

**The Right to Inclusive Quality Education of Persons with Disabilities (PWDs)  
in Higher Education Institutions (HEIs)**

**A Thesis**

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## ABSTRACT

In the words of retired Chief Justice Artemio Panganiban in his Address at the 12<sup>th</sup> General Assembly of the Asean Law Association, “*all the peoples of the world need and deserve liberty and prosperity in equal measure.*” Ensuring universal access to education across all levels underscored the entitlement of PWDs to partake in quality learning, extending beyond the realms of primary and secondary schooling to encompass higher education as well.

Through qualitative method, the research looked into the lens of international and Philippine legal frameworks. Further, interested sectors such as HEIs in the Region IV-A, PWDs, and government entities were interviewed based on the five areas of activity under the Inclusive Higher Education Framework such as (1) Structures and Processes; (2) Curriculum Design and Delivery; (3) Assessment and Feedback; (4) Community and Belonging; and (5) Pathways to Success.

Results of the study revealed that there are differences in the perspectives used on understanding disability, hence its various definitions and classifications. Several gaps such as lack of recent and comprehensive statistics on disability, the lack of uniform definition and classification of disability, budget allocation, lack of qualified teachers for student PWDs, lack of campaign awareness, and lack of implementation were identified. These gaps were addressed by the study through the development of the Disability Inclusion on Higher Education Framework.

*Keywords: Disability Inclusion; Higher Education; Disability Inclusive Quality Education*

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# CHAPTER I

## INTRODUCTION

### A. Background of the Study

Given its capacity to open doors, expand liberties, and foster human development, education is the most economical means of building strong, healthy, and just communities.<sup>1</sup> In terms of economic development, the educational attainment of the human capital plays a significant role in the adoption and application of current technologies, in their advancement, and in overall economic growth.<sup>2</sup> Crucial for the training and empowering the future workforce is to ensure that children and the youth receive quality education.<sup>3</sup>

In the last seventy-five (75) years, education has been identified and protected in the international sphere as a right of individuals. During the twentieth (20<sup>th</sup>) century, the Universal Declaration of Human Rights (UDHR) in 1948, the Convention against Discrimination in Education in 1960, the World Declaration on Education for All and Framework for Action to Meet Basic Learning Needs in 1990, and the Salamanca Statement and Framework for Action on Special Needs Education in 1994 have recognized the right to education of everyone and explored the movement of education towards inclusion. This recognition and exploration continued into the twenty-first (21<sup>st</sup>) century through the Convention on the Rights of Persons with Disabilities in 2006, the ASEAN Human Rights Declaration in 2012, the Bali Declaration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN Community and Mobilisation Framework of the ASEAN Decade of Persons with Disabilities (2011-2020) in 2013, the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs) and the Education 2030:Incheon Declaration and Framework for Action for the implementation of SDG 4, both in 2015.

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<sup>1</sup> Nations, United. n.d. "Education for All." United Nations. <https://www.un.org/en/academic-impact/education-all>.

<sup>2</sup> Silva, Andrew, Genesis Elhoussein, Till Leopold, and Saadia Zahidi. 2022. Review of *Catalysing Education 4.0: Investing in the Future of Learning for a Human-Centric Recovery*. World Economic Forum. World Economic Forum. <https://www.weforum.org/publications/catalysing-education-4-0-investing-in-the-future-of-learning-for-a-human-centric-recovery/>.

<sup>3</sup> Runde, Daniel F., Romina Bandura, and Madeleine McLean. 2023. "Investing in Quality Education for Economic Development, Peace, and Stability." *Www.csis.org*, December. <https://www.csis.org/analysis/investing-quality-education-economic-development-peace-and-stability>.

Similarly, around thirty (30) years ago, the Philippines has recognized the right to quality education of individuals. This dates back from the enforcement of the 1987 Constitution, followed by the enactment of several legislations. These laws include Republic Act No. 7277 in 1991; Republic Act No. 9442, in 2006, which amended R.A. No. 7277; Republic Act No. 10533 in 2013; Republic Act No. 10931 in 2017; and Republic Act No. 11650 in 2022. Inclusion in schools was sought through Batas Pambansa Bilang 344 in 1982 and Republic Act No. 11106 in 2018.

These legal instruments all emphasize the increasing necessity for disability inclusive education extending beyond primary and secondary levels to include higher education. The right to inclusive education involves a shift in policy, culture, and practice across all educational settings, both formal and informal, to cater the diverse needs and identities of each student, as well as a commitment to eliminate the barriers that hinder such inclusivity. The UN Committee on the Rights of PWDs acknowledges that individuals with disabilities, whether intellectual, multiple, deafblind, autism, or in humanitarian emergencies, face a heightened risk of exclusion from education compared to others.<sup>4</sup>

Higher education serves as a vital cultural and scientific asset, fostering personal development and driving economic, technological, and social progress. It promotes knowledge exchange, research, and innovation, equipping students to navigate evolving job markets. For vulnerable students like PWDs, it offers pathways to financial stability and a brighter future.<sup>5</sup> Higher education is a core enabler of the progress towards the SDGs. An inclusive distribution of educational opportunities enables countries to grow and progress in a sustainable way.<sup>6</sup>

Despite being referred to as the largest minority of the world, the existing data on PWDs are general in nature and is wanting in relation to higher education. In March 2023, around 1.3 billion of the world population

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<sup>4</sup> “General Comment No. 4 (2016) on the Right to Inclusive Education.” 2016. United Nations Digital Library System, November. <https://digitallibrary.un.org/record/1313836?ln=en>.

<sup>5</sup> UNESCO. 2022. “What You Need to Know about Higher Education,” March 16, 2022. <https://www.unesco.org/en/education/higher-education/need-know>.

<sup>6</sup> “Are Education and Skills Being Distributed More Inclusively?” 2015. *Education Indicators in Focus*, June. <https://doi.org/10.1787/5js0bsgdtr28-en>.

experience significant disability.<sup>7</sup> Meanwhile as of April 12, 2024, PWDs comprise around 1.7 million of the Philippine population.<sup>8</sup> The dearth of an updated and comprehensive statistics on disability in higher education evince and further the challenge in establishing their inclusion in higher education.

Inclusive education is pivotal for universalizing the right to education. It ensures quality education and social development for people with disabilities by fostering acceptance, respect, and inclusion in regular classrooms. Embracing diversity as an enriching aspect of learning, inclusive education enables all individuals, including those with disabilities, to achieve their educational goals. Providing appropriate support is essential for disabled students to equally participate in mainstream academic institutions, fostering both social and academic growth.<sup>9</sup> Enhancing the circumstances in communities through accommodations that diminish or remove participation restrictions and activity limitations for PWDs are essential in enabling involvement of PWDs in the activities and functions of daily living.<sup>10</sup>

Due to hindrances in accessing healthcare, discrimination, and the reinforcing cycle of poverty and disability, especially prevalent in lower-income countries, disability has been recognized by WHO as a major issue in global health, human rights, and development.<sup>11</sup> The most common barriers such as physical, attitudinal, communication, social, programmatic, transportation, and policy, either only one occurring or several interplaying at once, may render functioning of PWDs immensely challenging or even impossible.<sup>12</sup> Disability arises from the interplay of an the health condition, personal factors, and external circumstances. Different environments can impact a person's performance differently. Supportive environments enhance performance, while barriers like inaccessible buildings or lack of assistive devices impede it.

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<sup>7</sup> WHO. 2018. "Disability and Health." Who.int. World Health Organization: WHO. January 16, 2018. <https://www.who.int/en/news-room/fact-sheets/detail/disability-and-health>.

<sup>8</sup> "National Council on Disability Affairs | Empowering Inclusion of Persons with Disabilities." n.d. <https://ncda.gov.ph/>.

<sup>9</sup> Rights, UN Office of the High Commissioner for Human. 2013. "Thematic Study on the Right of Persons with Disabilities to Education": *DigitalLibrary.un.org*, December. <https://digitallibrary.un.org/record/766731>.

<sup>10</sup> CDC. 2019. "Disability and Health Overview." Centers for Disease Control and Prevention. September 16, 2020. <https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html>.

<sup>11</sup> "WHO Global Disability Action Plan 2014-2021." 2015. Wwww.who.int. <https://www.who.int/publications/i/item/who-global-disability-action-plan-2014-2021>.

<sup>12</sup> CDC. 2018. "Disability and Health Disability Barriers." Centers for Disease Control and Prevention. 2018. <https://www.cdc.gov/ncbddd/disabilityandhealth/disability-barriers.html>.

Achieving inclusive education requires broadening its reach to support persons with disabilities (PWDs) in securing employment and accessing opportunities equivalent to those without disabilities. While legal frameworks and practices promote inclusivity in primary and secondary education, similar emphasis is essential in higher education. Disability extends beyond primary and secondary education, underscoring the ongoing need for inclusivity.

## **B. Research Questions**

The study aimed to determine the status of disability inclusion in higher education. Specifically, it sought to answer the following questions:

1. How does the international legal framework view disability and address disability inclusion in education?
2. How does the Philippine legal framework view disability and address disability inclusion in education?
3. What are the limitations in both the international and Philippine legal framework concerning disability inclusion in higher education?
4. How can the aforementioned drawbacks be remedied through policy enactment or amendment, and guideline formulation?

## **C. Objectives of the Study**

Principally, the research aspired to extend the right to inclusive education of PWDs in higher education. Particularly in first, the study seeks to delve into the legal landscape surrounding the rights of PWDs to inclusive education, both within the Philippines and under international law standards.

Secondly, it aimed to assess the adequacy of the existing international and Philippine legal frameworks concerning the right to inclusive higher education for individuals with disabilities.

Thirdly, the study intended to conduct interviews to evaluate the status of disability inclusion within higher education institutions in the Philippine region with the most number of PWDs. This evaluation will cover various aspects including the institutional structures and processes, curriculum design and delivery, assessment and feedback mechanisms, fostering community and a sense of belonging, and pathways to success for students with disabilities.

Finally, the study endeavored to develop a comprehensive framework on disability inclusion in higher education. This framework will serve as a potential foundation for policy development or amendment, as well as the creation of implementation guidelines for Higher Education Institutions (HEIs).

#### **D. Significance of the Study**

As observed, legislation has duly acknowledged the imperative to bolster disability inclusive education where it is present and to establish the same where it is deficient or non-existent. In the endeavor to establish disability inclusion within higher education, pertinent queries emerge concerning the necessary strategies, methodologies, and where to begin.

A study-developed framework which delves into the legal structure and initiatives under international law partnered with the evaluation of the Philippine legislation, both on disability inclusion may spark the enactment or amendment of Philippine laws on the right to inclusive education. This will facilitate equitable access to opportunities for PWDs in higher education.

