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[REPUBLIC ACT NO. 11650]

AN ACT INSTITUTING A POLICY OF INCLUSION AND SERVICES FOR LEARNERS WITH DISABILITIES IN SUPPORT OF INCLUSIVE EDUCATION, ESTABLISHING INCLUSIVE LEARNING RESOURCE CENTERS OF LEARNERS WITH DISABILITIES IN ALL SCHOOLS DISTRICTS, MUNICIPALITIES AND CITIES, PROVIDING FOR STANDARDS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the "Instituting a Policy of Inclusion and Services for Learners with Disabilities in Support of Inclusive Education Act".

SEC. 2. *Declaration of Policy.* – It is the policy of the State to 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. It shall recognize, protect, and promote the rights of all learners with disabilities, including those belonging to ethnic, religious or linguistic minorities or persons of indigenous origin, to education based on equal opportunity, make such education compulsory and accessible to them by ensuring that no learner with disability is deprived of the right of access to an inclusive, equitable, and quality education, and promote lifelong learning opportunities for them.

The whole-of-community approach shall be adopted for the inclusion of learners with disabilities in the general education system and the community to facilitate collaborative action in and by the school community, the academe, and other stakeholders, public or private, to foster the involvement and participation of every sector, especially the organizations of persons with disabilities, the learners with disabilities, and their parents, guardians, and other members of their families.

Towards this end, the State shall encourage learning institutions, including higher learning institutions and technical and vocational institutions, to take into consideration the diverse needs of learners with disabilities with respect to the use of school facilities, class schedules and physical education requirements, and promote and support their provision of services that will facilitate the learning process of learners with disabilities. The State shall further recognize the right of learners with disabilities to the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health, and ensure that no learner with disability is deprived of protection and the right of access to such health care and rehabilitation services.

The State likewise recognizes the vital role of learners with disabilities in society as an integral part of national development strategies. It shall accordingly guarantee their social protection, and facilitate their active participation and inclusion in public, civic, and State affairs.

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

(a) To provide learners with disabilities free and appropriate public early and basic education and support and related services based on their needs, and in preparation for independent living and community life;

(b) To provide learners with disabilities access to the general education system through formal school systems, including the implementation of alternative delivery modes, in accordance with the "United Nations Convention on the Rights of Persons with Disabilities", "UNESCO Convention Against Discrimination in Education", "The Incheon Strategy to Make the Rights Real for Persons with Disabilities in Asia and the Pacific", Republic Act No. 11510 or the "Alternative Learning System Act", and other specific rights and benefits under existing laws;

(c) To establish and maintain Inclusive Learning Resource Centers of Learners with Disabilities in support of their inclusion in the general education system, particularly to the formal school system as provided in the Individualized Education Plan;

(d) To ensure that learners with disabilities develop their full potential toward self-sufficiency and become fully participative members of society;

(e) To create significant and positive changes in community orientation towards disability to ensure that learners with disabilities are understood, appreciated, and respected for their differences by the members of their communities and by society in general;

(f) To further develop a system for identification, referral, and intervention for learners with disabilities;

(g) To identify, through a Child Find System, learners with disabilities ages three (3) to twenty-four (24), and infants and toddlers under the age of three (3), in compliance with Republic Act No. 10410, otherwise known as the "Early Years Act (EYA) of 2013";

(h) To institutionalize the development, implementation, and review of the Individualized Education Plan for the quality education of learners with disabilities;

(i) To provide parents or guardians of learners with disabilities with information and opportunities to actively participate in the determination of educational placement options and programs to enable them to make informed choices and decisions;

(j) To enable and empower all teachers, including those with disabilities, parents, guardians, and family members by training and equipping them with capabilities for the detection, referral or introduction of interventions with regard to disorders, disabilities, and abilities of the learners;

(k) To train and equip all teachers, including child development teachers and workers, principals, administrators, non-teaching staff of the school, sign language interpreters, parents, guardians, and care providers as partners in the care, development, education, and advancement of learners with disabilities;

(l) To increase school retention and cohort survival of learners with disabilities; and

(m) To establish an effective consultative mechanism that will actively involve learners with disabilities, when appropriate, and their representative organizations in the implementation of this Act and in resolving issues relating to it.

