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Senate Bill No. 1732

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Prepared and submitted by the Committees on Education, Arts and Culture; Women, Children Family Relations and Gender Equality; Youth; Social Justice, Welfare and Rural Development; Ways and Means; and Finance with Senators Senators Cayetano, Trillanes, Ejercito, Gatchalian, Villanueva, Angara, Aquino and Escudero as authors

**AN ACT**  
**INSTITUTING INCLUSIVE EDUCATION AND ESTABLISHING SPECIAL EDUCATION CENTERS FOR CHILDREN AND YOUTH WITH SPECIAL NEEDS IN ALL PUBLIC SCHOOLS DIVISIONS, PROVIDING FOR STANDARDS AND GUIDELINES, AND APPROPRIATING FUNDS THEREFOR**

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

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

13  
14       This is in accordance with Section 13, Article II and Section 13, Article XIII of the  
15 1987 Constitution; Articles 3(1), 3(3), 3(6) and 12 of Presidential Decree No. 603,  
16 otherwise known as the Child and Youth Welfare Code; Sections 12 to 14 of Republic Act  
17 No. 7277, as amended, otherwise known as the Magna Carta for Disabled Persons; UN  
18 Convention on the Rights of the Child; UNESCO Salamanca Statement; UN Convention on  
19 the Rights of Persons with Disabilities; Incheon Strategy to Make the Rights Real for  
20 Persons with Disability in Asia and Pacific, and other relevant laws.

21       Towards this end, the State shall:

- 22  
23  
24       (a)     Institutionalize an adequate and relevant educational program for every  
25 CYSN;  
26       (b)     Adopt the policy of inclusive education;  
27       (c)     Establish Inclusive Education Learning Resource Centers, and  
28       (d)     Provide vital support mechanisms required to ensure their effectiveness.

29  
30       All CYSNs in any degree of educational need shall therefore have the opportunity to  
31 be developed in the most enhancing environment, consistent with the provision of a quality  
32 education that best meets their needs.

1           **SEC. 3. Objectives.** – This Act shall pursue the following:  
2

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

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

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

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

11           (e) Identify thru a child find system CYSNs ages three (3) to twenty-four (24)  
12 and infants and toddlers under the age of three (3) in compliance with Republic Act No.  
13 10410, otherwise known as the Early Years Act of 2013;

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

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

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

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

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

25           (k) Create significant and positive changes in community attitudes towards  
26 disability and the need to provide inclusive education and proper care to CYSNs.  
27

28           **SEC. 4. Definition of Terms.** – As used in this Act:  
29

30 (a) Basic Education refers to meeting the basic learning needs which provide the  
31 foundation on which subsequent learning can be based. It encompasses kindergarten,  
32 elementary, and secondary education as well as Alternative Learning Systems (ALS) for out-  
33 of-school learners and those with special needs;  
34

35 (b) Child Find System refers to the process of locating and coming up with a list of  
36 CYSNs through the child development teachers or workers who are under the local  
37 government units (LGUs);  
38

39 (c) Children and Youth with Special Needs (CYSNs) refers to children and youth with  
40 specialized needs in education and exceptionalities who differ from the neurotypical  
41 children and youth in neuropsychological characteristics, sensory abilities, neuromuscular  
42 or physical characteristics, and social attributes to such an extent that the use of modified  
43 school practices or specialized education services are required to develop them to  
44 maximum capability. It includes the following:  
45

46 1.) Gifted or Talented – children and youth who are capable of superior performance  
47 including those with demonstrated achievement or potential ability in one or more of  
48 the following areas – general intellectual ability, specific academic aptitude, creative or  
49 productive thinking ability, leadership ability, ability in the visual or performing arts,  
50 and psychomotor ability; or, those individuals who consistently manifest the following  
51 cluster of traits: above average ability, including intelligence, high creativity, which  
52 implies the developmental appreciation of innovative ideas, and high task commitment  
53 related to a high degree of motivation; and those who by reason thereof, require services  
54 or activities not ordinarily provided by a school;  
55

