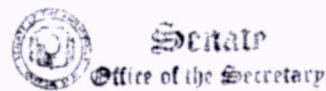


EIGHTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



'19 NOV 12 P 2 :04

SENATE
S.B. NO. 1167

RECEIVED BY: _____

Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT
TO IMPROVE ACCESS TO PRESCHOOL, PRIMARY, AND SECONDARY
EDUCATION OF HOMELESS CHILDREN AND YOUTH

EXPLANATORY NOTE

Article II, Section 13 of the 1987 Philippine Constitution provides:

"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."

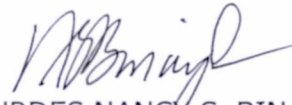
Article XIV, Section 1 of the 1987 Philippine Constitution provides:

"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 fundamental human right of every Filipino especially for the helpless and homeless children and youth. It plays an important role in their growth, success, and the upliftment of lives. Therefore, it is imperative that the government improve the accessibility of preschool, primary and secondary education for homeless children and youth.

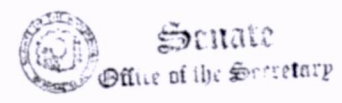
The proposed bill seeks to formulate and implement a comprehensive plan in order to give access to preschool, primary and secondary education for homeless children and youth by authorizing the Department of Education to grant funds.

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



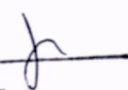
MARIA LOURDES NANCY S. BINAY
Senator

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AN ACT
TO IMPROVE ACCESS TO PRESCHOOL, PRIMARY, AND SECONDARY
EDUCATION OF HOMELESS CHILDREN AND YOUTH

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 “Educational
2 Success for Homeless Children and Youth.”

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

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

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

14
15 Sec. 3. *Definition of Terms.* – In this Act, the term:

- 16 (A) “Department” means the Department of Education;
17 (B) “Enroll; enrollment” includes attending classes and
18 participating fully in school activities;

1 (C) "Homeless children and youth":

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

4 (2) includes:

5 (i) children and youth who:

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

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

12 (III) are abandoned in hospitals; or

13 (IV) are awaiting foster care placement;

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

19 (iii) children and youth who are living in cars,
20 parks, public spaces, abandoned buildings,
21 substandard housing, bus or train stations,
22 or similar setting.

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

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

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

29

1 Sec. 4. *Grants for the Education of Homeless Children and Youth.* – (A)
2 The Secretary is authorized to make grants to local governments to enable such
3 local governments to carry out the activities described in this section.

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

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

11 (1) To provide activities for and services to improve the
12 identification of homeless children and youth and enable such
13 children and youth to enroll in, attend, and succeed in school,
14 including in early care and education programs (especially in
15 prekindergarten).

16 (2) To provide activities and services to improve the identification
17 of homeless children and youth and enable such children and
18 youth to enroll in, attend, and succeed in school and preschool
19 programs.

20 (3) To establish or designate an Office of the Coordinator for
21 Education of Homeless Children and Youth in the local
22 government to carry out the duties described in this Act.

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

25 (D) The Coordinator for Education of Homeless Children and Youth
26 established in each local government shall –

27 (1) gather and make publicly available reliable, valid, and
28 comprehensive information –

- 1 (i) on the number of homeless children and youth
2 identified in each barangay, municipality, city, or
3 province;
- 4 (ii) on the nature and extent of the problems homeless
5 children and youth have in gaining access to early care
6 and education programs, and to public elementary
7 schools and secondary schools;
- 8 (iii) on any progress made by the local government in
9 addressing such problems and difficulties; and
- 10 (2) develop and carry out the local government plan described in
11 this section;
- 12 (3) collect data for and transmit to the Senate, at such time and
13 in such manner as the Secretary may require, reports
14 containing such information as the Secretary determines is
15 necessary to assess the educational needs of all homeless
16 children and youth within the territory of the local
17 government;
- 18 (4) in order to improve identification of homeless children and
19 youth and to improve the provision of comprehensive
20 education and related support services to homeless children
21 and youth and their families, and to minimize educational
22 disruption, coordinate activities, and collaborate with –
- 23 (i) educators, including teachers, administrators, special
24 education personnel, child development and preschool
25 program personnel;
- 26 (ii) providers of services to homeless children and youth
27 and their families, including services of public and
28 private child welfare and social services agencies, law
29 enforcement agencies, juvenile and family courts,
30 agencies providing mental health services, domestic

1 violence agencies, child care providers, and runaway
2 and homeless youth centers;

3 (iii) providers of emergency, transitional, and permanent
4 housing to homeless children and youth, and their
5 families, including public housing agencies, shelter
6 operators, operators of transitional housing facilities,
7 and providers of transitional living programs for
8 homeless youth;

9 (iv) community organizations and groups representing
10 homeless children and youth and their families; and

11 (v) relevant government agencies, bureaus, and
12 instrumentalities

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

17 (E) Local Government Plan. – Each local government shall submit to the
18 Secretary and carry out a plan to provide for educational and related support
19 services for all homeless children and youth within its territory. Such plan shall
20 include the following:

21 (1) A description of how such children and youth are (or will be)
22 given the opportunity to meet the same challenging student
23 academic achievement standards as all students are expected
24 to meet.

