

**SENATE**

'19 JUL 16 A11 :47

**Senate Bill No. 540**

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**Introduced by Senator Juan Miguel F. Zubiri**

**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**

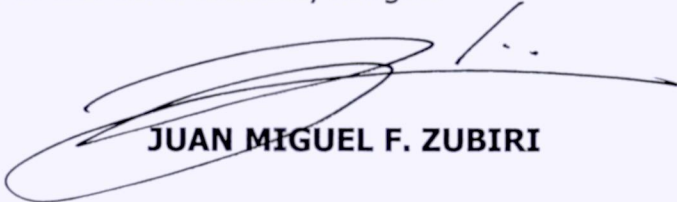
The 1987 Constitution provides that "the State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible at all." Republic Act No. 7277 or the Magna Carta for Disabled Persons specifically mandates that "the State shall ensure that disabled persons are provided with adequate access to quality education and ample opportunities to develop their skills."

To integrate and mainstream learners with special needs into the school system, the Department of Education is implementing the Special Education (SPED) Program for learners who are mentally, psychologically, physically or socially challenged, and those with exceptional abilities. Based on data from the Department of Education, as of February 2017, there are only 648 SPED Centers and regular schools offering SPED. DepEd estimates some 400,732 learners with special education needs in the previous school year.

A 2018 study conducted by the Development Academy of the Philippines also shows that one in every five persons with disabilities is a child aged 0-14. The study also reveals the lack of inclusive service framework and a strong referral system that integrates the different social services for some 26.56 percent poor Filipino children with disabilities.

To be able to address these concerns, this bill seeks to establish, maintain and support an inclusive, complete, adequate and integrated system of special education for children with special needs. It creates learning resource centers in public schools in all divisions nationwide. The bill seeks to capacitate parents to actively participate in the placement and education of their children, and train and equip teachers and school officials as primary sources of care and development of children with special needs, among others.

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



**JUAN MIGUEL F. ZUBIRI**

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APPROPRIATING FUNDS THEREFOR**

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

**SECTION 1. Title.** – This Act shall be known as the “Inclusive Education for  
Children and Youth with Special Needs Act of 2019.”

**SEC. 2. Declaration of Policy.** – It is the policy of the State to protect and  
promote the rights of Children and Youth with Special Needs (CYSNs) to quality education  
and to take appropriate steps to make sure education is accessible to them. The State  
recognizes their vital role in society and endeavors to include their needs as an integral  
part of national development strategies.

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

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

Towards this end, the State shall:

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

(b) Adopt the policy of inclusive education;

(c) Establish Inclusive Education Learning Resource Centers; and



1 (d) Provide vital support mechanisms required to ensure their effectiveness.

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

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

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

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

11 (c) Institute Inclusive Education and establish Inclusive Education Learning  
12 Resource Centers;

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

15 (e) Identify through a child find system CYSNs ages three (3) to twenty-four (24)  
16 and infants and toddlers under the age of three (3) in compliance with *Republic*  
17 *Act No. 10410* otherwise known as the Early Years Act of 2013;

18 (f) Develop, implement, and review Individualized Education Plans;

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

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

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

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

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

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

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

- (b) *Child find system* refers to the process of locating and coming up with a list of CYSNs through child development teachers/workers who are under local government units (LGUs);
- (c) *Children and youth with special needs (CYSNs)* refer to children with exceptionalities, this may refer to children and youth who are gifted or talented, with intellectual disabilities, emotion or behavioral disorders, speech and language disorders, hearing impairments, visual impairments, autism, physical or health disabilities, deaf, blindness, or multiple disabilities, and are in need of special education as well as services for rehabilitation. They differ from the average children in neuropsychological characteristics, sensory abilities, neuromuscular or physical characteristics, and social attributes to such an extent that the use of modified school practices or special education services are required to develop them to maximum capability;
- (d) *Disability* refers to (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a limitation or difficulty encountered by an individual in executing a task or action; and, (3) a participation restriction or a problem experienced by an individual in involvement in life's situations. It does not just entail a health problem but shall reflect the interaction between features of a person's body and features of the society where he lives as well as the difficulties he encounters to remove the environmental and social barriers;
- (e) *Inclusive education* refers to a process of addressing and responding to the diversity of needs of all learners by increasing participation in learning, cultures and communities, and reducing exclusion within and from education. It involves changes and modifications in content, approaches, structures and strategies, with a common vision that covers all children of the appropriate age range, and a conviction that it is the responsibility of the state to educate all children. It shall also focus on the achievement of high quality education for all learners and the development of more inclusive societies and not just on marginal issues;
- (f) *Learning Resource Center (Center)* refers to a source hub that provides students, teachers, school personnel and other education stakeholders of CYSNs appropriate instructional learning materials, tools, devices, gadgets, equipment to facilitate and enhance learning; assessment tools and instruments to evaluate developmental domains and specific areas of concern necessary in determining appropriate services and placement decisions;