1 2.) Children with disabilities – refers to persons below 18 years old who have long term  
2 physical, mental, intellectual or sensory impairments, which in interaction with various  
3 barriers may hinder their full and effective participation in society on an equal basis  
4 with others, such as but not limited to children with physical or orthopedic disability;  
5 intellectual disability, learning disability, communication disability including deaf and  
6 hard of hearing; visual disability or psychosocial disability;  
7

8 3.) Special Health problems – children and youth who have health conditions that tend to  
9 keep them out-of-school, or those with chronic and/or debilitating illnesses such as  
10 cardiac diseases, asthma, diabetes, tuberculosis and other respiratory ailments,  
11 carcenonza epilepsy and malnutrition;  
12

13 4.) Youth with disability – refers to persons aged 15 to 30 years who have long-term  
14 physical, mental, intellectual or sensory impairments, which in interaction with various  
15 barriers may hinder their full and effective participation in society on an equal basis  
16 with others, such as but not limited to youth with physical or orthopedic disability;  
17 intellectual disability, learning disability, communication disability including deaf and  
18 hard of hearing; visual disability or psychosocial disability.  
19

20 (c) Disability shall mean 1) a physical or mental impairment that substantially limit one  
21 or more psychological, physiological, or anatomical function of an individual or activities of  
22 such individual; 2) a limitation or difficulty encountered by an individual in executing a task  
23 or action; and 3) a participation restriction or a problem experienced by an individual in  
24 involvement in life's situations.  
25

26 It does not just entail a health problem but shall reflect the interaction between  
27 features of a person's body and features of the society in which he lives as well as the  
28 difficulties he has encountered to remove the environmental and social barriers;  
29

30 (d) Inclusive education is a process of addressing and responding to the diversity of  
31 needs of all students and learners by increasing participation in learning, cultures and  
32 communities, and totally reducing exclusion from and within education. It involves the  
33 appropriate changes and modifications in content, approaches, structures and strategies  
34 with a common vision, which covers all children and youth of all ages , affirming in the  
35 process the State's conviction that it is the government's mandate and responsibility to  
36 educate all children and youth without discrimination or favor.  
37

38 It shall also focus on the achievement of high quality, appropriate and relevant  
39 education for all learners and students and the development of more inclusive and  
40 conducive learning environments without focusing on marginal issues;  
41

42 (e) Private Sector Participation refers to all forms of indispensable, substantial and  
43 meaningful participation of private individuals, partnerships, groups or entities, disabled  
44 people's organizations, community-based organizations, or non-governmental  
45 organizations, in the delivery of educational and rehabilitative services for CYSNs;  
46

47 (f) Special Education (SPED) refers to the customized instructional program or service  
48 designed to meet the unique needs of individual CYSNs, which may necessitate use of  
49 supplementary aids and services and teaching strategies in classroom and non- academic  
50 settings, and includes instructions on physical and vocational education and travel training.  
51 Special education addresses significant physical, sensory, neuropsychological, cognitive, or  
52 behavioral characteristics that may necessitate the use of specialized materials, equipment,  
53 services, and/or teaching strategies. It is geared towards the integration of CYSNs into the  
54 education mainstream;  
55

1 (g) Learning Resource Center refers to a resource hub that provides students, teachers,  
2 school personnel, and other education stakeholders of CYSNs appropriate instructional  
3 learning materials, tools, devices, gadgets, equipment to facilitate and enhance learning as  
4 well as assessment tools and instruments to evaluate developmental domains and specific  
5 areas of concern necessary in determining appropriate services and placement decisions;  
6

7 (h) Special Instructional Materials refer to textbooks in Braille, large type, audio, digital  
8 or any other medium or apparatus, that convey information to a student or otherwise  
9 contributes to the learning process; and  
10

11 (i) Universal Design for Learning is a scientifically valid framework for guiding  
12 educational practice that: 1) provides flexibility in the ways information is presented, in the  
13 ways student respond or demonstrate knowledge and skills, and in the ways students are  
14 engaged; 2) reduces barriers in instruction, provides appropriate accommodations,  
15 supports, and challenges and maintains high achievement expectations for all students,  
16 including students with disabilities and students who have limited English proficiency.  
17