Through this accommodation in higher education, the Philippine economic workforce will be empowered and strengthened which will in turn contribute to the economic growth of the country. Not only do education and cognitive skills directly influence economic growth, but higher economic growth rates can lead to a feedback loop of greater resources being invested in education in the future.<sup>13</sup>

#### **E. Scope and Limitations**

The research covered laws and initiatives on disability inclusive education under international law and in the Philippines. Disability inclusion in higher education was the focal point of the proposed study.

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<sup>13</sup> “Catalysing Education 4.0: Investing in the Future of Learning for a Human-Centric Recovery.” 2022. World Economic Forum. <https://www.weforum.org/publications/catalysing-education-4-0-investing-in-the-future-of-learning-for-a-human-centric-recovery/>.

The Inclusive Higher Education Framework<sup>14</sup> was used in discussing inclusion in higher education. As to the population covered, HEIs recognized by the Commission on Higher Education and located within Region IV-A (CALABARZON) were focused on and interviewed being the region with the highest number of PWDs out of the Philippine population as of April 12, 2024.<sup>15</sup> Specific laws and legal movements of ASEAN Member States will not be delved into. Further, other marginalized groups entitled to receive inclusive education will not be tackled.

## **F. Methodology**

Primary and secondary sources were collected and analyzed in the study. Based on the five domains or areas of activity under the Inclusive Higher Education Framework, HEIs and individuals who have interest in the subject of the study were interviewed. The analysis and interpretation of the interview responses were correlated with the Inclusive Higher Education Framework and evaluated with the related literature to form the Disability Inclusion in Higher Education Framework. Ethical considerations were adhered to, and the data gathered from the participants were treated with utmost confidentiality.

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<sup>14</sup> “The Inclusive Education Framework.” 2023. Wwww.qaa.ac.uk. Accessed May 18, 2023. <https://www.qaa.ac.uk/membership/collaborative-enhancement-projects/equality-diversity-and-inclusion/the-inclusive-education-framework>.

<sup>15</sup> “National Council on Disability Affairs | Empowering Inclusion of Persons with Disabilities.”, *supra note*, at 8.

## **CHAPTER II**

### **UNDERSTANDING DISABILITY AND DISABILITY INCLUSIVE EDUCATION**

#### **A. Disability defined**

There exists no universally recognized and codified definition of disability.<sup>16</sup> The term "disability" has many specialized meanings that have been created for each individual policy or program that employs it.<sup>17</sup>

The CRPD Preamble expresses that disability is recognized as a concept that evolves and is a consequence of the interaction between individuals with impairments and attitudinal and environmental barriers that prevent their full and effective participation in society on an equal footing with others.<sup>18</sup>

The International Classification of Functioning, Disability and Health (ICF) further explained that there is impairment when there is an abnormality or a loss in the structure of the body or physiological function, including mental functions; that activity limitations pertain to difficulties that a person may have in performing activities; and that participation restrictions are problems that a person may experience in involvement in life situations; elaborating disability as denoting the negative aspects of the interaction between a person with a health condition and the contextual factors (environmental and personal factors) of that person.<sup>19</sup>

The 2016 National Disability Prevalence Survey, otherwise known as the Model Functioning Survey (NDPS/MFS 2016) explained that disability is multi-dimensional and interactive since it is the outcome of the link between health conditions or impairments and features of the physical, human-built, attitudinal, and socio-political environment in which the individual lives. Such

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<sup>16</sup> Hayes, Anne M., and Jennae Bulat. 2017. *Disabilities Inclusive Education Systems and Policies Guide for Low- and Middle-Income Countries*. PubMed. Research Triangle Park (NC): RTI Press. <https://pubmed.ncbi.nlm.nih.gov/32125793/>.

<sup>17</sup> Francis, Leslie, and Anita Silvers. 2015. "Perspectives on the Meaning of 'Disability.'" *AMA Journal of Ethics* 18 (10): 1025–33. <https://doi.org/10.1001/journalofethics.2016.18.10.pfor2-1610..>

<sup>18</sup> "Preamble | United Nations Enable." 2019. Un.org. 2019. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/preamble.html>.

<sup>19</sup> "International Classification of Functioning, Disability and Health World Health Organization Geneva ICF." 2001. <https://apps.who.int/iris/bitstream/handle/10665/42407/9241545429.pdf>.

features may include access and use of personal assistance and assistive products, social support, attitudes of others, access to health care or the physical environment in which a person lives.<sup>20</sup> Article 173 (n) of the Labor Code of the Philippines expresses that disability means loss or impairment of a physical or mental function resulting from injury or sickness.<sup>21</sup>

The variations in defining disability are evident through the nuanced classifications identified and the perspectives from which disability is comprehensively addressed. Although articulated differently, it is uniformly acknowledged that disability extends beyond the medication condition of an individual. Similarly, the definitions indicate that the concept of disability is dynamic and subject to evolutionary interpretation. Determining who comprises PWDs shift over time and over diverse social and cultural settings.<sup>22</sup>

## **B. Statistics on Disability**

Owing to the disparity in defining disability across multiple sectors and ministries, administrative data sets often exhibit incongruities and may be deficient. As a principal source of information pertaining to PWDs, administrative data cover figures with regard to individuals receiving disability benefits, those using social and rehabilitation services, medical records of diagnosed conditions, and educational data on students with special needs in schools and in higher education.<sup>23</sup>

Policy making and program planning and development would be effectively accomplished on the basis of reliable and updated data on disability. Data collection is crucial to formulating evidence-based policies and all aspects of the implementation of disability-inclusive laws and programs and that by collecting detailed and nuanced information about how people with different levels of disability conduct their lives, unmet needs as well as barriers and inequalities are identified.<sup>24</sup>

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<sup>20</sup> “National Disability Prevalence Survey (Model Functioning Survey) 2016.” n.d. <https://psa.gov.ph/sites/default/files/2016%20NDPS.pdf>.

<sup>21</sup> Department of Labor and Employment. 2014. “Labor Code of the Philippines | Bureau of Labor Relations.” Dole.gov.ph. 2014. <https://blr.dole.gov.ph/2014/12/11/labor-code-of-the-philippines/>.

<sup>22</sup> Francis, Leslie, and Anita Silvers. 2015. “Perspectives on the Meaning of ‘Disability.’”, *supra*, at 17.

<sup>23</sup> Asian Development Bank. 2022. *Strengthening Disability-Inclusive Development: 2021–2025 Road Map*. [www.adb.org](http://www.adb.org). Asian Development Bank. <https://www.adb.org/publications/disability-inclusive-development-2021-2025>.

<sup>24</sup> “Strengthening the Collection of Data on Disability.”, *supra*, at 10.

The World Health Organization (WHO) and the World Bank, in 2011, jointly conducted the World Report on Disability which revealed that 15% of the global population or more than one billion people live with and experience some form of disability. This number is escalating as a result of populations ageing, the rise in chronic health conditions associated with disability and the influence brought by health conditions and environmental factors. A higher disability prevalence has been observed in lower income countries compared to higher income countries.<sup>25</sup> Since 1987 up to 2022, the Philippines has been classified by the World Bank as belonging to the lower middle-income category.<sup>26</sup>

In the Philippines, disability prevalence has been observed and recorded through both a census in 2010 and 2020 and a survey in 2016. In the 2010 Census of Population and Housing (CPH), 1.44 million persons or 1.57% out of the 92.1 million household population were found to have disability.<sup>27</sup> The NDPS/MFS 2016 carried out by the Philippine Statistics Authority (PSA) showed that out of the 11,000 sample households, with one member, age fifteen (15) years or older, through random selection in each sample household arriving at a total of 10, 240 completed interviews of sample individuals, nearly half or 47% of the individuals over the age of 15 have moderate impairment, around one-fifth or 22% were found to have mild disability, about one-fifth or 19% had no disability, and around 12% were identified to have severe disability.<sup>28</sup> In the 2020 CPH, a total of 8,469,426 individuals aged five (5) years old and over have been recorded to have difficulty in at least one of the six functional domains of seeing, hearing, walking or climbing steps, remembering or concentrating, self-caring, that is, washing all over or dressing, and communicating.<sup>29</sup> In 2022, the number of students with disabilities that have been enrolled in the Philippines for the

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<sup>25</sup> “World Report on Disability.” 2011. Wwww.who.int. 2011.

<https://www.who.int/publications/i/item/9789241564182>.

<sup>26</sup> The World Bank. 2020. “The World by Income and Region.” Datatopics.worldbank.org. 2020.

<https://datatopics.worldbank.org/world-development-indicators/the-world-by-income-and-region.html>.

<sup>27</sup> Philippine Statistics Authority. 2010. “Persons with Disability in the Philippines (Results from the 2010 Census) | Philippine Statistics Authority.” Psa.gov.ph. 2010. <https://psa.gov.ph/content/persons-disability-philippines-results-2010-census>.

<sup>28</sup> “National Disability Prevalence Survey (Model Functioning Survey) 2016.”, *supra note*, at 20.

<sup>29</sup> “Philippine Statistics Authority | Republic of the Philippines.” n.d. Psa.gov.ph. <https://psa.gov.ph/population-and-housing/node/168274>.

school year 2021 to 2022 stood at 93,895, a significant decrease from 360,879, the number of enrolled students with disabilities before the pandemic.<sup>30</sup>

It has been over five years since the collection of comprehensive global data and nationwide statistics on disability, indicating a scarcity of recent figures crucial for shaping policies and programs aimed at enhancing disability inclusion. The antiquated disability statistics pose a significant impediment in effectively addressing the needs of PWDs in relation to achieving the goal of an inclusive education in all levels.

The acquisition of comprehensive and current disability data is imperative for guiding legislative processes, amendments, and the establishment of guidelines pertaining to academic environments. It serves as a cornerstone for identifying challenges necessitating governmental and societal support. Ultimately, having good statistics on PWDs is indispensable in understanding disability prevalence and formulating disability inclusive strategies.<sup>31</sup>

### **C. Models of Disability**

Disability can be perceived and comprehended from various perspectives. These viewpoints relate to disability models employed in the approach to disability, encompassing how the rights of PWDs are addressed.