- (g) *Private sector participation* refers to all forms of indispensable, substantial and meaningful participation of private individuals, partnerships, groups or entities, disabled people's organizations, community-based organizations or non-government organizations in the delivery of educational and rehabilitative services for CYSNs;
- (h) *Special Education (SPED)* refers to the customized instructional program or service designed to meet the unique needs of individual CYSNs, which may necessitate use of supplementary aids, services and teaching strategies in classroom and non-academic settings, and includes instructions on physical and vocational education and travel training. Special education addresses significant physical sensory, neuropsychological, cognitive or behavioral characteristics that may necessitate the use of specialized materials, equipment, services and/or teaching strategies;
- (i) *Special instructional materials* refer to textbooks in Braille, large type, audio, digital or any other medium or apparatus that convey information to a student or otherwise contributes to the learning process; and
- (j) *Universal design for learning (UDL)* is a scientifically valid framework for guiding educational practice established by the Department of Education that (1) provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; (2) reduces barriers in instruction, provides appropriate accommodations, supports, challenges, and maintains high achievement expectations for all students, including students with disabilities and students who have limited English proficiency. It is also a set of principles that guide the design of inclusive classroom instruction and accessible course materials. UDL's three principles are: (1) multiple methods of representation that gives learners a variety of ways to acquire information and build knowledge; (2) multiple means of student action and expression that provide learners alternatives for demonstrating what they have learned; and (3) multiple modes of student engagement that tap into learners, interests, challenge them appropriately, and motivate them to learn.

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

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

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

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

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

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

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

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 teachers with special  
27 trainings in handling CYSNs, the DepEd may hire the necessary personnel and support  
28 staff to operate, administer, and oversee the Center.

29 **SEC. 8. *Benefits and Incentives for Inclusive Education Learning***  
30 ***Personnel and Staff.*** – The DepEd shall promote the right of the teachers and  
31 instructors to professional advancement and ensure that the Centers shall endeavor to  
32 attract the best available teaching staff and talents through adequate benefits,  
33 remuneration, scholarship, and training grants, teacher exchange programs, incentives  
34 and allowances and other means of securing their job satisfaction and fulfillment as well  
35 as their long and stable tenure in their respective posts.



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

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

9       **SEC. 10. *Authority of the Secretary of Education to Give Grants to, or***  
10 ***Enter into Cooperative Arrangements for the Creation of Inclusive Education***  
11 ***Resource Centers.*** – The Secretary of Education shall develop programs, or enter into  
12 cooperative arrangements or contracts with public or private non-profit agencies,  
13 institutions or organizations for the establishment or creation of Centers or  
14 implementation of the inclusive education such as the following:

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

17       (b) Training of professionals or related services personnel including all regular  
18       teachers;

19       (c) Replication of successful innovative approaches in providing educational or  
20       related services to CYSNs;

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

22       (e) Diagnosis and education evaluation of CYSNs;

23       (f) Consultative counselling and training services for the families of CYSNs;

24       (g) Familiarization of the municipality or city being served by a Center with the  
25       problems and potentialities of such children and youth; and

26       (h) Agreements with medical and allied medical professional groups.

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

28       **SEC. 11. *Program Office.*** – The Inclusive Education Program shall be under the  
29 Student Inclusion Division of the Bureau of Learning Delivery under the Office of the  
30 Undersecretary for Curriculum Instruction. The Student Inclusion Division shall assist in  
31 the formulation, implementation, monitoring, and evaluation of policies, programs, and  
32 services for, but not limited to, CYSNs.

33       **SEC. 12. *Continuing Research to Identify Needs of CYSNs.*** – The DepEd,  
34 by itself or in coordination with organizations or institutions, shall undertake continuing  
35 research to identify and design programs that shall meet the full range of needs of CYSNs:  
36 *Provided, That,* such continuing research shall also be used to develop instructional



1 techniques for use by the Centers towards improving the acquisition of skills by the CYSNs  
2 necessary for their transition to independent living, vocational training or competitive  
3 development: *Provided, further,* That such continuing research shall be used by the  
4 DepEd in designing physical education and therapeutic recreation program for use by the  
5 Centers to increase the potential of the children and youth for community participation.

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

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

14 **SEC. 14. *Recreational and Artistic Opportunities.*** – The DepEd shall  
15 establish opportunities to advance physical, mental, social, and cultural development of  
16 CYSNs through individual or interactive recreational and social activities.

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

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

33 **SEC. 17. *Inclusion of Children with Special Needs in Child Developmental***  
34 ***Centers.*** – Child Development Centers (CDCs) specially designed for pre-school children  
35 and their parents, where early identification of disabilities and special needs and  
36 introductory educational and intervention programs will be administered, shall be



1 established near or within existing *Inclusive Education Learning Centers*. As far as  
2 practicable, the use of existing CDCs and facilities shall be maximized.

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

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

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

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

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

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

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

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

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



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

3 **SEC. 22. *Implementing Rules and Regulations.*** – Within sixty (60) days from  
4 the effectivity of this Act, the DepEd, in coordination with the DSWD, the Department of  
5 the Interior and Local Government, the DOH, the Department of Finance, the Bureau of  
6 Internal Revenue, the CWC, the ECCD Council, and the NCDA, and other relevant  
7 government agencies, shall promulgate the necessary rules and regulations for the  
8 effective 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  
15 or other issuances or parts inconsistent with the provisions of this Act are hereby repealed  
16 or modified accordingly.

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

*Approved,*