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

27 **SEC. 5. Establishment of Inclusive Education Learning Resource Centers for**  
28 **CYSNs in all Public Schools Divisions.** –An Inclusive Education Learning Resource Center  
29 for CYSNs shall be established in all public schools divisions nationwide where there are no  
30 existing SPED Centers.  
31

32 All existing SPED centers shall now be called and referred to as Inclusive Education  
33 Learning Resource Centers.  
34

35 **SEC. 6 . Functions of the Inclusive Education Learning Resource Center.** – The  
36 center shall function as a resource center that shall assist in promoting inclusive education  
37 to capacitate regular schools to effectively handle the needs of children and youth with  
38 disability. It shall:  
39

- 40 (a) Integrate and include CYSNs in regular classes;
- 41 (b) Conduct assessment of CYSNs to evaluate developmental domains and  
42 specific areas of concern and determine appropriate services and placement  
43 options;
- 44 (c) Conduct school-based training of CYSNs;
- 45 (d) Undertake and monitor case management and coordination services;
- 46 (e) Ensure that the CYSNs within the division shall receive the appropriate  
47 services needed;
- 48 (f) Provide training to regular teachers, administrators, non-teaching personnel,  
49 and parents on inclusive education;
- 50 (g) Produce appropriate teaching materials for CYSNs;
- 51 (h) Implement the programs of the center such as the Individualized Education  
52 Plan (IEP), transition program, and other alternative educational programs;
- 53 (i) Provide access to auxiliary aids that are basically non-educational, but which  
54 enhance the education process of the CYSNs. These services may include:  
55

- 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 that
- 8 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

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

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

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

28  
29 The appropriate and necessary trainings, seminars and other opportunities for  
30 upgrading the performance of DepEd teachers implementing the inclusive education  
31 curriculum shall be conducted and evaluated by the National Educators' Academy (NEAP).

32  
33 **SEC. 10. Authority of the DepEd Secretary.** – The Secretary of DepEd shall develop  
34 programs, enter into cooperative arrangements or contracts with public or private non-  
35 profit agencies, institutions, or organizations for the establishment or creation of Centers  
36 or implementation of inclusive education such as, but not limited to, the following:

- 37
- 38 (a) Technical assistance to Center teachers who are preparing to serve or are
- 39 serving CYSNs for inclusion and mainstreaming;
- 40 (b) Training of professionals or related services personnel including all regular
- 41 teachers;
- 42 (c) Replication of successful innovative approaches in providing educational or
- 43 related services to CYSNs;
- 44 (d) Facilitation of parental involvement in the education of their CYSNs;
- 45 (e) Diagnosis and educational evaluation of CYSNs;
- 46 (f) Consultative, counseling and training services for the families of CYSNs;
- 47 (g) Familiarization of the municipality or city being served by a Center with the
- 48 problems and potentialities of such children and youth; and
- 49 (h) Enter into agreements with medical and allied medical professional groups.
- 50

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

53  
54 **SECTION 11. Program Office.** – Inclusive education programs shall be under the  
55 Student Inclusion Division of the Bureau of Learning Delivery under the Office of the  
56 Undersecretary for Curriculum and Instruction. The Student Inclusion Division shall assist

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

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

13  
14 **SEC. 13. Student Assistance.** – The DepEd, DSWD, NCDA and LGUs shall develop  
15 programs to support the financial and educational needs of the marginalized or  
16 disadvantaged CYSNs, as defined in Republic Act No. 8425, otherwise known as the Social  
17 Reform and Poverty Alleviation Act.

18  
19 The benefits accorded by Republic Act No. 8545, or the E-GATSPE Act shall likewise  
20 be extended to qualified CYSNs students in the secondary levels.

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

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

37  
38 Copies of these instructional materials shall be furnished without cost to either the  
39 CYSNs or the teacher who is handling their instruction.

40  
41 **SEC 16. Incentives for Private Sector Participation.** – Partnership between the  
42 government and private institutions catering to the needs of CYSNs shall be encouraged.  
43 Private entities who or which team up with DepEd or provide the necessary educational  
44 assistance and service of CYSNs enrolled in public schools shall be entitled to benefits and  
45 incentives provided under Republic Act No. 8525 or the 'Adopt a School Act of 1998' and its  
46 Implementing Rules and Regulations.