In the moral model disability is viewed as having meaning with regard to the character, deeds, thoughts, and karma of an individual or of a family. From this standpoint, disability may entail stigma, disgrace, and culpability, notably when it is perceived as indicative of wrongdoing.<sup>32</sup>

Under the charity model, the individual is determined as having a problem. This model sees PWDs as victims, or objects of pity, on the bases of their impairment, their main identified. Here, PWDs are treated as

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<sup>30</sup> Yang, Angelica Y. 2022. "Philippines Guarantees Learners with Disabilities with Free Basic Education." Philstar.com. March 16, 2022.  
<https://www.philstar.com/headlines/2022/03/16/2167714/philippines-guarantees-learners-disabilities-free-basic-education#:~:text=Enrollment%20of%20students%20with%20disabilities.>

<sup>31</sup> Asian Development Bank. 2022. *Strengthening Disability-Inclusive Development: 2021–2025 Road Map.*, *supra*, at 24.

<sup>32</sup> Olkin, Rhoda. 2022. "Conceptualizing Disability: Three Models of Disability." Apa.org. 2022.  
[https://www.apa.org/ed/precollege/psychology-teacher-network/introductory-psychology/disability-models.](https://www.apa.org/ed/precollege/psychology-teacher-network/introductory-psychology/disability-models)

beneficiaries and recipients of services, which is the responsibility of the community and society.<sup>33</sup>

In the medical model, disability is seen as a problem of the individual, directly resulting from trauma, disease, or other health condition, which necessitated medical care furnished in the manner of individual treatment by medical or healthcare professionals. As a consequence, the primary political response to the perceived primary issue of medical care is the modification or reform of health care policy.<sup>34</sup>

Under the social model, disability is viewed as a complex collection of conditions, many of which are generated by the social environment, rather than a trait of a person. This time, the problem is primarily a social issue requiring societal transformation, which at the political level, turns into a human rights concern.<sup>35</sup> Disability is treated as a product of an incompatibility between the disabled individual and his environment.<sup>36</sup>

Although, there seems a dichotomy between the medical and the social models, the WHO and the World Bank opined that disability should be viewed neither as purely medical nor as purely social. Disability necessitates a balanced approach to give equitable emphasis on its various aspects. This balanced approach gives rise to a biopsychosocial model (BPS model).<sup>37</sup> Under the BPS Model, relative health and disease or impairment is reliant on the relations between biological, psychological, and social factors, enabling a more integrated perspective in determining and addressing the cause, manifestation, and resolution of the impairment or illness.<sup>38</sup>

Closely intertwined with the BPS model is the human rights model. Under the latter model, rights of PWDs are advanced and safeguarded by systematically identifying and eliminating social and attitudinal barriers that

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<sup>33</sup> “What Are Models of Disability.” n.d. Inclusive Participation Toolbox.  
<https://participation.cbm.org/why/disability-participation/models-of-disability#:~:text=The%20charity%20model%20identifies%20the>.

<sup>34</sup> “International Classification of Functioning, Disability and Health World Health Organization Geneva ICF.”, *supra note*, at 21.

<sup>35</sup> *Ibid.*

<sup>36</sup> Olkin, Rhoda. 2022. “Conceptualizing Disability: Three Models of Disability.”, *supra*, at 34.

<sup>37</sup> “World Report on Disability.”, *supra*, at 26.

<sup>38</sup> Hardie, Megan. 2021. “Three Aspects of Health and Healing: The Biopsychosocial Model in Medicine.” Department of Surgery. October 10, 2021. <https://surgery.wustl.edu/three-aspects-of-health-and-healing-the-biopsychosocial-model/>.

impede their enjoyment of basic human rights, ensuring parity with others. PWDs are not given any special rights or privileges tailored to a specific disability. However, they merit the enjoyment of fundamental human rights on an equal basis with others.<sup>39</sup>

Leveraging the BPS-human rights models as a foundation to address the barriers underwent by PWDs stands as a notably advantageous approach, given the disability encompasses not solely the impairment, but also the environmental context. These models offer a comprehensive and equitable method in crafting or reshaping policies and programs, and fostering an environment attuned to disability concerns, thereby effectively safeguarding the rights of PWDs.

#### **D. Classifications of Disability**

Globally, the World Bank Disability Inclusion and Accountability Framework, crafted to champion the integration of disability within its initiatives, outlines four primary categories of disability: physical, sensory, intellectual, and mental.<sup>40</sup> In contrast, the CDC has articulated that disabilities encompass a spectrum of variations, spanning those impacting vision, hearing, mobility, cognition, memory, learning, communication, mental well-being, and social interactions within an individual..<sup>41</sup> The World Report on Disability mentioned that the Washington Group Short Set on Functioning (WG-SS)<sup>42</sup> covers six (6) functional domains which are seeing, hearing, walking, cognition, self-care, and communication.<sup>43</sup>

In the Philippines, the Implementing Rules and Regulations of the Magna Carta for Disabled Persons (R.A. No. 7277) list seven disabilities or

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<sup>39</sup> “Disability and Human Rights: A New Perspective | Asia Pacific Forum.” n.d. [www.asiapacificforum.net](http://www.asiapacificforum.net). Accessed April 28, 2024.

<https://www.asiapacificforum.net/support/human-rights/people-disabilities/new-perspective/>.

<sup>40</sup> McClain-Nhlapo, Charlotte Vuyiswa; Sivonen, Lauri Heikki Antero; Raja, Deepti Samant; Palummo, Simona; Acul, Elizabeth. 2022. “Disability Inclusion and Accountability Framework.” World Bank. Accessed January 10, 2023. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/437451528442789278/disability-inclusion-and-accountability-framework>.

<sup>41</sup> “Disability and Health Overview.”, *supra*, at 16.

<sup>42</sup> “WG Short Set on Functioning (WG-SS).” n.d. The Washington Group. <https://www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-wg-ss/>.

<sup>43</sup> “Conceptual Framework.” n.d. The Washington Group on Disability Statistics. Accessed January 10, 2023. <https://www.washingtongroup-disability.com/about/conceptual-framework/>.

conditions. These include orthopedic/mobility disabilities, communication deficits, visual impairments, learning disabilities, chronic illnesses with disability, mental disabilities, and psychosocial and behavioral issues..<sup>44</sup> The NDPS/MFS 2016 acknowledged seventeen (17) functioning domains namely mobility, hand and arm use, self-care, seeing, hearing, pain, sleep and energy, breathing, affect, interpersonal relationships, handling stress, communication, cognition, household tasks, community and citizenship participation, caring for others and work, and schooling<sup>45</sup> were measured. On the other hand, the 2020 CPH functional difficulty comprised of six (6) domains such as seeing, hearing, walking or climbing, remembering or concentrating, self-caring (washing all over or dressing), and communicating.<sup>46</sup>

Despite international and national variations in recognized types of disabilities, they can generally be categorized based on domains of functioning or conditions impacting daily life for PWDs. These classifications underscore the challenges faced by PWDs due to their conditions and provide a basis for designing surveys or censuses to assess disability prevalence in a population.

### **E. Disability Inclusive Education**

Inclusive education is a strategy that considers how to reform educational systems in order to accommodate the diversity of learners, rather than being a marginal theme on how some learners can be integrated into the mainstream education. It tries to help both educators and students feel at ease with variety and perceive it as an opportunity to challenge and improve the learning environment rather than a problem.<sup>47</sup>

There are four key tenets under an inclusive education system. First, inclusion is a process. Secondly, inclusion is concerned with the identification and removal of barriers. Thirdly, inclusion is about the presence, participation, and achievement of all students. Lastly, inclusion involves an emphasis on

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<sup>44</sup> “IRR of RA 7277 : National Council on Disability Affairs.” n.d. <https://www.ncda.gov.ph/disability-laws/implementing-rules-and-regulations-irr/irr-of-ra-7277/>.

<sup>45</sup> “National Disability Prevalence Survey (Model Functioning Survey) 2016.”, *supra note*, at 30.

<sup>46</sup> “Philippine Statistics Authority | Republic of the Philippines.”, *supra*, at 31.

<sup>47</sup> Booth & Lynch. 2003. Overcoming Exclusion through Inclusive Approaches in Education A Challenge & A Vision Conceptual Paper. Unesco.org. <https://unesdoc.unesco.org/ark:/48223/pf0000134785>.

those groups of learners who may be at risk of marginalization, exclusion, or underachievement.<sup>48</sup>

The essence of inclusive education as well as what it does not signify are encapsulated by these principles. Students with disabilities attend their local schools alongside their non-disabled peers, placed in age-appropriate general education classrooms. In these classrooms, all students, regardless of disability, are valued members of the school community. Special education support is provided within the general education setting to meet individual needs, ensuring no student is excluded based on disability. The entire school collaborates to foster inclusive teaching practices and ensure the success of all students.<sup>49</sup>

Inclusion goes beyond placing students with disabilities in regular classrooms without careful planning and support. It does not involve cutting services or funding for special education or grouping all disabled students together. It avoids burdening educators excessively in adapting curriculum, isolating students socially, physically, or academically, compromising non-disabled students' progress, relegating special education teachers to subordinate roles, or imposing collaborative requirements without careful planning and delineated responsibilities.<sup>50</sup>

The usual mechanism in education for PWDs is that specialized education services are offered by the segregation of students with disabilities in separate classrooms or academic institutions, hence, the absence of opportunities to engage with peers who do not have disabilities and of the curriculum that such peers are learning.<sup>51</sup>

In the realm of disability inclusion in education, the emergence of artificial intelligence (AI) and new technologies signifies a transformative shift in educational practices. Research indicates that these technologies hold promise in enhancing multisensory engagement, facilitating collaborative

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<sup>48</sup> Hayes, Anne M., and Jennae Bulat. 2017. *Disabilities Inclusive Education Systems and Policies Guide for Low- and Middle-Income Countries.*, *supra note*, at 16.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

learning, aligning with student learning objectives, fostering inclusive environments, and promoting positive social behavior.<sup>52</sup>

Ways in which AI can help student PWDs include (1) advance speech synthesis technologies, to provide test content audio; (2) content descriptions, for automatic describing of images; and (3) webpage interactions, for enhancement of webpage interactions to improve accessibility.<sup>53</sup> However, these technologies have limitations, including high costs, resistance from some educators, potential physical effects such as headaches and fatigue from virtual reality headset use, and the need for teacher and student training.

## **F. The Inclusive Higher Education Framework**

The Inclusive Higher Education Framework was introduced as the outcome of a cross-institutional project led by the University of Hull and several HEIs as its project partners, such as the Keele University, York St John University, University of Derby, and Staffordshire University, as well as contributors such as UA 92 Manchester and King’s College London.<sup>54</sup> The Framework was designed to elucidate the scope of inclusive practices in higher education, employing an intersectional approach to inclusion. It highlights that inclusion is not a one-size-fits-all solution but a shared societal and individual responsibility.<sup>55</sup>

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<sup>52</sup> Salas-Pilco, Sdenka Zobeida, Kejiang Xiao, and Jun Oshima. 2022. “Artificial Intelligence and New Technologies in Inclusive Education for Minority Students: A Systematic Review.” *Sustainability* 14 (20): 13572. <https://doi.org/10.3390/su142013572>.