SEC. 4. *Definition of Terms.* – As used in this Act, the following shall be defined as follows:

(a) *Basic Education* refers to a program of instruction intended to meet the basic learning needs which provide the foundation on which subsequent learning can be based. It encompasses kindergarten, elementary and secondary education of all learners, including those with disabilities, as well as Alternative Learning Systems (ALS) as provided in Republic Act No. 11510, and Republic Act No. 10533, or the "Enhanced Basic Education Act of 2013";

(b) *Child Development Centers (CDCs)* are the day care centers established in every barangay under Republic Act No. 6972 or the "Barangay-Level Total Development and Protection of Children Act" and converted to CDCs under Republic Act No. 10410. CDCs are implementing health, nutrition, early education, and social services development programs that provide for the basic holistic needs of learners with disabilities below five (5) years old to promote their optimum growth and development. These also include national CDCs as provided in Republic Act No. 10410;

(c) *Child Find System (CFS)* refers to the system of identification, location, and evaluation of all learners with disabilities not more than twenty-four (24) years of age who are not receiving basic education services for purposes of facilitating their inclusion into the general basic education system. It likewise covers learners with disabilities below five (5) years old who are not receiving early education services and programs under Republic Act No. 10410;

(d) *Inclusive Education* refers to the process of addressing and responding to the diversity of needs of all learners by moving towards the end-goal of full participation, presence and achievement in learning cultures and communities, which involves accommodation, modification, adaptation, and individualization in content, approaches, structures, and strategies. It involves equitable opportunities for learners with disabilities to receive educational services, and the needed support and related services with their age-appropriate peer groups and, as far as practicable, in such schools or ILRCs nearest their homes or residences, in order to prepare them to live as fully functional members of society;

(e) *Inclusion* refers to a process where all learners, regardless of their background and abilities, are given an equal chance to play, learn, and interact together in the same learning environment and the community. It is an approach where every learner is valued, supported, and given access to equal opportunities and learning experiences within an Inclusive Learning Resource Center, CDC or school setting, and the community;

(f) *Inclusive Learning Resource Center of Learners with Disabilities (ILRC)* refers to a physical or virtual center that

provides support and related services to teaching and learning, using appropriate, accessible, disability-, linguistically-, culturally-, and gender- sensitive instructional learning materials, tools, devices, gadgets, and equipment to facilitate and enhance learning, and assessment tools and instruments to evaluate developmental domains and specific areas of concern to determine appropriate services and placement decisions, with support and related services from medical, health, and allied professionals for care, rehabilitation, and development of learners with disabilities;

(g) *ILRC Personnel* refer to all personnel who are considered qualified by the Department of Education (DepEd) to administer special needs services as provided in this Act. These include, but not limited to, guidance counselors, all persons who are qualified to teach sign language or Braille, para-teachers, learning support aides, and other persons as may be qualified by the DepEd to teach learners with disabilities in the ILRC, CDC, a resource room, or inside or outside a classroom;

(h) *Individualized Education Plan (IEP)* refers to the systematic, purposive, and developmental educational programming of curricular and instructional priorities and contents designed to meet the educational requirements of a learner with disability and ensure mastery learning of skills and behaviors. It includes the services to be provided and the duration and frequency of such services, describes the learner's present level of performance, how the learner's disabilities affect academic performance, and specifies accommodations and modifications. An IEP shall be designed to meet the unique educational needs of a learner with disability who shall receive appropriate services, have real opportunities for equality, and fully participate in the general education system and the community. It shall likewise aim at developing the learner's strengths and talents to achieve the greatest possible self-sufficiency and independent living;

(i) *Instructional Materials for Learners with Disabilities* refer to textbooks in Braille, large-type, audio, digital or Filipino Sign Language (FSL) materials for the deaf, augmentative and alternative instructional materials for learners with developmental disabilities, or any other medium

or apparatus that convey information to learners with disabilities or otherwise contributes to the learning process;

(j) *Learners with Disabilities* refer to learners in the general early and basic education system who require additional support and related services and adoptive pedagogic method due to their long or short-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others to develop them to their maximum capability;

(k) *Learning Support Aides* refer to qualified persons who work together in collaboration with special needs education teachers and para-teachers as defined in this Act, and contribute to the provision of services that promote achievement and progression of learners with disabilities. They may include those persons with experience in caring for learners with disabilities, graduates of a caregiving course under the Technical Education and Skills Development Authority (TESDA) or its accredited schools or training centers, and graduates of senior high school with caregiving as his or her specialized subject;

(l) *Multidisciplinary Team* refers to a group of health and allied health professionals who, through their specialized assessment, shall provide for the overall health and well-being of learners with disabilities;

(m) *Multi-year Roadmap* refers to a document that shall serve as a guide to government agencies and private stakeholders for the optimal realization of the objectives of this Act. It shall be part of and aligned with the basic education roadmap as formulated by the DepEd. It shall likewise contain the current policy, practices, gaps, and challenges affecting the early and basic education of learners with disabilities, set detailed targets and outcomes for a minimum period of five (5) years and provide the public and private stakeholders specific actions or interventions including implementation and monitoring strategies and annual budgetary requirements. It shall be subject to a periodic review and updating to determine its implementation status and ensure that the delivery of services envisioned in this Act is sustained;

