

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



Office of the Secretary

'12 AUG 28 P3:09

SENATE
S. No. **3260**

REC'D BY: *[Signature]*

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.

[Signature]
MIRIAM DEFENSOR SANTIAGO

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SENATE
S. No. **3260**

REC'D BY: 

Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 TO IMPROVE ACCESS TO PRESCHOOL, PRIMARY, AND SECONDARY EDUCATION
3 OF CHILDREN AND YOUTH WITHOUT HOMES

4 *Be it enacted by the Senate and House of Representatives of the Philippines in Congress*
5 *assembled:*
6

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) "Homeless children and youths" –

2 (1) means individuals who lack a fixed, regular, and adequate nighttime
3 residence; and

4 (2) includes—

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 government" refers to the local government of cities and municipalities, as
18 defined under the Local Government Code;

19 (E) "Secretary" means the Secretary of Education; and

20 (F) "Unaccompanied youth" means a homeless child or youth not in the physical
21 custody of a parent or legal guardian.

22
23 Section 4. *Grants for the Education of Homeless Children and Youths.* – (A) The
24 Secretary is authorized to make grants to local governments to enable such local governments to
25 carry out the activities described in this section.

26 (B) In order for a local government to be eligible to receive a grant under this section,
27 the local government, in consultation with relevant government agencies, shall submit an

1 application to the Secretary at such time, in such manner, and containing or accompanied by
2 such information as the Secretary may require.

3 (C) Grant funds from a grant made to a local government under this section shall be
4 used for the following:

5 (1) To provide activities 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 school, including in early care and education programs (especially in
8 prekindergarten).

9 (2) To provide 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 school and preschool programs.

12 (3) To establish 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 and carry out the local government plan described in this section.

16 (D) The Coordinator 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 information—

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

- 1 (2) develop and carry out the local government plan described in this section;
- 2 (3) collect data for and transmit to the Secretary, at such time and in such
- 3 manner as the Secretary may require, reports containing such information
- 4 as the Secretary determines is necessary to assess the educational needs of
- 5 all homeless children and youths within the territory of the local
- 6 government;
- 7 (4) in order to improve identification of homeless children and youths and to
- 8 improve the provision of comprehensive education and related support
- 9 services to homeless children and youths and their families, and to
- 10 minimize 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 required health records and screenings; residency requirements; lack of birth
2 certificates, school records, or other documentation; guardianship issues; or
3 uniform or dress code requirements.

4 (8) A description of policies and practices to ensure that homeless children and
5 youths are not 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 SECTION 5. *Enrolment.* – (A) Public elementary and secondary schools shall
22 immediately enroll the homeless child or youth, even if the child or youth is unable to produce
23 records normally required for enrollment, including previous academic records, records of
24 immunizations and health screenings and other required health records, proof of residency or
25 guardianship, or other documentation; has unpaid fines or fees from prior schools or is unable to
26 pay fees in the school selected; or has missed application or enrollment deadlines during any
27 period of homelessness.

1 (B) The enrolling school shall immediately contact the school last attended by the
2 child or youth to obtain relevant academic and other records.

3 (C) If the child or youth needs to obtain immunizations or health screenings, or
4 immunization or other required health records, the enrolling school shall immediately enroll the
5 child or youth and refer the parent or guardian of the child or youth, or the unaccompanied
6 youth, to the local government health center, clinic, or hospital for appropriate immunizations or
7 health screenings.

8 (D) Information about a homeless child's or youth's living situation shall be treated as
9 a student education record, and shall not be released to employers, law enforcement personnel, or
10 other persons or agencies not authorized to have such information under laws and administrative
11 issuances, paying particular attention to preventing disruption of the living situation of the child
12 or youth and to supporting the safety of such children and youths who are survivors of domestic
13 violence and unaccompanied youths.

14
15 SECTION 6. *Preschool Programs for Homeless Children.* – Local governments shall
16 identify and prioritize homeless children for enrollment and increase their enrollment and
17 attendance in early care and education programs, including through policies such as reserving
18 spaces in preschool programs for homeless children; conducting targeted outreach to homeless
19 children and their families; waiving application deadlines; providing ongoing professional
20 development for staff regarding the needs of homeless children and their families and strategies
21 to serve the children and families; and developing the capacity to serve all identified homeless
22 children.

23
24 SECTION 7. *Prohibition on Segregating Homeless Children and Youths.* – In providing a
25 free appropriate public education to a homeless child or youth, no local government receiving
26 funds under this Act shall segregate such child or youth in a separate school, or in a separate
27 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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