<sup>53</sup> “3 Ways AI Can Help Students with Disabilities.” 2022. Er.educause.edu. June 3, 2022. <https://er.educause.edu/articles/2022/6/3-ways-ai-can-help-students-with-disabilities>.

<sup>54</sup> “The Inclusive Education Framework.”, *supra note*, at 14.

<sup>55</sup> Bartram, Jacqui. n.d. “LibGuides: Inclusive Education Framework: What Is Inclusive Education?” [Libguides.hull.ac.uk](https://libguides.hull.ac.uk/c.php?g=695625&p=4994152). Accessed May 18, 2023. <https://libguides.hull.ac.uk/c.php?g=695625&p=4994152>.

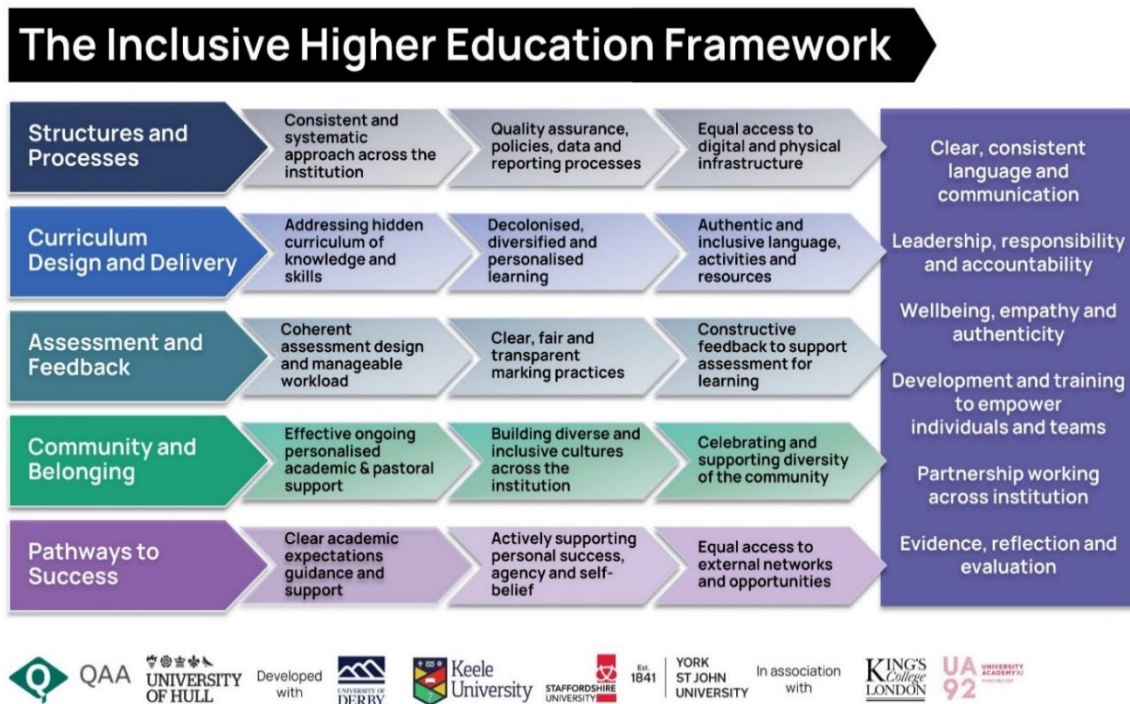


Figure 1. The Inclusive Higher Education Approach

Under the Framework, there are five areas of activity required for inclusion. These five areas of activity are (1) Structures and Processes, (2) Curriculum Design and Delivery, (3) Assessment and Feedback, (4) Community and Belonging, and (5) Pathways to Success. Further, the Framework is corroborated by six key principles such as (1) Clear, consistent language and communication, (2) Leadership, responsibility and accountability, (3) Well-being, empathy and authenticity, (4) Development and training to empower individuals and teams, (5) Partnership working across an institution, and (6) Evidence, reflection and evaluation.<sup>56</sup>

The Structures and Processes area ensures academic institutions support inclusive education through physical and digital infrastructures. Embracing diversity and equality, institutions integrate quality assurance,

<sup>56</sup> Hubbard, Katharine, Paula Gawthorpe, and Senior Fellows. n.d. "Tom Tomlinson -Teaching Enhancement Officer Inclusive Higher Education Framework." Accessed May 18, 2023. <https://www.inclusiveeducationframework.info/wp-content/uploads/2023/05/Inclusive-Education-Framework-2.pdf>.

robust policies, and comprehensive reporting processes to foster inclusivity.<sup>57</sup> Inclusive policies employ clear language, ensuring clarity for all stakeholders. An organized approach integrates inclusivity into institutional culture, preventing confusion. Senior leaders champion inclusive cultures, while inclusive practices involve all academic and professional staff.<sup>58</sup>

The Curriculum Design and Delivery domain addresses what, how, and how inclusively subjects are taught. It includes the Hidden Curriculum, focusing on unspoken aspects vital for student success. Decolonization, diversification, and personalization of the curriculum aim to align teaching with students' ideas, interests, and aspirations. Active and dynamic delivery methods, utilizing language, activities, and resources, ensure equal engagement for all.<sup>59</sup>

In the Assessment and Feedback domain, emphasis is placed on the quality, diversity, coherence, and manageability of assessments. While higher education often features excessive assessment, inclusivity necessitates a manageable strategy for both staff and students. Clear language and objective marking criteria aid student comprehension of expectations, with feedback serving a crucial role in learning-centered assessment.<sup>60</sup>

The Community and Belonging domain focuses on fostering inclusive communities within the institution. This includes providing accessible personal, pastoral, and academic support, understanding students' perspectives through collaboration, integrating inclusion into programs and teaching methods, and actively supporting diversity across the institution to create a welcoming community for all members.<sup>61</sup>

The Pathways to Success domain ensures students have clear academic expectations and personal growth support. This involves providing understandable institutional policies and mechanisms, early self-belief support, and equal access to external opportunities. Inclusive education

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<sup>57</sup> “Rise 360.” n.d. Rise.articulate.com. Accessed May 19, 2023.

<https://rise.articulate.com/share/rLVTyuvh1Td5dm4H8x2VVHthvWnR1i-h#/lessons/fFJ6kcmGBQpQukxXHRqtiCJq2jTKkhKa>.

<sup>58</sup> “Structures & Processes.” n.d. Inclusive Education Framework. Accessed May 19, 2023.

<https://www.inclusiveeducationframework.info/framework/structures-processes/>.

<sup>59</sup> “Rise 360.”, *supra note*, at 59.

<sup>60</sup> *Ibid.*

<sup>61</sup> “Rise 360.”, *supra note*, at 61.

encompasses academic achievement, personal development, social skills, and career fulfillment.<sup>62</sup>

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<sup>62</sup> *Ibid.*

## **CHAPTER III**

### **DISABILITY INCLUSIVE EDUCATION UNDER THE INTERNATIONAL AND PHILIPPINE LEGAL LANDSCAPE**

#### **A. International Legal Framework**

##### **A.1 Universal Declaration of Human Rights (UDHR)**

Considered a seminal document in human rights history, the Declaration, crafted by representatives worldwide with diverse legal and cultural backgrounds, was adopted by the United Nations General Assembly in Paris on December 10, 1948. Serving as a universal standard, it delineates fundamental human rights to be safeguarded universally. Under its preamble, Member States like the Philippines, admitted on October 21, 1945, pledge to collaborate with the UN to promote universal respect for and observance of human rights and fundamental freedoms.

Article 26 of the UDHR explicitly recognizes the universal right to education. It mandates free education, particularly in elementary and fundamental stages. The declaration also acknowledges the availability of technical and professional education, and equal access to higher education based on merit. Education is directed towards the complete development of human personality and the promotion of respect for human rights and fundamental freedoms.<sup>63</sup>

##### **A.2 Convention on the Rights of Persons with Disability (CRPD)**

On December 13, 2006, the CRPD and its Optional Protocol were adopted at the United Nations Headquarters in New York, with eighty-two (82) signatories, including the Philippines. The Philippines signed and ratified the CRPD and its Optional Protocol in 2007 and 2008, respectively.<sup>64</sup> The Convention marks a significant shift in perception, moving from viewing PWDs as recipients of charity and medical care to recognizing them as rights-holders capable of making informed decisions and participating fully in

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<sup>63</sup> United Nations. 1948. "Universal Declaration of Human Rights."  
<https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>.

<sup>64</sup> OHCHR. 2014. "OHCHR Dashboard." Ohchr.org. 2014. <https://indicators.ohchr.org/>.

society. It underscores the importance of all PWDs enjoying their human rights and fundamental freedoms without discrimination.<sup>65</sup>

Under Article 5, all discrimination on the basis of disability shall be prohibited by States Parties and guarantee to PWDs equal and effective legal protection against discrimination on all grounds. Appropriate steps to ensure that reasonable accommodation is provided in order to promote equality and eliminate discrimination shall be taken by States Parties.<sup>66</sup>

Article 24 of the Convention upholds the right to education for PWDs, necessitating inclusive systems to prevent their exclusion from general education. States must provide free primary and secondary education without discrimination, ensuring adequate measures for children who are blind, deaf, or deafblind. Equal access to tertiary education, vocational training, and lifelong learning, with reasonable accommodations, must be guaranteed by State Parties..<sup>67</sup>

Article 9 mandates States Parties to ensure PWDs have equal access to physical environments, transportation, information technologies, and public facilities. Measures include enforcing accessibility standards, requiring private entities to consider accessibility, and providing Braille signage and easy-to-understand formats in public buildings. These actions promote independent living and full participation for PWDs.<sup>68</sup>

### **A.3 2030 Agenda for Sustainable Development**

In 2015, UN Member States embraced the 2030 Agenda for Sustainable Development, centered on seventeen (17) SDGs. These goals represent a

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<sup>65</sup> United Nations. 2006. "Convention on the Rights of Persons with Disabilities (CRPD)." United Nations. 2006. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

<sup>66</sup> "Article 5 - Equality and Non-Discrimination | United Nations Enable." n.d. [www.un.org. https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-5-equality-and-non-discrimination.html](https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-5-equality-and-non-discrimination.html).

<sup>67</sup> United Nations. 2019. "Article 24 - Education | United Nations Enable." Un.org. 2019. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-24-education.html>.

