

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4321



Introduced by **HON. GUS S. TAMBUNTING**

**AN ACT
TO IMPROVE ACCESS TO PRESCHOOL, PRIMARY, AND SECONDARY EDUCATION FOR
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, the government must 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 to give access to preschool, primary and secondary education for homeless children and youth by authorizing the Department of Education to grant funds.

On behalf of the people of Parañaque City's Second District, and for the common good of the Filipino people, the approval of the said measure is earnestly sought.

A handwritten signature in black ink, appearing to be "GUS S. TAMBUNTING".

REP. GUS S. TAMBUNTING
2nd District, Parañaque City

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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 “Educational Success for Homeless Children and Youth.”

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

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

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

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

- (A) “Department” means the Department of Education;
- (B) “Enroll; enrollment” includes attending classes and participating fully in school activities;
- (C) “Homeless children and youth”:
 - (1) means individuals who lacked a fixed, regular, and adequate nighttime residence; and includes:
 - (i) children and youth who:
 - (I) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
 - (II) are living in emergency or transitional shelters;
 - (III) are abandoned in hospitals; or
 - (IV) are awaiting foster care placement;
 - (ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodation for human beings; and
 - (iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar setting.
- (D) “Local government” refers to the local government of cities and municipalities, as defined under the Local Government Code;
- (E) “Secretary” means the Secretary of Education; and
- (F) “Unaccompanied youth” means a homeless child or youth not in the physical custody of a parent or legal guardian.

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

- (B) For a local government to be eligible to receive a grant under this section, the local government, in consultation with relevant government agencies, shall submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may require.
- (C) Grant funds from a grant made to a local government under this section shall be used for the following:
 - (1) To provide activities for and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school, including in early care and education programs (especially in prekindergarten).
 - (2) To provide activities and services to improve the identification of homeless children and youth and enable such children and youth to enroll in, attend, and succeed in school and preschool programs.
 - (3) To establish or designate an Office of the Coordinator for Education of Homeless Children and Youth in the local government to carry out the duties described in this Act.
 - (4) To prepare and carry out the local government plan described in this section.
- (D) The Coordinator for Education of Homeless Children and Youth established in each local government shall –
 - (1) Gather and make publicly available reliable, valid, and comprehensive information –
 - (i) on the number of homeless children and youth identified in each barangay, municipality, city, or province;
 - (ii) on the nature and extent of the problems homeless children and youth have in gaining access to early care and education programs, and to public elementary schools and secondary schools;
 - (iii) on any progress made by the local government in addressing such problems and difficulties; and
 - (2) develop and carry out the local government plan described in this section;
 - (3) collect data for and transmit to the Senate, at such time and in such manner as the Secretary may require, reports containing such information as the Secretary determines is necessary to assess the educational needs of all homeless children and youth within the territory of the local government;
 - (4) tor to improve the identification of homeless children and youth and improve the provision of comprehensive education and related support services to homeless children and youth and their families, minimize educational disruption, coordinate activities, and collaborate with –
 - (i) educators, including teachers, administrators, special education personnel, child development, and preschool program personnel;
 - (ii) providers of services to homeless children and youth and their families, including services of public and private child welfare and social services agencies, law enforcement agencies, juvenile and family courts, agencies providing mental health services, domestic violence agencies, child care providers, and runaway and homeless youth centers;
 - (iii) providers of emergency, transitional, and permanent housing to homeless children and youth, and their families, including public housing agencies, shelter operators, operators of transitional housing facilities, and providers of transitional living programs for homeless youth;
 - (iv) community organizations and groups representing homeless children and youth and their families; and
 - (v) relevant government agencies, bureaus, and instrumentalities

- (5) respond to inquiries from parents and guardians of homeless children and youth and unaccompanied youth to ensure that each child or youth who is the subject of such an inquiry receives the full protections and services provided by this Act.
- (E) Local Government Plan. – Each local government shall submit to the Secretary and carry out a plan to provide educational and related support services for all homeless children and youth within its territory. Such plan shall include the following:
- (1) description of how such children and youth are (or will be) given the opportunity to meet the same challenging student academic achievement standards as all students are expected to meet.
 - (2) A description of the procedures the local government will use, in coordination with local educational agencies, to identify all such children and youth and to assess their special needs.
 - (3) A description of procedures for the prompt resolution of disputes arising under this Act.
 - (4) A description of programs for school and other local educational agency personnel (including the liaisons, principals, teachers, enrollment personnel, and pupil services personnel) to heighten the awareness of such personnel of the specific needs of homeless adolescents, including runaway and homeless youth.
 - (5) A description of procedures that ensure that homeless children and youth can participate in nutrition programs.
 - (6) A description of procedures that ensure that –
 - (i) homeless children have access to public preschool programs;
 - (ii) homeless youth, including youth separated from public schools, are identified and accorded access to appropriate secondary education and related support services;
 - (7) Strategies to address problems concerning the education of homeless children and youth, including enrollment problems related to immunization and other required health records and screenings; residency requirements; lack of birth certificates, school records, or other documentation; guardianship issues; or uniform or dress code requirements.
 - (8) A description of policies and practices to promote school success for homeless children and youth, including by –
 - (i) ensuring that homeless children and youth have opportunities to meet the same challenging student academic achievement standards that other students are held;
 - (ii) ensuring that homeless children and youth can participate fully in all classes and school activities, including extracurricular activities, athletic activities for which they meet skill level requirements, before and after school programs, summer school programs, field trips, classes, tests, and other activities; and
 - (iii) ensuring that such policies and practices remove barriers to participation related to fees, lack of guardianship, lack of transportation, enrollment and participation deadlines, and residency requirements.

Sec. 5. Enrollment. –

- (A) Public elementary and secondary schools shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, including previous academic records, records of immunizations and health screenings, and other required health records, proof of residency or guardianship, or other documentation; has unpaid fines or fees from prior schools or is unable to pay fees in the school selected, or has missed application or enrollment deadlines during any period of homelessness.
- (B) The enrolling school shall immediately contact the school last attended by the child or youth to obtain relevant academic and other records.
- (C) If the child or youth needs to obtain immunizations or health screenings, or immunizations or other required health records, the enrolling school shall immediately enroll the child or youth and refer the parent or guardian of the child or youth, or the unaccompanied youth, to the local government health center, clinic, or hospital for appropriate immunizations or health screenings.

- (D) Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be released to employers, law enforcement personnel, or other persons or agencies not authorized to have such information under laws and administrative issuances, paying particular attention to preventing disruption of the living situation of the child or youth and to supporting the safety of such children and youth who are survivors of domestic violence and unaccompanied youth.

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

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

Sec. 8. Issuance of Implementing Rules and Regulations. – Within ninety (90) days from the approval of this Act, the Department of Education, in consultation with the Department of Interior and Local Government, the Department of Social Welfare and Development, and other appropriate government agencies and stakeholders, shall promulgate the rules and regulations to implement the provisions of this Act. Such rules and regulations shall take effect fifteen (15) days after their publication in a newspaper of general circulation.

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

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

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

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

Approved,