

DISABILITY SECTOR'S COMMENTS AND RECOMMENDATIONS ON THE VARIOUS BILLS ON INCLUSIVE EDUCATION FOR CHILDREN AND YOUTH WITH SPECIAL NEEDS FILED IN THE SENATE AND THE HOUSE OF REPRESENTATIVES

1. In as much as the primary focus of the bills¹ filed in the Senate and the House is the education of children with disabilities, we recommend that the term “Children and Youth with Special Needs (CYSNs)” be changed to “*Learners with Disabilities (LWDs)*”.

The term “special needs” has been the popular euphemism for disability over the past decades. But the term is fast becoming outdated and antiquated with the current rights-based approach to disability that considers the needs of persons with disabilities as basic rights that need to be directly addressed by the state for them to be able to live in society on the same basis as others. Their educational needs are no longer considered as “special” as they are the same needs as all others – the need to have equitable access to quality education.

Considering disability as *special needs* might lead to classifying as *special rights* what are actually human rights, civil rights, or disability rights.

“Special needs” also implies segregation which is in contrast to the “inclusive” and “accessible” education being promoted by the bills. The term tends to separate those with disabilities from those without disabilities.

The term “children and youth with special needs” is also imprecise as it may cover other groups who are not the focus of the bills. In fact, DepEd’s Inclusive Education Policy covers not only programs for children and youth with disabilities, but also Indigenous Peoples Education, Madrasah Education, Alternative Learning Systems (ALS) and Flexible Learning Options (FLO). Replacing the term “children and youth with special needs” to “*learners with disabilities*” will remove any ambiguity as to the scope and coverage of the bills.

The change will mean that “gifted and talented children” will no longer be covered by the bills, and a separate bill to address the entirely different needs of this group may have to be drafted. It may be unfair to learners who are gifted and talented to be included in the coverage of the bills when there are no specific provisions for them in said bills. Gifted and talented students who are twice exceptional i.e., with disability, are also considered as *LWDs*.

Replacing the term “children and youth” to “*learners*” removes any age restriction or age- qualification on who will be covered by the this education act.

¹ Twelve bills have been filed to date -7 in the Senate and 5 in the House. HB 9104 which was approved by the House in the 17th Congress has been refiled in the current (18th) Congress by House Bills 54, 285, 1400 3311 and Senate Bills 69 and 338. The other 6 bills are similar to the Senate version of the Bill which did not reach third reading in the last Congress.

2. To further strengthen the bills' focus on the education of learners with disabilities, we recommend the adoption of the following definition of Inclusive Education used in SB 329 that was filed by Sen. Angara.

“ Inclusive Education - means providing to all students, including those with significant disabilities, equitable opportunities to receive educational services, with the needed supplementary aids and support services, in age appropriate classrooms in their neighborhood schools, in order to prepare students lives as full members of society. It requires that schools educate children and youth with special needs predominantly in general education classrooms. Removal of children and youth with special needs from the regular educational environment, like special class or separate schooling occurs only when education in regular classes even with the use of supplementary aids and services cannot be made satisfactorily due to the nature of the special needs.”

3. We strongly support the bills objective “to provide free and appropriate public education and related services” to LWDs.

The fundamental principle of inclusive education is that all types of learners learn together whenever possible. But LWDs need to be provided with the needed supplementary aids and support services, in age-appropriate classrooms for them to have equitable opportunities to receive effective educational services.

In this regard, we recommend an explicit definition of the term “related services”.- The definition in the “Individuals with Disability Education Act” or IDEA of the US is as follows: “*The term "related services" means transportation, and various developmental, corrective, and other support services (i.e., speech-language pathology and audiology services, interpreting services, **intervenor services**, psychological services, physical and occupational therapy, recreation, social work services, school health services, counseling and rehabilitation services, orientation and mobility services, and medical services) as may be required to assist a child with a disability to benefit from education, and includes the early identification and assessment of disabling condition”.*

4. We recommend an additional provision on **Procedural Safeguards**:

Most of the laws created to establish the rights of persons with disabilities in different countries, starting with the pioneering Americans with Disabilities Act (ADA) and Individuals with Disabilities Act (IDEA) in the US, were largely due to instigation and advocacy of parents and families of LWDs. In many conferences involving LWD parents organizations here, comments have been made as to the lack of opportunity for parents to participate in their children’s educational planning. We thus recommend the inclusion of another Section on *Procedural Safeguards* to ensure that LWDs and their parents are guaranteed procedural safeguards with respect to the provision of free and appropriate public education, as follows:

SECTION ____: PROCEDURAL SAFEGUARDS

The Department of Education in cooperation with the Department of Justice shall establish and maintain procedures to ensure that LWDs and their parents are guaranteed

procedural safeguards with respect to the provision of free and appropriate public education.

The procedures shall include the following:

- 1. The opportunity for the parents of LWDs to examine all related records and to participate in meetings with respect to the identification, evaluation, educational placement, and provision of public education program to LWDs;*
- 2. An opportunity for mediation to resolve disputes prior to filing of complaint;*
- 3. An opportunity for LWDs and parent/guardian to present a complaint in an impartial due process hearing, which shall be conducted at the division, regional or national level, as determined by the procedures to be prepared by DepEd.*

- 5.** We also recommend the change of the terms “*Inclusive Education Learning Resource Centers*” and “*Inclusive Education Learning Resource Hub*” to simply “*Resource Center for LWDs*”.

The term inclusive education covers every learner. Labeling the proposed centers as Inclusive Education centers/hubs could imply that the centers are supposed to serve all learners, whereas the Bill’s focus is only learners with disabilities as reflected in the various bills provision on “Functions of the Center”.

Furthermore, we recommend dropping the word “learning” as the term “learning resource center” as currently used within the DepEd bureaucracy refers mainly to libraries and library services.

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Allied Members of the Coalition for Education of Children and Youth with Disabilities

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