<sup>68</sup> United Nations. 2019. "Article 9 - Accessibility | United Nations Enable." Un.org. 2019. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-9-accessibility.html>.

universal call to action for all nations, aiming to end poverty, promote health and education, reduce inequality, stimulate economic growth, combat climate change, and preserve natural resources like oceans and forests.<sup>69</sup> The Agenda declares that there must be empowerment of vulnerable people, one of which are PWDs, of whom more than eighty percent (80%) live in poverty.<sup>70</sup>

Goal 4 – Quality Education aims to ensure free primary and secondary education, equal access to pre-primary education, affordable technical and higher education, and to eliminate discrimination in education, providing equal access to all levels of education for vulnerable groups, including PWDs. Meanwhile, Goal 10 – Reduced Inequalities seeks to empower and promote social, economic, and political inclusion for all, regardless of disability status.<sup>71</sup> The new Agenda emphasizes providing inclusive and equitable quality education across all levels, from early childhood to tertiary and vocational training.

#### **A.4 Incheon Declaration and Framework for Action**

In May 21, 2015 in Incheon, Korea, the World Education Forum (WEF 2015) was held, and this led to the adoption of the Incheon Declaration. The Incheon Declaration, which acknowledges the significant role of education as a key driver of development, represents the commitment of the education community to Education 2030 and the 2030 Agenda for Sustainable Development. The WEF 2015 discussed the Education 2030 Framework, providing for guidance in the implementation of Education 2030. Consequently, its elements were decided in the Incheon Declaration. It is under the Framework for Action that the translation into practice of the commitment in Incheon is outlined. It sought to mobilize all states and partners around the SDG on education and its targets.

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<sup>69</sup> United Nations. 2015. “The 17 Sustainable Development Goals.” United Nations. United Nations. 2015. <https://sdgs.un.org/goals>.

<sup>70</sup> United Nations. 2015. “Transforming Our World: The 2030 Agenda for Sustainable Development | Department of Economic and Social Affairs.” United Nations. United Nations. 2015. <https://sdgs.un.org/2030agenda>.

<sup>71</sup> “Sustainable Development Goals | United Nations Development Programme.” n.d. UNDP. Accessed December 10, 2022. [https://www.undp.org/tr/node/12306?utm\\_source=EN&utm\\_medium=GSR&utm\\_content=US\\_UNDP\\_PaidSearch\\_Brand\\_English&utm\\_campaign=CENTRAL&c\\_src=CENTRAL&c\\_src2=GSR&gclid=CjwKCAiA-dCcBhBQEiwAeWidtaWUati\\_WlChTNP32m-Td0YR-hElnvXZ3iDgL1z4V13q34tzQjC\\_cRoCG58QAvD\\_BwE](https://www.undp.org/tr/node/12306?utm_source=EN&utm_medium=GSR&utm_content=US_UNDP_PaidSearch_Brand_English&utm_campaign=CENTRAL&c_src=CENTRAL&c_src2=GSR&gclid=CjwKCAiA-dCcBhBQEiwAeWidtaWUati_WlChTNP32m-Td0YR-hElnvXZ3iDgL1z4V13q34tzQjC_cRoCG58QAvD_BwE).

In many least developed nations, access to higher education is inadequate, fostering a knowledge gap detrimental to social and economic progress. Despite tertiary education expansion, disparities persist, notably concerning disability access. Bridging the gap between tertiary education offerings and societal needs requires a well-regulated system enhanced by technology, open resources, and distance learning.<sup>72</sup>

## **B. Philippine Legal Framework**

### **B.1 1987 Constitution of the Philippines**

Provided in Section 11, Article II of the 1987 Constitution is that the dignity of every human person and the full respect for human rights shall be valued and guaranteed, respectively, by the State. Under the Bill of Rights, no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

In addition, Section 1, Article XIV of the fundamental law 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. Section 5 of the same article provides that the State shall provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.<sup>73</sup>

### **B.2 Republic Act No. 7277**

RA 7277, otherwise known as An Act Providing For The Rehabilitation, Self-Development And Self-Reliance Of Disabled Persons and Their Integration Into The Mainstream of Society and For Other Purposes or the Magna Carta for Disabled Persons, was approved on March 24, 1992 and was signed by then-President Corazon Aquino. Considered as forming part of the society of the Philippines, disabled

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<sup>72</sup> UNESCO. 2018. "Education 2030: Incheon Declaration and Framework for Action towards Inclusive and Equitable Quality Education and Lifelong Learning for All – UNESCO IITE." UNESCO IITE. March 13, 2018. <https://iite.unesco.org/publications/education-2030-incheon-declaration-framework-action-towards-inclusive-equitable-quality-education-lifelong-learning/>.

<sup>73</sup> Official Gazette. 1987. "The Constitution of the Republic of the Philippines." Official Gazette of the Republic of the Philippines. 1987. <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>.

persons shall be given by the State full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society.

Section 12 of the law mandates the State to ensure that disabled persons are able access quality education and skill development opportunities. It emphasizes the need for education accessibility, urging educational institutions to accommodate the special requirements of persons with disabilities in facility usage, scheduling, and curriculum design. The State is obligated to promote auxiliary services in higher education institutions to facilitate the learning process for disabled individuals

Pursuant to Section 17 thereof, the State University or State College in each region or province, if deemed viable and necessary, if feasible, shall spearhead the development of technical aids and training materials for disabled persons, conduct research on disabilities, and promote inclusive education by integrating Special Education for Disabled (SPED) courses into the curriculum. This provision aims to eliminate social barriers and discrimination against individuals with disabilities, fostering a more inclusive educational environment. The Philippine government is obligated to furnish state universities and colleges with the requisite special facilities to accommodate students with the aforementioned impairments.<sup>74</sup>

### **B.3 Batas Pambansa Bilang 344**

Batas Pambansa Bilang 344, otherwise known as An Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to install Facilities and Other Devices, was approved on February 25, 1982, and was signed by then-President Ferdinand E. Marcos.

Educational institutions, among others, shall be granted or issued unless the owner or operator thereof shall install and incorporate in such building, establishment, institution or public utility, such architectural facilities or structural features as shall reasonably enhance the mobility

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<sup>74</sup> “Republic Act No. 7277 | GOVPH.” 1992. Official Gazette of the Republic of the Philippines. March 24, 1992. <https://www.officialgazette.gov.ph/1992/03/24/republic-act-no-7277/>.

of disabled persons such as sidewalks, ramps, railings and the like. Rule II on Minimum Requirements for Accessibility under this law, no group of people shall be deprived of full participation and enjoyment of the environment or be made unequal with the rest due to any disability. The principles of accessibility, reachability, usability, orientation, safety, and workability and efficiency shall be applied in order to achieve the preceding sentence.

When it comes to educational institutions such as schools, colleges, universities, vocational schools, seminaries and novitiates, including school auditoriums, gymnasias, reviewing stands, little theaters and concert halls shall be required to have barrier-free facilities and features such as stairs, walkways, corridors, doors and entrances, washrooms and toilets, ramps, parking areas, handrails, thresholds, floor finishes, drinking fountains, public telephones, and seating accommodations.<sup>75</sup>

#### **B.4 Republic Act No. 10533**

On May 25, 2013, R.A. No. 10533 or the Enhanced Basic Education Act of 2013 was approved. This legislation ensures that every student is entitled to a globally competitive quality education, rooted in a pedagogically sound curriculum aligned with international standards. Education, tailored to suit diverse learners, prioritizes learner-centered approaches and responsiveness to their cognitive, cultural, and circumstantial diversity.<sup>76</sup>

Inclusiveness of enhanced basic education shall refer to the implementation of programs designed to address the physical, intellectual, psychosocial, and cultural needs of learners, which includes, among others, programs for learners with disabilities. The DepEd, together with the CHED, shall craft harmonized basic and tertiary curricula for the global competitiveness of Filipino graduates.

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<sup>75</sup> “Batas Pambansa Blg. 344 – an Act to Enhance the Mobility of Disabled Persons by Requiring Certain Buildings, Institutions, Establishments and Public Utilities to Install Facilities and Other Devices.” n.d. National Council on Disability Affairs. <https://www.ncda.gov.ph/disability-laws/batas-pambansa/batas-pambansa-blg-344/>.

<sup>76</sup> Official Gazette. 2013. “Republic Act No. 10533 | GOVPH.” Official Gazette of the Republic of the Philippines. May 15, 2013. <https://www.officialgazette.gov.ph/2013/05/15/republic-act-no-10533/>.

## **B.5 Republic Act No. 10931**

The Universal Access to Quality Tertiary Education Act was approved on August 3, 2017. Under R.A. No. 10931, the State shall, among others, provide all Filipinos with an equal opportunity to quality tertiary education in both private and public educational institutions. Public and private HEIs and technical-vocational institutions have complementary roles in the educational system.

Furthermore, the Tertiary Education Subsidy (TES) shall be given to support the cost of tertiary education or any part thereof. The TES may cover, among others, for a student with a disability, an allowance for expenses associated to the disability including personal assistance, special services, transportation equipment, and supplies that are reasonably incurred.<sup>77</sup> Affirmative action programs for the enhancement of access of disadvantaged students, including PWDs, to free higher education shall be formulated and implemented by all State universities and colleges (SUCs), local universities and colleges (LUCs), and Technical-Vocational Education and Training (TVET).<sup>78</sup>

## **B.6 CHED Memorandum Order No. 23, s. 2000**

In the CHED Memorandum Order No. 23, s. 2000, both public and private HEIs are encouraged to admit all learners with special needs whether in academic, vocational or technical courses and other training programs. In the undergraduate and graduate levels of education and in associated areas, the inclusion of Special Education is urged.

All HEIs shall give importance to the following modified facilities and equipment:

- a) For persons with visual impairment – sensory and tactile materials, braille books and record materials, braille writing, painting and reading machines, orientation and mobility equipment;

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<sup>77</sup> “Republic Act No. 10931 | GOVPH.”, *supra*, at 20.

<sup>78</sup> “Implementing Rules and Regulations of Republic Act No. 10931 | GOVPH.” 2018. Official Gazette of the Republic of the Philippines. February 22, 2018.  
<https://www.officialgazette.gov.ph/2018/02/22/implementing-rules-and-regulations-of-republic-act-no-10931/>.

- b) For persons with hearing impairment – individual or group hearing aids, speech trainers, tape recorders and speech or language kit containing auditory and language training materials;
- c) For persons with orthopedic handicaps – requirements under the Accessibility Law or B.P. Blg. 344, shall be adhered to, including adjustable desks or chairs and adopted physical education apparatuses;
- d) For persons with mental retardation – facilities, equipment and instructional materials for skills development in self-care, socialization, motor cognitive and pre-vocational and vocational training;
- e) Other types of learners with special needs: those with behavioral problems including those with autism, those with learning disabilities, and those with multiple handicaps – instructional equipment and devices for behavior modification, perceptual motor training, daily living, language, speech and cognitive skills development.<sup>79</sup>

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<sup>79</sup> “2000 CHED Memorandum Orders.” n.d. CHED. <https://ched.gov.ph/2000-ched-memorandum-orders/>.

