

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



15 OCT -1 P2:48

SENATE
S. No. 2980

RECEIVED BY: *J*

Introduced by Senator Miriam Defensor Santiago

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

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.

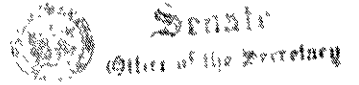
Hence, the State must ensure that each homeless child and youth has access to the same free appropriate public education, including public preschool education, as is provided to other children and youths.

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.¹


MIRIAM DEFENSOR SANTIAGO
#


¹ This bill was originally filed in the Fifteenth Congress, Third Regular Session.

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



15 OCT -1 P2 :48

SENATE
S. No. 2980

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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

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

1 SECTION 1. *Short Title.* – This Act may be cited as the "Educational Success for
2 Children and Youth without Homes Act."

3 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State
4 to recognize the vital role of the youth in nation-building. Towards this end, the State
5 shall promote their physical, moral, spiritual, intellectual, and social well-being.

6 It is also the policy of the State to protect and promote the right of all citizens to
7 quality education at all levels, and it shall take appropriate steps to make such education
8 accessible to all.

9 The State shall ensure that each homeless child and youth has access to the same
10 free appropriate public education, including public preschool education, as is provided to
11 other children and youths.

12 SECTION 3. *Definition of Terms.* – In this Act, the term:

13 (A) "Department" means the Department of Education;

1 (B) "Enroll; enrollment" includes attending classes and participating fully in
2 school activities;

3 (C) "Homeless children and youths":

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

6 (2) includes:

7 (i) children and youths who:

8 (I) are sharing the housing of other persons due to loss of
9 housing, economic hardship, or a similar reason;

10 (II) are living in emergency or transitional shelters;

11 (III) are abandoned in hospitals; or

12 (IV) are awaiting foster care placement;

13 (ii) children and youths who have a primary nighttime residence that
14 is a public or private place not designed for or ordinarily used as a regular
15 sleeping accommodation for human beings; and

16 (iii) children and youths who are living in cars, parks, public spaces,
17 abandoned buildings, substandard housing, bus or train stations, or similar
18 setting.

19 (D) "Local government" refers to the local government of cities and
20 municipalities, as defined under the Local Government Code;

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

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

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

1 (B) In order for a local government to be eligible to receive a grant under this
2 section, the local government, in consultation with relevant government agencies, shall
3 submit an application to the Secretary at such time, in such manner, and containing or
4 accompanied by such information as the Secretary may require.

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

7 (1) To provide activities for and services to improve the identification of
8 homeless children and youths and enable such children and youths to enroll in,
9 attend, and succeed in school, including in early care and education programs
10 (especially in prekindergarten).

11 (2) To provide activities and services to improve the identification of
12 homeless children and youths and enable such children and youths to enroll in,
13 attend, and succeed in school and preschool programs.

14 (3) To establish or designate an Office of the Coordinator for Education of
15 Homeless Children and Youths in the local government to carry out the duties
16 described in this Act.

17 (4) To prepare and carry out the local government plan described in this
18 section.

19 (D) The Coordinator for Education of Homeless Children and Youths established
20 in each local government shall-

21 (1) gather and make publicly available reliable, valid, and comprehensive
22 information-

23 (i) on the number of homeless children and youths identified in each
24 barangay, municipality, city, or province;

1 (ii) on the nature and extent of the problems homeless children and
2 youths have in gaining access to early care and education programs, and to
3 public elementary schools and secondary schools;

4 (iii) on the difficulties in identifying the special needs and barriers to
5 participation and achievement of such children and youths;

6 (iv) on any progress made by the local government in addressing
7 such problems and difficulties; and

8 (2) develop and carry out the local government plan described in this
9 section;

10 (3) collect data for and transmit to the Secretary, at such time and in such
11 manner as the Secretary may require, reports containing such information as the
12 Secretary determines is necessary to assess the educational needs of all homeless
13 children and youths within the territory of the local government;

14 (4) in order to improve identification of homeless children and youths and
15 to improve the provision of comprehensive education and related support services
16 to homeless children and youths and their families, and to minimize educational
17 disruption, coordinate activities, and collaborate with-

18 (i) educators, including teachers, administrators, special education
19 personnel, child development and preschool program personnel;

20 (ii) providers of services to homeless children and youths and their
21 families, including services of public and private child welfare and social
22 services agencies, law enforcement agencies, juvenile and family courts,
23 agencies providing mental health services, domestic violence agencies,
24 child care providers, and runaway and homeless youth centers;

1 (iii) providers of emergency, transitional, and permanent housing to
2 homeless children and youths, and their families, including public housing
3 agencies, shelter operators, operators of transitional housing facilities, and
4 providers of transitional living programs for homeless youths;

5 (iv) community organizations and groups representing homeless
6 children and youths and their families; and

7 (v) relevant government agencies, bureaus, and instrumentalities.

