
14	(3)	A description of procedures for the prompt resolution of disputes arising under			
15		this Act.			
16	(4)	A description of programs for school and other local educational agency			
17		personnel (including the liaisons, principals, teachers, enrollment personnel, and			
18		pupil services personnel) to heighten the awareness of such personnel of the			
19		specific needs of homeless adolescents, including runaway and homeless youths.			
20	(5)	A description of procedures that ensure that homeless children and youths are able			
21		to participate in nutrition programs.			
22	(6)	A description of procedures that ensure that—			
23		(i) homeless children have access to public preschool programs;			
24		(ii) homeless youths, including youths separated from public schools, are			
25		identified and accorded access to appropriate secondary education and			
26		related support services;			
27	(7)	Strategies to address problems with respect to the education of homeless children			
28		and youths, including enrollment problems related to immunization and other			

1		required hear	th records and screenings; residency requirements; lack of birth
2		certificates,	school records, or other documentation; guardianship issues; or
3		uniform or dr	ess code requirements.
4	(8)	A description	n of policies and practices to ensure that homeless children and
5		youths are no	t stigmatized or segregated on the basis of their status as homeless.
6	(9)	A description	of policies and practices to promote school success for homeless
7		children and	youths, including by—
8		(i)	ensuring that homeless children and youths have opportunities to
9			meet the same challenging student academic achievement
10			standards to which other students are held;
11		(ii)	ensuring that homeless children and youths are able to participate
12			fully in all classes and school activities, including extracurricular
13			activities, athletic activities for which they meet skill level
14			requirements, before and after school programs, summer school
15			programs, field trips, classes, tests, and other activities; and
16		(iv)	ensuring that such policies and practices remove barriers to
17			participation related to fees, lack of guardianship, lack of
18			transportation, enrollment and participation deadlines, and
19			residency requirements.
20			
21	SECT	ION 5. Enro	lment (A) Public elementary and secondary schools shall
22			eless child or youth, even if the child or youth is unable to produce
23	·		for enrollment, including previous academic records, records of

records normally required for enrollment, including previous academic records, records of immunizations and health screenings and other required health records, proof of residency or guardianship, or other documentation; has unpaid fines or fees from prior schools or is unable to pay fees in the school selected; or has missed application or enrollment deadlines during any period of homelessness.

- (B) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.
- (C) If the child or youth needs to obtain immunizations or health screenings, or immunization or other required health records, the enrolling school shall immediately enroll the child or youth and refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local government health center, clinic, or hospital for appropriate immunizations or health screenings.
- (D) Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be released to employers, law enforcement personnel, or other persons or agencies not authorized to have such information under laws and administrative issuances, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youths who are survivors of domestic violence and unaccompanied youths.

SECTION 6. Preschool Programs for Homeless Children. – Local governments shall identify and prioritize homeless children for enrollment and increase their enrollment and attendance in early care and education programs, including through policies such as reserving spaces in preschool programs for homeless children; conducting targeted outreach to homeless children and their families; waiving application deadlines; providing ongoing professional development for staff regarding the needs of homeless children and their families and strategies to serve the children and families; and developing the capacity to serve all identified homeless children.

SECTION 7. Prohibition on Segregating Homeless Children and Youths. — In providing a free appropriate public education to a homeless child or youth, no local government receiving funds under this Act shall segregate such child or youth in a separate school, or in a separate program within a school, based on such child's or youth's status as homeless.

1	SECTION 8. Issuance of Implementing Rules and Regulations. – Within ninety (90) days
2	from the approval of this Act, the Department of Education, in consultation with the Department
3	of Interior and Local Government, the Department of Social Welfare and Development, and
4	other appropriate government agencies and stakeholders, shall promulgate the rules and
5	regulations to implement the provisions of this Act. Such rules and regulations shall take effect
6	fifteen (15) days after its publication in a newspaper of general circulation.
7	
8	SECTION 9. Appropriations. — To carry out the provisions of this Act, such amount as
9	may be necessary is hereby authorized to be appropriated from the National Treasury.
10	Thereafter, the amount necessary for the continuous operation of the Commission shall be
11	included in the annual appropriation of the Department of Education.
12	
13	SECTION 10. Separability Clause If any provision, or part hereof, is held invalid or
14	unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
15	valid and subsisting.
16	
17	SECTION 11. Repealing Clause Any law, presidential decree or issuance, executive
18	order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
19	with, the provisions of this Act is hereby repealed, modified, or amended accordingly.
20	
21	SECTION 12. Effectivity Clause This Act shall take effect fifteen (15) days after its
22	publication in at least two (2) newspapers of general circulation.
23	Approved,

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