## **CHAPTER IV**

### **STATUS OF DISABILITY INCLUSION IN HIGHER EDUCATION**

#### **A. International Legal Framework**

##### **A.1 View on Disability**

The conceptualization of disability has evolved across different models, yielding diverse interpretations and classifications. This richness of understanding has inspired the formulation of nuanced solutions to confront historical challenges, present obstacles, and anticipated barriers linked to disability.

Disability, under the CRPD, is a dynamic concept which results from the relations between PWDs and barriers that are social in nature. In addition, the ICF considers disability to encompass impairments, activity limitations and participation restrictions.

In terms of classification, disability is approached differently across international policies and conventions. The World Bank identifies four types – physical, sensory, intellectual, and mental. Conversely, the CDC delineates disability into three dimensions – impairment, activity limitation, and participation restrictions, with subtypes affecting various aspects of an individual's functioning. Additionally, the WG-SS expands the dimensions to six functional domains – seeing, hearing, walking, self-care, communication, and cognition.

The WHO and the World Bank advocate for the biopsychosocial model of disability, which underscores the interconnectedness of biological, psychological, and social factors in understanding disability. This integrated approach illuminates the causes, manifestations, and resolutions of disability.

##### **A.2 Addressing Disability Inclusion in Education**

Article 24 of the CRPD mandates inclusive education, ensuring that PWDs have access to all levels of education, including primary and

secondary education. Likewise, Goal 4 of the 2030 Agenda for Sustainable Development emphasizes free primary and secondary education, equitable access to pre-primary education, and affordable tertiary education. The Incheon Declaration advocates for a robust tertiary education system, augmented by technology, open resources, and distance learning.

International laws, treaties, and publications play a pivotal role in shaping societal perceptions and attitudes towards disability, guiding both state and non-state actors in their endeavors within their respective jurisdictions. How the international legal frameworks and publications enshrine the definition, classification, and model of disability contribute in shaping societal perceptions and attitudes towards disability.

## **B. Philippine Legal Framework**

### **B.1 View on Disability**

The Philippines has long recognized that PWDs, as humans, have human rights and have needs in relation to their disabilities. Over the years, the Philippine legal landscape addressed disability inclusion by delineating its definition, classification, and the model by which disability is understood.

According to the NDPS/MFS 2016, disability is multifaceted and arises from the interplay between health conditions or impairments and various environmental factors. In contrast, the Labor Code of the Philippines, Article 173, defines disability as the loss or impairment of physical or mental functions due to injury or illness.

As to classification, the IRR of R.A. No. 7277 classifies disability into seven (7) -- ortho/moving disabilities, communication deficits, visual/seeing disabilities, learning (cognitive or intellectual) disabilities, chronic illnesses with disability, mental disabilities, and psychosocial and behavioral. The NDPS/MFS 2016 increased the same into seventeen (17) functioning domains -- mobility, hand and arm use, self-care, seeing, hearing, pain, sleep and energy, breathing, affect, interpersonal relationships, handling stress, communication, cognition,

household tasks, community and citizenship participation, caring for others and work, and schooling. Meanwhile, the 2020 CPH classified disability into six (6) domains -- seeing, hearing, walking or climbing, remembering or concentrating, self-caring (washing all over or dressing), and communicating.

Based on these differing definitions, Philippine laws tend to lean simultaneously on the medical and social model of disability. Accessibility is generally addressed through the guidelines providing for the necessary facilities and equipment for PWDs.

## **B.2 Addressing Disability Inclusion in Education**

R.A. No. 7277 mandates the State to ensure accessible quality education for all disabled persons and to consider their special needs in education policy. It prohibits any learning institution from denying admission to a disabled person due to disability. State universities or colleges are tasked with developing aids and training materials for disabled persons. Both R.A. No. 7277 and R.A. No. 11650 aim to provide auxiliary aids and services to enhance education for disabled individuals.

Moreover, R.A. 11650 aims to train and equip educators, staff, interpreters, and caregivers as partners in learners' development. B.P. Blg. 344 mandates barrier-free facilities in educational institutions. R.A. No. 10533 establishes enhanced basic education standards, while R.A. 10931 guarantees equal access to quality tertiary education for all Filipinos. State universities, colleges, and TVETs are required to implement affirmative action programs to enhance PWDs' access to higher education

Despite diverse perspectives on disability, Philippine laws play a crucial role in fostering inclusivity, equal opportunities, and rights protection for individuals with disabilities. The definitions, classifications, and views on disability within these laws shape the integration of PWDs' rights and needs across all sectors of Philippine society.

## **C. Drawbacks in the International and Philippine Legal Frameworks on Disability Inclusive Higher Education**

The study has uncovered a multitude of barriers impeding the effective advancement of the fundamental right to inclusive, high-quality education for persons with disabilities in higher learning institutions. These impediments emerged through meticulous scrutiny of existing literature and insightful interviews.

### **C.1 Student PWD Population, Inclusion Policies and their Formulation and Association with Existing International and Philippine Laws on Inclusive Education**

The first question of the interview dwelt on the student PWD population of the participants, their inclusion policies and their formulation and association with the existing international and Philippine laws on inclusive education. The participants have reported varying numbers as to the population of student PWDs, ranging from zero (0) to eighty-three (83). Participant 1 responded that *“as of now, we do not have any student that belongs to that category”*. Meanwhile, Participant 5 stated that *“based on our enlistment for NSTP, where we identify who student PWDs are, we have eighty-three (83) students.”*

Through extractions and category building, one theme became evident from the responses to the first question. This theme underlines the existence of inclusive policies but with limited compliance with the existing international and Philippine laws on inclusive education. Participant 2 stated that *“As to inclusion, we follow the requirements and standards of our government, but we cannot really say how inclusive we are. We are able to do and follow the requirements of the government when it comes to the inclusion of PWD because it is a standard.”* Similarly, Participant 5 expressed that *“We follow the citizen charter. We are not confident that we, 100%, comply with the existing laws because we are still in the period of adjustment from online classes to face-to-face.”* Participant 4 adds that *“When it comes to policy, there is a guideline, maybe not written in our student handbook but there is a policy followed that is aligned with our*

*international and Philippine laws on inclusive education and our existing policies undergo revisions yearly.”*

It can be gleaned that the existing policies of HEIs can accommodate student PWDs but on a limited extent considering that compliance with the existing international and Philippine frameworks on disability inclusive education is deficient.

## **C.2 Processes and Structures that Provide For and Address Disability Inclusion in Higher Education in Terms of Drafting, Infrastructures, and Observed Challenges**

The second question assessed the processes and structures that provide for and address disability inclusion in higher education in terms of drafting policies, state of accessibility of infrastructures and the challenges observed by the participants with regard to inclusion in higher education in their respective institutions. After extractions and category-building, three themes emerged. The first theme highlights the manner of drafting school policies. Participant 3 stated that *“As to formulation of the policy, we have a board of trustees, so therefore, there should be a recommendation from the academic council on the policies and this is submitted to the board of trustees and the board of trustees then, upon deliberation or discussion, there is a merit to the policy, then approves the policy and it goes down back to the academic council, which is composed of (1) the program heads of each department, (2) the registrar, (3) the enrollment officer, (4) the President of the School, (5) the administrative officer, and (6) all those who are involved in the academic performance or academic subjects.”* On a similar note, Participant 4 claimed that *“Our policies are existing and have been passed on and it just undergoes revisions yearly. It starts with a resolution and awaits approval from the board of trustees.”* Participant 5 added that *“During formulation of any rule, our students are present so the administration can see and understand the real state of the students.”* The fact of having PWDs enroll in an HEI was considered by the participants in drafting their policies. Participant 2 responded that *“All our policies and guidelines include the diversity of students, including PWDs”*. In addition, Participant 6 stated that *“The policies in our handbook were formulated where we try to consider the possibility of having student PWDs.”*

It can be deduced that the drafting of policies by HEIs involves the collaboration of those in the board of trustees as well as the students themselves. Taken into consideration in drafting the policies is that fact that there exists student PWDs.

The second theme that arose under the second question specifically highlighted ramps. In terms of infrastructures, ramps has been significantly noted by the participants. Participant 2 reported that *“As to infrastructures, we just moved to a new location and as part of the standards and to be given a building permit, we have ramps to help PWDs reach higher parts of the building.”* Meanwhile, Participant 5 claimed that *“As to infrastructures, we are still fixing the ramps.”* Participant 3 stated that *“As to infrastructures, we have ramps and assigned comfort rooms for persons with disabilities. We don’t have ramps per stairs, we don’t have elevator, but what we do is to ensure that the person with physical disability will be having his class downstairs or the first floor where there is an access, or there is a ramp.”*

It can be gleaned that ramps are a significant part of the infrastructures that HEIs furnish in their school environment in order to accommodate student PWDs.

The third theme that came about from the second question is the need for teacher training. It has been considerably noted by the participants that their teachers and other school personnel require training to be able to better provide an inclusive educational environment to student PWDs. Participant 1 expressed that *“our school is ready for students with disabilities involving their hands or feet, but we are not ready for disabilities such as deaf and blind since we need to prepare our faculty.”* On a similar note, Participant 3 stated that *“Another challenge is that there is a dearth, actually of teachers with skills on sign language. There is a very limited way of communication between the teachers and other students.”* Participant 6 add that *“teachers who are to teach them really have to be well-trained.”* Participant 1 responded that *“it is only now that I am enlightened. If I, myself, who is a graduate of Psychology, is only reminded now that I, myself, need that, how much more are the faculty, administration, and*

*all the staff. Seminars for awareness on the needs and rights of PWDs on inclusion is really a need.”* Likewise, Participant 4 noted that *“In addition, when it comes to curriculum, maybe, even if other teachers have knowledge when it comes to people with disability, but when the time comes that the student encounters a subject teacher who does not have any knowledge on people with disability, the hindrance would be lack of training. We need more trainings.”* Participant 5 signified the need to have awareness on sign language by stating that *“I have notice something in my experience in giving exams. As a person who monitors the student PWDs, I felt that I also need to study sign language so I can better assist them and in case I encounter student PWDs like them in the future.”*

It can be deduced that there is a glaring deficiency in the training of teachers. Teachers and school personnel shall have the necessary and fundamental skills and competencies that would allow them to better communicate and handle student PWDs. In turn, they are enabled to efficiently promote for and address disability inclusion in higher education.