47  
48 **SEC. 17. Inclusion of Children with Special Needs in Child Development**  
49 **Centers.** – Child Development Centers (CDCs) specially designed for pre-school children  
50 and their parents, where early identification of disabilities and special needs and  
51 introductory educational and intervention programs will be administered, shall be  
52 established near or within existing Centers or in other Centers. As far as practicable, the  
53 use of existing CDCs and facilities shall be maximized.

1 The Early Childhood Care and Development Council (ECCD Council) shall  
2 coordinate with LGUs, DepEd, DSWD, DOH and other concerned agencies to provide  
3 support programs for children with special needs under five years old.  
4  
5

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

11  
12 **SEC. 19. Parent, Sibling, and Caregiver Education.** – A formal training and  
13 counseling program shall be developed and initiated by the LGUs, in coordination with  
14 DepEd, DSWD, LGUs, ECCD Council, DOH, disabled people's organizations (DPOs), parent-  
15 support organizations, health professional organizations, non-government organizations  
16 (NGOs), and civil society organizations (CSOs) to equip parents, siblings, and caregivers of  
17 CYSNs with working knowledge of special education, an understanding of the psychology of  
18 CYSNs, and the awareness of their crucial role as educators so that they, in turn, can  
19 maximize their knowledge and skills to fully participate in developing the potentials of  
20 CYSNs. Parents should also be apprised of procedural safeguards to protect the educational  
21 rights of children and their parents, and processes to resolve disputes and complaints  
22 related to the education of CYSNs.  
23

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

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 CDCs  
29 pursuant to Sec. 18 hereof;

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

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

37 (d) Delivery of health and nutrition services and interventions, educational assessment  
38 program of CYSNs in their respective localities that would be initiated by the DepEd.  
39

40 **SEC. 21. Public Information, Education, and Communication.** – A nationwide  
41 information dissemination campaign on the prevention, early identification, early detection  
42 and the strategic intervention programs for CYSNs shall be intensified. This shall be the  
43 joint responsibility of the Philippine Information Agency (PIA), Council for the Welfare of  
44 Children (CWC), the National Council for Disability Affairs (NCDA) and the DepEd.  
45 Likewise, the DepEd, in collaboration with DOH, Department of Labor and Employment  
46 (DOLE), and LGUs shall disseminate materials and information concerning effective  
47 practices in working with, training and educating CYSNs.  
48

49 Private media outlets and organizations are encouraged to participate in the  
50 dissemination of relevant materials and information regarding effective practices in  
51 working with, training, and educating CYSNs.  
52

53 **SEC. 22. Appropriations.** – The Secretary of DepEd shall immediately include in the  
54 DepEd program the implementation of this Act, the funding of which shall be included in  
55 the annual General Appropriations Act. A separate line item budget for CYSNs shall be  
56 incorporated in the budget of the DepEd.

1  
2       **SEC. 23. Implementing Rules and Regulations.** – Within ninety (90) days from  
3 the effectivity of this Act, the DepEd, in coordination with the DSWD, Department of  
4 Interior and Local Government (DILG), DOH, DOF, Bureau of Internal Revenue (BIR), CWC,  
5 ECCD Council, and NCDA and in consultation with DPOs, parent-support organizations,  
6 health professional organizations, and NGOs and CSOs that are working with CYSNs, shall  
7 promulgate and issue the necessary guidelines for the effective implementation of this Act.  
8

9       **SEC. 24. Separability Clause.** – If for any reason, a provision or part hereof is  
10 declared invalid, other provisions not affected thereby shall remain in full force and effect.  
11

12       **SEC. 25. Repealing Clause.** – All laws, decrees, executive orders, rules and  
13 regulations contrary or inconsistent with the provisions of this Act are hereby repealed or  
14 modified accordingly.  
15

16       **SEC. 26. Effectivity.** – This Act shall take effect fifteen (15) days after its publication  
17 in the Official Gazette or in a newspaper of general circulation.  
18

19       *Approved,*  
20