

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5572



Introduced by HON. IRWIN C. TIENG
and HON. MARIANO MICHAEL M. VELARDE

EXPLANATORY NOTE

Every student has a right to be admitted in an institution of higher education of his choice. It is a right enshrined in Article XIV Sec. 1 of the Constitution which 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 to all.

This Bill seeks to prohibit discrimination on the basis of disability in connection with admission of any public or private institution of higher education including vocational and technical, tertiary, graduate and post graduate levels. Discrimination of this kind is a violation of his inherent dignity and worth. Thus, educational institutions are expected to make reasonable adjustments to meet the needs of students with disabilities.

IRWIN C. TIENG

MARIANO MICHAEL M. VELARDE

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**AN ACT
TO PROHIBIT DISCRIMINATION ON THE BASIS OF DISABILITY IN CONNECTION
WITH ADMISSION TO AN INSTITUTION OF HIGHER EDUCATION, AND FOR
OTHER PURPOSES**

***BE IT ENACTED** by the Senate and House of Representatives of the Philippines
in Congress assembled.*

**Chapter 1
GENERAL PROVISION**

Section 1. Short Title. - This Act shall be known as Access to Higher Education for Students with Disabilities Act of 2011.

Section 2. Declaration of State Policy. - The State shall ensure that disabled persons are provided with access to quality education and ample opportunities to develop their skills.

Towards this end, the State shall require educational institutions to observe the special needs of disabled persons in order to facilitate their learning process.

Section 3. Coverage. - This Act applies to any public or private institution of higher education including vocational and technical, tertiary, graduate and post graduate levels.

Section 4. Definition of Terms. - For purposes of this Act, these terms are defined as follows:

- (a) **Auxiliary Aids** include large print and taped material, interpreters, and other aids for persons with impaired cognitive, sensory, motor or speaking skills.
- (b) **Accommodations** include the use of auxiliary aids in classroom settings; allowances for time and energy level considerations such as reduced course loads, additional time for taking exams and the likes; substitutions of other acceptable assignments, courses, tests or test formats when necessary to ensure equal access for individuals with disabilities; physical modifications such as ramps, elevators, lifts, curb cuts and the likes.
- (c) **Institution of Higher Education** refer to any private or public academic institution offering any or all courses in vocational and technical, tertiary, graduate and post graduate levels.

- (d) **Student with Disability** refers to any student who has a physical or mental condition, which substantially limits one or more major life activity or has a record of such a condition.
- (e) **Physical Disability** refers to any physical condition, anatomic loss, or cosmetic disfigurement, which is caused by bodily injury, birth defect or illness.
- (f) **Mental Disability includes:**
 - (1) developmental disabilities;
 - (2) an organic or mental condition that has substantial adverse effects on an individual's cognitive or volitional functions, such as central nervous system disorders; significant discrepancies among mental functions of an individual, including any mental or psychological disorder, such as head injury; emotional or mental illness; and specific learning disabilities.
- (g) **Major Life Activities** shall mean functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, and experiencing leisure.
- (h) **Program or Activity** refers to academic majors and degree plans, including coursework and practice; research; occupational training; housing; counselling; financial aid; physical education; athletics; recreation; transportation; student organizations; placement; and any other programs offered by the institution of higher education.
- (i) **Qualified Student with Disability means:**
 - (1) With respect to higher education services, student with disability who meets the academic or technical standards for admission or participation in the program or activity given appropriate accommodations.
 - (3) With respect to any other program or activity, student with disability who meets the essential eligibility requirements for participation in, or receipt from, that program or activity given appropriate accommodations.

Chapter 2

ADMISSION, RECRUITMENT AND TREATMENT OF STUDENTS

Section 5. Admission and Recruitment. - Qualified student with disability may not, on the basis of his disability, be denied admission or be subjected to discrimination in admission or recruitment by an institution of higher education.

Section 6. Guidelines. - In administering its admission policies, an institution of higher education:

- (1) May not apply limitations upon the number or proportion of students with disabilities who may be admitted;
- (2) May not make use of any test or criterion for admission that has a disproportionate, adverse effect on any student with disability unless:
 - (i) The test or criterion, as used by an institution of higher education, has been validated as a predictor of success in the program or activity in question and

(ii) Alternate tests or criteria that have a less disproportionate, adverse effect are not shown to be available.

(3) Shall assure itself that

(i) Admission tests are selected and administered in such a way that the test results accurately reflect the applicant's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant's impaired sensory, manual, or speaking skills except where those skills are the factors that the test purports to measure;

(ii) Admission tests that are designed for students with impaired sensory, manual, or speaking skills are offered as often and in as timely a manner as are other admission tests; and

(iii) Admission tests are administered in facilities that, on the whole, are accessible to student with disability; and

(4) May not make preadmission inquiry as to whether an applicant for admission is disabled but, after admission, may make inquiries on a confidential basis as to the state of disability that may require accommodation.