### **C.3 Curriculum Drafting and Delivery in Relation to Student PWDs**

The third question probed into the curriculum drafting and delivery by the participants in relation to student PWDs. Following extractions and category-building, two themes that are strongly interconnected arose. The first theme reveals the limited inclusion of PWDs in drafting and delivering the curriculum and the second theme refers to the adaptiveness or responsiveness of the curriculum to student PWDs. Participant 1 articulated that *“Honestly, in drafting and delivering the curriculum, we have not considered the fact that there would be student PWDS to enroll in our school.”* Meanwhile, Participant 4 claimed that *“As to curriculum, it depends on the special needs that the student has. For example, those who are physically disabled, they can go in any department yet there would be restrictions. Student PWDs are always considered in the curriculum, especially in Education since it is the course they usually go to.”* Additionally, Participant 6 expressed that *“We have not yet considered the possibility of student PWDs enrolling when it comes to our curriculum, but it is still under our talks.”* Participant 5 added that *“Actually, we really do*

*not have a draft for that yet. What we do is in subjects like Physical Education and NSTP, we do not require the student PWDs the same output as that from their classmates without disabilities. We just modify the requirements for student PWDs.”*

It can be inferred that HEIs have varying bases in and output for their curriculum design and delivery. HEIs, when taking into consideration the PWDs in their curriculum design and delivery, make adjustments to respond to the needs of PWDs and allow them to comply with the subject requirements.

#### **C.4 Assessment and Feedback in Relation to Student PWDs**

The fourth question delved into the assessment and feedback employed by the participants in relation to student PWDs. After extractions and category-building, two themes which are highly intertwined surfaced. The first theme highlights the equal treatment employed by the HEI-participants among the diversity of their student population, in relation to student PWDs and the second theme highlights the consideration given and adjustments made by teachers. Participant 2 stressed that *“It’s really of equal treatment on how we give assessment and feedback because it seems unfair to the student PWDs and to students without disabilities. We use equal metrics when it comes to feedback and assessment.”* Participant 6 adds that *“We give equal treatment. We make follow ups. We call them to the guidance office and ask them how they are and what is currently happening in their studies.”* Participant 3 expressed that *“We have leeway, we are more relaxed, when it comes to assessment to the persons with disability. Considering their capability, considering the disability that they have, we are more relaxed, and we provide more leeway and adjustment to that. Like what I have mentioned with the assigning of room, it is the teacher who goes down and not the person with disability who should look for the teacher.”*

It can be understood that HEIs employ equal treatment and the necessary adjustments simultaneously to enable them to efficiently cater to the needs of student PWDs enrolled in their respective institutions.

## **C.5 Handling Diversity Among Students, Giving Support to Student PWDs and Educating School Personnel and Students on Disability Inclusion and Sensitivity**

The fifth question investigated the manner by which the participants handle diversity among students, give support to student PWDs and educate the school personnel and students on disability inclusion and sensitivity. Subsequent to the extractions and category-building, one theme emerged, that is, the limited training or seminars on awareness on disability inclusion and sensitivity among teachers and students. Participant 1 stated that *“If one school, they have a heart for PWDs, they can make an institutional policy, but it is really on awareness. How can people be aware? To whom will it start? Usually, we follow the law from the CHED and then the CHED also follows from those officials above them.”* Participant 3 expressed that *“Perhaps, there should be more campaign on the equality or on the non-discrimination of these persons with disabilities. I don’t actually feel any discrimination against them in this school but perhaps it will be helpful if the student body will have more knowledge of the PWD program of the school. Maybe, there is a very limited campaign on the acceptability of persons with disability in this school.”* Correspondingly, Participant 9 stated that *“That is where we will fail. In my whole trimester here, it seems there is none yet. It has not reached the point where there would be a seminar or webinar about PWD or about visual impairment.”*

It can be inferred that there is deficiency on the campaign on awareness on disability inclusion in higher education. There is a dearth in either seminars or trainings that would inform and educate students on disability inclusive quality education as well as the corresponding needs and circumstances that a student PWD has and encounters.

## **C.6 Providing Assistance and Encouragement to and Access of External Opportunities and Networks of Student PWDs**

The sixth question examined the manner by which the participants provide assistance and encouragement to student PWDs and enable student PWDs to access external opportunities and networks. Following the extractions and category-building, two themes

came about. The first theme refers to PWD-inclusive job opportunities. Participant 4 reported that *“We also have an office for employment, career and job placement and we have a good relationship with the local government unit, the PESO so we are able to know the vacancies and we are also able to know if disabilities of our students would be a hindrance or barrier in work.”* Congruently, Participant 5 stated that *“In placement, all companies that participate in our job fair and pre-employment have slots for their applicants who are PWDs.”* Participant 6 similarly claimed that *“There are many corporations attached to the PESO. We have an employment link with them. They can work in hotels, in restaurants, etc. We have linkages and we make referrals to them. The companies, whether small or big, communicate with use. We also have job fair and career orientations for them.”*

It can be understood that HEIs provide assistance through their external linkages and partnership in furnishing student PWDs external opportunities.

The second theme that emerged under the sixth questions pertains to scholarship grants. Participant 2 stated that *“Since our population is just small, especially in the program where the student PWDs are enrolled, we are able to focus on these students. When it comes to other aspects, our student PWD was a beneficiary of our scholarship, as well as the TES from CHED. Those are the assistance that we give.”* Correspondingly, Participant 4 expressed that *“As to scholarships, even the CHED, they give priority to students with special needs. We have a list of students with disabilities which we submit to CHED, who in turn, gives grants or allowances to them.”* Participant 8 articulated that *“We provide PWDs with scholarships so that they could also get benefits which are used for their tuition fees and other allowances. Preferably, between one who is normal, and one who is a PWD, we give more preference to the PWDs and there is a certain scholarship for them.”* It can be gleaned that giving scholarship grants has been one of the established ways that HEIs and the CHED has been furnishing assistance to student PWDs.

## **C.7 View on Sufficiency or Insufficiency of Existing International and Philippine Laws**

The last question explored on how participants view the existing international and Philippine laws on the right to inclusive quality education of PWDs in higher education. After the extractions and category-building, one theme arose which is that there is sufficient law but insufficient implementation. Participant 1 stated that *“Since we are not reminded, us HEIs, it seems it is not sufficient because I have attended a lot of seminars, even in Guidance and Counseling yet I have not attended one with regard to the equality of PWD, PWDs’ education. It is insufficient.”* Participant 2 expressed that *“It’s a matter of the implementation. There is law, it is sufficient and then, yet the implementation is overlooked so it becomes nonsense. I think we must focus on the actual implementation of the laws.”* Additionally, Participant 3 claimed that *“I think there are still a lot of things that we need to do in terms of policies and in terms of access of these persons with disabilities. Maybe it should go down to the CHED then to the other stakeholders. All should be penetrated, that they accept persons with disabilities. There is a lack in these policies and in the campaign on the discrimination against the PWDs. There are still big things that we can do from the school to the communities to the business arena. As of now, the policies I know are the 20% discount, the priority seat in the bus and the priority in parking and that should not be enough.”* On a similar note, Participant 6 responded that *“Our laws our sufficient to help them yet sometimes, some from these are not fulfilled, especially when it comes to accessibility in infrastructures. They are sufficient because through these laws, PWDs are given attention. They become productive because of these laws. They have an ID; they are recognized.”* Congruently, Participant 4 claimed that *“The law seems sufficient but there is a lack in the enforcement of the law. Since we do not see any amendments or additions to the law, maybe the lawmakers see the laws as sufficient. However, there is really a lack when it comes to enforcement.”* Participant 8 declared that *“We have good policies, I would say. We have already carved processes on how to really give more welfare to the PWDs, but personally, it’s in the implementation really that we fail. We have these laws, processes, or policies in any agency. We are aware of this, but it really needs leaders who are really sincere to serve and who are really sincere to share to these PWDs,*

*those who really have the heart, who are compassionate, and they are accommodating, we don't have a problem because it is instituted. Our laws are beautiful. The problem is implementation.”*

It can be deduced that there is an observed sufficiency in the contents and language of the laws on disability inclusion in higher education but there is a notable insufficiency in the implementation of these laws.

### **C.8 Supplemental Observed Challenges**

Other challenges that have been observed in the international laws, conventions, and publications and in the Philippine laws and governmental initiatives are provided as follows:

#### **1. Lack of Uniform Definition and Classification of Disability**

*There is a lack of a standard definition of disability in the Philippines that implementers follow or use as basis in identifying PWDs. Participant 7 claimed that “Nowadays, what PDAO officers do, for example, you are using crutches, you are already considered as a PWD. That is the problem. We do not know who really are the PWDs. That is the problem in the law. We need to define who are the PWDs in the country. That is the problem – definition. If I were to choose, I would rather follow the definition of a PWD in the Labor Code because the definition of a PWD in the Labor Code is someone who cannot do specific functions without the aid of any gadget or any mobility help. That should be the definition of a PWD because if you have a handicap, and you can function normally, you are only a person with handicap. You should not be treated as PWD because you can function normally.”*

Moreover, there is no one uniform classification of disability or PWDs that the Philippines adhere to in addressing the rights and needs of PWDs. Participant 7 further stated that *“We need to classify PWD people. There are PWDs who can no longer function up to the end of their lives. Maybe there are those with severe mental disabilities or those who are quadriplegic, those who are paralyzed, those who have down syndrome – those people who need help for the rest of their lives. They should be in a different classification. Second classification would*

*be the PWDs that need to be trained so that they can function normally. For example, just like me. I'm blind so I need to train to live as a blind person that can navigate a sighted world. What I only need is training and opportunity. Third, we have PWDs which have disability, but they can function normally in a regular world, that even if they have disability, they can function normally. For example, those who have cleft palate. They are also considered PWD, but they can function normally. They don't need special trainings or special gadgets or special assistance."*

## 2. Lack of Recent and Comprehensive Disability Data

The recent available data on disability both internationally and in the Philippines were gathered more than five years ago. Internationally, the World Report on Disability was released in 2011 by the WHO and the World Bank. Meanwhile, in the Philippines, the National Disability Prevalence Survey was released in 2016 by the PSA. In the 2020 CPH, the PSA used the six functional domains in assessing disability by determining the proportion of the population that reported difficulty in at least one of the six functional domains. As to students with disabilities, there is no recent and comprehensive data available.