25 (2) A description of the procedures the local government will use,
26 in coordination with local educational agencies, to identify all
27 such children and youth and to assess their special needs.

28 (3) A description of procedures and for the prompt resolution of
29 disputes arising under this Act.

- 1 (4) A description of programs for school and other local
2 educational agency personnel (including the liaisons,
3 principals, teachers, enrollment personnel, and pupil services
4 personnel) to heighten the awareness of such personnel of the
5 specific needs of homeless adolescents, including runaway
6 and homeless youth.
- 7 (5) A description of procedures that ensure that homeless children
8 and youth are able to participate in nutrition programs.
- 9 (6) A description of procedures that ensure that –
10 (i) homeless children have access to public preschool
11 programs;
12 (ii) homeless youth, including youth separated from public
13 schools, are identified and accorded access to
14 appropriate secondary education and related support
15 services;
- 16 (7) Strategies to address problems with respect to the education
17 of homeless children and youth, including enrollment problems
18 related to immunization and other required health records and
19 screenings; residency requirements; lack of birth certificates,
20 school records, or other documentation; guardianship issues;
21 or uniform or dress code requirements.
- 22 (8) A description of policies and practices to promote school
23 success for homeless children and youth, including by –
24 (i) ensuring that homeless children and youth have
25 opportunities to meet the same challenging student
26 academic achievement standards which other students
27 are held;
28 (ii) ensuring that homeless children and youth are able to
29 participate fully in all classes and school activities,
30 including extracurricular activities, athletic activities for

1 which they meet skill level requirements, before and
2 after school programs, summer school programs, field
3 trips, classes, tests, and other activities; and

- 4 (iii) ensuring that such policies and practices remove
5 barriers to participation related to fees, lack of
6 guardianship, lack of transportation, enrollment and
7 participation deadlines, and residency requirements.

8
9 Sec. 5. *Enrollment.* –

- 10 (A) Public elementary and secondary school shall immediately
11 enroll the homeless child or youth, even if the child or youth is
12 unable to produce records normally required for enrollment,
13 including previous academic records, records of immunizations
14 and health screenings and other required health records, proof
15 of residency or guardianship, or other documentation; has
16 unpaid fines or fees from prior schools or is unable to pay fees
17 in the school selected; or has missed application or enrollment
18 deadlines during any period of homelessness.
- 19 (B) The enrolling school shall immediately contact the school last
20 attended by the child or youth to obtain relevant academic
21 and other records.
- 22 (C) If the child or youth needs to obtain immunizations or health
23 screenings, or immunizations or other required health records,
24 the enrolling school shall immediately enroll the child or youth
25 and refer the parent or guardian of the child or youth, or the
26 unaccompanied youth, to the local government health center,
27 clinic, or hospital for appropriate immunizations or health
28 screenings.
- 29 (D) Information about a homeless child's or youth's living situation
30 shall be treated as a student education record, and shall not

1 be released to employers, law enforcement personnel, or
2 other persons or agencies not authorized to have such
3 information under laws and administrative issuances, paying
4 particular attention to preventing disruption of the living
5 situation of the child or youth and to supporting the safety of
6 such children and youth who are survivors of domestic
7 violence and unaccompanied youth.

8
9 *Sec. 6. Preschool Programs for Homeless Children.* – Local governments
10 shall identify and prioritize homeless children for enrollment and increase their
11 enrollment and attendance in early care and educational programs, including
12 through policies such as reserving spaces in preschool programs for homeless
13 children; conducting targeted outreach to homeless children and their families;
14 waiving application deadlines; providing ongoing professional development for
15 staff regarding the needs of homeless children and their families and strategies
16 to serve the children and families; and developing the capacity to serve all
17 identified homeless children.

18
19 *Sec. 7. Prohibition on Segregating Homeless Children and Youth.* – In
20 providing a free appropriate public education to a homeless child or youth, no
21 local government receiving funds under this Act shall segregate such child or
22 youth in a separate school, or in a separate program within a school, based on
23 such child’s or youth’s status as homeless.

24
25 *Sec. 8. Issuance of Implementing Rules and Regulations.* – Within ninety
26 (90) days from the approval of this Act, the Department of Education, in
27 consultation with the Department of Interior and Local Government, the
28 Department of Social Welfare and Development, and other appropriate
29 government agencies and stakeholders, shall promulgate the rules and
30 regulations to implement the provisions of this Act. Such rules and regulations

1 shall take effect fifteen (15) days after its publication in a newspaper of general
2 circulation.

3

4 *Sec. 9. Appropriations.* – To carry out the provisions of this Act, such
5 amount as may be necessary is hereby authorized to be appropriated from the
6 National Treasury. Thereafter, the amount necessary for the continuous
7 operation of the Commission shall be included in the annual appropriation of the
8 Department of Education.

9

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

13

14 *Sec. 11. Repealing Clause.* – All laws, decrees, orders, and issuances, or
15 portions thereof, which are inconsistent with the provisions of this Act, are
16 hereby repealed, amended or modified accordingly.

17

18 *Sec. 12. Effectivity Clause.* – This Act shall take effect fifteen (15) days
19 after its publication in the *Official Gazette* or in two (2) newspapers of general
20 circulation.

Approved,