Section 7. Treatment of Students. - (1) No qualified student with disability shall, on the basis of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, research, occupational training, housing, health insurance, counselling, financial aid, physical education, athletics, recreation, transportation, other extracurricular, or other educational aid, benefits, or services.

(2) An institution of higher education that considers participation by students in programs or activities not operated wholly by the institution shall assure itself that the other program or activity, as a whole, provides an equal opportunity for the participation of qualified person with disability

(3) An institution of higher education shall operate its program or activity in the most integrated setting appropriate.

Chapter 3 ACADEMIC ADJUSTMENTS

Section 8. Academic Requirements. - An institution of higher education shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating a qualified applicant or student with disability. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

Section 9. Evaluation. - An institution of higher education shall provide methods for evaluating the achievement of student with disability to ensure that the same represents the student's achievement in the course, rather than reflecting the student's impaired sensory, manual, or speaking skills except where such skills are the factors that the test purports to measure.

Chapter 4 AUXILIARY AIDS

Section 10. Non-discrimination Against Absence of Auxiliary Aids. - An institution of higher education shall take steps as are necessary to ensure that no student with disability is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills, unless the said institution can demonstrate that offering a particular auxiliary aid or service would fundamentally alter the course or would result in an undue burden.

Section 11. Prescribed Auxiliary Aids. - Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Institution of higher education need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

Chapter 5 HOUSING ACCOMMODATIONS AND FINANCIAL ASSISTANCE TO STUDENTS

Section 12. Housing. - An institution of higher education that provides housing to its students shall likewise provide comparable, convenient, and accessible housing to students with disabilities. Such housing shall be available in sufficient quantity and variety so that the scope of students with disability's choice of living accommodations is, as a whole, comparable to that of other students.

Section 13. Financial Assistance. - (1) In providing financial assistance to qualified student with disability, an institution of higher education may not,

- (i) On the basis of his disability, provide less assistance than is provided to other students, or limit eligibility for assistance, or otherwise discriminate or
- (ii) Assist any entity or person that provides assistance to any students of the institution of higher education in a manner that discriminates against qualified student with disability.

(2) An institution of higher education may administer or assist in the administration of scholarships, fellowships, or other forms of financial assistance established under wills, trusts, bequests, or similar legal instruments that require awards to be made on the basis of factors that discriminate or have the effect of discriminating students with disability only if the overall effect of the award of scholarships, fellowships, and other forms of financial assistance is not discriminatory.

Chapter 6 NON-ACADEMIC SERVICE

Section 14. Physical Education and Athletics. - (1) An institution of higher education that offers physical education courses or that operates or sponsors intercollegiate, club, or intramural athletics shall provide to qualified students with disabilities an equal opportunity for participation in these activities.

(2) An institution of higher education may offer to students with disabilities physical education and athletic activities that are separate or different only if separation or differentiation is consistent with the requirements of Chapter 4 of this Act and only if no qualified student with disability is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

Section 15. Counselling and Placement Services. - An institution of higher education that provides personal, academic, or vocational counselling, guidance, or placement services to its students shall provide these services without discrimination to students with disabilities. It shall ensure that qualified students with disability are not counselled toward more restrictive career objectives than other students with similar interests and abilities. This requirement does not preclude an institution of higher education from providing factual information about licensing and certification requirements that may present obstacles to students with disabilities in their pursuit of particular careers.

Section 16. Social Organizations. - An institution of higher education that provides significant assistance to fraternities, sororities, or similar organizations shall assure itself that the membership practices of such organizations do not permit discrimination otherwise prohibited by this section.

Chapter 7 CREATION OF OFFICE OF DISABILITY AFFAIRS

Section 17. Creation of Office Disability Affairs. - Each institution of higher education is mandated to create an Office of Disability Affairs. The head of the Office shall be directed to:

- (1) Ensure that courses, programs, services, and activities are accessible to students with disabilities.
- (2) Provide information in accessible formats to students with disabilities.
- (3) Review student applications and documentation to determine eligibility for services and make recommendations for accommodations.
- (4) Coordinate reasonable accommodations and services for students with disabilities.
- (5) Maintain appropriate confidential records and communication.
- (6) Serve as a liaison between students with disabilities and faculty.
- (7) Serve as a resource on disability issues for the postsecondary education provider community.
- (8) Perform such other duties and functions as may be needed to fulfil the requirements of this Act.

Chapter 8 FINAL PROVISIONS

Section 18. Penal Clause. - (a) Any person who violates any provision of this Act shall suffer the penalty of a fine of not less than Twenty thousand pesos (P20,000.00) but not exceeding One hundred thousand pesos (P100,000.00) or imprisonment of not less than one (1) month but not more than one (1) year, or both at the discretion of the court, and

(b) If the violator is a corporation, organization or any similar entity, the officials thereof directly involved shall be liable therefor.

(c) If the violator is an alien or a foreigner, he shall be deported immediately after service of sentence without further deportation proceedings.

Section 19. Enforcement. - The Department of Justice and the Commission on Higher Education shall promulgate the necessary rules and regulations to carry out the provisions of this Act.

Section 20. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

Section 21. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

Section 22. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,