(n) *Para-teachers* refer to those who have taken the licensure examination for teachers but were unable to qualify, and have been issued by the Board for Professional Teachers a special permit indicating their area of assignment and their completion of training programs on special needs education, or inclusive education to teach learners with disabilities in accordance with Republic Act No. 9293, otherwise known as "An Act Amending Certain Sections of Republic Act Numbered Seventy-Eight Hundred and Thirty-Six (R.A. No. 7836), otherwise known as the 'Philippine Teachers Professionalization Act of 1994'";

(o) *Private Sector Participation* refers to all forms of indispensable, substantial and meaningful participation of private individuals, partnerships, groups or entities, organizations of persons with disabilities, community-based organizations or nongovernment organizations (NGOs), and business and industry groups in the delivery of educational and rehabilitative services for learners with disabilities;

(p) *Related Services* refer to provisions which include, but not limited to, linguistic solutions for deaf learners' concerns, speech-language pathology and audiology services, interpreting services, intervenor services, psychological services, physical and occupational therapy, recreation, social services, school health services, counseling, rehabilitation, and other mental health services, orientation and mobility services, medical services, and transportation services, as may be required to assist a learner with disability to fully enjoy the rights and benefits from education services;

(q) *Reasonable Accommodation* refers to the necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure learners with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms including their right to quality education;

(r) *Special Needs Education* refers to the customized instructional program or service designed to meet the diverse needs of an individual learner with disability, which may necessitate supplementary aids and services and teaching strategies in the classroom or non-academic settings. They

include instructions on physical and vocational education, social skills development, and basic survival needs, and providing reasonable accommodations, modifications, adaptations, and individualization, as needed. It includes learners with disabilities in the general education system to enable them to realize their full potential and prepare them as independent functioning members of society. The term "Special Needs Education" shall replace the term "Special Education (SPED)";

(s) *Special Needs Education Teacher* refers to an individual who teaches academic and life skills to basic education learners who have a range of disabilities and learning difficulties using various strategies targeting the learners' holistic development. A special needs education teacher works in partnership with a general education teacher in planning, teaching and providing support to learners with disabilities. He or she has a degree in any of the following: Bachelor of Special Needs Education, Bachelor of Elementary or Secondary Education with Specialization in Special Needs Education, or Allied Undergraduate and Graduate degrees with eighteen (18) units in Special Needs Education, and is qualified to teach Special Needs Education as provided in existing rules and regulations of the DepEd;

(t) *Support Services* refer to services provided to learners with disabilities by the ILRCs, schools, other facilities, group of medical and allied medical professionals or by the community in general that facilitate, aid, and support the early and basic education of learners with disabilities in the general education system to enable them to develop their full potential toward self-sufficiency and become fully participative members of society. These include related services as defined herein;

(u) *Universal Design* as defined in the "United Nations Convention on the Rights of Persons with Disabilities", refers to the design of products, environments, programs, and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed; and

the rights of the learners with disabilities or their parents or guardians to be informed in their mother tongue, and be served written notice on matters affecting the education of the learners with disabilities; the right to confidentiality of personally identifiable information, including the right of parents to written notice of and written consent to the exchange of such information among agencies. This shall also include the opportunity for the learners with disabilities themselves, their parents or guardians to examine all related records and to participate in meetings with respect to the identification, evaluation, educational placement, and provision of education programs to learners with disabilities.

The DepEd shall likewise ensure the speedy and timely administrative resolution of complaints filed by learners with disabilities, their parents, guardians, care providers, or other immediate family members, which shall be promptly acted upon and resolved not later than thirty (30) calendar days from receipt of the complaint. Any private school, government official, and employee, and CDC or ILRC personnel who shall cause any undue delay and fail to comply with the said prescribed period shall be held administratively liable.

SEC. 27. *Public Information, Education and Communication.* – A nationwide information dissemination campaign on the rights of learners with disabilities under this Act and other existing laws, prevention, early identification, assessment of a disabling condition and strategic intervention programs for learners with disabilities shall be intensified and jointly conducted by the DepEd and the Philippine Information Agency.

All information dissemination campaign materials shall be in accessible formats which include, but not limited to, Braille, large-print format, electronic, non-print, or multimedia format.

SEC. 28. *Administrative Sanctions.* – The DepEd and other implementing agencies shall ensure compliance with the provisions of this Act. Any private school, government official, and employee, and CDC or ILRC personnel who shall violate or fail to comply with any provision of this Act shall be dealt with administratively.