## 3. Budget Allocation

Funding is an essential to better enable HEIs to furnish the necessary infrastructures, facilities and educational resources that student PWDs need. When asked as to what challenges to disability inclusion in higher education have they observed in their institution, Participant 4 expressed that *"I think the challenge would boil down to budget allocation, especially to us, we are government dependent so whatever it is that is given by the local government, whatever subsidies we receive from the national government, that would only be what we have. Our hands are tied when it comes to implementing these kinds of things."* Additionally, Participant 5 claimed that *"Another one, maybe, in the university, in my observation, we have enough budget, but I do not know as to smaller universities which cannot get such budget. For example, ramps and elevators are expensive. Not all universities can provide such things."*

## **CHAPTER V**

### **CONCLUSION, RECOMMENDATIONS, AND THE DISABILITY INCLUSION IN HIGHER EDUCATION ACT AND FRAMEWORK**

#### **A. Conclusion**

Disability is subject to varying interpretations under both international and Philippine legal systems, with divergent approaches rooted in either the biopsychosocial or social and medical models of disability. While global standards predominantly endorse the biopsychosocial model, Philippine legislation demonstrates a nuanced integration of both models in addressing disabilities.

Although there is similarity in the intent, there exists differently worded definitions of disability both in international laws, conventions, and publications and in Philippine laws and governmental initiatives. Consequently, the classifications of disability vary in terms of the number of classifications and the terms used for the different categories.

While sharing common intent, disparities emerge in the phrasing of disability definitions between international legal instruments and Philippine laws and initiatives. Accordingly, the variance in criteria for identifying disability leads to a lack of recent, dependable, and comprehensive disability statistics.

Both the international and Philippine legal realms affirm unequivocally the right of all individuals to access inclusive and high-quality education devoid of discrimination. However, a disjunction emerges in their treatment of disability inclusion across educational levels. While international law ensures PWDs the right to inclusive education from primary through tertiary levels, the Philippine legal landscape exhibits a stronger emphasis on this right in primary and secondary education, with comparatively less attention directed toward tertiary education.

PWDs face formidable barriers in accessing inclusive, quality higher education, compounded by deficiencies such as scarce, up-to-date disability data, inconsistent definitions, inadequate budgetary provisions, insufficiently

trained educators, sparse awareness campaigns, and faltering implementation measures.

### **C. Recommendations**

In light of the preceding research and discourse, the research proponent posits the Disability Inclusion In Higher Education Framework (DIHEF) and the Disability Inclusion in Higher Education Surveillance System (DIHESS). The formulation of the DIHEF took inspiration from the Inclusive Higher Education Framework by the University of Hull and several HEIs as its project partners, such as the Keele University, York St John University, University of Derby, and Staffordshire University, and the contributors, UA 92 Manchester and King's College London. On the other hand, the DIHESS was crafted based on the DIHEF.

Various aspects of disability explored by the study demands careful consideration of the same in policy making and/or amendment. Any emerging dimensions of disability necessitate thorough scrutiny to inform legislative actions that effectively ensure inclusive, high-quality education for PWDs in higher education institutions. Legislative efforts, not solely confined to HEIs but extending across the Philippine community, should transcend surface-level acknowledgment of disability inclusion. Rather, they should embrace a continuous, nuanced discourse, acknowledging the longstanding necessity to promote and uphold the right to inclusive, high-quality education for PWDs in higher education.



Figure 2. Disability Inclusion in Higher Education Framework

**AN ACT PROVIDING FOR DISABILITY INCLUSION IN HIGHER  
EDUCATION THROUGH THE DISABILITY INCLUSION IN  
HIGHER EDUCATION FRAMEWORK AND ESTABLISHING A  
MONITORING SYSTEM FOR HIGHER EDUCATION  
INSTITUTIONS THROUGH THE DISABILITY INCLUSION IN  
HIGHER EDUCATION SURVEILLANCE SYSTEM**

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

**SECTION 1. *Short Title.*** – This Act shall be known as the “Disability Inclusion in Higher Education Act (DIHEA)”.

**SECTION 2. *Declaration of Policies.*** – It is hereby declared the policy of the State to give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

The State, as a signatory to the Convention on the Rights of Persons with Disabilities, recognizes the right of persons with disabilities to education. It shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education, and lifelong learning without discrimination and on an equal basis with others. Consequently, the State shall provide reasonable accommodations to persons with disabilities.

**SECTION 3. *The Disability Inclusion in Higher Education Framework.*** – The Disability Inclusion in Higher Education Framework (DIHEF) is composed of the following four (4) domains:

- a) Identification and Allocation. – This involves the determination of who is a person with disability. Depending on the methods used to learn about it and the situations in which it is handled, how disability is understood changes. The standards used to determine whether someone is disabled change throughout time and in various social and cultural circumstances. There shall be a uniform and an all-encompassing definition that would be basis for the collection of data as to disability. This definition may either be an adoption or modification of an existing definition of PWD or a creation of a new definition that would better embrace who a PWD is.

In addition to establishing a precise definition of disability and inclusive education, national disability inclusion policies and legislation would greatly benefit implementers by articulating the specific objectives that a country aims to accomplish through its inclusive education policy and legislation.

- b) Policies and Processes. – Institutional policies and processes must prioritize inclusivity, ensuring the involvement of PWDs in decision-making. Their insights are vital, as they are both affected by and experienced in disability inclusion. This inclusive approach, engaging governmental agencies and HEIs is essential for providing equitable higher education opportunities to PWDs. Furthermore, reliance on standardized test scores in assessments may disproportionately harm PWD students and educational institutions.

Individual progress toward goals is crucial. Inclusive student evaluation, supported by personalized assistance, strengthens educational systems. Tailoring teaching methods, modifications, and supports ensures all students' needs are met, including those with disabilities. Hence, curriculum design, delivery, and assessment in higher education should consider PWDs. Careful planning facilitates effective integration and adjustment, fostering their active participation in classes.

- c) Structures. – This encompasses physical and digital infrastructure, equipment, and specialized applications for PWDs. CRPD member states like the Philippines should forbid and penalize inaccessible education infrastructure construction. They must ensure emerging learning technologies are accessible to all, including PWDs. Establishing effective monitoring and accessibility timelines for existing educational environments is vital. Guidelines for physical and digital infrastructure construction must adapt to modernization and technological advancement.

AI technologies, such as advanced speech synthesis and content descriptions, can enhance access in digital infrastructure and student

learning for PWDs. Identifying necessary resources in the first domain of the Framework will guide procurement of specialized applications for PWDs to access lessons and assessments effectively.

- d) Community and Belonging. – This involves continuing awareness campaigns, continuing training of teachers and school personnel and the provision of psychological needs of student PWDS. Awareness programs in academic institutions are essential for fostering positive attitudes toward student PWDS and creating an inclusive environment.

Students without disabilities should be informed about the challenges faced by PWDs and how they can contribute to creating an inclusive educational environment. Ongoing training for teachers and school personnel is essential for effective communication and understanding of PWDs, fostering an inclusive approach to their needs. Enriching esteem and belonging needs is crucial to encourage PWDs to reach their full potential.

**SECTION 4. *The Disability Inclusion in Higher Education Surveillance System.*** – The Disability Inclusion in Higher Education Surveillance System is a monitoring process by which HEIs will evaluate disability inclusion within their institutions. HEIs will conduct self-assessments and submit a Report to the Commission on Higher Education (CHED).

- A) The HEIs shall conduct the self-assessment once every semester of an academic year. The date of the conduct of the self-assessment shall be duly recorded. The self-assessment instrument is herein attached as Annex A.
- B) The HEIs shall submit a DIHESS Report with the CHED in the province where the academic institution is situated. The Report shall be submitted before the start of the semester following the semester in which the previous self-assessment was conducted.

**SECTION 5. *Punishable Act and Penalty Therefor.*** – Failure to comply with Section 4(a) and (b) of this Act shall be fined with an amount not less than Five Thousand Pesos (P5,000.00).

In case of subsequent offenses in relation to the same punishable act, the fine shall be increased, provided it is not unconscionable.

**SECTION 6. *Appropriations.*** – The costs or amount necessary for the implementation of this Act shall be included in the Annual General Appropriations Act.

**SECTION 7. *Repealing Clause.*** – Such other laws, presidential decrees, executive orders, letters of instruction, proclamations, or administrative rules and regulations that are inconsistent with any of the provisions of this Act shall be deemed repealed or modified accordingly.

**SECTION 8. *Separability Clause.*** – If any provision of this Act is at any time declared to be unconstitutional or invalid, the remainder thereof not affected by such declaration shall remain in full force and effect.

**SECTION 9. *Effectivity.*** – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or a newspaper of general circulation.

**Approved,**

## ANNEX A

### DISABILITY INCLUSION IN HIGHER EDUCATION SELF-ASSESSMENT INSTRUMENT

Domains	CA	SA	SD	CD	Others, please specify
<p><b>I.</b> Identification and Allocation</p> <ol style="list-style-type: none"> <li>1. The definition in the DIHEA covers the student PWDs within the academic institution.</li> <li>2. The classification in the DIHEA covers the student PWDs within the academic institution.</li> <li>3. Resources and costs allocated for student PWDs are sufficient. (If answer is either SD or CD, indicate the reasons therefor in the Report.)</li> </ol>					
<p><b>II.</b> Policies and Processes</p> <ol style="list-style-type: none"> <li>1. Policies are worded in a manner that PWDs will be able to access, understand, and follow the same.</li> <li>2. Processes are delineated in a manner that PWDs will be able to access, understand, and follow the same.</li> <li>3. Assessments are crafted in a manner</li> </ol>					

<p>that considered PWDs but does not prejudice non-disabled students.</p>					
<p><b>III. Structures</b></p> <ol style="list-style-type: none"> <li>1. Existing infrastructures and facilities are checked by the school engineers and concerned personnel before the start of the semester.</li> <li>2. Future infrastructures to be constructed and facilities to be installed are disability accessible.</li> <li>3. Digital infrastructures to be used for academic and administrative purposes are developed in a manner that student PWDs can access and use without increased difficulty.</li> <li>4. Specialized applications to allow student PWDs to academically participate are complete and available.</li> </ol>					
<p><b>IV. Community and Belonging</b></p> <ol style="list-style-type: none"> <li>1. School personnel, including administrative positions, professors,</li> </ol>					

<p>security officers, and sanitation employees, underwent disability inclusion training and/or seminar before the start of the semester. (Indicate the complete details on the training/seminar in the Report.)</p> <p>2. Non-disabled students, along with student PWDs will be / were mandatorily scheduled to attend a disability inclusion seminar during the semester. (Indicate the complete details on the seminar in the Report.)</p>					
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**Note:**

**CA – Completely Agree**

**SA – Slightly Agree**

**SD – Slightly Disagree**

**CD – Completely Disagree**

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