8 (5) respond to inquiries from parents and guardians of homeless children
9 and youths and unaccompanied youths to ensure that each child or youth who is
10 the subject of such an inquiry receives the full protections and services provided
11 by this Act.

12 (E) Local Government Plan. – Each local government shall submit to the
13 Secretary and carry out a plan to provide for education and related support services for all
14 homeless children and youths within its territory. Such plan shall include the following:

15 (1) A description of how such children and youths are (or will be) given the
16 opportunity to meet the same challenging student academic achievement standards
17 as all students are expected to meet.

18 (2) A description of the procedures the local government will use, in
19 coordination with local educational agencies, to identify all such children and
20 youths and to assess their special needs.

21 (3) A description of procedures for the prompt resolution of disputes arising
22 under this Act.

23 (4) A description of programs for school and other local educational agency
24 personnel (including the liaisons, principals, teachers, enrollment personnel, and
25 pupil services personnel) to heighten the awareness of such personnel of the
26 specific needs of homeless adolescents, including runaway and homeless youths.

1 (5) A description of procedures that ensure that homeless children and
2 youths are able to participate in nutrition programs.

3 (6) A description of procedures that ensure that-

4 (i) homeless children have access to public preschool programs;

5 (ii) homeless youths, including youths separated from public
6 schools, are identified and accorded access to appropriate secondary
7 education and related support services;

8 (7) Strategies to address problems with respect to the education of homeless
9 children and youths, including enrollment problems related to immunization and
10 other required health records and screenings; residency requirements; lack of birth
11 certificates, school records, or other documentation; guardianship issues; or
12 uniform or dress code requirements.

13 (8) A description of policies and practices to ensure that homeless children
14 and youths are not stigmatized or segregated on the basis of their status as
15 homeless.

16 (9) A description of policies and practices to promote school success for
17 homeless children and youths, including by-

18 (i) ensuring that homeless children and youths have opportunities to
19 meet the same challenging student academic achievement standards to
20 which other students are held;

21 (ii) ensuring that homeless children and youths are able to participate
22 fully in all classes and school activities, including extracurricular activities,
23 athletic activities for which they meet skill level requirements, before and
24 after school programs, summer school programs, field trips, classes, tests,
25 and other activities; and

1 (iii) ensuring that such policies and practices remove barriers to
2 participation related to fees, lack of guardianship, lack of transportation,
3 enrollment and participation deadlines, and residency requirements.

4 SECTION 5. *Enrollment.* –

5 (A) Public elementary and secondary school shall immediately enroll the homeless
6 child or youth, even if the child or youth is unable to produce records normally required
7 for enrollment, including previous academic records, records of immunizations and
8 health screenings and other required health records, proof of residency or guardianship,
9 or other documentation; has unpaid fines or fees from prior schools or is unable to pay
10 fees in the school selected; or has missed application or enrollment deadlines during any
11 period of homelessness.

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

14 (C) If the child or youth needs to obtain immunizations or health screenings, or
15 immunization or other required health records, the enrolling school shall immediately
16 enroll the child or youth and refer the parent or guardian of the child or youth, or the
17 unaccompanied youth, to the local government health center, clinic, or hospital for
18 appropriate immunizations or health screenings.

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

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

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

14 SECTION 8. *Issuance of Implementing Rules and Regulations.* – Within ninety
15 (90) days from the approval of this Act, the Department of Education, in consultation
16 with the Department of Interior and Local Government, the Department of Social
17 Welfare and Development, and other appropriate government agencies and
18 stakeholders, shall promulgate the rules and regulations to implement the provisions of
19 this Act. Such rules and regulations shall take effect fifteen (15) days after its publication
20 in a newspaper of general circulation.

21 SECTION 9. *Appropriations.* – To carry out the provisions of this Act, such
22 amount as may be necessary is hereby authorized to be appropriated from the National
23 Treasury. Thereafter, the amount necessary for the continuous operation of the
24 Commission shall be included in the annual appropriation of the Department of
25 Education.

1 SECTION 10. *Separability Clause.* – If any provision of this Act is held invalid or
2 unconstitutional, the same shall not affect the validity and effectivity of the other
3 provisions hereof.

4 SECTION 11. *Repealing Clause.* – All laws, decrees, orders, and issuances, or
5 portions thereof, which are inconsistent with the provisions of this Act, are hereby
6 repealed, amended or modified accordingly.

7 SECTION 12. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
8 after its publication in the *Official Gazette* or in two (2) newspapers of general
9 circulation.

Approved,

/fldp24Sept2015