SEC. 29. *Transitory Provision.* – All public and private basic educational institutions and the ILRCs shall be given a period of not more than five (5) years from the effectivity of this Act to comply with its provisions and requirements.

Pending the establishment of the ILRCs and the full implementation of the multi-year roadmap as provided in this Act, cities and municipalities may share one (1) ILRC, as may be necessary.

Upon the effectivity of this Act, the DepEd shall conduct an evaluation of all schools to determine their readiness in delivering services for learners with disabilities, including a general assessment on the number and condition of every learner with disability, as well as the resources and personnel they need within the five (5)-year period: *Provided,* That the DepEd shall coordinate with CHED to ensure the supply of qualified professionals through recruitment of students in the appropriate courses and ensure their seamless progression from higher education to employment, taking into consideration the demand for such personnel in the multi-year roadmap as provided in this Act.

The DepEd and the CHED, in coordination with the DBM and the Civil Service Commission, shall likewise ensure that the necessary changes or adjustments in the plantilla items are reflected in the Revised Compensation and Position Classification System and other relevant existing rules and regulations.

SEC. 30. *Program Support Budget (PSB).* – To ensure the institutionalization of services for learners with disabilities, a PSB for learners with disabilities shall be included as a line item in the General Appropriations of the DepEd to guarantee the implementation of the provisions of this Act, including the following:

(a) Implementation of the Child Find System;

(b) Hiring of specialists for the diagnosis and assessment of learners with disabilities and the prescription of appropriate intervention;

(c) To defray expenses in the delivery of related services as stated in Section 4, subparagraph (p) of this Act, such as transportation and various developmental, corrective and other support services; and

(d) Purchase of assistive devices, equipment, learning materials and other needed resources to deliver services effectively.

The PSB for learners with disabilities shall be used solely for the delivery of services for learners with disabilities and for the performance of the functions of ILRCs and the IACC.

SEC. 31. *Appropriations.* – The amount necessary for the implementation of this Act shall be charged against those authorized in the current appropriations of the DepEd, DOH, DSWD, DPWH and other implementing partner agencies as provided in this Act. Thereafter, the amount necessary for its continued implementation shall be included in their respective budgetary allocations as separate line items in the annual General Appropriations Act.

SEC. 32. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the DepEd, in consultation with the DSWD, the DOH and other concerned government agencies and education stakeholders, shall issue the rules and regulations implementing the provisions of this Act. The IRR issued pursuant to this section shall take effect thirty (30) days after its publication in a newspaper of general circulation.

Copies of the IRR and the roadmap referred to in Section 14 shall be transmitted to the Chairpersons of the Committees on Basic Education of both Houses of Congress not later than six (6) months and one (1) year, respectively, from the effectivity of this Act.

SEC. 33. *Joint Congressional Oversight Committee (JCOC) on Inclusive Education; Mandatory Annual Review; Impact Assessment; Report.* – There is hereby created a JCOC to oversee, monitor and evaluate the implementation of this Act. The JCOC shall be composed of five (5) members each from the Senate and the House of Representatives with the Chairpersons of the Committees on Basic Education of both

Houses as Co-Chairpersons. The Chairpersons of the Committees on Higher and Technical Education of both Houses shall likewise be designated as members of the JCOC. The Speaker of the House of Representatives and the President of the Senate shall designate the other three (3) members of the JCOC of the House and the Senate, respectively, from among the members of the Committees on Basic Education, one (1) member of which shall be from the minority.

To assist the JCOC to evaluate the implementation of this Act, the DepEd, in partnership with LGUs, other relevant agencies, and the private sector, shall conduct a mandatory annual review of the implementation of this Act and its IRR to measure its effectiveness, identify the gaps, issues and challenges, and ensure its proper implementation. It shall likewise establish an evaluation system to assess the impact of this Act and the progress of learners with disabilities.

SEC. 34. *Separability Clause.* – If any provision or part hereof is held invalid or unconstitutional, the remainder of this Act or any provision not otherwise affected shall remain in full force and effect.

SEC. 35. *Repealing Clause.* – All laws, presidential decrees, executive orders, proclamations, issuances, rules and regulations, or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SEC. 36. *Effectivity.* – Notwithstanding the non-issuance of the IRR, this Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

LORD ALLAN JAY Q. VELASCO
Speaker of the House of Representatives

VICENTE C. SOTTO III
President of the Senate

This Act which is a consolidation of Senate Bill No. 1907 and House Bill No. 8080 was passed by the Senate of the Philippines and the House of Representatives on December 7, 2021 and December 13, 2021, respectively.

MARK LLANDRO L. MENDOZA
Secretary General
House of Representatives

MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: MAR 1 1 2022

RODRIGO ROA DUTERTE
President of the Philippines

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